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VISA 194
COEST 212

'I/A' ITEM NOTE

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

Subject: Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas
– Adoption

1. On 30 August 2019, the Commission submitted a proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas¹ and a proposal for a Council Decision on the conclusion of the same agreement², together with a draft text of the said agreement in the annex to that proposal³.
2. On 18 September 2019, the **Visa Working Party** discussed these proposals. As regards the text of the Agreement, it was noted that its Article 10 concerning Diplomatic passports and EU *laissez-passer* contained a footnote in brackets reading as follows: "Subject to prior verification by the EU of the security and integrity of Belarus' system for issuing diplomatic passports and its implementation." As explained in the explanatory memorandum from the Commission, "the final assessment of Belarus' system of issuance [of biometric diplomatic passports and their technical specifications] will have to be made by the Commission, in consultation with the Member States, before the conclusion of the Agreement".

¹ 11857/19 VISA 171 COEST 181.

² 11858/19 VISA 172 COEST 182.

³ 11858/19 VISA 172 COEST 182 ADD 1.

3. Given that the text of the Agreement is final and that such a final text cannot contain a bracketed footnote of this kind, it was decided to delete the footnote in Article 10 and to transfer its substance to the provisions of the Decision on the signing, with the necessary consequential adaptations to the recitals of that Decision, as well as to the recitals of the Decision on the conclusion. As it is understood that Belarus has accepted that condition in the negotiations by agreeing to the text of the footnote, before the signing of the revised text of the Agreement the Commission should duly recall to Belarus in writing the substance of this agreed condition, i.e. that the EU will decide on the conclusion of the Agreement in the light of the assessment of the security and integrity of Belarus' system of issuance of biometric diplomatic passports and their technical specifications.
4. The Presidency revised texts⁴ were circulated to delegations and agreed upon on 19 September 2019 through silence procedure.
5. The Decision on the signing of the abovementioned agreement constitutes 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 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
6. The Decision on the signing constitutes a development 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 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
7. In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

⁴ [12300/19](#), [12301/19](#) and [12302/19](#)

8. The Decision on the signing and the text of the agreement have been edited by the legal-linguistic experts. They are set out in respectively 12361/19 VISA 189 COEST 208 and 12363/19 VISA 191 COEST 210.
9. The Decision on the conclusion of the same agreement has also been edited by the legal-linguistic experts. The edited text is set out in 12362/19 VISA 190 COEST 209. However, given that the conclusion should take place at a later stage, after the required assessment of Belarus' system of issuance of biometric diplomatic passports and their technical specifications, it is appropriate to wait for that assessment before forwarding the draft Decision on the conclusion to EP for consent.
10. The Permanent Representatives Committee is accordingly invited to recommend that the Council:
 - a) adopt, as an "A" item of the agenda of one of its forthcoming sessions, the Decision on the signing as set out in 12361/19;
 - b) note that the Commission should duly recall to Belarus in writing before the signing of the Agreement that the EU will decide on the conclusion of the Agreement in the light of the assessment of the security and integrity of Belarus' system of issuance of biometric diplomatic passports and their technical specifications.

The Decision on the signing will be published in the OJ in accordance with the applicable rules.
