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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 13 September 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: ANNEX to the Recommendation for a COUNCIL DECISION authorising
the opening of negotiations on an Agreement between the European Union
and the Republic of Cabo Verde amending the Agreement between the
European Union and the Republic of Cape Verde on facilitating the issue of
short-stay visas to citizens of the Republic of Cape Verde and of the
European Union

Delegations will find attached document COM(2019) 417 final ANNEX.

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Brussels, 13.9.2019
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ANNEX

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Recommendation for a COUNCIL DECISION

authorising the opening of negotiations on an Agreement between the European Union and the Republic of Cabo Verde amending the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union

ANNEX

Negotiating directives

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

1. PURPOSE AND SCOPE OF THE AGREEMENT

The purpose of the Agreement is to amend the existing Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union¹ (hereinafter ‘current Agreement’). The latter, which entered into force on 1 December 2014, applies to the issuing of visas to citizens of the Republic of Cape Verde (hereinafter ‘Cabo Verde’) for an intended stay in the Schengen area of no more than 90 days per any period of 180 days.

Since 1 January 2019, Cabo Verde exempts EU citizens travelling to Cabo Verde for stays up to 30 days from the visa requirement. In principle, the EU citizens can benefit from the Agreement facilitations for stays longer than 30 days and up to 90 days per any period of 180 days.

The amending Agreement would also fully apply, on a reciprocal basis, should Cabo Verde decide to re-impose the visa requirement on EU citizens.

The amending Agreement should lay down clear, unambiguous and legally binding rights and obligations to facilitate visa application and issuing procedures for nationals of Cabo Verde, while taking into account the rules of the revised Visa Code².

2. SPECIFIC ISSUES

The amending Agreement should take into account the current Agreement, previous visa facilitation agreements concluded by the Union with other third countries, as well as the particular situation of Cabo Verde, which was the first third country not located in the EU’s neighbourhood with which the EU concluded a Visa Facilitation Agreement, in parallel with a Readmission Agreement.

Moreover, the amendment of the Visa Code, which has entered into force on 2 August 2019 and will be applicable as of 2 February 2020, provides for a number of changes in the general rules for the visa issuing procedures. The revised rules should be also taken into consideration in order to ensure that the facilitations offered to Cabo Verde in the amending agreement continue to go beyond the general rules as set out in the revised Visa Code.

2.1. Visa fee

The amending Agreement should set the fee for processing visa applications at half of the amount that is provided for by the Parties’ domestic legislation.

In addition to the categories defined by article 5(1) of the current Agreement, the fee should be waived for applicants below the age 18 years. The inclusion of other categories of applicants, such as close relatives of EU citizens, could also be considered.

¹ OJ L 282, 24.10.2013, p.3.

² Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code). OJ L 188, 12.7.2019, p.25.

2.2. Multiple-entry visas with long validity

The rules for granting five-year multiple-entry visas (MEV) to certain categories of applicants, established by article 4(1) of the current Agreement, should remain applicable.

In addition, the amending Agreement should define the rules for the issuing of MEV to all other applicants, taking as a basis the provisions of article 24 of the revised Visa Code.

Article 24 (2) of the revised Visa Code establishes a general ‘cascade’ issuing system for all applicants irrespective of their travel purpose. A similar approach should be established in the amending Agreement.

The amending Agreement should facilitate the issuing of MEV by reducing the number of previously obtained and lawfully used visas and/or by enlarging the reference periods during which the defined number of visas should be obtained and lawfully used. Such a “cascade” system could, for instance, be the following:

- following one or two visas obtained and lawfully used in the previous 24 months, applicants should obtain, when applying for the next visa, a MEV with a validity of one year;
- after having lawfully used one 1-year MEV within the previous 30 or 36 months, the applicant should be granted a MEV with a longer validity (for instance, two or three years);
- after having lawfully used one 2- or 3-year MEV within the previous 42 or 48 months, the applicant should be granted a MEV with a longer validity (for instance, three or maximum five years).

2.3. Supporting documents

The amended agreement should provide for facilitations concerning the supporting documents to be submitted when applying for a visa.

The documentary evidence to be submitted for proving the applicant’s purpose of travel should be reduced to generally one supporting document per category of applicant covered by the amending Agreement.

Applicants who have already obtained and lawfully used a MEV (valid for at least one year) should in principle be exempted from presenting supporting documents in relation to accommodation, or proof of sufficient means to cover the accommodation.

2.4. Visa exemption for holders of EU Laissez-passer

The amending Agreement should exempt from the visa requirement the holders of EU Laissez-passer issued to certain servants of the institutions of the Union in accordance with Council Regulation (EU) No 1417/2013.

2.5. Suspension clause

The amending Agreement should modify the final clauses of the current Agreement, by providing for the possibility for the Parties to suspend it, in whole or in part, for any reason

and, explicitly, in case Cabo Verde were to be considered not to cooperate sufficiently in the field of readmission.