



**Brussels, 7 June 2018
(OR. en)**

**14454/06
DCL 1**

**VISA 276
COWEB 224**

DECLASSIFICATION

of document: 14454/06 RESTREINT UE/EU RESTRICTED

dated: 26 October 2006

new status: Public

Subject: Draft Council Decision authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the Republic of Serbia on the facilitation of issuance of short-stay visas

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 26 October 2006

14454/06

RESTREINT UE

VISA 276

COWEB 224

NOTE

from General Secretariat of the Council

to delegations

No. prev. doc.: 11921/06 VISA 195 COWEB 169 (SEC (2006) 1024 final)

Subject : **Draft Council Decision authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the Republic of Serbia on the facilitation of issuance of short-stay visas**

Delegations will find attached the above-mentioned draft Council Decision.

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ANNEX

Draft

COUNCIL DECISION

of

authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the Republic of Serbia on the facilitation of issuance of short-stay visas

NEGOTIATING DIRECTIVES

The Commission shall, in the course of negotiations, aim to achieve the specific objectives which are set out in detail below.

1. PURPOSE AND SCOPE OF THE AGREEMENT

The purpose of the agreement shall be to establish clear and unambiguous legally binding rights and obligations to ensure simplified visa issuing procedures for citizens of the Republic of Serbia entering the Schengen Member States. If the visa requirement is reintroduced by the Republic of Serbia for EU citizens, the same legally binding rights and obligations provided in the agreement for citizens of the Republic of Serbia would automatically, on the basis of reciprocity, apply to EU citizens.

2. SPECIFIC OBJECTIVES

The negotiations shall aim to attain a series of specific objectives which are set out below.

When defining categories of beneficiaries for the different types of visa facilitations to be included in the draft agreement, those covered in previous agreements with third countries could be regarded as a precedent, where appropriate.

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2.1. Administrative fee for processing a visa application

The fee for processing applications for all categories of visas covered by the Agreement shall be fixed in the agreement at 35€

If the Republic of Serbia would reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Serbia to EU citizens shall not be higher than this amount of 35 €

The Agreement shall provide for specific justified exceptions and should define categories of persons for whom waiving of the visa fee is justified.

2.2. Simplifying conditions for issuing visas

The agreement shall define simplified procedures for issuing visas in specific circumstances.

In particular, it shall define the criteria for issuing multiple-entry visas, valid for a long period of time, to specific categories of persons and shall, where appropriate, introduce simplifications concerning documentary evidence to be presented in order to obtain a visa for certain specified categories of persons.

2.3. Fixing a standard length of procedure for issuing visas

The agreement shall define a short standard duration for processing a visa application, taking into account the possible need for prior consultation between Member States. However it should also provide for longer processing times or accelerated procedures in specific justified cases.

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2.4. Visa exemptions

The agreement shall provide for holders of diplomatic passports issued by the Republic of Serbia to be exempt from the visa requirement when travelling to the Schengen territory.

The inclusion of the latter provision in the Agreement shall be subject to prior verification of the security and integrity of the Republic of Serbia system for issuing diplomatic passports and its implementation. The verification of the security and integrity of the diplomatic passport system and its implementation will be carried out by the Commission with the assistance of Member States.

3. MANAGEMENT OF THE AGREEMENT

The Agreement shall contain a provision setting up a Committee of experts. The Committee shall be composed by representatives of the European Community and the Republic of Serbia. The Community shall be represented by the Commission.

The Committee of experts shall in particular have the tasks of:

- monitoring the implementation of the agreement;
- suggesting amendments and additions to it.

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4. RELATION WITH EXISTING BILATERAL AGREEMENTS BETWEEN MEMBER STATES AND THE REPUBLIC OF SERBIA

The Agreement should contain a clause whereby, from its entry into force, its provisions shall take precedence over the provisions of any bilateral agreements or arrangements, which have been concluded between individual Member States and the Republic of Serbia, insofar as the provisions of the latter cover issues dealt with by this Agreement.

The Agreement should contain a clause allowing Member States which, on 1 January 2007, have signed bilateral agreements or arrangements making provision for the exemption of service passport holders from a visa requirement with the Republic of Serbia, to maintain that exemption for a period of 5 years from the entry into force of any new visa facilitation agreement as well as provision for a review after four years which would enable the position in relation to holders of service passports to be fully assessed ahead of the expiry of the five year period.

5. TERRITORIAL APPLICATION, ENTRY INTO FORCE, DURATION, SUSPENSION AND TERMINATION OF THE AGREEMENT

The Agreement should contain provisions related to its territorial application, entry into force and duration. It should be concluded for an indefinite period and should contain provisions, which give both Contracting Parties a possibility to suspend and/or terminate the entirety or parts of this Agreement.

As far as the entry into force is concerned, the Agreement shall contain a clause whereby all or parts of the agreement enter into force on the same date as the entry into force of the readmission Agreement to be negotiated between the European Community and the Republic of Serbia. Likewise, the termination or suspension of the readmission agreement shall entail the termination or suspension of all or parts of this Agreement.

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6. VARIABLE GEOMETRY

The Agreement shall take into account the special positions of Denmark, Ireland, the United Kingdom, Iceland and Norway. Joint declarations should state the desirability that arrangements on visa facilitation should be concluded between the Republic of Serbia and each of these Member States and associated countries in similar terms as the Agreement with the Community.

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* has entered into force by the time negotiations with the Republic of Serbia are concluded, a similar declaration will also be made in respect of Switzerland.

7. APPLICABILITY TO MEMBER STATES THAT JOINED THE EU ON 1ST MAY 2004

A protocol annexed to the Agreement should, for the transitional period up to the full implementation of the Schengen *acquis* by the Member States that joined the Union on 1st May 2004, provide for provisions allowing to take into account, for the implementation of the Agreement, of the fact that these Member States will not issue Schengen visas, but national ones. This Protocol should also foresee that the same will apply to Romania and Bulgaria as of the date of their accession to the EU.