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**VISA 163
COLAC 47**

DECLASSIFICATION

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Subject: Recommendation for a Council Decision authorising the opening of negotiations on short-stay visa waiver agreements between the European Union and Colombia and Peru

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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NOTE

From:	Presidency
To:	Delegations
Subject:	Recommendation for a Council Decision authorising the opening of negotiations on short-stay visa waiver agreements between the European Union and Colombia and Peru

On 27 April 2015, at the meeting of the JHA Counsellors, the **representative of the Commission** (COM) suggested the text of a joint declaration on the introduction of biometric passports by the Republic of Colombia and of a joint declaration on the introduction of biometric passports by the Republic of Peru, as well as the text of a joint declaration on cooperation concerning irregular migration, as attached in the Annex, with a view to the future negotiations with Colombia and Peru. COM added that the precise wording of the declarations would be subject to those negotiations.

Delegations could agree with the texts suggested by the Commission subject to the following comments.

DE suggested that Peru could start issuing biometric passports already by 31 December 2015, instead of 31 March 2016, as referred to in the draft joint declaration by Peru.

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BE, supported by **SE**, **DK**, **BG**, **LT** and **CZ** suggested redrafting the second paragraph of the joint declaration on cooperation concerning irregular migration along the following lines: *"The contracting Parties agree to conclude, upon request by either party, and in particular in case of an increase of irregular migration and in problems regarding the readmission of irregular migrants following the entry into force of the short-stay visa waiver agreement, an agreement regulating the specific obligations of both parties on readmission."*

SE, supported by **DK**, even though, it acknowledged the efforts made by Colombia and Peru concerning the issuance of biometric passports, stated that the visa waiver should be limited to the holders of biometric passports only.

ES, supported by **PT**, was of the opinion that Colombia and Peru would be discriminated against in case of a limitation of the visa waiver to holders of such passports since that limitation had not been imposed on the other third countries included in Regulation No 509/2014. Further to the suggestion by **DE**, **ES** and **PT** suggested applying the same date for suspending the Agreement for both countries in case of a failure to introduce biometric passports by the date referred to in the joint declaration (31 December 2015).

COM agreed with the suggestion made by **BE**. As regards the suggestions made by **DE** and **ES**, **COM** said that it would check with Peru whether they could speed up the tender procedure with a view to being able to issue biometric passports by 31 December 2015.

The **Chair** concluded that, subject to **SE** and **DK**, there was a broad consensus among delegations on the recommendation of the Commission and its Annex, taking into account the draft joint declarations as explained above. Consequently, the Chair announced that the Presidency would invite the Council to adopt the draft Council Decision as an "A" item of the agenda of one of its forthcoming sessions, following its legal and linguistic revision.

DRAFT

JOINT DECLARATION ON THE INTRODUCTION OF BIOMETRIC PASSPORTS BY THE
REPUBLIC OF COLOMBIA

The Republic of Colombia as a Contracting Party declares that it has awarded a contract concerning the production of biometric passports and commits to issuing biometric passports to its citizens by 31 August 2015 at the latest. These passports will comply fully with ICAO requirements stipulated in ICAO Doc 9303.

The Contracting Parties agree that failure to introduce biometric passports by the above-mentioned date constitutes sufficient ground for suspension of this Agreement in accordance with the procedures laid down in Article 8(4).

JOINT DECLARATION ON THE INTRODUCTION OF BIOMETRIC PASSPORTS BY THE
REPUBLIC OF PERU

The Republic of Peru as a Contracting Party declares that it has awarded a contract concerning the production of biometric passports and commits to issuing biometric passports to its citizens by 31 March 2016 at the latest. These passports will comply fully with ICAO requirements stipulated in ICAO Doc 9303.

The Contracting Parties agree that failure to introduce biometric passports by the above-mentioned date constitutes sufficient ground for suspension of this Agreement in accordance with the procedures laid down in Article 8(4).

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JOINT DECLARATION ON COOPERATION CONCERNING IRREGULAR MIGRATION

The Contracting Parties recall that under Article 49(3) of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries (Bolivia, Colombia, Ecuador, Peru and Venezuela), of the other part, the Parties agree to readmit their illegal migrants.

The Contracting Parties will closely monitor this commitment. Should there be an increase of irregular migration and in problems regarding the readmission of irregular migrants following the entry into force of the short-stay visa waiver agreement, the Contracting Parties agree to conclude, upon request by either party, an agreement regulating the specific obligations of both parties on readmission.

The Contracting Parties agree that failure to conclude such a readmission agreement upon request constitutes sufficient ground for suspension of this Agreement in accordance with the procedures laid down in Article 8(4).

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