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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	26 May 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 304 final Annex 1
Subject:	ANNEX to the Proposal for a COUNCIL DECISION establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and Georgia on the facilitation of the issuance of visas, with regard to the adoption of Common Guidelines for the implementation of the Agreement

Delegations will find attached document COM(2016) 304 final Annex 1.

Encl.: COM(2016) 304 final Annex 1



Brussels, 26.5.2016
COM(2016) 304 final

ANNEX 1

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Proposal for a COUNCIL DECISION

establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and Georgia on the facilitation of the issuance of visas, with regard to the adoption of Common Guidelines for the implementation of the Agreement

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DRAFT

DECISION N° ../201.. OF THE JOINT COMMITTEE

SET UP BY THE AGREEMENT

BETWEEN THE EUROPEAN UNION AND GEORGIA

ON FACILITATING THE ISSUE OF SHORT-STAY VISAS
TO CITIZENS OF GEORGIA

of

with regard to the adoption of common guidelines for the implementation of the Agreement

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and Georgia on facilitating the issue of short-stay visas to citizens of Georgia ('the Agreement'), and in particular Article 12 thereof,

Whereas the Agreement entered into force on 1 March 2011,

HAS DECIDED THE FOLLOWING:

Article 1

The common guidelines for the implementation of the Agreement between the European Union and Georgia on facilitating the issue of short-stay visas to citizens of Georgia are established in the annex to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at...

For the European Union

For Georgia

<p style="text-align: center;">DRAFT</p> <p style="text-align: center;">GUIDELINES</p> <p style="text-align: center;">FOR THE IMPLEMENTATION OF THE</p> <p style="text-align: center;">AGREEMENT BETWEEN THE EUROPEAN UNION AND GEORGIA</p> <p style="text-align: center;">ON THE FACILITATION OF THE ISSUANCE OF VISAS</p>

The purpose of the Agreement between the European Union and Georgia on the facilitation of the issuing of visas, which entered into force on 1 March 2011, is to facilitate, on the basis of reciprocity, the procedures for issuing visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Georgia.

The Agreement establishes, on the basis of reciprocity, **legally binding rights and obligations** for the purpose of simplifying the visa issuing procedures for Georgian citizens.

These Guidelines, which will be adopted by the Joint Committee established by Article 12 of the Agreement ('the Joint Committee'), aim at ensuring a harmonised implementation of the provisions of the Agreement by the diplomatic missions and consular posts of the Member States. They are not part of the Agreement and therefore they are not legally binding. However, it is highly recommended that diplomatic and consular staff consistently follow them when implementing the provisions of the Agreement.

The Guidelines are intended to be updated in the light of experience on the implementation of the Agreement under the responsibility of the Joint Committee.

In order to ensure the continued and harmonized implementation of the Agreement and in conformity of the rules of procedures of the Joint Visa Facilitation Committee, the parties agreed to undertake informal contacts between formal meetings of the Joint Committee, in order to deal with urgent issues. Detailed reports about these issues and the informal contacts will be made at the next Joint Visa Facilitation Committee meeting.

I. GENERAL ISSUES.

1.1. Purpose and scope of application.

Article 1(1) of the Agreement stipulates that: "*The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Georgia.*".

The Agreement applies to all citizens of Georgia who apply for a short-stay visa, whatever the country in which they reside.

The Agreement does not apply to stateless persons holding a residence permit issued by Georgia. The normal rules of the EU visa *acquis* apply to this category of persons.

Article 1(2) of the Agreement stipulates that: "*if Georgia reintroduces the visa requirement for citizens of all the Member States or certain categories of citizens of all Member States, the same facilitations granted under this agreement to the citizens of Georgia would automatically, on the basis of reciprocity, apply to the citizens of the European Union concerned.*".

As from 1 June 2006, all EU citizens and the stateless persons holding a residence permit issued by an EU Member State are exempted from the visa requirement when travelling to Georgia for a period of time not exceeding 90 days per period of 180 days or transiting through the territory of Georgia.

In order to avoid discriminatory treatment by Georgia of the citizens of one or more EU Member States or certain categories of such citizens, in a Declaration annexed to the Agreement, the European Union announced its intention to suspend the application of the Agreement, in case Georgia reintroduces the visa application for the citizens of one or more EU Member States or certain categories of such citizens.

1.2. Scope of the Agreement.

Article 2 of the Agreement stipulates that:

"1. *The visa facilitations provided in this Agreement shall apply to citizens of Georgia only insofar as they are not exempted from the visa requirement by the laws and regulations of the Union or the Member States, this Agreement or other international agreements.*

2. *The national law of Georgia or of the Member States or Union law shall apply to issues not covered by this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.*".

Without prejudice to its Article 10 (which provides for the exemption from the visa requirement for holders of Georgian diplomatic passports), the Agreement does not affect the existing rules on visa obligations and visa exemptions.

For instance, Article 4 of Council Regulation No 539/2001¹ allows Member States to exempt from the visa requirement civilian air and sea crews among other categories. Since the putting into effect of Switzerland and Liechtenstein's association to the Schengen Area on 13 December 2008 and on 7 March 2011 respectively, residence permits issued by Switzerland and Liechtenstein are recognised as equivalent to Schengen visas for both transit and short stay.

The Visa Code² applies to all issues not covered by the Agreement such as the determination of the Schengen Member State responsible for processing a visa application, the motivation of refusal to issue a visa, the right to appeal against a negative decision or the general rule of the personal interview with the applicant. In addition, Schengen rules and, where appropriate, national law continue also to apply to issues which are not covered by the Agreement such as the recognition of travel documents, proof of sufficient means of subsistence, the refusal of entry in the territory of the Member States, expulsion measures. In this respect providing accurate information on these issues is necessary (see also Joint declaration on harmonisation of information on procedures for issuing short-stay visas and documents to be submitted when applying for short-stay visas).

Even if the conditions foreseen in the Agreement are met, for example, proof of documentary evidence regarding the purpose of the journey for the categories foreseen in its Article 4 is provided by the visa applicant, the issuance of the visa still can be refused if the conditions laid down in Article 5 of Regulation (EC) No 562/2006 of the European Parliament and of the Council (the Schengen Borders Code³) are not fulfilled, i.e. the person is not in possession of a valid travel document, an alert in the SIS has been issued, the person is considered a threat for public policy, internal security, etc.

Other flexibilities in the issuing of visas allowed for by the Visa Code continue to apply. For instance, multiple-entry visas for a long period of validity – up to five years – can be issued to categories of persons other than those mentioned in Article 5 of the Agreement, if the conditions foreseen in the Visa Code (Article 24) are met. In the same way, the provisions contained in the Code allowing waiver or reduction of the visa fee will continue to apply (Article 16 (5) and (6) of the Visa Code).

1.3. Types of visas falling within the scope of the Agreement.

¹ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L81 of 21.3.2001, modified for last time by Regulation N°1211/2010/EU, OJ L 339 of 22.12.2010.

² Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L243 of 15.09.2009, p.1.

³ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 105 of 13.4.2006, p.1.

Article 3 (d) of the Agreement defines "visa" as "*an authorisation issued by a Member with a view to transiting through or an intended stay in the territory of Member States for a duration of no more than 90 days in any 180- day period from the date of first entry into the territory of Member States.*"

The facilitations provided by the Agreement apply to uniform visas and also to visas with limited territorial validity (LTV) issued for the purpose of transit or short-stay.

1.4. Calculation of the length of stay authorised by a visa and in particular the question on how to determine the six month period

The recent modification of the Schengen Borders Code⁴ has re-defined the notion of short stay. The current definition reads as follows: "90 days in any 180 day-period, which entails considering the 180-day period preceding each day of stay".

The day of entry will be calculated as the first day of stay in the territory of the Member States and the day of exit will be calculated as the last day of stay in the territory of the Member States. The notion of "any" implies the application of a "moving" 180-day reference period, looking at each day of the stay back to the last 180 days period, in order to verify if the 90/180 day requirement continues to be fulfilled. This means that an absence for an uninterrupted period of 90 days allows for a new stay of up to 90 days.

The definition entered into force on 18 October 2013.

Example of calculation of stay on the basis of the new definition:

A person holding a multiple-entry visa for 1 year (18.4.2010 – 18.4.2011) enters for the first time on 19.4.2010 and stays for 3 days. Then he enters again on 18.6.2010 and stays for 86 days. What is the situation on specific dates? When will this person be allowed to enter again?

On 11.9.2010: Over the last 180 days (16.3.2010 – 11.9.2010) the person had stayed 3 days (19 – 21.4.2010) plus 86 days (18.6.2010 - 11.9.2010) = 89 days = No overstay. The person may still stay for up to 1 day.

As of 16.10.2010: The person might enter for a stay of 3 additional days (on 16.10.2010 the stay on 19.4.2010 becomes irrelevant (outside the 180 days period); on 17.10.2010 the stay on 20.4.2010 becomes irrelevant (outside the 180 days period; etc.).

As of 15.12.2010: The person might enter for 86 additional days (on 15.12.2010, the stay on 18.6.2010 becomes irrelevant (outside the 180 days period); on 16.12.2010, the stay on 19.6.2010 becomes irrelevant, etc.).]

⁴ OJ L 182, 29.6.2013, p. 1.

1.5. Situation regarding the Member States that joined the European Union in 2004 and 2007 without yet being fully integrated into the Schengen area, Member States that do not participate in the EU Common Visa Policy and associated countries.

Only Bulgaria, Croatia, Cyprus, and Romania do not yet fully implement the Schengen *acquis*. They will continue issuing national visas with a validity limited to their own national territory. Once these Member States fully implement the Schengen *acquis*, they will continue to apply the Agreement.

National law continues to apply to all issues not covered by the Agreement until the date of full implementation of the Schengen *acquis* by these Member States. As from that date, Schengen rules/national law will apply to issues not regulated by the Agreement.

Bulgaria, Croatia, Cyprus and Romania are authorised to recognise residence permits, D visas and short stay visas issued by Schengen States and associated countries for short stays on their territory⁵.

According to Article 21 of the Convention Implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders, all Schengen States must recognise the long-stay visas and residence permits issued by each other as valid for short stays on each other's territories. Schengen Member States accept residence permits, D visas and short stay visas of associated countries for entry and short stay and vice versa.

The Agreement does not apply to Denmark, Ireland and the United Kingdom but comprises joint declarations about the desirability of those Member States to conclude bilateral agreements on visa facilitation with Georgia.

Although associated to Schengen, Iceland, Liechtenstein, Norway and Switzerland are not covered by the Agreement.

1.6. The Agreement/bilateral agreements.

Article 13 of the Agreement stipulates that "*As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral Agreements or Arrangements concluded between individual Member States and Georgia, in so far as the provisions of the latter Agreements or arrangements cover issues dealt with by this Agreement.*".

⁵ Decision N° 565/2014/EU of 15/05/2014 as of 16/06/2014, authorising Bulgaria, Croatia, Cyprus and Romania to unilaterally recognise only those uniform short-stay visas which are valid for two or multiple entries and long-stay visas and residence permits issued by Schengen States, and visas with limited territorial validity issued by Schengen Member States to the holders of passports issued by Kosovo, as well as national visas and residence permits issued by Croatia as equivalent to its national visas not only for transit through, but also for intended stays on its territory not exceeding 90 days in any 180-day period. Bulgaria, Croatia, Cyprus and Romania may apply the new rules as of 14/07/2014, replacing Decisions N°895/2006/EC of 14 June 2006 and No 582/2008 EC of 17 June 2008.

As from the date of entry into force of the Agreement, provisions in the bilateral Agreements in force between Member States and Georgia on issues covered by the Agreement ceased to apply. In accordance with Union law, Member States have to take the necessary measures to eliminate the incompatibilities between their bilateral agreements and the Agreement.

Should a Member State have concluded a bilateral agreement or arrangement with Georgia on issues not covered by the Agreement, for instance, providing for the exemption from the visa obligation for holders of service passports, this exemption would continue to apply after the entry into force of the European Union visa facilitation Agreement.

The following Member States have a bilateral agreement with Georgia providing for the exemption from the visa obligation for holders of service passports: Bulgaria, Cyprus, Hungary, Latvia, Romania and the Slovak Republic.

The visa exemption for service passport holders granted by a Member State only applies for travelling on the territory of this Member State and not for travelling to the other Schengen Member States.

1.7. Joint Declaration on the harmonisation of information on procedures for issuing short-stay visas and documents to be submitted when applying for short-stay visas.

A Joint Declaration has been annexed to the Agreement referring to the commitment of the parties to provide coherent and uniform information to Georgian citizens on access to diplomatic missions and consular posts of the Member States and on the procedures and conditions for applying for visas and on the validity of visas issued. This information is available at website of the EU Delegation to Georgia: http://www.eeas.europa.eu/delegations/georgia/travel_eu/visa/index_en.htm.

Article 47 of the Visa Code establishes the obligation of EU Member States' central authorities and consulates to provide to the general public all relevant information in relation to the application for a visa.

Diplomatic missions and consular posts are requested to disseminate widely this information (on the information boards, in leaflets, on websites, etc) and to disseminate also precise information on the conditions for issuing visas, representation of Member States in Georgia and their list of required supporting documentation.

1.8. Information provided by the Georgian authorities on the Agreement between the European Union and Georgia on the facilitation of the issuance of visas

In order to correctly inform Georgian citizens about the advantages of the Agreement and EU diplomatic and consular posts where visa applications could be submitted, the Ministry of

Foreign Affairs of Georgia has created a special link where the said information is available.
The address of the web page:

http://mfa.gov.ge/index.php?lang_id=GEO&sec_id=95&info_id=13448

II. GUIDELINES ON SPECIFIC PROVISIONS.

2.1. New rules that apply to all visa applicants

Important: It is recalled that the facilitations mentioned below regarding the visa fee, the length of procedures for processing visa applications and the extension of visa in exceptional circumstances apply to all visa applicants, including e.g **tourists**.

2.1.1. Visa fee.

Article 6(1) of the Agreement stipulates that:

“1. The fee for processing visa applications of citizens of Georgia shall amount to EUR 35.”

In accordance with Article 6(1), the fee for processing a visa application is **35 EUR**. This fee will apply to all Georgian visa applicants (including tourists) and concerns short-stay visas, irrespective of the number of entries.

Article 6(2) of the Agreement stipulates that:

“2. When Member States cooperate with an external service provider, an additional service may be charged. The service fee shall be proportionate to the costs incurred by the external service provider while performing his tasks and shall not exceed EUR 30. The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.”

Regarding the modalities of the cooperation with external services providers, Article 43 of the Visa Code provides detailed information concerning their tasks.

Article 6(3) of the Agreement stipulates that:

“3. The fees for processing the visa application are waived for the following categories of citizens:

- (a) pensioners; (N.B. In order to benefit from the fee waiver for this category of persons, the applicants must present evidence proving their pensioner status. The waiver is not justified in cases where the purpose of the journey is a paid activity)*
- (b) children below the age of 12; (N.B. In order to benefit of the waiving of the fee from this category, visa applicants have to present evidence proving their age.)*

(c) *members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement;*” (N.B. In order to benefit from the waiving of the fee under this category, visa applicants have to present evidence from the Georgian Authorities proving their position);

“(d) *disabled persons and the persons accompanying them, if necessary;*” (N.B. In order to benefit of the waiving of the fee, evidence should be provided that both visa applicants fall under this category.)”

In order to benefit from the waiving of the fee under this category, visa applicants have to present a “Georgian Disabled certificate” (first or second degree) issued by the Georgian Ministry of Health, Labour and Social Affairs or certificate issued by public and private hospitals and clinics. In cases where the disability of the applicants is obvious (blind persons, one leg missing) the visual recognition at the visa consular office is acceptable. In principle, no additional documents are required from accompanying persons.

In justified cases the application can be submitted by a representative or the guardian of the disabled person.

“(e) *close relatives – spouse, children (including adopted) parents (including custodians), grandparents and grandchildren – who are visiting citizens of Georgia residing in the territory of the Member States;*”

This paragraph regulates the situation of Georgian close relatives travelling to the Member States to visit Georgian citizens legally residing in the Member States.

“(f) *members of official delegations who, following an official invitation addressed to Georgia, are to participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;*

(g) *pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school related activities;*

(h) *journalists and accredited persons accompanying them in a professional capacity;*” (N.B. In order to benefit of the waiving of the fee from this category, visa applicants have to present evidence proving that they are members of professional journalistic or media organisations– link with Article 4 of the Agreement);

“(i) *participants in international sports events and persons accompanying them in a professional capacity;* (N.B. Supporters will not be considered as accompanying persons);

(j) *representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;*

- (k) *persons participating in scientific, cultural and artistic activities including university and other exchange programmes;*
- (l) *persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;”.*

The fee is waived for the above mentioned categories of persons. In addition, the fee is also waived, in accordance with Article 16(4) of the Visa Code.

As stated in Article 16(6) of the Visa Code *“in individual cases, the amount of the fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests as well as interests in the field of foreign policy, development policy, other areas of vital public interest or for humanitarian reasons.”*

Article 16(7) of the Visa Code states that the visa fee will be charged in euro, in the national currency of the third country or in the currency usually used in the third country where the application is lodged, and will not be refundable except in the cases of an inadmissible application or if the consulate is not competent.

When the fee is charged in a currency other than in euro, the amount of the visa fee charged in that currency will be determined and regularly reviewed in application of the euro foreign exchange reference rate set by the European Central Bank. The amount charged may be rounded up and consulates will ensure under local Schengen cooperation that they charge similar fees.

In order to avoid discrepancies which could lead to visa shopping, Member States in Georgia should ensure similar visa fees for all Georgian visa applicants when charged in foreign currencies.

Georgian applicants will be given a receipt for the visa fee paid in line with Article 16(8) of the Visa Code.

2.1.2. Length of procedures for processing visa applications.

Article 7 of the Agreement stipulates that:

“1. Diplomatic missions and consular posts of the Member States shall take a decision upon the request to issue a visa within 10 calendar days starting from the date of the receipt of the application and documents required for issuing visas.

2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further review of the application is needed.

3. *The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.”.*

A decision on the visa application will be taken, in principle, within 10 calendar days of the date of the lodging of an application which is admissible.

This period may be extended up to 30 days when further scrutiny is needed, for example, for consultation of central authorities.

All these deadlines start running only when the application file is complete, i.e. as from the date of reception of the visa application and the supporting documents.

For diplomatic missions and consular posts that have an appointment system, the period of time to get an appointment is not counted as part of the processing time. Regarding this issue as well as other practical modalities for lodging a visa application, the general rules set out in the Visa Code (Article 9) are applicable. In particular, in case where an appointment is required for the lodging of an application, it will, as a rule, take place within a period of two weeks from the date when the appointment was requested.

When setting the appointment, the possible urgency claimed by the visa applicant should be taken into account. The decision about the reduced time for taking a decision on a visa application as defined in Article 7(3) is taken by the consular officer.

In line with the Handbook for the processing of visa applications and the modification of Issued visas (part 2, point 3.2.2), the capacity of Member States' consulates in Georgia to handle visa applications should be adapted so as to respect the deadline of the two weeks for an appointment set in the Visa Code including during peak seasons.

In justified cases of urgency (where the visa could not have been applied earlier for reasons that could not have been foreseen by the applicant), an appointment (see Article 9(3) of the Visa Code) should be given immediately or direct access for submitting the application should be allowed.

In addition, a consulate may decide to establish a "fast track" procedure for the submission of applications in order to receive certain categories of applicants.

2.1.3. Extension of visa in exceptional circumstances.

Article 9 of the Agreement stipulates that:

“the period of validity and/or duration of stay of an issued visa of a citizen of Georgia shall be extended when the competent authority of a Member State considers that the visa holder has provided proof of force majeure or humanitarian reasons preventing him from leaving the territory of the Member State before expiry of the period of validity of or the duration of stay authorised by the visa. Such an extension shall be free of charge”

Regarding the possibility of extending the validity of the visa in cases of justified personal reasons, where the holder of the visa does not have the possibility to leave the territory of the Member State by the date indicated on the visa sticker, the provisions of the Visa Code (Article 33) will apply as long as they are compatible with the Agreement. However, under the Agreement the extension of the visa is carried out for free in case of *force majeure or humanitarian reasons*.

2.2. New rules that apply to certain categories of visa applicants.

2.2.1. Documentary evidence regarding the purpose of the journey.

For the categories of persons listed in Article 4(1) of the Agreement only the indicated documentary evidence will be required regarding the purpose of the journey. As stated in Article 4(3), no other justification, invitation or validation regarding the purpose of the journey will be required. However, this does not mean a waiver of the general requirement of personal appearance for the submission of the visa application and supporting documents which regard to the means of subsistence, which remains unaffected.

If in individual cases doubts remain regarding the authenticity of the document proving the purpose of the journey, the visa applicant maybe called for an additional in depth interview to the embassy/consulate where (s)he can be questioned regarding the actual purpose of the visit or the applicant's intention to return – see Article 21(8) of the Visa Code. In such individual cases, additional documents can be provided by the visa applicant or exceptionally requested by the consular officer. The Joint Committee will closely monitor this issue.

For the categories of persons not mentioned in Article 4 of the Agreement (for example tourists), the general rules will continue to apply regarding documentation proving the purpose of the journey. The same applies to documents regarding parents' consent for travel of children under 18 years old.

Schengen rules or national law will apply to issues not covered by the provisions of this Agreement, such as recognition of travel documents and guarantees regarding return and sufficient means of subsistence.

In principle, the original of the request or certificate of the document required by Article 4(1) of the Agreement will be submitted with the visa application. However, the consulate can start processing the visa application with facsimile or copies of the request or certificate of the document. Nevertheless, the consulate may ask for the original document in case of the first application and will ask for it in individual cases where there are doubts.

Article 4 – Documentary evidence regarding the purpose of the journey

“1. For the following categories of citizens of Georgia, the following documents shall suffice for justifying the purpose of the journey to the other Party:

(a) for close relatives – spouse, children (including adopted), parents (including custodians), grandparents and grandchildren – visiting citizens of Georgia legally residing in the territory of the Member States:

- a written request from the host person;”.*

That point regulates the situation of Georgian close relatives travelling to the Member States to visit Georgian citizens legally residing in the Member States. This facilitation does not apply to EU nationals living in the EU who invite Georgian relatives.

The authenticity of the signature of the inviting person must be proven by the competent authority according to the national legislation of the country of residence.

It is also necessary to prove the legal residence of the inviting person and the family tie; for example providing together with the written request from the host person, copies of documents explaining his/her status, such as a photocopy of the residence permit and confirming the family ties.

This provision also applies to relatives of staff working in diplomatic missions and consulates travelling for a family visit of up to 90 days to the territory of the Member States except for the need to proof legal residence and family ties.

“(b) for members of official delegations who, following an official invitation addressed to Georgia shall participate in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental organisations:

- a letter issued by a Georgian authority confirming that the applicant is a member of its delegation travelling to the other Party to participate at the aforementioned events, accompanied by a copy of the official invitation;”*

The applicant’s name must be indicated in the letter issued by the competent authority confirming that the person is part of the delegation travelling to the territory of the other Party to participate in the official meeting. The name of the applicant must not necessarily also be indicated in the official invitation to participate in the meeting, although this might be the case when the official invitation is addressed to a specific person.

This provision applies to members of official delegations irrespective of the type passport (service or ordinary passport) they hold.

“(c) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programs as well as other school-related activities:

- a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;”*

A student card is only accepted as justification of the purpose of the journey if it has been issued by the host university, college or school where the studies or educational training is going to take place.

“(d) for persons visiting for medical reasons and necessary accompanying persons:

- *an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment.”*

The document of the medical institution confirming the three elements (the necessity of medical care in this institution, the necessity of being accompanied and the proof of sufficient financial means to pay for the medical treatment) will be submitted.

“(e) for journalists and accredited persons accompanying them in a professional capacity:

- *a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist or accompanying person in a professional capacity and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work or assist in such work;”*.

This category does not cover free-lance journalists and their assistants.

The certificate or document proving that the applicant is a professional journalist or an *accompanying person in a professional capacity* and the original document issued by his/her employer stating that the purpose of the journey is to carry out a journalistic work or assist in such work must be presented.

At the moment no professional media associations, centres, institutions, unions or other similar organizations exist in Georgia, which would represent the interest of a group of journalists or accompanying persons in a professional capacity and could issue certificates proving that the person is a professional journalist or an accompanying person in a professional capacity in a specific area. Until such organisations are established, the consulates can accept a certificate from the employer and a press accreditation to one of the Member States.

“(f) for participants in international sports events and persons accompanying them in a professional capacity:

- *a written request from the host organisation, competent authorities, national sport Federations or National Olympic Committees of the Member States;”*.

The list of accompanying persons in case of international sports events will be limited to those accompanying the sportsman/woman in a professional capacity: coaches, masseurs, manager, medical staff and head of the sports club. Supporters will thus not be considered as accompanying persons.

“(g) *for business people and representatives of business organisations:*

- *a written request from a host legal person or company, organisation or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the State Chamber of Registration of Georgia;”.*

The National Agency of Public Registry will issue a document confirming the existence of the business organizations.

“(h) *for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:*

- *a written request from the host organisation confirming that the person concerned is participating in the event;”.*

(i) *for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:*

- *a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;”.*

A document from the civil society organisation confirming that the applicant is representing this organisation must be presented.

The competent Georgian state authority issuing the certificate on establishment of a civil society organisation is the National Agency of Public Registry.

The Register in which the certificates on establishment of civil society organisations are registered is the National Agency of Public Registry. The Ministry of Justice and the National Agency of Public Registry are working with local authorities on developing an electronic data base of NGOs, which upon completion would be available via the website of the Ministry of Justice <https://enreg.reestri.gov.ge/main.php>.

Members as such of the civil society organisations are not covered by the Agreement.

“(j) *for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:*

- *a written request from the host organisation to participate in those activities;”*

(k) *for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Georgia:*

- *a written request from the national company or association of carriers of Georgia providing for international road transportation, stating the purpose, duration and frequency of the trips;”.*

At the moment two national associations of carriers of Georgia competent for providing the written request to professional drivers exist in Georgia: Georgian International Road Carriers Association (GIRCA) and Georgian Association of Carriers of Passengers by Road (GACPR). Carriers not being members of any of the above may present a request issued by the Land Transport Agency, Ministry of Economy and sustainable Development of Georgia or, in case of well-known carriers, consulates may accept a written request from the Georgian carrier / transport company employing the driver. The request will state the purpose, duration and frequency of the trips.

“(l) for participants in official exchange programmes organised by twin cities and other localities:

- *a written request of the Head of Administration/Mayor of these cities or other localities;”*

The Head of Administration/Mayor of the city or other locality competent to issue the written request is the Head of Administration/Mayor of the host city or other locality where the twinning activity is going to take place. This category only covers official twinning.

“(m) for visiting military and civil burial grounds:

- *an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the grave as well as family or other relationship between the applicant and the buried.”.*

The Agreement does not specify whether the above mentioned official document should be issued by the authorities of the country where the burial ground is located or those of the country in which the person who wants to visit the burial ground resides. It should be accepted that the competent authorities of both countries could issue such official document.

The above mentioned official document confirming the existence and preservation of the grave as well as of the family or other relationship between the applicant and the buried must be presented.

Important: The Agreement does not create any new liability rules for the physical or legal persons issuing the written requests. The respective EU/national law applies in case of false issuance of such requests.

2.2.2. Issuance of multiple-entry visas.

In cases where the visa applicant needs to travel frequently to the territory of the Member States, short-stay visas may be issued for several visits, provided that the total length of these visits does not exceed 90 days per period of 180 days.

Article 5 of the Agreement stipulates that:

“1. *Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to 5 years to the following categories of persons:*

- (a) *spouses and children (including adopted), who are under the age of 21 or are dependent, and parents (including custodians) visiting citizens of Georgia legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence;*
- (b) *members of national and regional governments and Constitutional and Supreme Courts if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than 5 years;*
- (c) *permanent members of official delegations who, following an official invitation addressed to Georgia, are to participate regularly in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental programmes;”.*

Taking into account the professional status of these categories of persons, or their family relationship with a citizen of Georgia who is legally residing in the territory of the Member States, it is justified to grant them a multiple-entry visa with a validity of up to five years, or limited to the term of office or to their legal residence if these are of less than 5 years.

Persons falling under Article 5(1)(a) of the Agreement, must present proof regarding the legal residence of the inviting person.

As regards persons falling under Article 5(1)(b) of the Agreement, confirmation should be given regarding their professional status and the duration of their mandate.

This provision will not apply to persons falling under Article 5(1)(b) of the Agreement if they are exempted from the visa requirement by the Agreement, i.e. if they are holders of a diplomatic passport.

Persons falling under Article 5(1)(c) of the Agreement, must present proof regarding their permanent status as a member of the delegation and the need to participate regularly in meetings, consultations, negotiations or exchange programs.

“2. *Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of*

it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

- (a) members of official delegations who, following an official invitation are to participate regularly in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental organisations;*
- (b) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;*
- (c) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;*
- (d) persons participating in scientific, cultural and artistic activities, including university and other exchange programs, who regularly travel to the Member States;*
- (e) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;*
- (f) participants in official exchange programmes organised by twin cities or municipal authorities;*
- (g) persons needing to visit regularly for medical reasons and necessary accompanying persons;*
- (h) journalists and accredited persons accompanying them in a professional capacity;*
- (i) business people and representatives of business organisations who regularly travel to the Member States;*
- (j) participants in international sports events and persons accompanying them in a professional capacity;*
- (k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Georgia.*

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2, provided that during the previous 2 years they have made use of the 1 year multiple-entry visas in accordance with the laws on entry and stay of the host Member State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of persons referred to in paragraphs 1 to 3 shall not exceed 90 days per period of 180 days in the territory of the Member States.”.

In principle, multiple-entry visas valid for one year will be issued to the above mentioned categories if during the previous year (12 months) the visa applicant has obtained at least one visa and has made use of it in conformity with the laws on entry and stay of the State(s) visited (for instance, the person has not overstayed) and if there are reasons for requesting a multiple-entry visa. In cases where it is not justified to issue a visa valid for one year, (for instance, if the duration of the exchange programme is of less than one year or the person does not need to travel for a full year) the validity of the visa will be of less than one year, provided that the other requirements for issuing the visa are met.

Multiple-entry visas valid from 2 years up to 5 years will be issued to the categories mentioned under Article 5(2) of the Agreement, provided that during the previous two years (24 months) they have made use of the two 1 year multi-entry visas in accordance with the laws on entry and stay in the territory(ies) of the visited State(s) and that the reasons for requesting a multi-entry visa are still valid. It has to be noted that a visa with a validity from 2 to 5 years, will only be issued if the visa applicant has been issued two visas valid for one year - and not less - during the previous two years, and if (s)he has used these visas in accordance with the laws of entry and stay in the territory(ies) of the visited State(s). Diplomatic missions and consular posts will decide, on the basis of the assessment of each visa application, the period of validity of these visas, i.e. from 2 to 5 years.

Regarding the definition of the criteria in Article 5(2) of the Agreement: “*provided that...there are reasons for requesting a multiple-entry visa*”, and Article 5(3) of the Agreement: “*provided that...the reasons for requesting a multiple-entry visa are still valid*”, the criteria set out by the Visa Code for issuing multiple entry visas will apply: i.e. that the person proves the need to travel frequently to one or several Member States, for example on business.

There is no obligation to issue a multiple-entry visa if the applicant has not made use of a previously issued visa.

2.2.3. Holders of diplomatic passports.

Article 10 of the Agreement stipulates that:

“1. *Citizens of Georgia who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Member States without visas.*

2. *Persons mentioned in paragraph 1 may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.”.*

The procedures regarding posting of diplomats in the Member States are not covered by the Agreement. The usual accreditation procedure applies.

III. COOPERATION ON DOCUMENT SECURITY

In a joint Declaration annexed to the Agreement the parties agree that the Joint Committee established under Article 12 of the Agreement, should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties took the commitment to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.

IV. STATISTICS

In order to allow the Joint Committee set up by the Agreement to monitor effectively the Agreement, diplomatic missions and consular posts of the Member States should submit statistics to the Commission, every 6 months regarding in particular, where possible, and specifying by month:

number of multiple entry visas issued;

number of visas issued without fees.

V. EUROPEAN UNION DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS

Although the Agreement does not include legally binding rights and obligations for facilitating the movement of a wider number of Georgian citizens, which are family members of Georgian citizens legally residing in the territories of Member States, the European Union takes note of the suggestion of Georgia to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that Georgia attaches to the simplification of movement of this category of persons.

Therefore, in order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with Georgian citizens legally residing in the territories of Member States, in a declaration attached to the Agreement, the Member States' consular offices are invited to make full use of the existing possibilities in the *acquis* for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple entry visas.
