



Council of the
European Union

Brussels, 24 October 2017
(OR. en)

12393/17

Interinstitutional File:
2017/0176 (NLE)

VISA 358
COLAC 87

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federation of St Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver

COUNCIL DECISION (EU) 2017/...

of ...

**on the conclusion, on behalf of the Union,
of the Agreement between
the European Union and the Federation of St Kitts and Nevis
amending the Agreement between
the European Community and the Federation of Saint Kitts and Nevis
on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent given on [...].

Whereas:

- (1) By its Decision 2009/901/EC¹, the Council concluded the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver² (the ‘Agreement’). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Federation of Saint Kitts and Nevis when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council³ introduced horizontal changes in the Union’s visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union’s short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union, an agreement with the Federation of Saint Kitts and Nevis which amends the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (the ‘amending Agreement’).

¹ Council Decision 2009/901/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 43).

² OJ L 169, 30.6.2009, p. 38.

³ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

- (5) In accordance with Council Decision (EU) 2017/...¹⁺, the amending Agreement has been signed.
- (6) 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/EC²; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) 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/EC³; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

HAS ADOPTED THIS DECISION:

¹ Council Decision (EU) 2017/... of ... on the signing, on behalf of the Union, of the Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ ...).

⁺ OJ: Please insert the number, the date and the OJ reference of the decision in doc. ST 12390/17 and complete the footnote accordingly.

² 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* (OJ L 131, 1.6.2000, p. 43).

³ 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* (OJ L 64, 7.3.2002, p. 20).

Article 1

The Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis the short-stay visa waiver is hereby approved on behalf of the Union.

The text of the amending Agreement is attached to this Decision.⁺

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement¹.

Article 3

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

Done at ...,

For the Council

The President

⁺ OJ: Please attach document ST 12391/17.

¹ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.