



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Civil Liberties, Justice and Home Affairs*

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**2012/0138(NLE)**

21.1.2013

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## **DRAFT RECOMMENDATION**

on the draft Council decision 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 (12282/2012 – C7-0200/2012 – 2012/0138(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Claude Moraes

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision 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  
(12282/2012 – C7-0200/2012 – 2012/0138(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (12282/2012),
  - having regard to 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 (11044/2012),
  - having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C7-0200/2012),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0000/2013);
1. Consents to conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Ukraine.

## EXPLANATORY STATEMENT

The Visa Facilitation Agreement between the European Community and the Ukraine has been in force since 1st January 2008. This agreement has been extremely successful with a low visa refusal rate of 3.3%. Despite these successes, an evaluation of the functioning of the agreement highlighted some additional amendments that should be made to correct any misrepresentations or differences in interpretations of the text.

This amended Visa Facilitation Agreement between the European Union and Ukraine builds on the successes of the original agreement and offers substantial improvements for Ukrainian citizens. Some of the key amendments to the agreement are as follows:

- Simplified requirements for documents regarding the purpose of the journey for a wider category of applicants including representatives of civil society organisations, technical crew accompanying journalists and members of professions participating in international exhibitions, conferences and seminars.
- Provisions on the period of validity of multiple-entry visas have been clarified and made much more concise.
- The system of implementing an urgency fee has been reviewed to introduce improved provisions. The urgency fee is now abolished for people who submit last minute applications, but introduced, when applicants make a last minute request because they live a long distance from a consulate.
- Clarifications on provisions concerning the cost of outsourcing. In the original agreement, doubts had been raised on the legality of the extra service fee attached for outsourcing given that it would raise the price of a visa above the €35 figure as stated in the agreement.
- Member States have endorsed widening the scope of the agreement to include Visa Waiver for Service Passport holders if it is a biometric passport. As a safeguard, the agreement includes a Declaration that the EU will revoke this provision should there be any abuse of this visa waiver or problems associated for public order reasons.

The establishment of a visa free regime for Ukrainian citizens travelling to EU countries should not depend on the political climate of the EU-Ukraine relations. Ukrainians, like citizens of the EU countries travelling to Ukraine, should have the right of visa free travel within the EU as stipulated under the terms of this agreement.

A visa facilitation agreement is of great significance in people's lives and strengthens contacts between people making it easier for ordinary citizens to travel. The changes in this agreement facilitate travelling for representatives of civil society, NGO's, journalists and young people. A joint commitment between the EU and Ukraine can effectively contribute to the development of democracy, the rule of law and human rights by promoting easier contact and travel for people between the two contacting states.

The Rapporteur proposes that, in view of these positive improvements, the European Parliament should support the consent of this agreement.