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Interinstitutional Files:

2017/0167(NLE)
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VISA 310
COLAC 102
COAFR 313

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Council Decisions on the conclusion of the Agreements amending the short-stay visa waiver Agreements between the European Union and Antigua and Barbuda, Barbados, the Commonwealth of the Bahamas, the Federation of Saint Kitts and Nevis, the Republic of Mauritius and the Republic of Seychelles

– Adoption

1. On 27 July 2017, the Commission submitted proposals for Council decisions on the signing, on behalf of the Union, of the agreements between the European Union and, respectively, Antigua and Barbuda, Barbados, the Commonwealth of the Bahamas, the Federation of Saint Kitts and Nevis, the Republic of Mauritius and the Republic of Seychelles on the short-stay visa waiver, together with a draft text of the said agreements in the annex to those proposals, and proposals for Council decisions on the conclusion of the same agreements.

2. With a view to their adoption by the Council, the texts of the said Decisions and the text of the Agreement have been edited by the legal-linguistic experts. The edited text of the Decisions on the signing is set out in respectively 12381/17 + COR 1, 12384/17 + COR 1, 12387/17 + COR 1, 12390/17 + COR 1, 12394/17 + COR 1, 12397/17 + COR 1. The edited text of the Decisions on the conclusion is set out in respectively 12383/17, 12386/17, 12389/17, 12393/17, 12396/17, 12399/17. The edited text of the Agreements is set out in respectively 12382/17, 12385/17, 12388/17, 12391/17, 12395/17, 12398/17.
3. Similarly to the agreements amending the agreements between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports¹ and for holders of diplomatic, service or official passports², a declaration of the Union concerning the entry into force of Regulation 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full has been added with a view to clarifying the calculation of the duration of stay³.
4. On 6 November 2017, the Council authorised the signing of the Agreements between the European Union and, respectively, Antigua and Barbuda, Barbados, the Commonwealth of the Bahamas, the Federation of Saint Kitts and Nevis, the Republic of Mauritius and the Republic of Seychelles. The Agreements were signed on 25 April 2018.
5. In accordance with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union, the Council shall adopt the Decision concluding the Agreement after obtaining the consent of the European Parliament.
6. On 30 April 2018, the Council decided to forward the draft Decisions on the conclusion as well as the text of the Agreements to the European Parliament for its consent.
7. On 23 October 2018, the European Parliament gave its consent to the conclusion of the Agreements⁴.

¹ 13449/18 VISA 282 COLAC 88.

² 13446/18 VISA 279 COLAC 85.

³ 12383/17 ADD 1, 12386/17 ADD 1, 12389/17 ADD 1, 12393/17 ADD 1, 12396/17 ADD 1, 12399/17 ADD 1.

⁴ P8_TA-PROV(2018)0390, P8_TA-PROV(2018)0392, P8_TA-PROV(2018)0388, P8_TA-PROV(2018)0391, P8_TA-PROV(2018)0389, P8_TA-PROV(2018)0393.

8. These decisions constitute 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/EC of 29 May 2000; the United Kingdom is therefore not taking part in their adoption and is not bound by them or subject to their application.

These decisions constitute a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002; Ireland is therefore not taking part in their adoption and is not bound by them or subject to their application.

9. The Permanent Representatives Committee is invited to confirm the agreement reached on the Decisions on the conclusion of the Agreements between the European Union and, respectively, Antigua and Barbuda, Barbados, the Commonwealth of the Bahamas, the Federation of Saint Kitts and Nevis, the Republic of Mauritius and the Republic of Seychelles on the short-stay visa waiver, and to suggest that the Council:

- adopt, under part "A" of the agenda of the forthcoming session, the Decisions as set out respectively in 12383/17 + ADD 1, 12386/17 + ADD 1, 12389/17 + ADD 1, 12393/17 + ADD 1, 12396/17 + ADD 1, 12399/17 + ADD 1;
- decide that the text of the above Decisions and the Agreements be published in the Official Journal, "L" series, in accordance with Article 17(1)(d) of the Council's Rules and Procedures.

The European Parliament will be informed in accordance with Article 218(10) TFEU.