



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 September 2013

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**Interinstitutional File:
2012/0271 (NLE)**

**VISA 177
COAFR 275**

"I/A" ITEM NOTE

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

No. Cion prop.: 14179/12 VISA 174 COAFR 293

Subject: Adoption of a Council Decision on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union

1. On 25 September 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 the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union.
2. Following their legal and linguistic revision, the Decision on signature³ was adopted by the Council on 15 October 2012 and the Agreement⁴ was signed on 17 October 2012 in Brussels in the margin of the EU-Cape Verde Political Dialogue.

¹ 14179/12 VISA 174 COAFR 293.

² 14199/12 VISA 176 COAFR 295.

³ 14202/12 VISA 177 COAFR 296 OC 529 published in OJ L 288, 19.10.2012, p.1.

⁴ 14203/12 VISA 178 COAFR 297 OC 530

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 12 February 2013, the Council decided to forward the draft Decision on conclusion as contained in 5674/13 VISA 16 COAFR 31 OC 33 as well as the text of the Agreement as contained in 10871/12 VISA 114 COEST 183 OC 294 (texts finalised by the legal linguist experts) to the European Parliament for its consent.
5. On 11 September 2013, the European Parliament gave its consent to the conclusion of the Agreement and instructed its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Cape Verde¹.
6. In parallel to the Agreement on the facilitation of the issuance of visas, a Council Decision concerning the conclusion of a Readmission Agreement with Cape Verde is also to be adopted by the Council.²
7. 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 acquis³; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
8. 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 acquis⁴; 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)0362.

² See doc. 14546/12 MIGR 99 COAFR 305 OC 542.

³ OJ L 131, 1.6.2000, p. 43.

⁴ OJ L 64, 7.3.2002, p. 20.

9. 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.
10. The Permanent Representatives Committee is invited to confirm the agreement reached on the Decision on conclusion of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and to suggest that the Council:
- adopt, under part "A" of the agenda of a forthcoming session, the Decision as set out in 5674/13 VISA 16 COAFR 31 OC 33 as well as the text of the Agreement as contained in 14203/12 VISA 178 COAFR 297 OC 530 (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.
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