



**2018/0084(NLE)**

19.11.2018

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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 Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on a short-stay visa waiver for holders of ordinary passports (COM(2018)0175 – C8-0000/2018 – 2018/0084(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Traian Ungureanu

***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 proposal for a Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on a short-stay visa waiver for holders of ordinary passports  
(COM(2018)0175 – C8-0000/2018 – 2018/0084(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2018)0175),
  - having regard to the draft agreement between the European Union and the Federative Republic of Brazil amending the agreement between the European Union and the Federative Republic of Brazil on a short-stay visa waiver for holders of ordinary passports (0000/2018),
  - 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)(v), of the Treaty on the Functioning of the European Union (C8-0000/2018),
  - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2019),
1. Gives its consent 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 the Federative Republic of Brazil.

## EXPLANATORY STATEMENT

Regulation (EU) No 610/2013 of 26 June 2013 has introduced horizontal changes in the EU's "internal" visa and borders acquis and - among others - re-defined the concept of 'short-stay' for third-country nationals in the Schengen area.

Contrary to the definition in force until 18 October 2013, namely 'three months during a six months period from the date of first entry', the new concept '90 days in any 180-day period' is more precise by setting the duration in days, instead of months. Moreover, the term 'from the date of first entry' which gave rise to many uncertainties and questions has been dropped from the definition.

In order to ensure legal coherence and in light of harmonizing the Union's short-stay regime, it is necessary to amend the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports and to incorporate the new definition.

The negotiations for amending the visa waiver agreement with Brazil were successfully finalised on 31 October 2017 and both parties agreed to adopt the new definition of 'short-stay'.

The Council will decide by qualified majority after the signing of the agreement, on behalf of the Union and only after having obtained the consent of the European Parliament in accordance with point (a) of the second subparagraph of Article 218(6) TFEU.

In light of the above-mentioned considerations, 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 gives its consent.

### Specific provisions

The specific situation of the United Kingdom and Ireland is taken into account in the preamble. Thus the United Kingdom and Ireland will not participate in the agreement which has been concluded and are not subject to its provisions.

The close involvement of Norway, Iceland, Switzerland and Liechtenstein with the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration annexed to the Agreement. The declaration encourages the authorities of those countries to accordingly modify their existing bilateral agreements with Brazil on the short-stay visa waiver.

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