



Brussels, 19 January 2017
(OR. en)

5423/17

Interinstitutional Files:

2016/0100 (NLE)

2016/0101 (NLE)

VISA 18
COASI 8

'I/A' ITEM NOTE

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

No. prev. doc.: 9764/16 VISA 180 COASI 103

Subject: COUNCIL DECISION on the conclusion, on behalf of the Union, of the Agreement between the European Union and Tuvalu on the short-stay visa waiver

1. On 8 April 2016, the Commission submitted a proposal for a Council decision on the signing¹, on behalf of the European Union, and provisional application of the Agreement between the European Union and Tuvalu on the short-stay visa waiver, together with a draft text of the said agreement in the annex to that proposal², and a proposal for a Council decision on the conclusion of the same agreement³.
2. With a view to their adoption by the Council, the text of the said Decisions and the text of the Agreement have been edited by the Legal-Linguistic experts.
The edited text of the Decision on the signing is set out in 9751/16 VISA 178 COASI 101. The edited text of the Decision on the conclusion is set out in 9764/16 VISA 180 COASI 103. The edited text of the Agreement is set out in 9760/16 VISA 179 COASI 102.

¹ 7772/16 VISA 102 COASI 52 (COM(2016) 191 final).

² 7772/16 VISA 102 COASI 52 ADD 1.

³ 7773/16 VISA 103 COASI 53 (COM(2016) 190 final).

3. On 24 June 2016, the Council authorised the signing of the Agreement with Tuvalu. The Agreement was signed on 1 July 2016 with a provisional application from the day after its signature⁴.
4. 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.
5. On 24 June 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.
6. On 1 December 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 Tuvalu.
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 acquis⁵. 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 acquis⁶; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁴ Published in OJ L 213, 6.8.2016, p.1.

⁵ OJ L 131, 1.6.2000, p. 43.

⁶ OJ L 64, 7.3.2002, p. 20.

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 Tuvalu on the short-stay visa waiver, and to suggest that the Council:

- Adopt, under part "A" of the agenda of a forthcoming session, the Decision as set out in 9764/16 VISA 180 COASI 103.
- Decide that the text of the above Decision be published in the Official Journal, "L" series, in accordance with Article 17(1)(d) of the Council's Rules of Procedures.
