



Brussels, 22 September 2021  
(OR. en)

11927/21

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**Interinstitutional Files:**  
2020/0319(NLE)  
2020/0348(NLE)

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VISA 198  
COAFR 240  
MIGR 188

#### 'I/A' ITEM NOTE

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

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Subject: Council Decision on the conclusion, 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  
– Adoption

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1. On 9 December 2020, 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 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<sup>1</sup>, together with a draft text of the said agreement in the annex to that proposal<sup>2</sup>, and a proposal for a Council Decision on the conclusion of the same agreement<sup>3</sup>.

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<sup>1</sup> 13864/20 VISA 136 COAFR 367 MIGR 172.

<sup>2</sup> 13864/20 VISA 136 COAFR 367 MIGR 172 ADD 1.

<sup>3</sup> 13865/20 VISA 137 COAFR 368 MIGR 173.

2. The decision on the signing of the Agreement<sup>4</sup> was adopted by the Council on 22 February 2021. The Agreement<sup>5</sup> was signed on 18 March 2021, subject to its conclusion at a later date.
3. 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.
4. On 22 March 2021, the Council decided to forward the draft Decision on conclusion as well as the text of the Agreement to the European Parliament for its consent.
5. On 16 September 2021, the European Parliament gave its consent to the conclusion of the Agreement<sup>6</sup> and instructed its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Cabo Verde.
6. The Decision on the conclusion constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC<sup>7</sup>. 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 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.

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<sup>4</sup> 5033/21 VISA 1 COAFR 4 MIGR 1

<sup>5</sup> 5035/21 VISA 3 COAFR 6 MIGR 3.

<sup>6</sup> P9\_TA(2021)0378.

<sup>7</sup> 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).

8. 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 conclusion as set out in 5034/21;
  - b) decide that the text of the above Decision 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.

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