



Council of the  
European Union

027682/EU XXVI. GP  
Eingelangt am 22/06/18

Brussels, 21 June 2018  
(OR. en)

11406/06  
DCL 1

VISA 178  
COWEB 155

## DECLASSIFICATION

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of document:	11406/06 RESTREINT UE/EU RESTRICTED
dated:	13 July 2006
new status:	Public
Subject:	Recommendation from the Commission to the Council in order to authorise the Commission to open negotiations for the conclusion of an agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of issuance of short-stay visas

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

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

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# RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 13 July 2006

11406/06

RESTREINT UE

VISA 178  
COWEB 155

## OUTCOME OF PROCEEDINGS

of:	Visa Working Party/Mixed Committee
dated:	6 July 2006
No. prev. doc.:	10539/06 VISA 156 (RESTREINT UE)
No. Cion prop.:	9211/06 VISA 132 FYROM 2 SEC(2006)564 final (RESTREINT UE)
Subject:	Recommendation from the Commission to the Council in order to authorise the Commission to open negotiations for the conclusion of an agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of issuance of short-stay visas

### 1. Introduction

At the meeting on 6 July 2006, the Visa Working Party continued the examination of the above mentioned draft Recommendation (Annex).

Following the discussion, the **Chair** concluded that there was broad agreement to the draft mandate except two remaining open issues. Due to the political nature of these two issues, the **Chair** concluded that they should be referred to a higher political level.

## 2. Outstanding issues

### a) Handling fee

**FR** was not in favour of setting 35 EUR as a maximum fee, as this delegation was of the opinion that this 35-EUR fee would only be applicable in the transitional period under the condition that a negotiating mandate was given to the Commission before the end of 2006. **FR** maintained its suggestion for three different fees (60 EUR, 30 EUR and free of charge).

**FR** also maintained a scrutiny reservation regarding point 1.3.1 of the Explanatory Memorandum (cf. 10539/06 VISA 156, p. 2).

The **Commission's representative (COM)** recalled that the fee of 35 EUR had been agreed as the permanent solution if a mandate was given before the end of 2006<sup>1</sup>. A transition period had also been agreed to avoid a possible temporary increase in the handling fee.

### b) Exemptions from visa requirements of holders of diplomatic and service passports

**COM** noted that the Commission would collect relevant information on the legal system for issuing such passports in FYROM, and on the basis of that the Commission would carefully examine the implementation of the system. Member States would be closely associated in this process and suggested that wording similar to that used for the "Russian mandate" be added in point 2.4:

"The inclusion of the latter provision in the Agreement shall be subject to prior verification of the security and integrity of the FYROM system for issuing service passports and its implementation. The verification of the security and integrity of the service passport system and its implementation as referred to in point 2.4 of Negotiating Directives, will be carried out by the Commission with the assistance of Member States."

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<sup>1</sup> Cf. Council Decision No. 2006/440/EC (OJ L 175 of 29.6.2006).

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However, **COM** emphasised that the completion of this examination should not be a prerequisite for starting negotiations with FYROM.

**PT** maintained a reservation on exemptions for holders of both types of passports. **PL, DE, FR, SE** and **CZ** maintained a scrutiny reservation on the exemption for holders of service passports and **FR** insisted that an analysis of the system of issuance be carried out before negotiations start.

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## 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 former Yugoslav Republic of Macedonia entering the Schengen Member States. If the visa requirement is reintroduced by the former Yugoslav Republic of Macedonia for EU citizens, the same legally binding rights and obligations provided in the agreement for citizens of the former Yugoslav Republic of Macedonia 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.

#### 2.1. Handling fees

The fee for processing applications for all types of visas covered by the Agreement shall be fixed in the agreement at 35€<sup>1</sup>

If the former Yugoslav Republic of Macedonia would reintroduce the visa requirement for EU citizens, the visa fee to be charged by the former Yugoslav Republic of Macedonia 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 handling fee is justified.

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<sup>1</sup> **FR:** reservation, see page 2 of introductory note.

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## 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 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.

## 2.4. Visa exemptions

The agreement shall provide for holders of diplomatic passports issued by the former Yugoslav Republic of Macedonia to be exempt from the visa requirement when travelling to the Schengen territory. Visa exemption shall also be provided for the holders of services passports invited to participate in official meetings, consultations or negotiations organised by EU institutions or one of the Member States.<sup>1</sup>

## 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 former Yugoslav Republic of Macedonia. 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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<sup>1</sup> **FR:** reservation, see page 2 of introductory note.

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## 4. **RELATION WITH EXISTING BILATERAL AGREEMENTS BETWEEN MEMBER STATES AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

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 former Yugoslav Republic of Macedonia, insofar as the provisions of the latter cover issues dealt with by this Agreement.

## 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 the agreement enters into force on the same date as the entry into force of the readmission Agreement to be negotiated between the European Community and the former Yugoslav Republic of Macedonia. Likewise, the termination or suspension of the readmission agreement shall entail the termination or suspension of all or parts of this Agreement.

## 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 former Yugoslav Republic of Macedonia 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 *aquis* has entered into force by the time negotiations with former Yugoslav Republic of Macedonia are concluded, a similar declaration will also be made in respect of Switzerland.

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## 7. APPLICABILITY TO MEMBER STATES THAT JOINED THE EU ON 1 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 1 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.

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