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VISA 192  
COLAC 55

## 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

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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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Brussels, 29 May 2015  
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9033/15

RESTREINT UE/EU RESTRICTED

VISA 192  
COLAC 55**OUTCOME OF PROCEEDINGS**

From:	Visa Working Party
On:	11 May 2015
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

The **Chair** reported on the outcome of the meeting of the JHA Counsellors on 27 April 2015, during which the Commission had suggested the text of two draft joint declarations concerning the introduction of biometric passports by the two countries and concerning irregular migration. The Chair noted that since most Member States could agree on the texts suggested by the Commission at that meeting, the Presidency had decided to include the adoption of the draft decision authorising the opening of negotiations on behalf of the European Union with Colombia and Peru for the conclusion of bilateral agreements on the short-stay visa waiver on the agenda of COREPER on 13 May 2015 and of the Council on 19 May 2015.

The **Commission representative (COM)** indicated that negotiations would start as soon as the decision had been adopted.

**DE** asked COM about the date of the introduction of the biometric passports, which is a critical point of the negotiations for DE.

**SE**, supported by **DE** and **DK**, wondered how it could be proceeded with the adoption of the Council Decision taking into account the concerns raised by delegations with regard to the security aspects of the issuance of passports by Colombia and Peru.

**COM** replied that Colombia had undertaken to issue biometric passports by 31 August 2015 and Peru by 31 March 2016. **COM** said that the Commission would ask Peru to accelerate the process in order to be able to issue biometric passports as from 31 December 2015.

**FR** wondered whether the declaration would be binding on Peru and Colombia. The **Council Legal Service** (CLS) explained that there were various solutions in terms of declarations: in particular, a declaration can be annexed to an agreement, which refers to it specifically, and as a consequence become part of that agreement and be legally binding; on the other hand, there is the possibility of unilateral declarations by one of the Parties, which may accompany the signature of an agreement, without becoming part of it or being binding on the other Party. This needs to be determined on a case-by-case basis.

**COM** stated that the declarations would be attached to the agreements but would not be legally binding.

**PL**, supported by **DE**, shared **FR**'s concerns and was of the opinion that if the declarations were to be considered as being attached to the agreements, they should form part of the negotiating directives. **PL** and **DE** stressed that it should be clearly established as regards future agreements whether third countries would be asked to issue biometric passports before being granted a visa waiver. **COM**, while emphasising that the declarations were part of the mandate, agreed with **FR**, **PL** and **DE** as regards the security features for the future agreements. The **Chair** indicated that the Council decision would be presented to COREPER and Council as planned.