

Procedure file

| Basic information | |
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| NLE - Non-legislative enactments | 2017/0176(NLE) |
| EU/Saint Kitts and Nevis Agreement: short-stay visa waiver | |
| See also 2009/0017(CNS) | |
| Subject | |
| 6.40.06 Relations with ACP countries, conventions and generalities | |
| 7.10.04 External borders crossing and controls, visas | |
| Geographical area | |
| Saint Kitts and Nevis | |

| Key players | | | |
|-------------------------------|---|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| |  Civil Liberties, Justice and Home Affairs |  PAVEL Emilian | 25/09/2017 |
| | | Shadow rapporteur | |
| | |  UNGUREANU Traian | |
| | |  STEVENS Helga | |
| | |  HYUSMENOVA Filiz | |
| | |  VALERO Bodil | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Environment | 3666 | 20/12/2018 |
| | Agriculture and Fisheries | 3571 | 06/11/2017 |
| European Commission | Commission DG | Commissioner | |
| | Migration and Home Affairs | AVRAMOPOULOS Dimitris | |

| Key events | | | |
|------------|--|-------------------------------|---------|
| 27/07/2017 | Preparatory document | COM(2017)0398 | Summary |
| 24/10/2017 | Legislative proposal published | 12393/2017 | Summary |
| 28/05/2018 | Committee referral announced in Parliament | | |
| 27/09/2018 | Vote in committee | | |

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|------------|---|---|---------|
| 02/10/2018 | Committee report tabled for plenary, 1st reading/single reading | A8-0306/2018 | Summary |
| 23/10/2018 | Results of vote in Parliament |  | |
| 23/10/2018 | Decision by Parliament | T8-0391/2018 | Summary |
| 20/12/2018 | Act adopted by Council after consultation of Parliament | | |
| 20/12/2018 | End of procedure in Parliament | | |
| 21/01/2019 | Final act published in Official Journal | | |

Technical information

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|----------------------------|--|
| Procedure reference | 2017/0176(NLE) |
| Procedure type | NLE - Non-legislative enactments |
| Procedure subtype | Consent by Parliament |
| | See also 2009/0017(CNS) |
| Legal basis | Treaty on the Functioning of the EU TFEU 077-p2; Treaty on the Functioning of the EU TFEU 218-p6 |
| Other legal basis | Rules of Procedure EP 159 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/8/10551 |

Documentation gateway

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|---|-------------------------------|------------|-----|---------|
| Document attached to the procedure | COM(2017)0397 | 27/07/2017 | EC | |
| Preparatory document | COM(2017)0398 | 27/07/2017 | EC | Summary |
| Legislative proposal | 12393/2017 | 24/10/2017 | CSL | Summary |
| Document attached to the procedure | 12391/2017 | 24/10/2017 | CSL | |
| Committee draft report | PE616.784 | 02/02/2018 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | A8-0306/2018 | 02/10/2018 | EP | Summary |
| Text adopted by Parliament, 1st reading/single reading | T8-0391/2018 | 23/10/2018 | EP | Summary |

Final act

[Decision 2019/80](#)
[OJ L 018 21.01.2019, p. 0036](#) Summary

EU/Saint Kitts and Nevis Agreement: short-stay visa waiver

PURPOSE: to conclude an agreement amending the agreement between the European Community and St Kitts and Nevis on the short-stay visa waiver.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: by Decision of 30 November 2009, the Council concluded the agreement between the European Community and St Kitts and

Nevis on the short-stay visa waiver.

[Regulation \(EU\) No 610/2013](#) amended the Convention implementing the Schengen Agreement (CISA), [Regulation \(EC\) No 562/2006](#) (Schengen Borders Code) and [Regulation \(EC\) No 810/2009](#) (the Visa Code). In so doing, it has redefined the term of 'short-stay' for third-country nationals in the Schengen area.

As from 18 October 2013, for third-country nationals 'irrespective of being visa required or exempt' who intend to travel to the Schengen area for a short-stay, the maximum duration of authorised stay is defined as '90 days in any 180-day period'.

The agreement between the Union and St Kitts and Nevis on the short-stay visa waiver should incorporate this new definition.

With a view to implementing the new definition of short stay provided for in the amendment to the Schengen Borders Code, the Commission adopted on 16 July 2014 a recommendation for a Council Decision authorising negotiations to amend the Schengen the short-stay visa waiver between the European Union and seven countries: Antigua and Barbuda, the Bahamas, Barbados, Brazil, Mauritius, Saint Kitts and Nevis and the Seychelles.

The negotiations with St Kitts and Nevis were successfully finalised by the initialling of the amending agreement on 28 July 2016.

CONTENT: this proposal is presented to the Council to authorise the conclusion of the Agreement amending the Agreement between the European Community and St Kitts and Nevis on the short-stay visa waiver.

The amendments introduced by the final agreement cover the following points:

Duration of stay: the final agreement provides for visa-free travel for the citizens of the European Union and for the citizens of St Kitts and Nevis when travelling to the other Contracting Party for a maximum period of 90 days in any 180-day period (instead of a maximum period of three months during a six months period following the date of first entry).

A joint statement on the interpretation of the 90-day period over any 180-day period is attached to the amending agreement.

Suspension of the agreement: the agreement provides that suspension of the waiver shall be lifted if the suspension is no longer required.

All other provisions of the existing agreement between the European Community and St Kitts and Nevis on the short-stay visa waiver remain unaffected by the amending agreement, including the territorial scope.

The provisions of the agreement shall not apply to the United Kingdom or to Ireland.

EU/Saint Kitts and Nevis Agreement: short-stay visa waiver

PURPOSE: to conclude, on behalf of the Union, the Agreement between the European Union and Saint Kitts and Nevis amending the Agreement between the European Community and Saint Kitts and Nevis on the short-stay visa waiver.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: by its Decision 2009/901/EC, the Council concluded the Agreement between the European Community and Saint Kitts and Nevis on the short-stay visa waiver.

The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Saint Kitts and Nevis when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

[Regulation \(EU\) No 610/2013](#) of the European Parliament and of the Council introduced horizontal changes in the Unions visa and border acquis and defined a short stay as a maximum of 90 days in any 180-day period.

It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Unions short-stay regime.

The Commission negotiated, on behalf of the Union, an agreement with Saint Kitts and Nevis which amends the Agreement between the European Community and Saint Kitts and Nevis on the short-stay visa waiver (the amending Agreement).

In accordance with a Council Decision, the amending Agreement has been signed.

CONTENT: the draft Council Decision now seeks the approval, on behalf of the Union, of the Agreement between the European Union and Saint Kitts and Nevis amending the Agreement between the European Community and Saint Kitts and Nevis on the short-stay visa waiver.

The provisions of the Agreement do not apply to the United Kingdom or to Ireland.

EU/Saint Kitts and Nevis Agreement: short-stay visa waiver

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Emilian PAVEL (S&D, RO) on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federation of St Kitts and Nevis amending the Agreement between the European Community and the Federation of St Kitts and Nevis on the short-stay visa waiver. The committee recommended that the European Parliament give its consent to the conclusion of the agreement.

The Agreement amending the Agreement between the European Community and the Federation of St Kitts and Nevis ensures legal coherence and harmonisation between Member States, in accordance with the new definition of short-term stay provided by the Schengen Borders Code amendment, which clarifies the meaning of this term (a stay of up to 90 days in any 180-day period).

St Kitts and Nevis is a member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organisation of Eastern Caribbean States, Organization of American States, United Nations and World Trade Organization.

The explanatory statement accompanying the recommendation notes the following points:

- economically, St Kitts and Nevis was virtually a sugar monocrop economy until the late 1970s, when the government backed a drive into small-scale industrialisation. Tourism has become the largest source of foreign exchange;
- politically speaking, the Federation of St Kitts and Nevis is a constitutional monarchy. The country is a sovereign democratic federal state, with a unicameral National Assembly;
- the EUs political dialogue with the various ACP countries and the Federation of St Kitts and Nevis in particular is gradually increasing.

The new visa waiver agreement will enable citizens not only to derive full benefit from the ACP-EU partnership but continuing to participate in it by travelling at a reduced, economical and practical cost under a clearer and more coherent legal framework. It significantly deepens relations between the European Union and the Federation of St Kitts and Nevis, which is of great political importance in the context of the Cotonou Agreement.

EU/Saint Kitts and Nevis Agreement: short-stay visa waiver

The European Parliament adopted, by 592 votes to 51 with 12 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver.

Parliament gave its consent to the conclusion of the agreement.

The new visa waiver agreement will enable citizens not only to derive full benefit from the ACP-EU partnership but continuing to participate in it by travelling at a reduced, economical and practical cost under a clearer and more coherent legal framework. It significantly deepens relations between the European Union and the Federation of St Kitts and Nevis, which is of great political importance in the context of the Cotonou Agreement.

EU/Saint Kitts and Nevis Agreement: short-stay visa waiver

PURPOSE: to approve the conclusion of the amending agreement between the European Union and St Kitts and Nevis on the short-stay visa waiver.

NON-LEGISLATIVE ACT: Council Decision (EU) 2019/80 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federation of St Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver.

CONTENT: the Council approved, on behalf of the European Union, the Agreement between the EU and St Kitts and Nevis amending the Agreement on the short-stay visa waiver.

As a reminder, the Commission negotiated, on behalf of the Union an agreement with St Kitts and Nevis which amends the Agreement between the European Community and St Kitts and Nevis on the short-stay visa waiver. The amending agreement has been signed.

The amending agreement ensures legal coherence and harmonisation between Member States, in accordance with the new definition of short-term stay provided for by the amendment of the Schengen Borders Code. It therefore provides for a visa-free travel regime for EU citizens and citizens of St Kitts and Nevis travelling to the territory of the other Contracting Party for a stay of up to 90 days in any 180-day period.

This Decision constitutes a development of the provisions of the Schengen acquis in which the United Kingdom and Ireland do not participate. Consequently, these two countries are not bound by this decision or subject to its application.

ENTRY INTO FORCE: 20.12.2018.