EUROPEAN
COMMISSION

Brussels, 27.7.2017
COM(2017) 390 final

ANNEX 1

ANNEX

to the

Proposal for a Council Decision

on the conclusion of the Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver

ANNEX

AGREEMENT

between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF SEYCHELLES (hereinafter referred to as 'Seychelles'),

of the other part,

hereinafter referred to jointly as ‘the Contracting Parties’,

HAVING REGARD to the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (hereinafter referred to as 'the Agreement') which entered into force on 1 January 2010,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of "the date of first entry" can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of 26 June 2013 has introduced horizontal changes in the EU's "internal" visa and borders *acquis* and has defined short-stay as "90 days in any 180-day period",

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable for all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, 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 and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement shall be amended in accordance with the provisions of this Article:

(1) In the title and in Articles 3(5), 6(1) and 8(7) the word "Community" shall be replaced by the word "Union".

(2) In Article 1 the words "three months during a six months period" shall be replaced by the words "90 days in any 180-day period".

(3) Article 4(1) shall be replaced by the following:

"The citizens of the European Union may stay in the territory of Seychelles for a maximum period of 90 days in any 180-day period."

(4) Article 4(2) shall be replaced by the following:

"The citizens of Seychelles may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Seychelles may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*."

(5) In Article 4(3) the words "three months" shall be replaced by the words "90 days" and the word "Community" shall be replaced by the word "Union".

(6) The last sentence of Article 8(4) shall be replaced by the following:

"A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension."

Article 2

This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the 6th month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done at […], on the […] day of […] in the year two thousand and seventeen, in duplicate in the Bulgarian, Croatian, 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 Seychelles

JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Seychelles on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of "any" implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.