

**COUNCIL DECISION****of 29 November 2007****on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas**

(2007/840/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular points 2(b)(i) and (ii) of Article 62 thereof; 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,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with Ukraine on the facilitation of the issuance of visas.
- (2) The Agreement was signed, on behalf of the European Community, on 18 June 2007 subject to its possible conclusion at a later date, in accordance with a Council Decision adopted on 12 June 2007.
- (3) The 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, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

- (6) In accordance with the Protocol on the position of 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 not bound by it or taking part subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and Ukraine on the facilitation of the issuance of 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(1) of the Agreement <sup>(2)</sup>.

*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.

<sup>(1)</sup> Opinion delivered on 13 November 2007 (not yet published in the Official Journal).

<sup>(2)</sup> 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.

*Article 5*

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 29 November 2007.

*For the Council*  
*The President*  
M. LINO

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## COUNCIL DECISION

of 13 May 2013

**on the conclusion of the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas**

(2013/297/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(a), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision 2012/428/EU <sup>(1)</sup>, the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas ('the Agreement') was signed on 23 July 2012, subject to its conclusion.
- (2) The Agreement should be approved.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* <sup>(2)</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's

request to take part in some of the provisions of the Schengen *acquis* <sup>(3)</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

- (5) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to the notification provided for in Article 2 of the Agreement, in order to express the consent of the Union to be bound by the Agreement <sup>(4)</sup>.

*Article 3*

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 13 May 2013.

*For the Council*  
The President  
S. COVENEY

<sup>(1)</sup> OJ L 199, 26.7.2012, p. 1.

<sup>(2)</sup> OJ L 131, 1.6.2000, p. 43.

<sup>(3)</sup> OJ L 64, 7.3.2002, p. 20.

<sup>(4)</sup> 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.

**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',

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,

DESIRING to regulate the regime of mutual travel of citizens of Ukraine and Member States of the European Union,

BEARING IN MIND that, as from 1 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,

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,

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,

RECOGNISING that visa facilitation should not lead to illegal migration and paying special attention to security and readmission,

RECOGNISING the introduction of a visa free travel regime for the citizens of Ukraine as a long term perspective,

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,

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 authorisation 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 authorised 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 organising 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.
- (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.

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;

(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, travelling 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 organised 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 two years and a maximum of five 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 EUR 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 EUR 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 EUR 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 two 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 at Luxembourg on the eighteenth day of June in the year two thousand and seven, 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.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 az Európai Közösség részéről  
 Ghall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 På Europeiska gemenskapens vägnar  
 За Європейське Співтовариство

За Україна  
 Por Ucraina  
 Za Ukrajinu  
 For Ukraine  
 Für die Ukraine  
 Ukraina nimel  
 Για την Ουκρανία  
 For Ukraine  
 Pour l'Ukraine  
 Per l'Ucraina  
 Ukrainas vārdā  
 Ukrainos vardu  
 Ukrajna részéről  
 Ghall-Ukrajna  
 Voor Oekraïne  
 W imieniu Ukrainy  
 Pela Ucrânia  
 Pentru Ucraina  
 Za Ukrajinu  
 Za Ukrajino  
 Ukrainan puolesta  
 På Ukrainas vägnar  
 За Україну

**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 recognise Schengen visas and residence permits for the purpose of transit through their territory, in accordance with Council Decision No 895/2006/EC.

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**EUROPEAN COMMUNITY DECLARATION ON ISSUANCE OF SHORT-STAY VISAS FOR VISITS  
OF MILITARY AND CIVIL BURIAL 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.

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**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.

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**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.

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**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.

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

Recognising 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.

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**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.

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## AGREEMENT

**between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas**

THE EUROPEAN UNION,

of the one part, and

UKRAINE,

of the other part,

hereinafter referred to as 'the Parties',

HAVING REGARD to the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas, which entered into force on 1 January 2008,

DESIRING to further facilitate people to people contacts,

RECOGNISING the importance of the introduction of a visafree travel regime for the citizens of Ukraine in due course, provided that the conditions for well-managed and secure mobility are in place,

TAKING INTO ACCOUNT the entry into force of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) <sup>(1)</sup>, which, in particular provides for the obligatory motivation of a visa refusal and the right to appeal for applicants in case of refusal,

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

TAKING INTO ACCOUNT the Protocol on the position of Denmark 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 Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and Ukraine on the facilitation of the issuance of visas, hereinafter referred to as 'the Agreement', shall be amended in accordance with the provisions of this Article:

(1) In the title, the word 'Community' shall be replaced by the word 'Union'.

(2) In Article 1(2), the following first subparagraph shall be inserted:

Ukraine may only reintroduce the visa requirement for citizens or certain categories of citizens of all Member States and not for citizens or certain categories of citizens of individual Member States.

(3) In Article 2(1) and (2), the word 'Community' shall be replaced by the words 'European Union'.

(4) In Article 3 point (e), the word 'Community' shall be replaced by the words 'European Union'.

(5) Article 4(1) shall be amended as follows:

(a) point (c) shall be replaced by the following:

'(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, destination(s), and frequency of the trips;'

(b) point (e) shall be replaced by the following:

'(e) for journalists and the technical crew accompanying them in a professional capacity:

— a certificate or other document issued by a professional organisation or the applicant's employer proving that the person concerned is a qualified journalist and stating that the purpose of the journey is to carry out journalistic work or proving that the person is a member of the technical crew accompanying the journalist in a professional capacity;'

(c) point (i) shall be replaced by the following:

'(i) for participants in official exchange programmes organised by twin cities and other municipal entities:

<sup>(1)</sup> OJ L 243, 15.9.2009, p. 1.

- a written request of the Head of Administration/Mayor of those cities or other municipal entities;’;
- (d) point (j) shall be replaced by the following:
- ‘(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 or citizens of the European Union residing in the territory of the Member State of which they are nationals:
- a written request from the host person;’;
- (e) point (m) shall be replaced by the following:
- ‘(m) for visiting for medical reasons and necessary accompanying persons:
- an official document of the medical institution confirming the necessity of medical care in that institution, the necessity of being accompanied and proof of sufficient financial means to pay the medical treatment;’;
- (f) the following points shall be added:
- ‘(n) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:
- a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;
- (o) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:
- a written request from the host organisation confirming that the person concerned is participating in the event;
- (p) for representatives of religious communities:
- a written request from a religious community registered in Ukraine, stating the purpose, duration and frequency of the trips;
- (q) for participants in official European Union cross-border cooperation programmes, such as under the European Neighbourhood and Partnership Instrument (ENPI):
- a written request by the host organisation.’
- (6) In Article 5, paragraphs 1 to 3, shall be replaced by the following:
- ‘1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of five years to the following categories of persons:
- (a) members of national and regional Governments and Parliaments, Constitutional Courts and Supreme Courts, national and regional prosecutors and their deputies, if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties;
- (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 or citizens of the European Union residing in the territory of the Member State of which they are nationals;
- (d) business people and representatives of business organisations who regularly travel to the Member States;
- (e) journalists and the technical crew accompanying them in a professional capacity.
- By way of derogation from the first subparagraph, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period, in particular where
- in the case of the persons referred to in point (a), the term of office,
- in the case of the persons referred to in point (b), the term of the validity of the status as a permanent member of an official delegation,
- in the case of the persons referred to in point (c), the period of validity of the authorisation for legal residence of citizens of Ukraine legally residing in the European Union,
- in the case of the persons referred to in point (d), the term of validity of the status as a representative of the business organisation or the work contract,
- in the case of the persons referred to in point (e), the work contract
- is less than five years.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of 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:

- (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, travelling 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 organised by twin cities and other municipal entities;
- (f) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (g) for participants in official European Union cross-border cooperation programmes, such as under the European Neighbourhood and Partnership Instrument (ENPI);
- (h) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (i) for representatives of religious communities;
- (j) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States;
- (k) persons needing to visit regularly for medical reasons and necessary accompanying persons.

By way of derogation from the first subparagraph, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of two years and a maximum of five 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 unless the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.'

(7) Article 6 shall be amended as follows:

(a) paragraph 3 shall be replaced by the following:

'3. The Member States shall charge a fee of EUR 70 for processing visas in cases where, based on the distance between the applicant's place of residence and the place where the application has been submitted, the applicant has requested that a decision on the application be taken within three days of its submission, and the consulate has accepted to take a decision within three days.;

(b) in paragraph 4,

(i) the introductory words shall be replaced by the following:

'4. Without prejudice to paragraph 5 fees for processing the visa application are waived for the following categories of persons:;

(ii) in point (a) the following words shall be added:

'or citizens of the European Union residing in the territory of the Member State of which they are nationals';

(iii) in point (i) the following words shall be added:

'and other municipal entities';

(iv) in point (j) the following words shall be added:

'and the technical crew accompanying them in a professional capacity';

(v) the following points shall be added:

'(o) representatives of the religious communities;

(p) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States;

(q) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations;

(r) representatives of civil society organisations undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;

(s) for participants in official European Union cross-border cooperation programmes, such as under the European Neighbourhood and Partnership Instrument (ENPI).;

(vi) the following subparagraph shall be added:

'The first subparagraph shall apply also where the purpose of the journey is transit.'

(c) the following paragraph shall be added:

'5. If a Member State cooperates with an external service provider in view of issuing a visa the external service provider may charge a service fee. This fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30. The Member States shall maintain the possibility for all applicants to lodge their applications directly at their consulates. If applicants are required to obtain an appointment for the lodging of an application the appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested.'

(8) Article 10 shall be amended as follows:

(a) the title shall be replaced by the following:

'Diplomatic and service passports';

(b) in paragraph 2, which shall be renumbered 3, the words 'in paragraph 1' shall be replaced by the words 'in paragraphs 1 and 2';

(c) a new paragraph 2 shall be inserted as follows:

'2. Citizens of Ukraine who are holders of valid biometric service passports can enter, leave and transit through the territories of the Member States without visas.'

(9) Article 12(1) shall be amended as follows:

(a) in the first sentence the word 'Community' shall be replaced by the word 'Union';

(b) in the second sentence, the word 'Community' shall be replaced by the words 'European Union' and the words 'Commission of the European Communities' by the words 'European Commission'.

(10) Article 13 shall be amended as follows:

(a) the existing paragraph shall be numbered as paragraph 1;

(b) the following paragraph shall be added:

'2. The provisions of bilateral Agreements or arrangements between individual Member States and Ukraine concluded before the entry into force of this Agreement providing for the exemption of the holders of non-biometric service passports from the visa requirement shall continue to apply without prejudice to the right of the Member States concerned or Ukraine to denounce or suspend these bilateral agreements or arrangements.'

#### *Article 2*

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 last Party notifies the other that the procedures referred to above have been completed.

Done at Brussels, on the 23rd day of July in the year two thousand and twelve, in duplicate 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 those texts being equally authentic.

За Европейския съюз  
 Por la Unión Europea  
 За Evropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Per l'Unione europea  
 Eiropas Savienības vārdā –  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Ghall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen  
 За Європейське Співтовариство




За Україна  
 Por Ucraina  
 За Ukrajinu  
 For Ukraine  
 Für die Ukraine  
 Ukraina nimel  
 Για την Ουκρανία  
 For Ukraine  
 Pour l'Ukraine  
 Per l'Ucraina  
 Ukrainas vārdā  
 Ukrainos vardu  
 Ukrajna részéről  
 Ghall-Ukrajna  
 Voor Oekraïne  
 W imieniu Ukrainy  
 Pela Ucrânia  
 Pentru Ucraina  
 Za Ukrajinu  
 Za Ukrajino  
 Ukrainan puolesta  
 På Ukrainas vägnar  
 За Україну



**EUROPEAN UNION DECLARATION ON DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS**

The European Union will establish a harmonised list of supporting documents, in accordance with Article 48(1)(a) of the Visa Code, in order to ensure that applicants from Ukraine are required to submit, in principle, the same supporting documents.

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**EUROPEAN UNION DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS**

The European Union takes note of the suggestion of Ukraine to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that Ukraine attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of Ukraine legally residing in the territories of Member States or with citizens of the European Union residing in the territory of the Member State of which they are nationals, the European Union invites the Member States' consular offices to make full use of the existing possibilities in the Visa Code for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and, where appropriate, the issuing of multiple-entry visas.

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**EUROPEAN UNION DECLARATION ON ARTICLE 10 (2) OF THE AGREEMENT**

The European Union may invoke a partial suspension of the Agreement and in particular of Article 10(2), in accordance with the procedure set up by Article 14(5) of the Agreement, if the implementation of Article 10(2) is abused by Ukraine or leads to a threat to public security. If the implementation of Article 10(2) is suspended, the European Union shall initiate consultations in the framework of the Committee set up by the Agreement with a view to solving the problems that led to the suspension.

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**JOINT DECLARATION CONCERNING SWITZERLAND AND LIECHTENSTEIN**

The Parties take note of the close relationship between the Union and Switzerland and Liechtenstein, particularly by virtue of the Agreement of 26 October 2004 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 Switzerland and Liechtenstein and Ukraine conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the amended Agreement.

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