Basic information

2018/0086(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Brazil Agreement: amending EU/Brazil Agreement on short-stay visa waiver for holders of diplomatic, service or official passports See also 2010/0222(NLE) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Brazil	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	RANGEL Paulo (EPP)	04/09/2019
	Shadow rapporteur FAJON Tanja (S&D) KOVAŘÍK Ondřej (Renew) KUHNKE Alice (Greens/EFA) WIŚNIEWSKA Jadwiga (ECR) FEST Nicolaus (ID)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Council of the European Union

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
11/04/2018	Preparatory document	COM(2018)0177	Summary
26/10/2021	Legislative proposal published	13445/1/2018	Summary
10/11/2021	Committee referral announced in Parliament		
15/02/2022	Vote in committee		
16/02/2022	Committee report tabled for plenary, 1st reading/single reading	A9-0030/2022	Summary
24/03/2022	Decision by Parliament	T9-0097/2022	Summary
24/03/2022	Results of vote in Parliament		
04/04/2022	Act adopted by Council after consultation of Parliament		
11/04/2022	Final act published in Official Journal		

Technical information

Procedure reference	2018/0086(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2010/0222(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00279

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE703.234	13/01/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0030/2022	16/02/2022	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0097/2022	24/03/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	13445/1/2018	26/10/2021	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2018)0176	11/04/2018	
Preparatory document	COM(2018)0177	11/04/2018	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
Decision 2022/0583 OJ L 113 11.04.2022, p. 0001

EU/Brazil Agreement: amending EU/Brazil Agreement on short-stay visa waiver for holders of diplomatic, service or official passports

2018/0086(NLE) - 11/04/2018 - Preparatory document

PURPOSE: to conclude, on behalf of the Union, the Agreement between the European Union and Brazil amending the Agreement between the European Union and Brazil on short-stay visa waiver **for holders of diplomatic, service or official passports**.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) No 610/2013 amended the Convention implementing the Schengen Agreement (CISA), Regulation (EC) No 562/2006 (Schengen Borders Code) and Regulation (EC) No 810/2009 (the Visa Code). In so doing, it has **redefined the term of 'short-stay'** for third-country nationals in the Schengen area.

As from 18 October 2013, for third-country nationals – irrespective of being visa required or exempt – who intend to travel to the Schengen area for a short-stay, the maximum duration of authorised stay is defined as '90 days in any 180-day period'.

The agreement between the Union and Brazil on the short-stay visa waiver should incorporate this new definition.

With a view to implementing the new definition of short stay provided for in the amendment to the Schengen Borders Code, the Commission adopted on 16 July 2014 a recommendation for a Council Decision authorising negotiations to amend the Schengen the short-stay visa waiver between the European Union and **seven countries**: Antigua and Barbuda, the Bahamas, Barbados, **Brazil**, Mauritius, Saint Kitts and Nevis and the Seychelles.

The negotiations with Brazil were successfully finalised on 31 October 2017 by the initialling of the agreements amending the two Agreements between the European Union and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports, and for holders of ordinary passports.

Both parties have agreed to adopt the new definition of 'short-stay', among other technical details, but all amendments are insignificant from the traveller's point of view.

CONTENT: the Commission calls on the Council to adopt a decision aiming to approve the **Agreement between the European Union and Brazil on the short-stay visa waiverfor holders of diplomatic, service or official passports**.

The final content of the agreement may be summarised as follows:

Purpose and duration of stay: the Agreement provides for visa-free travel for the citizens of the European Union holding a valid diplomatic, service or official passport and for the citizens of Brazil holding a valid diplomatic, service or official passport when travelling to the other Contracting Party for a maximum period of 90 days in any 180-day period (instead of a maximum period of three months during a six months period following the date of first entry). The new definition is applied throughout the Agreement.

An amendment has been made clarifying that a suspension of the visa waiver shall actually be lifted if the reasons that led to the suspension disappear. On this point, the amendment aligns the wording of the agreement with Brazil on short-stay visa waiver for holders of ordinary passports with that of all other visa waiver agreements signed by the Union in 2015 and 2016.

Entry into force: the Agreement will enter into force on the first day of the 6th month following the date on which the last Contracting Party notifies the other that the ratification procedures have been completed. To ensure legal certainty and enable travellers to comprehend the law and to comply with it, a **sufficiently long transitional period** is necessary. Once ratification of the Agreement has been completed, the six-month period will allow travellers to complete short stays that are still entirely calculated under the old definition, before entry into force of the new short-stay definition and its 180-day backward-looking reference period.

All other provisions of the existing agreement between the European Union and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports remain unaffected by the Agreement, including the territorial scope.

Territorial application: the provisions of the Agreement do not apply to the United Kingdom or to Ireland.

The Union has no power to amend visa waiver agreements that would bind the four countries that are associated with the implementation of the Schengen acquis, including the common visa policy. In order to ensure a harmonised approach and implementation of the provisions on the duration of authorised stay in the Schengen area, a joint declaration is included in the Agreement, stating the desirability for Brazil, on the one hand, and Iceland, Liechtenstein, Norway and Switzerland, on the other, to accordingly modify their existing bilateral visa waiver agreements.

EU/Brazil Agreement: amending EU/Brazil Agreement on short-stay visa waiver for holders of diplomatic, service or official passports

2018/0086(NLE) - 16/02/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Paulo RANGEL (EPP, PT) on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

The committee recommended that the European Parliament **give its consent** to the conclusion of the agreement.

The agreement provides for visa-free travel for EU citizens holding valid diplomatic or service/official passports and for Brazilian citizens holding valid diplomatic or service/official passports when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any period of 180 days.

Brazil and the EU share a long-standing relationship based on strong cultural, historical, political and economic ties based on shared core values. More recently, the European Union and Brazil have cooperated closely since the COVID-19 pandemic started in early 2020 with Brazil assisting with the repatriation of thousands of stranded, non-resident EU citizens at the onset of the crisis.

The new visa waiver agreement will enable citizens not only to derive full benefit from the EU-Brazil Strategic Partnership but continue to participate in it by travelling at a reduced, economical and practical cost under a clearer and more coherent legal framework. The amending agreement on the waiver of short-stay visas for holders of ordinary passports and for holders of diplomatic, service or official passports constitutes simultaneously a culmination of the deepening of relations between the European Union and Brazil.

The amending visa exemption will continue sending out a positive message of support for the country.

EU/Brazil Agreement: amending EU/Brazil Agreement on short-stay visa waiver for holders of diplomatic, service or official passports

2018/0086(NLE) - 24/03/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 587 votes to 3, with 0 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic and service/official passports.

Parliament **gave its consent** to the conclusion of the agreement.

The Commission negotiated on behalf of the Union an agreement with Brazil amending the Agreement between the European Union and Brazil on short-stay visa waiver for holders of diplomatic and service/official passports. The agreement was signed on 27 September 2021, subject to its conclusion.

The agreement provides for visa-free travel for EU citizens holding valid diplomatic or service/official passports and for Brazilian citizens holding valid diplomatic or service/official passports when travelling to the territory of the other Contracting Party for a maximum period of 90 days within a period of 180 days.

This Decision constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

EU/Brazil Agreement: amending EU/Brazil Agreement on short-stay visa waiver for holders of diplomatic, service or official passports

2018/0086(NLE) - 26/10/2021 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and Brazil amending the Agreement between the European Union and Brazil on short-stay visa waiver for holders of diplomatic and service/official passports.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Commission negotiated on behalf of the EU an **agreement with Brazil** amending the EU-Brazil agreement on short-stay visa waiver for holders of diplomatic and service/official passports. The agreement was signed on 27 September 2021, subject to its conclusion. The agreement should now be approved.

CONTENT: the purpose of the draft Council decision is to approve, on behalf of the Union, the agreement between the European Union and Brazil amending the agreement between the European Union and Brazil on **short-stay visa waiver for holders of diplomatic, service or official passports.**

The agreement provides for visa-free travel for EU citizens holding valid diplomatic or service/official passports and for Brazilian citizens holding valid diplomatic or service/official passports when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any period of 180 days.

The proposed decision constitutes a development of the provisions of the Schengen acquis. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.