COMMISSION OF THE EUROPEAN COMMUNITIES

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2007/0069 (CNS)

Proposal for a

COUNCIL DECISION

on the signature of the Agreement between the European Community and Ukraine on the facilitation of issuance of short-stay visas

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of issuance of short-stay visas

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. POLITICAL AND LEGAL BACKGROUND

Ukraine has expressed for some time considerable interest in obtaining visa facilitation for its citizens. The **EU-Ukraine Policy Action Plan**, which was endorsed by the EU-Ukraine Co-operation Council on 21 February 2005 noted that a constructive dialogue on visa facilitation between the EU and Ukraine would be established, with a view to preparing for future negotiations on a visa facilitation agreement, taking account of the need for progress on the ongoing negotiations for an EC-Ukraine readmission agreement.

In its conclusions of 21 February 2005, the GAERC agreed to study, with a view to the negotiations to be held between the EU and Ukraine before the following EU-Ukraine Summit, options concerning the question of how, and in what framework, the granting of visas could be facilitated whilst complying rigorously with security requirements. In this context, progress in the ongoing negotiations on an EC-Ukraine readmission agreement would remain essential.

At the **JLS Ministerial troika** with Ukraine on 25 February 2005, the Commission acknowledged the great importance that Ukraine attached to visa facilitation and noted that it intended to take work forward in accordance with the provisions of the EU Ukraine Action Plan.

In a broader context, **The Hague Programme**, approved by the European Council in November 2004, states that the Council and the Commission are invited to examine with a view to developing a common approach, "whether in the context of the EC readmission policy it would be opportune to facilitate, on a case by case basis, the issuance of short-stay visas to third-country nationals, where possible and on a basis of reciprocity, as part of a real partnership in external relations, including migration-related issues".

Following the authorization given by the Council to the Commission on 7 November 2005, negotiations with Ukraine on the facilitation of the issuance of short-stay visas were opened in Brussels on 22 November 2005, back-to-back with the continuation of negotiations on a readmission agreement. Four further rounds of negotiations were held on 25 January 2006, 27 February 2006, 20 July 2006 and 10 October 2006, alternately in Kiev and Brussels and in parallel ("back-to-back") with negotiations on an EC-Ukraine readmission agreement. Moreover, formal negotiations were occasionally prepared by informal expert meetings.

At the last formal round on 10 October 2006, the Commission presented to the Ukrainian side a "package deal" on both agreements. On 25 October the Ukrainian Ambassador to the EU informed the Commission that Ukraine could accept the "package deal". The final texts of the visa facilitation and readmission agreements were initialled on 27 October 2006 at the occasion of the EU-Ukraine Summit in Helsinki.

The European Commission has already negotiated a visa facilitation agreement with one third country (the Russian Federation). The experience acquired in previous negotiations has been useful for the negotiations with Ukraine.

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

On the part of the Community, the legal basis for the Agreement is Article 62 par. 2 lit. b), in conjunction with Article 300 TEC.

The attached proposals constitute the legal instruments for the signature and conclusion of the Agreement. The Council will decide by qualified majority. The European Parliament will have to be formally consulted on the conclusion of the Agreement, in accordance with Art. 300 par. 3 EC Treaty.

The proposed decision concerning the conclusion sets out the necessary internal arrangements for the practical application of the Agreement. In particular, it specifies that the European Commission, assisted by experts from Member States, represents the Community within the Joint Committee set up by Article 12 of the Agreement.

Under Article 12(4), the visa facilitation Joint Committee may adopt its own rules of procedure. The Community position in this regard shall be established by the Commission in consultation with a special committee designated by the Council.

It has to be noted that on 31 March 2005 President Yushchenko signed the Decree "On Temporary Introduction of the visa-free regime for citizens of the Member States of the European Union and the Swiss Confederation". According to the Decree, a visa-free regime of entry in Ukraine for the citizens of the EU and the Swiss Confederation remains in force from 1 May till 1 September 2005. This visa-free regime was extended after 1st September 2005 and introduced for Iceland and Norway's citizens as from 1st January 2006.

In this respect, the draft agreement on visa facilitation states in Article 1(2) that if Ukraine would reintroduce the visa requirement for EU citizens, the same facilitations granted under the agreement to the Ukrainian citizens would apply automatically, on the basis of reciprocity, to EU citizens.

2. OUTCOME OF NEGOTIATIONS

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft visa facilitation agreement is acceptable to the Community.

The final content of it can be summarised as follows:

– in principle, for all visa applicants, a decision on whether or not to issue a visa will have to be taken within 10 calendar days. This period may be extended up to 30 calendar days when further scrutiny is needed. In urgent cases, the period for taking a decision may be reduced to two working days or less;

– the visa fee for processing applications of Ukrainian citizens shall amount to 35 €. This fee will be applied to all Ukrainian visa applicants and concerns both single and multiple-entry visas. There is a possibility of charging a higher fee of 70 € -with some exceptions- in case of urgent requests, where the visa application and supporting documents are submitted by the visa applicant without justification only three days or less before his/her departure. Moreover, certain categories of persons benefit from a full waiving of the visa fee: close relatives, officials participating in government activities, students, journalists, pensioners, children under the age of 18, humanitarian cases and persons participating in cultural, educational exchange programmes and sport events;

– the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives, business people, members of official delegations, students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, drivers conducting international cargo and passenger transportation services and persons visiting for medical reasons. For these categories of persons, only the documents listed in the agreement can be requested for justifying the purpose of the journey. No other justification, invitation or validation provided for by the legislation of the Member States is required;

– there are also simplified criteria for issuing multiple-entry visas for the following categories of persons:

a) for members of national and regional governments and parliaments, Constitutional and Supreme Courts, permanent members of official delegations, journalists, business people and spouses and children visiting citizens of the Ukraine legally residing in the Member States: visa valid up to five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence).

b) participants in scientific, cultural, official exchange programmes and sport events, and professional drivers and train crews, provided that during the previous two years they have made good use of a 1 year multiple-entry visas and the reasons for requesting a multiple-entry are still valid: visas valid for a minimum of 2 years and a maximum of 5 years are issued;

– citizens of Ukraine who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

– a protocol was agreed stating that Member States that do not fully apply the Schengen *acquis* yet, may unilaterally recognise Schengen visas and residence permits issued to Ukrainian citizens for the purpose of transit through their territory in accordance with Council Decision N°895/2006/EC of 14 June 2006[1].

– a Commission Declaration is attached to the Agreement on the motivation of the decision to refuse a visa, making reference to rules on this matter contained in the proposal for a Draft Regulation establishing a Community Code on visas presented by the European Commission on 19 July 2006[2]. Moreover, an EC Declaration is also attached on access of visa applicants to information and harmonisation of information procedures for issuance of short-stay visas.

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 and Iceland to the implementation, application and development of the Schengen *acquis* is likewise reflected in a joint declaration to the Agreement.

Since the two agreements on visa facilitation and readmission are linked, both agreements should be signed, concluded and enter into force simultaneously.

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1 OJ L 167, 20.6.2006, p. 1.

2 COM(2006) 403 final/2.

3. CONCLUSIONS

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

– decide that the Agreement be signed on behalf of the Community and authorise the President of the Council to appoint the person(s) duly empowered to sign on behalf of the Community;

– approve, after consultation of the European Parliament, the attached Agreement between the European Community and Ukraine on the facilitation of the issuance of short-stay visas.

Proposal for a

COUNCIL DECISION

on the signature of the Agreement between the European Community and Ukraine on the facilitation of issuance of short-stay visas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62,(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission[3],

Whereas:

(1) By its decision of 7 November 2005, the Council authorised the Commission to negotiate an agreement between the European Community and Ukraine regarding the facilitation of the issuance of short-stay visas.

(2) Negotiations on the agreement were opened on 22 November 2005 and concluded on 10 October 2006.

(3) Subject to its possible conclusion at a later date, the Agreement initialled in Helsinki on 27 October 2006 should be signed.

(4) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, the United Kingdom and Ireland do not take part in the adoption of this Decision and are therefore not bound by it or subject to its application.

(5) In accordance with the Protocol on the position of the Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is therefore not bound by it or subject to its application

[3] OJ C […], p. […].

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community, the Agreement between the European Community and Ukraine on the facilitation of the issuance of short-stay visas and the related documents consisting of the text of the agreement, a Protocol and the joint declarations.

Done in Brussels,

For the Council
The President

2007/0069 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of issuance of short-stay visas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300 (2) and the first subparagraph of Article 300 (3) thereof,

Having regard to the proposal from the Commission[4],

Having regard to the opinion of the European Parliament[5]

WHEREAS:

(1) The Commission has negotiated on behalf of the European Community an Agreement with Ukraine on the facilitation of the issuance of short-stay visas;

(2) This Agreement has been signed, on behalf of the European Community, on …….2006 subject to its possible conclusion at a later date, in accordance with Decision……../……/EC of the Council of [……].

(3) This Agreement should be approved.

(4) The Agreement establishes a Joint Committee for the management of the Agreement, which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.

(5) In accordance with the Protocol on the position of the United Kingdom and Ireland, and the Protocol integrating the Schengen *acquis* into the framework of the European Union, the United Kingdom and Ireland do not take part in the adoption of this Decision and are therefore not bound by it or subject to its application.

(6) In accordance with the Protocol on the position of the Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is therefore not bound by it or subject to its application.

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4 OJ C […], p. […].
5 OJ C […], p. […].

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Ukraine on the facilitation of the issuance of short-stay visas is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 14 paragraph 1 of the Agreement[6].

Article 3

The Commission, assisted by experts from Member States, shall represent the Community in the Joint Committee of experts established by Article 12 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 12 (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 be published in the *Official Journal of the European Union*.

Done in Brussels,

For the Council
The President

[6] 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 Community and Ukraine

on the facilitation of the issuance of visas

THE EUROPEAN COMMUNITY hereinafter referred to as "*the Community*";

and

UKRAINE,

hereinafter referred to as the Parties;

1. *With a view to* further developing friendly relations between the Contracting Parties and desiring to facilitate people to people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to Ukrainian citizens;

2. *Desiring* to regulate the regime of mutual travel of citizens of Ukraine and Member States of the European Union;

3. *Bearing in mind* that, as from 1st May 2005, EU citizens are exempted from the visa requirement when travelling to Ukraine for a period of time not exceeding 90 days or transiting through the territory of Ukraine;

4. *Recognising* that if Ukraine would reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the Ukrainian citizens would automatically, on the basis of reciprocity, apply to EU citizens;

5. *Having regard* to the EU Ukraine Policy Action Plan, which noted that a constructive dialogue on visa facilitation between the EU and Ukraine would be established, with a view to preparing for negotiations on a visa facilitation agreement, taking account of the need for progress on the ongoing negotiations for an EC-Ukraine readmission agreement;

6. *Recognising* that visa facilitation should not lead to illegal migration and paying special attention to security and readmission;

7. *Recognising* the introduction of a visa free travel regime for the citizens of Ukraine as a long term perspective;

8. *Taking into account* the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland;

9. *Taking into account* the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark;

HAVE AGREED AS FOLLOWS:

Article 1 - Purpose and scope of application

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Ukraine.

2. If Ukraine would reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the Ukrainian citizens would automatically, on the basis of reciprocity, apply to EU citizens concerned.

Article 2 - General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of Ukraine only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

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

Article 3 - Definitions

For the purpose of this Agreement:

a) "*Member State*" shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;

b) "*Citizen of the European Union*" shall mean a national of a Member State as defined in point (a);

c) "*Citizen of Ukraine*" shall mean any person who holds the citizenship of Ukraine.

d) "*Visa*" shall mean an authorization issued by a Member State or a decision taken by such State which is required with a view to:

– entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,

– entry for transit through the territory of that Member State or several Member States.

e) *"legally residing person"* shall mean a citizen of Ukraine authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Community or national legislation.

Article 4 - Supporting documents regarding the purpose of the journey

1. For the following categories of citizens of Ukraine, the following documents are sufficient for justifying the purpose of the journey to the other Party:

a) for members of official delegations who, following an official invitation addressed to Ukraine, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations:

– a letter issued by an Ukrainian authority confirming that the applicant is a member of its delegation travelling to the other Party to participate at the aforementioned events, accompanied by a copy of the official invitation;

b) for business people and representatives of business organisations:

– a written request from a host legal person or company, or an office or a branch of such legal person or company, state and local authorities of the Member States or organizing committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States;

c) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Ukraine:

– a written request from the national association of carriers of Ukraine providing for international road transportation, stating the purpose, duration and frequency of the trips;

d) for members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States:

– a written request from the competent railway company of Ukraine stating the purpose, duration and frequency of the trips;

e) for journalists:

– a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;

f) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:

– a written request from the host organisation to participate in those activities;

g) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities:

– a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended.

h) for participants in international sports events and persons accompanying them in a professional capacity:

– a written request from the host organisation: competent authorities, national sport Federations and National Olympic Committees of the Member States;

i) for participants in official exchange programmes organised by twin cities:

– a written request of the Head of Administration/Mayor of these cities.

j) for close relatives -spouse, children (including adopted), parents (including custodians), grandparents and grandchildren- visiting citizens of Ukraine legally residing in the territory of the Member States:

– a written request from the host person.

k) relatives visiting for burial ceremonies:

– an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried.

l) for visiting military and civil burial grounds:

– an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried.

m) for visiting for medical reasons:

– an official document of the medical institution confirming necessity of medical care in this institution and proof of sufficient financial means to pay the medical treatment.

2. The written request mentioned in paragraph 1 of this Article shall contain the following items:

a) for the invited person: name and surname, date of birth, sex, citizenship, number of the identity document, time and purpose of the journey, number of entries and name of minor children accompanying the invited person;

b) for the inviting person: name and surname and address or

c) for the inviting legal person, company or organisation: full name and address and

– if the request is issued by an organisation, the name and position of the person who signs the request;

– if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned;

3. For the categories of persons mentioned in paragraph 1 of this article, all categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Member States.

Article 5 - Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of up to five years to the following categories of persons:

a) members of national and regional Governments and Parliaments, Constitutional Courts and Supreme Courts if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than 5 years;

b) permanent members of official delegations who, following official invitations addressed to Ukraine, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

c) spouses and children (including adopted), who are under the age of 21 or are dependant, and parents (including custodians) visiting citizens of Ukraine legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence.

d) business people and representatives of business organisations who regularly travel to the Member States;

e) journalists.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:

a) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Ukraine;

b) members of train, refrigerator and locomotive crews in international trains, traveling to the territories of the Member States;

c) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States;

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

e) participants in official exchange programmes organized by twin cities.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.

4. The total period of stay of 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.

Article 6 - Fees for processing visa applications

1. The fee for processing visa applications of Ukrainian citizens shall amount to 35€.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

2. If Ukraine would reintroduce the visa requirement for EU citizens, the visa fee to be charged by Ukraine shall not be higher than 35€ or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

3. The Member States shall charge a fee of 70 € for processing visas in cases where the visa application and the supporting documents have been submitted by the visa applicant within three days before his/her envisaged date of departure. This will not apply to cases pursuant to Article 6(4)(b),(c),(e),(f),(j),(k) and Article 7(3). For categories mentioned in Article 6(4)(a),(d),(g),(h),(i),(l) to (n), the fee in urgent cases is the same as provided for in Article 6(1).

4. Fees for processing the visa application are waived for the following categories of persons:

a) for close relatives - spouses, children (including adopted) parents (including custodians), grandparents and grandchildren-of citizens of Ukraine legally residing in the territory of the Member States;

b) for members of official delegations who, following an official invitation addressed to Ukraine, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;

c) members of national and regional Governments and Parliaments, Constitutional Courts and Supreme Courts, in case they are not exempted from the visa requirement by the present Agreement;

d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;

e) disabled persons and the person accompanying them, if necessary;

f) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a close relative seriously ill;

g) participants in international sports events and persons accompanying them.

h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;

i) participants in official exchange programmes organised by twin cities;

j) journalists;

k) pensioners;

l) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Ukraine;

m) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;

n) children under the age of 18 and dependant children under the age of 21.

Article 7 - Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.

2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.

3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.

Article 8 - Departure in case of lost or stolen documents

Citizens of the European Union and of Ukraine who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Ukraine or the Member States, may leave that territory on the grounds of valid identity documents entitling to cross the border issued by diplomatic missions or consular posts of the Member States or of the Ukraine without any visa or other authorisation.

Article 9 - Extension of visa in exceptional circumstances

The citizens of Ukraine who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of *force majeure* shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10 - Diplomatic passports

1. Citizens of Ukraine, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.

2. Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.

Article 11 - Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to EU rules on visas with limited territorial validity, the citizens of Ukraine shall be entitled to travel within the territory of the Member States on equal basis with European Union citizens.

Article 12 - Joint Committee for management of the Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as "the Committee"), composed by representatives of the European Community and of Ukraine. The Community shall be represented by the Commission of the European Communities, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:

(a) monitoring the implementation of the present Agreement;

(b) suggesting amendments or additions to the present Agreement;

(c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.

3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.

4. The Committee shall establish its rules of procedure.

Article 13 - Relation of this Agreement with bilateral Agreements between Member States and Ukraine

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and Ukraine, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.

Article 14 - 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 to paragraph 1 of this Article, the present agreement shall only enter into force at the date of the entry into force of the Agreement between the European Community and Ukraine on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.

3. This Agreement is concluded for an indefinite period of time, 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 Each Party may suspend in whole or in part this Agreement 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. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

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

For the European Community For Ukraine

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

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

These Member States may unilaterally recognize Schengen visas and residence permits for the purpose of transit through their territory, in accordance with Council Decision N° 895/2006/EC of 14 June 2006.

DECLARATION THE EUROPEAN COMMUNITY ON ISSUANCE OF SHORT-STAY VISAS FOR VISITS OF MILITARY AND CIVIL BURIALS GROUNDS

Diplomatic missions and consular posts of the Member States, shall as a general rule, issue short-stay visas for a period of up to 14 days for persons visiting military and civil burial grounds.

JOINT DECLARATION CONCERNING 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.

In such circumstances, it is desirable that the authorities of Denmark and of Ukraine conclude, without delay, a bilateral agreement on the facilitation of the issuance of visas in similar terms as the Agreement between the European Community and Ukraine.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

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

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and Ukraine, conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Parties take note of the close relationship between the European Community and Norway and Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Norway, Iceland and Ukraine conclude, without delay, bilateral agreements on the facilitation of the issuance of visas in similar terms as the Agreement between the European Community and Ukraine.

COMMISSION DECLARATION ON THE MOTIVATION OF THE DECISION TO REFUSE A VISA

Recognizing the importance of transparency for visa applicants, the European Commission recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 and addresses the issue of the motivation of visa refusals and appeal possibilities.

EUROPEAN COMMUNITY DECLARATION ON ACCESS OF VISA APPLICANTS AND HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognising the importance of transparency for visa applicants, the European Community recalls that the legislative proposal on the recast of the Common Consular Instructions on visas for the diplomatic missions and consular posts has been adopted on 19 July 2006 by the European Commission and addresses the issue of conditions of access of visa applicants to diplomatic missions and consular posts of the Member States.

Regarding the information to be provided to visa applicants the European Community considers that appropriate measures should be taken:

– In general, to draw up basic information for applicants on the procedures and conditions for applying for visas and on their validity.

– The European Community will draw up a list of minimum requirements in order to ensure that Ukrainian applicants are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

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

The diplomatic missions and consular posts of the Member States shall provide information about existing possibilities under the Schengen *acquis* for facilitation of the issuing of short-stay visas on a case by case basis.

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DRAFT POLITICAL DECLARATION

ON LOCAL BORDER TRAFFIC

DECLARATION FROM POLAND, HUNGARY, SLOVAK REPUBLIC AND ROMANIA

The Republic of Hungary, the Republic of Poland, the Slovak Republic, as well as Romania as from the date of joining the EU, declare their willingness to enter into negotiations of bilateral agreements with Ukraine for the purpose of implementing the local border traffic regime established by the EC Regulation adopted on 5 October 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention.