


Procedure file

| Basic information | | |
|--|----------------|---------------------|
| CNS - Consultation procedure Decision | 2007/0148(CNS) | Procedure completed |
| EC/Albania agreement: issuance of short-stay visas | | |
| Subject 6.40.03 Relations with South-East Europe and the Balkans 7.10.04 External borders crossing and controls, visas | | |

| Key players | | | |
|-------------------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | LIBE Civil Liberties, Justice and Home Affairs | | 10/09/2007 |
| | | ALDE VĂLEAN Adina-Ioana | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | AFET Foreign Affairs | | 12/09/2007 |
| | | PSE ROUČEK Libor | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Justice and Home Affairs (JHA) | 2827 | 08/11/2007 |
| | Justice and Home Affairs (JHA) | 2818 | 18/09/2007 |
| European Commission | Commission DG Justice and Consumers | Commissioner FRATTINI Franco | |

| Key events | | | |
|------------|---|---|---------|
| 17/07/2007 | Legislative proposal published | COM(2007)0413 | Summary |
| 24/09/2007 | Committee referral announced in Parliament | | |
| 09/10/2007 | Vote in committee | | Summary |
| 12/10/2007 | Committee report tabled for plenary, 1st reading/single reading | A6-0382/2007 | |
| 24/10/2007 | Results of vote in Parliament |  | |
| 24/10/2007 | Decision by Parliament | T6-0455/2007 | Summary |
| 08/11/2007 | Act adopted by Council after consultation of Parliament | | |
| 08/11/2007 | End of procedure in Parliament | | |
| 19/12/2007 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|---|
| Procedure reference | 2007/0148(CNS) |
| Procedure type | CNS - Consultation procedure |
| Procedure subtype | International agreement |
| Legislative instrument | Decision |
| Legal basis | EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 062-p2-ab-i/ii |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/6/52241 |

| Documentation gateway | | | | | |
|---|------|-------------------------------|------------|----|---------|
| Legislative proposal | | COM(2007)0413 | 17/07/2007 | EC | Summary |
| Committee draft report | | PE394.122 | 21/09/2007 | EP | |
| Committee opinion | AFET | PE394.091 | 04/10/2007 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0382/2007 | 12/10/2007 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T6-0455/2007 | 24/10/2007 | EP | Summary |

| Additional information | |
|------------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

| Final act |
|---|
| Decision 2007/821 OJ L 334 19.12.2007, p. 0084 Summary |

EC/Albania agreement: issuance of short-stay visas

PURPOSE: to sign and conclude an Agreement between the Community and Albania on the issuance of short-stay visas.

PROPOSED ACT: Council Decision.

BACKGROUND: the 2003 Thessaloniki Agenda recognised the need to integrate and accommodate the visa needs of the Western Balkan countries with those of the EU - a policy which is fully compatible, and in line with, the EU's Hague Programmes on the development of a common approach on visas. Indeed, the EU has already developed and signed Agreements on short-term visas with both the Russian Federation and with the Ukraine the purpose of which is to facilitate the processing of visas. Accordingly, in 2006 the Council authorised the Commission to begin negotiations with Albania. A Readmission Agreement with Albania has already been agreed. Negotiations for an Agreement of short-stay visas were concluded in April 2007. Throughout the negotiations process both the Member States and Parliament were kept fully abreast of developments by the Commission.

CONTENT: the purpose of this proposal, therefore, is to request the Council to sign and conclude an Agreement between the Community and the Republic of Albania on facilitating the issuance of short-stay visas. For the purpose of the proposed Agreement short-stay visas will apply to issuing a visa for an intended stay of no more than 90 days per period of 180 days.

The main elements of the proposal can be summarised as follows:

- in principle, a decision on whether or not to issue a visa will have to be taken within 10 calendar days. This period may be extended by up to 30 calendar days. In urgent cases the period for taking a decision may be reduced to three working days or less;
- the visa fee will amount to EUR 35. It concerns both single and multiple-entry visas. Certain categories of persons may have their fee waived. For example, close relatives, officials participating in government activities, students, journalists, disabled persons etc.;

- provisions regarding the presentation of documents in the case of a journey have been simplified for certain categories of people including, inter alia: close relatives, business people, official delegates, students, drivers conducting international cargo, tourists on organised trips, etc.
- the criteria for issuing multiple-entry visas has been simplified for certain categories of peoples. For example, in the case of members of the Council of Ministers, Parliament, Constitutional and Supreme Courts, permanent members of official delegations and spouses and children visiting citizens of the Republic of Albania legally residing in the Member States, then the visa will be valid for up to five years ? or depending on the period of their mandate for legal residence. For participants in scientific, cultural, official exchange programmes and sport events, journalists, business people etc. visas will be valid for a minimum of two years and a maximum of five years. There are, however, conditions attached to this later point;
- holders of diplomatic passports are exempted from the short-stay visa requirements;
- for those citizens who already hold a service passport then the bilateral Agreements that have been signed before 1 January 2007 will continue to apply for a period of five years;
- a Protocol has been attached to the Agreement stating that those Member States who are yet to apply the Schengen acquis in full, may unilaterally recognise Schengen visas and residence permits that have been issued to citizens of Albania for the purpose of transit through their territory;
- a European Community Declaration has been attached to the Agreement on the matter of allowing visa applicants access to information on issuing short-stay visas;
- in response to specific requests from Albania, the European Community has attached Declarations to the Agreement regarding those family members who are not legally covered by the provisions of the Agreement as well as for bona fide applicants;
- in cases where certain issues are not covered by this Agreement, the normal Schengen rules apply or national law (such as refusing a visa, the recognition of travel documents, proof of sufficient means of subsistence etc).

Neither the United Kingdom nor Ireland are bound by the Agreement. Nor will Denmark be participating in the Agreement. Since the Agreements on visa facilitation and readmission are linked, both Agreements should be signed, concluded and entered into force simultaneously.

EC/Albania agreement: issuance of short-stay visas

The Committee on Civil Liberties, Justice and Home Affairs adopted a report drawn up by Adina-Ioana VĂLEAN (ALDE, RO) approving, without amendment, the proposal for a Council decision on the conclusion of the Agreement between the European Community and Albania on the facilitation of issuance of short-stay visas.

EC/Albania agreement: issuance of short-stay visas

The European Parliament adopted a resolution drafted by Adina-Ioana VĂLEAN (ALDE, RO) and approved the proposal for a Council decision on the conclusion of the Agreement between the European Community and Albania on the facilitation of issuance of short-stay visas.

EC/Albania agreement: issuance of short-stay visas

PURPOSE: to conclude an Agreement with Albania on the issuance of short-stay visas.

LEGISLATIVE ACT: Council Decision 2007/821/EC on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas.

CONTENT : The main provisions of the Agreement can be summarised as follows:

Purpose of the agreement: 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 the Republic of Albania in the territory of Member States. At the same time, the agreement establishes that if the Republic of Albania were to reintroduce the visa requirement for EU citizens, the same facilitations granted under the agreement to the citizens of the Republic of Albania would apply automatically, on the basis of reciprocity, to EU citizens.

Scope of application of the agreement and primacy of its application over other existing parallel provisions: the agreement does not govern issues concerning the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures: these issues remain under Albanian law, the law of Member States or Community law.

General provisions for the issuance of a visa: the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives (including legal guardians of a child), business people, members of official delegations, students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of the religious communities, representatives of civil society, members of the professions, drivers conducting international cargo and passenger transportation services, persons visiting for medical reasons, tourists in organised trips and persons politically persecuted during the communist regime. 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.

Citizens of the Republic of Albania who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

For citizens of the Republic of Albania who are holders of valid service passports the bilateral Agreements signed before 1 January 2007 continue to apply for a period of 5 years. A Declaration attached to the Agreement provides the assessment of the service passports system at

the latest 4 years after the entry into force of the Agreement.

A European Community Declaration is attached to the Agreement on access of visa applicants to information and harmonisation of information procedures for issuance of short-stay visas. Finally, replying to the specific requests formulated by the Republic of Albania, European Community Declarations are attached to the Agreement on facilitations for family members (not covered by the legally binding provisions of the Agreement) and for bona fide applicants.

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

- members of the Council of Ministers, Parliament, Constitutional and Supreme Courts, permanent members of official delegations and spouses and children visiting citizens of the Republic of Albania 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);
- participants in scientific, cultural, official exchange programmes and sport events, journalists, business people, representatives of the religious communities, representatives of civil society, members of the professions, professional drivers and train crews, students and persons visiting for medical reasons, provided that during the previous two years they have made good use of a 1 year multiple-entry visa and the reasons for requesting a multiple-entry visa are still valid: visas valid for a minimum of 2 years and a maximum of 5 years are issued.

The total period of stay of persons referred to above shall not exceed 90 days per period of 180 days in the territory of the Member States.

Fees for processing visa applications: the visa fee for processing applications of Albanian citizens shall amount to EUR 35 (the current fee for Schengen visas). This fee will be applied to all Albanian visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiving of the visa fee: close relatives (according to the definition in the agreement), officials participating in government activities, students, disabled persons, journalists, representatives of the religious communities, representatives of civil society, members of the professions, members of train crews, pensioners, children under the age of 6, humanitarian cases, drivers conducting international cargo and passenger transportation services, persons participating in scientific, cultural, educational exchange programmes and sport or cultural events and persons politically persecuted during the communist regime.

Length of procedures for processing visa applications: a decision on whether or not to issue a visa will have to be taken within 10 calendar days of receipt of the application. 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 three working days, or less under certain circumstances.

Lost or stolen visas: Citizens of the European Union and of the Republic of Albania who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Albania 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 Republic of Albania without any visa or other authorisation.

Territorial validity of visas: once granted, visas given to Albanian citizens shall be valid for all of the European territory. They shall therefore be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

Final and territorial provisions: the measure takes into consideration the specific situation of Denmark, the United Kingdom and Ireland, non-participating countries in the Schengen acquis and which are therefore not compelled to comply with the provisions of this agreement. The same is true for the association of Norway and Iceland to the Schengen acquis. For all of these countries, a joint declaration establishes that bilateral agreements should be concluded quickly to facilitate the issuance of short-stay visas in similar terms as set out in the agreement.

Other territorial provisions taking into consideration the situation of Switzerland and Liechtenstein are also established.

Finally, note that the agreement is complemented by a protocol for Member States that do not fully apply the Schengen acquis: these Member States can unilaterally recognise Schengen visas and residence permits for the transit through their territory, in accordance with European Parliament and Council [Decision No 895/2006/EC](#) of 14 June 2006. A reference to the future amendment of the Decision N°895/2006/EC for covering Bulgaria and Romania is added.

ENTRY INTO FORCE: the agreement shall enter into force when all the necessary procedures to this effect have been completed.