Council of the European Union

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Subject:	Recommendations from the Commission to the Council in order to authorise the Commission to open negotiations for the conclusion of agreements between the European Community and the former Yugoslav Republic of Macedonia, the Republic of Albania, the Republic of Montenegro, the Republic of Serbia and Bosnia and Herzegovina 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.

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THE EUROPEAN UNION**

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NOTE

from	Presidency
to	Permanent Representatives' Committee
No. prev. doc.:	13652/06 VISA 241 COWEB 207 (RESTREINT UE)
Subject :	**Recommendations from the Commission to the Council in order to authorise the Commission to open negotiations for the conclusion of agreements between the European Community and the former Yugoslav Republic of Macedonia, the Republic of Albania, the Republic of Montenegro, the Republic of Serbia and Bosnia and Herzegovina on the facilitation of issuance of short-stay visas**

1.   STATE OF PLAY

At its meeting on 12 October 2006 the Permanent Representatives' Committee examined the outstanding general issues in relation to the five draft negotiation mandates. Agreement was reached on all outstanding issues other than the question of a possible exemption of holders of service passports from visa requirements.

The Commission had, in the case of FYROM only, proposed the exemption in the case of the holders of service passports for persons invited to participate in official meetings, consultations organised by European Union institutions or one of the Member States.

A number of delegations (SI, EL, ES, HU) who are already exempting holders of service passports from visa requirement would prefer to maintain this provision (with a view to the inclusion in the final agreement(s)) or, alternatively, to be able to maintain the possibility of exempting this category of persons from visa requirements on a bilateral basis. Other delegations (FR and DE) remain opposed to including a reference to an exemption of holders of service passports in the negotiation mandates (and in the final agreement).

II. PRESIDENCY SUGGESTION FOR A COMPROMISE SOLUTION

In order to meet the concerns expressed by delegations and to take account of the comment made by the Council Legal Service in relation to the link between a Community agreement and bilateral agreements the Presidency suggests the following solution:

Exemptions for holders of service passports are not included in the negotiating mandates on the basis that provision will be made in the agreements themselves allowing Member States who, on the date of the adoption of the negotiating mandates, have bilateral agreements making provision for the exemption of service passport holders from a visa requirement with the third countries in question, to maintain that exemption for a period of 5 years from the entry into force of any new visa facilitation agreement.

3. CONCLUSION

The Permanent Representatives Committee is invited to examine these questions with a view to submission of the draft mandates for final adoption by Council as soon as possible.

It is recalled that the technical examination of the Council Decisions authorising the Commission to negotiate with FYROM, Serbia, Montenegro and Bosnia and Herzegovina readmission agreements between the European Community and the four countries concerned was completed in September, and once agreement has been reached on the mandates for visa facilitation agreements, the Presidency will arrange for all finalised texts will be adopted simultaneously.

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