



Council of the
European Union

Brussels, 26 January 2021
(OR. en)

5033/21

Interinstitutional File:
2020/0348 (NLE)

VISA 1
COAFR 4
MIGR 1

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Cabo Verde amending the Agreement on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union

COUNCIL DECISION (EU) 2021/...

of ...

**on the signing, on behalf of the Union,
of the Agreement between the European Union and the Republic of Cabo Verde
amending the Agreement on facilitating the issue of short-stay visas to citizens
of the Republic of Cape Verde and of the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In the Conclusions of 20 November 2007, the Council and the representatives of the governments of the Member States meeting within the Council welcomed the Commission communication on the future of relations between the European Union and the Republic of Cape Verde. In particular, the Council welcomed the deepening of relations between the Union and Cabo Verde through the implementation of an Action Plan for the development of a "special partnership" between the two parties. Furthermore, that communication provides that the aim of that "special partnership" is to develop an open, constructive and pragmatic dialogue and that tackling illegal immigration is a shared strategic priority.
- (2) On 1 December 2014, 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 Union¹ ("the 2014 Agreement") entered into force.

¹ OJ L 282, 24.10.2013, p. 3.

- (3) Since 1 December 2014, the Union and Cabo Verdean legislation has evolved, with the revision of the Visa Code by Regulation (EU) 2019/1155 of the European Parliament and of the Council¹ and Cabo Verde's decision to exempt Union citizens from visa requirements for stays of up to 30 days. In light of those changes and in view of the assessment carried out by the Joint Committee established under Article 10 of the 2014 Agreement and tasked with monitoring the implementation of the 2014 Agreement, some of the provisions facilitating the issuance of visas to citizens of Cabo Verde and, on the basis of reciprocity, of the Union, for an intended stay of no more than 90 days in any 180-day period, should be adjusted and complemented by an amending Agreement.
- (4) On 29 October 2019, the Council authorised the Commission to open negotiations with Cabo Verde for 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 ("the amending Agreement"). The negotiations were successfully concluded on 30 January 2020 and the amending Agreement was initialled via exchange of emails on 24 July 2020.

¹ 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).

- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) In accordance with Articles 1 and 2 of 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.
- (7) The amending Agreement should be signed on behalf of the Union, subject to its conclusion at a later date, and the Joint Declarations attached to thereto be approved,

HAS ADOPTED THIS DECISION:

¹ 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* (OJ L 64, 7.3.2002, p. 20).

Article 1

The signing on behalf of the Union of the 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 is hereby authorised, subject to the conclusion of the said amending Agreement^{1+ ++}.

Article 2

The Joint Declarations attached to the amending Agreement are hereby approved on behalf of the Union.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

¹ The text of the amending Agreement is published in OJ L

⁺ OJ: please insert in the footnote the OJ references of the amending Agreement contained in document ST 5035/21.

⁺⁺ Delegations: see document ST 5035/21.

Article 4

This Decision shall enter into force on the day following that of its adoption.

Done at ...,

For the Council

The President
