



Brussels, 2.10.2015
COM(2015) 482 final

2015/0232 (NLE)

Proposal for a

COUNCIL DECISION

**establishing the position to be taken on behalf of the European Union
within the Joint Committee set up under 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,
with regard
to the adoption of common guidelines for the implementation of the Agreement**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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 entered into force on 1 December 2014. The Agreement established, on the basis of reciprocity, legally binding rights and obligations for the purpose of simplifying the visa issuing procedures for the citizens of Cape Verde and for the EU citizens. Article 10 of this Agreement sets up a Joint Committee tasked to monitor the implementation of the Agreement.

The common guidelines for this Agreement are necessary in order to ensure a fully harmonised implementation of the Visa Facilitation Agreement amongst the consulates of the Member States and of the Republic of Cape Verde, and for clarifying the relationship between the provisions of that Agreement and the provisions of the contracting parties that continue to apply to visa issues not covered by the Agreement.

The implementing guidelines to be adopted will not be part of the Agreement; however, it is highly recommended that diplomatic and consular staff consistently follow them when implementing the provisions of the Agreement.

The Guidelines have been prepared in line with the Agreement which contains provisions on facilitations in the procedures for issuing visas for an intended stay of no more than 90 days per period of 180 days in the Schengen area for the citizens of Cape Verde and of the EU, as well as with the EU legislation in the area of common visa policy, such as the Visa Code.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The Guidelines, which are to be adopted on the basis of the empowerment given to the representative of the Commission in the Joint Committee on the basis of this proposal, are to explain in detail the provisions of the Agreement and provide guidance on its implementation.

The Guidelines take into consideration the provisions of the Visa Code and other legislative acts in the field of EU visa policy in order to ensure that consular staff of the Member States acts in accordance with the EU visa acquis when implementing the provisions of the Visa Facilitation Agreement.

The provisions of the Agreement have precedence over the provisions of the Visa Code on matters which they both regulate.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

The Guidelines as annexed to the Annex of this proposal for a Council Decision are the outcome of consultations with the Member States in the context of the Visa Working Party on 7.04.2015. and 11.05.2015. The Commission consulted these Guidelines with responsible authorities in Cape Verde in November 2014.

4. BUDGETARY IMPLICATIONS

This proposal has no impact on the EU budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular to Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 10 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 Agreement') sets up a Joint Committee. It provides that the Joint Committee is in particular to monitor the implementation of the Agreement.
- (2) Regulation (EC) No 810/2009 of the European Parliament and of the Council established the procedures and conditions for issuing visas for transit through or intended stays on the territory of the Member States not exceeding 90 days in any 180-days period.
- (3) The common guidelines are needed in order to ensure a fully harmonised implementation of the Agreement amongst the consulates of the Republic of Cape Verde and of the Member States, and for clarifying the relationship between the provisions of the Agreement and the provisions of the contracting parties that continue to apply to visa issues not covered by the Agreement.
- (4) It is appropriate to establish the position to be adopted on the Union's behalf within the Joint Committee with regard to the adoption of common guidelines for the implementation of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Joint Committee set up by Article 10 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, with regard to the adoption of common guidelines for the implementation of

the Agreement, shall be based on the draft Decision of the Joint Committee attached to this Decision.

Article 2

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

Done at Brussels,

*For the Council
The President*