



Council of the  
European Union

121059/EU XXV. GP  
Eingelangt am 03/11/16

Brussels, 3 November 2016  
(OR. en)

13759/16

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**Interinstitutional File:**  
**2015/0293 (NLE)**

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VISA 342  
CHINE 10

#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	15470/15 VISA 394 CHINA 31
Subject:	COUNCIL DECISION on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports

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1. On 15 December 2015, the Commission submitted a proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports<sup>1</sup>, and a proposal for a Council Decision on the conclusion of the same Agreement<sup>2</sup>, together with a draft text of the Agreement in the annexes to these proposals<sup>3</sup>.
2. At its meeting on 18 and 19 January 2016, the Visa Working Party agreed on these proposals.

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<sup>1</sup> 15208/15 VISA 385 CHINE 25.

<sup>2</sup> 15210/15 VISA 386 CHINE 26.

<sup>3</sup> 15208/15 VISA 385 CHINE 25 ADD 1, 15210/15 VISA 386 CHINE 26 ADD 1.

3. The Decision on the signing and the text of the Agreement have been edited by the Lawyer-Linguistic experts. The edited text of the Decision on the signing is set out in 15466/15 VISA 392 CHINE 29. The edited text of the Agreement is set out in 15469/15 VISA 393 CHINE 30. The Decision on the conclusion of the Agreement has also been edited by the Lawyer-Linguistic experts. The edited text is set out in 15470/15 VISA 394 CHINE 31.
4. On 12 February 2016, the Council authorised the signing of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports<sup>4</sup>. The Agreement was signed on 29 February 2016 with a provisional application from the third day following its signature.
5. 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.
6. On 12 February 2016, the Council decided to forward the draft Decision on conclusion as well as the text of the Agreement to the European Parliament for its consent.
7. On 25 October 2016, 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 People's Republic of China.
8. 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 acquis<sup>5</sup>. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

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<sup>4</sup> 15466/15 VISA 392 CHINE 29.

<sup>5</sup> OJ L 131, 1.6.2000, p. 43.

9. 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 acquis<sup>6</sup>; Ireland is therefore not taking part in its adoption 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 the conclusion of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports, and to suggest that the Council:
- Adopt, under part "A" of the agenda of a forthcoming session, the Decision as set out in 15470/15 VISA 394 CHINE 31.
  - 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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<sup>6</sup> OJ L 64, 7.3.2002, p. 20.