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

COMMON GUIDELINES

Consultation deadline for Bulgaria and Romania: 15.12.2006

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

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

RESTREINT UE



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NOTE

from General Secretariat of the Council
to Permanent Representatives Committee

No. Cion doc.: 16069/06 VISA 314 COEST 339 (SEC(2006) 1551 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 Moldova on the facilitation of issuance of short-stay visas
COMMON GUIDELINES
Consultation deadline for Bulgaria and Romania: 15.12.2006

The Commission submitted on 30 November 2006 the Recommendation from the Commission to the Council authorising the Commission to open negotiations for the conclusion of an agreement between the European Community and the Republic of Moldova on the facilitation of issuance of short-stay visas set out in 16069/06 VISA 314 COEST 339.

The draft negotiation directives in that document were examined on 4 December 2006 by the Working Party on Eastern Europe and Central Asia (COEST) and the JHA Counsellors and on 6 December 2006 by the Visa Working Party.

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The attached draft Council Decision was agreed subject to a general scrutiny reservation by FR who expressed concerns regarding illegal immigration from Moldova.

The Permanent Representatives Committee is invited to examine the reservation by FR and to agree to submit the attached draft Council Decision to the Council for adoption as an A-item on 19 December 2006.

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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 Moldova 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 Moldova entering the Schengen Member States. If the visa requirement is reintroduced by the Republic of Moldova for EU citizens, the same legally binding rights and obligations provided in the Agreement for citizens of the Republic of Moldova 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 taken into account, 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 Moldova would reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Moldova 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 or reducing 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 concerning the purpose of travelling 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 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 of the Republic of Moldova to be exempted 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 system of the Republic of Moldova 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 the Member States.

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3. MANAGEMENT OF THE AGREEMENT

The Agreement should contain a provision setting up a Committee of experts. The Committee shall be composed by representatives of the European Community and the Republic of Moldova. The Community shall be represented by the Commission. The meetings shall take place where necessary at the request of one of the Contracting Parties.

The Committee of experts shall in particular have the task:

- to monitor the implementation of the Agreement;
- to propose amendments and additions to it.

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

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 Moldova, insofar as the provisions of the latter cover issues dealt with by this Agreement.

In accordance with the requirements of Article 10 TEC, Member States bound by these negotiation directives refrain from negotiating bilaterally with Moldova on the subject matters covered by these directives. In cases where such bilateral negotiations are already ongoing, Member States suspend these as long as the Community has not concluded its negotiations with Moldova.

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.

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As far as the entry into force is concerned, the Agreement shall contain a clause whereby it 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 Republic of Moldova. Likewise, the termination or suspension of the readmission Agreement should 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 Republic of Moldova 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 and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the Republic of Moldova are concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

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 European Union on 1 May 2004, provide for the 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.