



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 July 2012

12296/12

**Interinstitutional File:
2012/0137 (NLE)**

**VISA 143
COEST 244
OC 394**

"I/A" ITEM NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

No. Cion prop.: 11038/12 VISA 119 COEST 200

Subject: COUNCIL DECISION on the signature of an 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: 20.07.2012

1. On 11 April 2011, the Council adopted a Decision authorising the Commission to open negotiations for the conclusion of an Agreement between the European Union and Ukraine, amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas¹.
2. In December 2011, Coreper agreed on the draft text of the said amending Agreement (see docs 17038/11, 18031/11 and 18768/11, all RESTREINT UE). The Agreement was initialled by the Commission and the authorities of Ukraine in February 2012.

¹ 8183/11 VISA 53 COEST 98 (EU RESTRICTED).

3. On 5 July 2012, the Commission submitted a proposal for a Council Decision on the signature¹ and a proposal concerning the conclusion² of the said agreement.
4. On 10 July 2012, delegations were informed that the Presidency was intending to have the Decision on signature adopted by the Council on 23 July 2012, after its legal and linguistic revision, for the purpose of its signature in Brussels on the same day on the occasion of a high-level Eastern Partnership event.
5. 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.
6. 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.
7. 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.
8. The Decision and the text of the Agreement have been edited by the Legal-Linguistic experts. The edited texts are set out respectively in 11042/12 VISA 121 COEST 203 OC 299 and 11044/12 VISA 122 COEST 204 OC 300.

¹ 11038/12 VISA 119 COEST 200.

² 11041/12 VISA 120 COEST 202.

³ OJ L 131, 1.6.2000, p. 43.

⁴ OJ L 64, 7.3.2002, p. 20.

9. The Permanent Representatives Committee is on this basis invited to suggest that the Council
- adopt, under part "A" of the agenda of its meeting on 23 July 2012, the Decision on the signature of the above agreement as set out in 11042/12 VISA 121 COEST 203 OC 299 (text finalised by the Legal Linguistic experts),
 - decide, with a view to preparing for the future conclusion of the above Agreement, to forward the draft Decision on the conclusion of the said Agreement as set out in 12282/12 VISA 142 COEST 243 OC 392 as well as the text of the Agreement as set out in 11044/12 VISA 122 COEST 204 OC 300 (texts finalised by the Legal Linguist experts) to the European Parliament for its consent following signature of the Agreement in accordance with Article 218(6)(a)(v) of the TFEU.
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