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'I/A' ITEM NOTE

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

Subject: Council Decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports

– Request for the consent of the European Parliament

1. On 11 April 2018, 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 Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports¹, together with a draft text of the said agreement in the annex to that proposal², and a proposal for a Council Decision on the conclusion of the same agreement³.
2. On 22 October 2018, the Visa Working Party agreed on these proposals. On the same occasion, the Visa Working Party also approved a declaration to be annexed to the decision on the signing, concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full⁴.

¹ 7922/18.

² 7922/18 ADD 1.

³ 7923/18.

⁴ 13028/18.

3. On 26 November 2018, the Decision on the signing⁵ was adopted by the Council. At the same time, the Council decided to forward the draft Decision on the conclusion as set out in 13448/18 to the European Parliament for its consent once the agreement⁶ had been duly signed. The draft Decision on conclusion included a recital stating that the United Kingdom is not taking part in the decision.
4. The United Kingdom ceased to be a Member State of the European Union on 1 February 2020 and the transition period between the United Kingdom and the Union ended on 31 December 2020.
5. After an initial postponement, the Agreement was signed on behalf of the Union and the Federative Republic of Brazil on 27 September 2021. The same day, the Union notified Brazil by means of a Note Verbale that the United Kingdom, as a consequence of the events referred to in paragraph 4 of this note, is not treated as a Member State of the Union for the purposes of the Agreement and is therefore not covered and bound by it.
6. With a view to reflecting the fact that the United Kingdom is no longer a member of the European Union, the draft Decision on the conclusion has been revised, with removal of the recital on the United Kingdom. The modified text is set out in 13448/1/18 REV 1.
7. The Permanent Representatives Committee is accordingly invited to recommend that the Council decide to forward the draft Decision on the conclusion as set out in 13448/1/18 REV 1 to the European Parliament for its consent.

⁵ 13447/18.

⁶ 13449/18