



Brussels, 25.9.2012  
COM(2012) 560 final

2012/0271 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the conclusion of 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**

## **EXPLANATORY MEMORANDUM**

### **1. POLITICAL AND LEGAL BACKGROUND**

Relations between the European Union and Cape Verde are governed by the revised ACP-EC Partnership Agreement signed on 23 June 2005. The revised Agreement entered into force on 1 July 2008 as regards Cape Verde.

During the early years of the twenty-first century, Cape Verde's government and civil society expressed the wish on a number of occasions to deepen and extend their relations with the European Union.

On 24 October 2007, therefore, the Commission adopted a communication to the Council and to the European Parliament on the future of EU-Cape Verde relations in which it acknowledged the special and strong historical relations existing between the two parties, based on close human and cultural links and shared socio-political values. Cape Verde, like the European Union, embraces the values and principles of democracy and good governance and upholds human rights and the rule of law. The high standards and practices in the field of governance in which Cape Verde can justly be proud fully justify the further development of its relationship with the European Union. An annex to the communication set out a proposal for an action plan.

The General Affairs and External Relations Council of 19 and 20 November 2007 approved conclusions supporting the communication, the introduction of a special partnership between the EU and Cape Verde and the action plan for implementing it as proposed by the Commission. The 'Special Partnership' aims at strengthening political dialogue, policy convergence and cooperation between the two parties in new, sensitive sectors, going beyond the traditional donor-beneficiary relationship and creating a framework of mutual interests.

The action plan is based on the following priorities: good governance, security and stability, regional integration, transformation and modernisation, technology and standards convergence, a knowledge-based society, development and poverty alleviation. The measures envisaged are designed to strengthen stability and security and include initiatives to tackle migration.

In the context of the special partnership between the EU and Cape Verde and in the light of the Council conclusions of 10 December 2007 on mobility partnerships and circular migration in the framework of the global approach to migration, a joint declaration on a mobility partnership between the European Union and Cape Verde was signed on 5 June 2008 and launched on 28 July 2008. At points 5 and 12 of the declaration, the two parties undertook to develop a dialogue on short-stay visa matters and on questions of readmission. At points 3(i) and 6(v) of the annex to the declaration, the Commission further undertook to submit recommendations to the Council with a view to obtaining directives for negotiating agreements with Cape Verde on facilitating the issue of short-stay visas and on readmission.

Based on the above, on 14 November 2008 the Commission submitted a recommendation to the Council asking for its authorisation to open negotiations with Cape Verde on an agreement to facilitate the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union, and on readmission.

Following the authorisation given by the Council on 4 June 2009, negotiations with Cape Verde on the agreement to facilitate the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union started in Brussels on 13 July 2009. A second round of negotiations took place on 22 November 2011. Four technical meetings also took place: on

4 and 5 February 2010 in Praia and on 12 October 2010, 30 May and 13 September 2011 in Brussels. The negotiations were concluded in April 2012.

The final text of the Agreement was initialled in Brussels on 24 April 2012 in the presence of José Manuel Barroso, President of the European Commission, and José Maria Neves, Prime Minister of Cape Verde.

Member States have been regularly informed and consulted in the relevant Council working groups at all stages of the negotiations.

On the part of the Union, the legal basis for the Agreement is Article 77(2)(a), in conjunction with Article 218, of the Treaty on the Functioning of the European Union (TFEU).

The Commission signed the Agreement on ... . In accordance with Article 218(6)(a) of the TFEU the European Parliament's consent for the conclusion of the Agreement was given on ... The attached proposal constitutes the legal instrument for the conclusion of the Agreement. The Council will decide by qualified majority.

The proposed decision concerning the conclusion of the Agreement sets out the necessary internal arrangements for the practical application of the Agreement. In particular, it specifies that the Commission, assisted by experts from Member States, will represent the Union within the Joint Committee set up by Article 10 of the Agreement. Under Article 10(4), the Joint Committee may adopt its own rules of procedure. The Union position in this regard is to be established by the Commission in consultation with a special committee designated by the Council. As regards other decisions to be taken by the Joint Committee, the Union position is to be established in accordance with the applicable provisions of the Treaty.

## **2. OUTCOME OF NEGOTIATIONS**

The Commission considers that the objectives set by the Council in its negotiating directives have been attained and that the draft Agreement is acceptable to the Union.

The final content of the Agreement can be summarised as follows:

- the introduction of simplified criteria for issuing multiple-entry visas for the following categories of persons:

(a) members of national and regional governments and parliaments, constitutional courts, supreme courts and courts of auditors, permanent members of official delegations, business people and representatives of business organisations, spouses, children who are under the age of 21 or are dependent, and parents of citizens of Cape Verde or of the European Union legally residing in the other Party or residing in Cape Verde or in the country of their nationality: in principle, multiple-entry visas valid for five years are to be issued. Multiple-entry visas with a shorter period of validity will be issued only where the expiry date of the travel document requires this or where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period;

(b) representatives of civil society organisations, practitioners of a liberal profession, persons taking part in scientific, cultural and artistic activities, participants in international sports events and persons accompanying them in a professional capacity, journalists and accredited persons accompanying them in a professional capacity, school pupils, students and accompanying teachers, representatives of religious organisations recognised in Cape Verde or in the Member States, and persons visiting regularly for medical reasons; participants in official exchange programmes organised by twinned towns or municipal authorities; and members of official delegations: in principle, multiple-entry visas valid for one year are to be issued. Multiple-entry visas with a shorter period of validity will be issued only where the

expiry date of the travel document requires this or where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period. Multiple-entry visas that are valid for at least two years and at most five years will be issued provided that during the previous two years the applicant has made good use of a one-year multiple-entry visas and that the need or intention to travel frequently or regularly is not clearly limited to a shorter stay;

- waiving of visa processing fees for certain categories of person: members of official delegations, children under 12, school pupils, students, researchers, participants aged 25 years or less in seminars, conferences or sports, cultural or educational events, organised by non-profit organisations;

- the possibility for an external service provider with whom Cape Verde or a Member State cooperates with a view to the issue of a visa to charge a service fee of up to EUR 30, while maintaining the possibility for all applicants to lodge their applications directly at a consulate;

- the extension, free of charge, of visas of citizens of Cape Verde and the European Union who are unable to leave the territory of the Member States or Cape Verde respectively by the date indicated in their visas for reasons of force majeure;

- the exemption from the visa requirement for short stays for citizens of Cape Verde and of the European Union who are holders of diplomatic or service passports. A joint declaration states that each party may invoke suspension of the provision relating to visa waiver for holders of diplomatic or service passports (Article 8), if the implementation of this provision is abused by the other party or poses a threat to public security. The declaration also provides that, as a priority, Cape Verde and the European Union must undertake to ensure a high level of security for diplomatic and service passports, in particular by integrating biometric identifiers;

- the possibility for citizens of Cape Verde and of the European Union who have lost their identity documents, or from whom these document have been stolen while staying in the territory of the host State, to leave the territory of Cape Verde or of the Member States on the basis of valid identity documents without any visa or other authorisation;

- at Cape Verde's specific request, no provision has been included on simplified requirements for documents to be presented regarding the purpose of the journey;

- the establishment of a joint committee for managing the Agreement;

- provisions governing the entry into force, duration, amendment, suspension and termination of the Agreement; since the agreements on facilitating the issue of short-stay visas and on readmission are linked, they should enter into force simultaneously;

- a protocol has been concluded stating that, in accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008<sup>1</sup>, harmonised measures have been taken in order to simplify the transit of holders of Schengen visas and Schengen residence permits through the territory of the Member States not yet fully applying the Schengen *acquis*;

- a joint declaration on the harmonisation of information on procedures for issuing short-stay visas and documents to be submitted when applying for short-stay visas;

- a joint declaration on cooperation on travel documents and the regular exchange of information on document security;

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<sup>1</sup> OJ L 161, 20.6.2008, p. 30.

- the specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble and in two joint declarations attached to the Agreement. The close association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen *acquis* is likewise reflected in a joint declaration to the Agreement.

### **3. CONCLUSION**

In light of the above-mentioned results, the Commission proposes that the Council:

- approve, after obtaining the consent of the European Parliament, the attached 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.

Proposal for a

## COUNCIL DECISION

### **on the conclusion of 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 COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2a), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>2</sup>,

Whereas:

- (1) In accordance with Council Decision 2012/XXX of [...] <sup>3</sup>, 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 (hereinafter 'the Agreement') was signed by the Commission on [ ], subject to its conclusion at a later date.
- (2) The Agreement should be concluded.
- (3) The Agreement establishes a Joint Committee which may adopt its rules of procedure. Provision should be made for a simplified procedure for establishing the Union position in this regard.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*<sup>4</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (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/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*<sup>5</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (6) In accordance with Articles 1 and 2 of the 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>2</sup> OJ

<sup>3</sup> OJ

<sup>4</sup> OJ L 131, 1.6.2000, p. 43.

<sup>5</sup> OJ L 64, 7.3.2002, p. 20.

HAS ADOPTED THIS DECISION:

*Article 1*

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 approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall designate the person empowered to make, on behalf of the European Union, the notification provided for in Article 12(1) of the Agreement, in order to express the consent of the European Union to be bound by the Agreement<sup>6</sup>.

*Article 3*

The Commission, assisted by experts from Member States, shall represent the Union in the Joint Committee established by Article 10 of the Agreement.

*Article 4*

The position of the Union within the Joint Committee with regard to the adoption of its rules of procedure as required under Article 10(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

*Article 5*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council  
The President*

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<sup>6</sup> The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

**ANNEX**  
**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 EUROPEAN UNION, hereinafter referred to as ‘the Union’,

and

THE REPUBLIC OF CAPE VERDE, hereinafter referred to as ‘Cape Verde’,

Hereinafter referred to as ‘the Parties’,

*wishing* to promote contacts between their peoples as an important factor in ensuring the constant development of economic, humanitarian, cultural, scientific and other ties by facilitating the issue of visas to their citizens on the basis of reciprocity,

*having regard* to the Joint Declaration of 5 June 2008 on a Mobility Partnership between the European Union and Cape Verde, in accordance with which the Parties are to take steps to develop a dialogue on matters relating to short-stay visas, with a view to facilitating the mobility of certain categories of people,

*recalling* the Cotonou Partnership Agreement and the special partnership between the European Union and Cape Verde, approved by the Council of the European Union on 19 November 2007,

*recognising* that this should not encourage illegal immigration and paying special attention to security and readmission,

*taking into account* the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom of Great Britain and Northern Ireland or to Ireland,

*taking into account* the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union and confirming that the provisions of this Agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

***Article 1***

***Subject matter and scope***

The purpose of this Agreement is to facilitate, on the basis of reciprocity, the issue of visas to citizens of Cape Verde and the European Union for an intended stay of no more than 90 days per period of 180 days.

***Article 2***

***General clause***



1. The measures to facilitate the issue of visas set out in this Agreement shall apply to citizens of Cape Verde and the European Union only in so far as they are not exempt from visa requirements under the laws and regulations of the European Union or its Member States or of Cape Verde, or under the present Agreement or other international agreements.

2. The national law of Cape Verde and of the Member States or the law of the Union shall apply to matters not covered by the provisions of this Agreement, such as refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence, refusal of entry and expulsion measures.

### ***Article 3***

#### ***Definitions***

For the purposes of this Agreement:

(a) ‘Member State’ shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland;

(b) ‘European Union citizen’ shall mean any national of a Member State as defined in point (a);

(c) ‘citizen of Cape Verde’ shall mean any person with Cape Verde citizenship;

(d) ‘visa’ shall mean an authorisation issued or a decision taken by a Member State or by Cape Verde which is required with a view to entering, for transit purposes or for an intended stay of no more than 90 days in total, the territory of that Member State or of several Member States or the territory of Cape Verde;

(e) ‘legal resident’ shall mean:

in the case of the European Union, any citizen of Cape Verde authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union or national legislation.

in the case of Cape Verde, any citizen of the European Union, as defined in point (b), holding a residence permit in accordance with national legislation.

### ***Article 4***

#### ***Issue of multiple-entry visas***

1. Diplomatic missions and consular posts of the Member States and of Cape Verde shall issue multiple-entry visas valid for five years to the following categories of citizen:

(a) members of national and regional governments and parliaments, constitutional courts, supreme courts or courts of auditors, if they are not exempt from visa requirements under this Agreement, in the exercise of their duties;

(b) permanent members of official delegations who, following an official invitation addressed to Cape Verde, the Member States or the European Union, take part in meetings, consultations, negotiations or exchange programmes, or in events in the territory of the Member States or Cape Verde organised on the initiative of intergovernmental organisations;

(c) business people and company representatives who regularly travel to the Member States or to Cape Verde;

(d) spouses, children (including adopted children) who are under the age of 21 or are dependent, and relatives visiting either:

- citizens of Cape Verde legally resident in the territory of a Member State or citizens of the European Union legally resident in Cape Verde, or

- citizens of the European Union resident in the Member State of their nationality, or citizens of Cape Verde resident in Cape Verde.

However, if the need or intention to travel frequently or regularly is clearly limited to a shorter stay, the validity of the multiple-entry visa shall be limited to this stay, in particular where

- the term of office, in the case of those covered by point (a) above,

- the term of office of a permanent member of an official delegation, in the case of those covered by point (b) above,

- the duration of the positions as business people and company representatives, in the case of those covered by point (c) above, or

- the duration of the residence permits issued to Cape Verde citizens residing in the territory of a Member State and European Union citizens residing in Cape Verde, in the case of those covered by point (d) above,

is less than five years.

2. Diplomatic missions and consular posts of the Member States and Cape Verde shall issue multiple-entry visas valid for one year to the following categories of citizens, provided that during the previous year they have obtained at least one visa and that they have made use of it in accordance with the laws on entry and residence in the territory of the State in question:

- (a) representatives of civil society organisations travelling regularly to Member States or to Cape Verde for the purposes of educational training or to take part in seminars and conferences, including as part of exchange programmes;

- (b) practitioners of a liberal profession taking part in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States or to Cape Verde;

- (c) persons taking part in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States or to Cape Verde;

- (d) participants in international sports events and persons accompanying them in a professional capacity;

- (e) journalists and accredited persons accompanying them in a professional capacity;

- (f) school pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes and other school-related activities;

- (g) representatives of religious organisations recognised in Cape Verde or in the Member States who regularly travel to the Member States or to Cape Verde;

- (h) persons visiting regularly for medical reasons;

(i) participants in official exchange programmes organised by twinned towns or municipal authorities;

(j) members of official delegations who, following an official invitation addressed to Cape Verde, the Member States or the European Union, regularly take part in meetings, consultations, negotiations or exchange programmes, and in events in the territory of the Member States or of Cape Verde organised on the initiative of intergovernmental organisations.

However, if the need or intention to travel frequently or regularly is clearly limited to a shorter stay, the validity of the multiple-entry visa shall be limited to the length of this stay.

3. Diplomatic missions and consular posts of the Member States and of Cape Verde shall issue multiple-entry visas that are valid for at least two years and at most five years to citizens in the categories referred to in paragraph 2 of this Article provided that during the previous two years they have made use of a one-year multiple-entry visas in accordance with the laws on entry and residence in the territory of the host State.

However, if the need or intention to travel frequently or regularly is clearly limited to a shorter stay, the validity of the multiple-entry visa shall be limited to the length of this stay.

4. The total period of residence of the persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States or of Cape Verde.

#### *Article 5*

##### *Visa fees and service charges*

1. Without prejudice to the provisions of paragraph 2, the Member States or Cape Verde shall not collect visa fees from the following categories of people:

(a) members of official delegations who, following an official invitation addressed to Cape Verde, the Member States or the European Union, take part in meetings, consultations, negotiations or official exchange programmes, or in events in the territory of the Member States or of Cape Verde organised by intergovernmental organisations;

(b) children under 12 years of age;

(c) school pupils, students, postgraduate students and accompanying teachers travelling for study or educational purposes;

(d) researchers travelling for the purposes of scientific research;

(e) participants no older than 25 years of age taking part in seminars, conferences or sports, cultural or educational events organised by non-profit organisations.

2. Where the Member States or Cape Verde cooperate with an external service provider, service charges may be collected. The service charge shall be proportionate to the costs incurred by the external service provider in the performance of the tasks, and shall not exceed EUR 30. Cape Verde and the Member State or States concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.

#### *Article 6*

##### *Departure in the case of lost or stolen documents*

Citizens of Cape Verde and of the European Union who have lost their identity documents, or from whom these document have been stolen while staying in the territory of the Member

States or of Cape Verde, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of Cape Verde without any visa or other authorisation.

#### *Article 7*

##### *Extension of visa in exceptional circumstances*

Citizens of Cape Verde and the European Union who are unable to leave the territory of the Member States or Cape Verde respectively by the date indicated in their visas for reasons of force majeure shall have their visas extended free of charge in accordance with the legislation applied by the host State for the period necessary for their return to their State of residence.

#### *Article 8*

##### *Diplomatic and service passports*

1. Citizens of Cape Verde or the Member States who are holders of valid diplomatic or service passports can enter, leave and transit through the territories of the Member States or Cape Verde without visas.
2. The citizens referred to in paragraph 1 of this Article may stay in the territories of the Member States or Cape Verde for a period not exceeding 90 days per period of 180 days.

#### *Article 9*

##### *Territorial validity of visas*

Subject to the national rules and regulations concerning national security applied by the Member States and Cape Verde, and subject to EU rules on visas with limited territorial validity, citizens of Cape Verde and the European Union shall be entitled to travel within the territory of the Member States and Cape Verde under the same conditions as Cape Verde and European Union citizens respectively.

#### *Article 10*

##### *Joint Committee for the management of the Agreement*

1. The Parties shall establish a Joint Committee to manage the Agreement (hereinafter 'the Committee') consisting of representatives of the Union and of Cape Verde. The Union shall be represented on the Committee by the European Commission, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:
  - (a) monitoring the implementation of the Agreement;
  - (b) proposing amendments or additions to the Agreement;
  - (c) settling disputes arising from the interpretation or application of the provisions in the Agreement.
3. The Committee shall meet whenever necessary at the request of either of the Parties and at least once a year.
4. The Committee shall lay down its own rules of procedure.

#### *Article 11*

##### *Relationship between this Agreement and agreements between the Member States and Cape Verde*

From its entry into force, this Agreement shall take precedence over the provisions of any bilateral or multilateral agreements or arrangements concluded between Member States and Cape Verde, in so far as the provisions of those agreements or arrangements relate to matters that are dealt with by this Agreement.

## *Article 12*

### *Final clauses*

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
2. By way of derogation from paragraph 1 of this Article, this Agreement shall enter into force only on the date of the entry into force of the Agreement on readmission between the European Union and Cape Verde if that date is after the date provided for in paragraph 1 of this Article.
3. This Agreement is concluded for an indefinite period, unless terminated in accordance with paragraph 6 of this Article.
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
5. Either Party may suspend this Agreement in whole or in part for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
6. Either Party may terminate this Agreement by giving written notice to the other Party. The Agreement shall cease to apply 90 days after the date of receipt of such notification.

Done at Brussels on 24 April 2012, in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

*For the European Union*

*For the Republic of Cape Verde*

## **PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN ACQUIS**

The Member States which are bound by the Schengen *acquis* but which do not yet issue Schengen visas pending the relevant Council decision to that end, shall issue national visas the validity of which is limited to their own territory.

In accordance with Decision No 582/2008/EC of the European Parliament and of the Council, harmonised measures have been taken in order to simplify the transit of holders of Schengen visas and Schengen residence permits through the territory of the Member States not yet fully applying the Schengen *acquis*.

### **JOINT DECLARATION ON ARTICLE 8 OF THE AGREEMENT CONCERNING DIPLOMATIC AND SERVICE PASSPORTS**

Either Party may invoke a partial suspension of the Agreement and in particular of Article 8, in accordance with the procedure set out in Article 12(5), if the implementation of Article 8 leads to abuse by the other Party or to a threat to public security.

If the implementation of Article 8 is suspended, the two Parties shall initiate consultations in the framework of the Committee set up by the Agreement with a view to solving the problems that led to the suspension.

As a priority, both Parties undertake to ensure a high level of security for diplomatic and service passports, in particular by integrating biometric identifiers. For the European Union, this will be ensured in accordance with the requirements set out in Regulation (EC) No 2252/2004.

### **JOINT DECLARATION ON THE HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND ON THE DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS**

Recognising the importance of transparency for visa applicants, the Parties consider that appropriate measures should be taken:

- in general, to draw up a list of basic information for applicants on the procedures and conditions for applying for visas, on the visas themselves and on the validity of the visas issued;
- in the case of each Party, to draw up a list of minimum requirements in order to ensure that applicants are given basic, coherent and uniform information and are required to submit, in principle, the same supporting documents.

The information mentioned above is to be disseminated widely (on the information board of consulates, in leaflets, on the Internet, etc.).

### **JOINT DECLARATION CONCERNING THE KINGDOM OF DENMARK**

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular posts of the Kingdom of Denmark.

It is therefore desirable that the authorities of Denmark and of Cape Verde should conclude, without delay, a bilateral agreement on facilitating the issue of short-stay visas, in terms similar to those in the Agreement between the European Union and Cape Verde.

### **JOINT DECLARATION CONCERNING IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

The Parties take note that the present Agreement does not apply to the territory of Ireland or of the United Kingdom of Great Britain and Northern Ireland.

It is therefore desirable that the authorities of the United Kingdom of Great Britain and Northern Ireland, Ireland and Cape Verde should conclude bilateral agreements on facilitating the issue of visas.

**JOINT DECLARATION CONCERNING THE REPUBLIC OF ICELAND, THE KINGDOM OF NORWAY, THE SWISS CONFEDERATION AND LIECHTENSTEIN**

The Parties take note of the close relationship between the European Union and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

It is therefore desirable that the authorities of the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, Liechtenstein and Cape Verde should conclude, without delay, bilateral agreements on facilitating the issue of short-stay visas, in terms similar to those set out in this Agreement.

**JOINT DECLARATION ON COOPERATION ON TRAVEL DOCUMENTS**

The Parties agree that when monitoring the implementation of the Agreement, the Joint Committee established under Article 11 should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties agree to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, for developing the technical aspects of travel document security, and regarding the personalisation process in the issue of travel documents.