



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 April 2013

8403/13

**Interinstitutional File:
2012/0138 (NLE)**

**VISA 79
COEST 77
OC 212**

"I/A" ITEM NOTE

From: General Secretariat of the Council
to: Permanent Representatives Committee/Council

No. Cion prop.: 11041/12 VISA 120 COEST 202

Subject: Adoption of a Council Decision on the conclusion of the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas
COMMON GUIDELINES
Consultation deadline for Croatia: 7.05.2013

1. On 5 July 2012, the Commission submitted a proposal for a Council Decision on the signature¹ and a proposal concerning the conclusion² of the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas.
2. Following their legal and linguistic revision, the Decision on signature³ was adopted by the Council on 23 July 2012 and the Agreement⁴ was signed on the same day in Brussels.

¹ 11038/12 VISA 119 COEST 200.

² 11041/12 VISA 120 COEST 202.

³ 11042/12 VISA 121 COEST 203 OC 299, published in OJ L 199, 26.7.2012, p.1.

⁴ 11044/12 VISA 122 COEST 204 OC 300.

3. In accordance with Article 218(6)(a)(v) of the Treaty on the functioning of the European Union, the Council shall adopt the Decision concluding the Agreement after obtaining the consent of the European Parliament.
4. On 23 July 2012, the Council decided to forward the draft Decision on conclusion as contained in 12282/12 VISA 142 COEST 243 OC 392 as well as the text of the Agreement as contained in 11044/12 VISA 122 COEST 204 OC 300 (texts finalised by the legal linguist experts) to the European Parliament for its consent.
5. On 18 April 2013, the European Parliament gave its consent to the conclusion of the Agreements and instructed its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Ukraine¹.
6. This Decision constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis²; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
7. This Decision constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis³; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

¹ See doc. P7_TA-PROV(2013)0177

² OJ L 131, 1.6.2000, p. 43.

³ OJ L 64, 7.3.2002, p. 20.

8. In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
9. The Permanent Representatives Committee is invited to confirm the agreement reached on the Decision on conclusion of the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas and to suggest that the Council:
- adopt, under part "A" of the agenda of a forthcoming session, the Decision as set out in 12282/12 VISA 142 COEST 243 OC 392 as well as the text of the Agreement as contained in 11044/12 VISA 122 COEST 204 OC 300 (texts finalised by the legal linguist experts);
 - decide that the text of the above Decision and of the Agreement be published in the Official Journal, "L" series, in accordance with Article 17(1)(d) of the Council's Rules of Procedures.
-