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DRAFT RECOMMENDATION

on the proposal for a Council decision on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas
(COM(2013)0742 – C7-xxxx/xxxx – 2013/0356(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mariya Gabriel

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.)

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas

(COM(2013)0742 – C7-xxxx/xxxx – 2013/0356(NLE))

(Consent)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2013)0742),
 - having regard to the draft Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas (xxxxx/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-xxxx/xxxx),
 - 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 (A7-0000/2014),
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 the Republic of Azerbaijan.

EXPLANATORY STATEMENT

The EU's relations with the Republic of Azerbaijan began in 1996 with the signature of the Partnership and Cooperation Agreement (PCA). Then, following the 2004 and 2007 enlargements, the EU launched the European Neighbourhood Policy (ENP), in which the Republic of Azerbaijan has participated since 2004 and which aims to strengthen relations with neighbouring countries to the east and south in order to promote prosperity, stability and border security. In 2009 the EU launched a new initiative in this field with the aim of deepening relations with certain countries to the east: the Eastern Partnership. An Association Agreement was signed in Prague on 7 May 2009, which also included the Republic of Azerbaijan. The Partnership aims to create the necessary conditions to accelerate political association and economic integration between the EU and the participating countries. Visa liberalisation and citizens' mobility are an integral part of the Partnership.

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 citizens' mobility in a secure environment and reaffirmed their intention to take gradual steps towards a visa facilitation regime. According to the common approach for the development of EU policy on this matter, a visa facilitation agreement cannot be signed without an agreement on the readmission of persons residing without authorisation being in place.

On this basis, the Commission presented, on 16 September 2011, a recommendation to the Council requesting authorisation to open negotiations with the Republic of Azerbaijan on a visa facilitation agreement and an agreement on the readmission of persons residing without authorisation. On 19 December 2011 the Council officially authorised the Commission to negotiate the two agreements between the EU and Azerbaijan.

In February 2012 the Commission transmitted a draft text to the Azerbaijan authorities. On 1 and 2 March 2012 the first round of official negotiations took place in Baku. There were three further rounds of negotiations, the last in Brussels on 12-13 March 2013. On 29 July 2013 the agreed text was signed in Brussels.

The visa facilitation agreement and the readmission agreement operate in tandem. Azerbaijan signed a visa facilitation agreement at the Eastern Partnership Summit in Vilnius on 28 and 29 November 2013. The readmission agreement with Azerbaijan is due to be signed soon, after the expiry of the three-month deadline for the opt-in of the UK and Ireland and the Council's decision on this.

The process of deepening relations between the EU and Azerbaijan is sure to help extend the frontiers of the area of freedom, security and justice. The rapporteur is of the view that, in line with the opinion of the Commission and the Council and taking into account the opinion of Parliament's Committee on Foreign Affairs, Azerbaijan is, after several rounds of negotiations, now ready to sign the Visa Facilitation Agreement and the Agreement on the Readmission of Persons Residing without Authorisation.

The conclusion of these agreements is a step forward in cooperation in the field of mobility.

As a result of the new rules introduced in the agreements, procedures will be simpler and faster. In addition, the conclusion of the agreements stems from the determination shown by the EU and Azerbaijan over years of continuous, far-reaching rapprochement. They are thus of political and procedural importance.

In terms of practical arrangements for the Visa Facilitation Agreement, the deadline for reaching a decision on whether or not to issue a visa shall be 10 calendar days. This period may be extended in certain cases to a maximum of 30 calendar days, and in the event of an emergency it can be reduced to two working days.

The cost of processing visa applications for citizens of the EU and Azerbaijan shall be EUR 35. There are some exceptions, and certain categories of people are exempt from the fee.

The documents required to be submitted together with a visa application are simplified for certain categories of people, such as close relatives, businesspeople, members of official delegations, school pupils and students, participants in scientific, cultural or sporting events, journalists, representatives of civil society, members of the liberal professions, people intending to visit a civil or military cemetery, drivers conducting international cargo and passenger transportation services, participants in official exchanges organised by twinned towns, and people visiting for medical reasons.

The conditions for issuing multiple-entry visas are simplified, for example in the case of members of official delegations and their families, and for certain other categories.

Holders of diplomatic passports are exempted from the visa requirement for short-stays.

Annexed to the Agreement are: a protocol for states which are not full members of Schengen; a declaration concerning holders of diplomatic passports; a declaration on cooperation and information exchange concerning travel documents; and a declaration on the possibility for Azerbaijan and the Member States to sign bilateral visa exemption agreements for holders of official passports.

The specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble. There is also an annex containing a declaration concerning the close association of Iceland, Norway and Switzerland to the implementation, application and development of the Schengen acquis.

The rapporteur is very keen for the European Parliament to be involved in and informed about the opening and progress of the negotiations towards the signature of such agreements. Accordingly the rapporteur recommends that Parliament monitor the application of these agreements. The rapporteur highlights the fact that the European Union is represented only by the Commission, assisted by experts from Member States, on the Joint Readmission Committee. As the institution which represents European citizens and as the defender of democracy and the principles of the European Union, the European Parliament could be involved in the work of the Joint Committee. The rapporteur encourages the Commission to

review the composition of the joint management committees in future agreements. The rapporteur calls on the Commission to inform the European Parliament, at every stage, of the outcome of the implementation of the agreements, in accordance with the principle of cooperation between the institutions.

Finally, the rapporteur recommends that the members of Parliament's Committee on Civil Liberties, Justice and Home Affairs support this report and that the European Parliament give its consent.