

EU/Azerbaijan Agreement: facilitation of the issuance of visas

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PURPOSE: to conclude an Agreement between the European Union and Azerbaijan aiming to facilitate the issuance of visas.

PROPOSED ACT: Council Decision.

BACKGROUND: in the context of the Warsaw Eastern Partnership Summit Declaration of 30 September 2011, the EU and the partner countries confirmed their political support for enhancing the mobility of citizens in a secure and well-managed environment and reaffirmed their intention to take gradual steps towards a visa free regime for their citizens in due course.

On that basis the Commission presented on 16 September 2011, a recommendation to the Council in order to authorise the Commission to open negotiations with Azerbaijan on a Visa Facilitation Agreement.

Following the authorisation given by the Council on 19 December 2011, the negotiations with Azerbaijan on the Agreement were opened in Baku on 1 March 2012 and continued until 13 March 2013 in Brussels. The final text of the Agreement was initialled in Brussels on 29 July 2013 by the chief negotiators.

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

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Agreement is acceptable to the Union. The European Parliament needs to give its consent to the Agreement.

It is necessary now to conclude the Agreement on behalf of the EU.

CONTENT: the proposed decision provides that the Council conclude, on behalf of the EU, the Agreement between the EU and Azerbaijan on visa facilitation.

Terms of the Agreement: the main provisions are as follows:

- 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. As a rule, the visa applicants can have an appointment for lodging their application within a period of two weeks from the date of request and in cases of urgency immediately or without an appointment;
- **the visa fee** for processing applications shall amount to **EUR 35**. This fee will be applied to all visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiver of the visa fee: pensioners, close relatives, members of official delegations participating in government activities, pupils, students (including postgraduate students), persons with disabilities, journalists and the technical crew accompanying them, representatives of civil society organisations, children under the age of 12, humanitarian cases and persons participating in scientific, cultural, artistic activities 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, pupils,

students and post-graduate students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of civil society, members of the professions, drivers conducting international cargo and passenger transportation services, participants in official exchange programmes of twin cities and persons visiting for medical reasons. For these categories of persons, only the documents listed in the Agreement may be requested for justifying the purpose of the journey. No other justification, invitation or validation provided for by the legislation of the Member States or Azerbaijan will be required;

- **simplified criteria** for issuing multiple-entry visas for the following categories of persons: (i) for permanent members of official delegations and spouses and children visiting citizens of the EU legally residing in the territory of Azerbaijan or citizens of Azerbaijan legally residing in the Member States or EU citizens residing in the territory of the Member States of which they are nationals or citizens of Azerbaijan residing in the territory of Azerbaijan: visas valid for five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence); (ii) participants in scientific, cultural, official exchange programmes and sport events, journalists, students, business people, members of official delegations, representatives of civil society, members of the professions and drivers, provided that during the previous two years they have made good use of 1 year multiple-entry visas and the reasons for requesting a multiple-entry are still valid: visas valid for a minimum of two years and a maximum of 5 years are issued;

Other provisions: these are as follows:

- a protocol addresses the specific situation of Member States that do not yet fully apply the Schengen acquis and their unilateral recognition of Schengen visas and residence permits issued to citizens of Azerbaijan for the purpose of transit through their territory in accordance with Council Decision N° 582/2008/EC;
- a Joint Declaration is attached to the Agreement on the implementation of Article 10 on diplomatic passports;
- a Joint Declaration is attached to the Agreement on cooperation on travel documents and regular exchange of information on travel document security;
- a Joint Declaration reaffirming that the Agreement does not affect the ability of individual Member States and Azerbaijan to conclude bilateral Visa Waiver Agreements for holders of service passports.

Territorial provisions: the specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble. The close association of Iceland, Norway, Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis is reflected in a Joint Declaration to the Agreement.