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REPORT

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and Republic of Moldova on the facilitation of issuance of short-stay visas
(COM(2007)0488 – C6-0339/2007 – 2007/0175(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Marian-Jean Marinescu

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6
OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS	10
PROCEDURE.....	13

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and Republic of Moldova on the facilitation of issuance of short-stay visas

(COM(2007)0488 – C6-0339/2007 – 2007/0175(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2007)0488),
 - having regard to Article 62(2)(b)(i) and (ii) and Article 300(2), first subparagraph, first sentence, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0339/2007),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A6-0426/2007),
1. Approves the conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Republic of Moldova.

EXPLANATORY STATEMENT

Background

Negotiations with the Republic of Moldova on the facilitation of the issuance of short-stay visas and readmission were conducted by the Commission between the 9 February 2007 and the 17 April 2007, following the authorization given by the Council. The agreements were signed on the 10 October 2007, and the Parliament is now consulted on the proposal for Council Decision on the conclusion of these two agreements. The Committee of civil liberties, justice and home affairs and its rapporteur, aware of the importance of the entry into force in January 2008, have agreed to work according to an accelerated calendar, in order to avoid any delays and to allow the conclusion of the agreements in November 2007.

Content of the agreement

The purpose of this agreement is to facilitate the issuance of visas to the citizens of the Republic of Moldova for an intended stay of no more than 90 days per period of 180 days.

This facilitation is done, among others, by reducing the period for taking a decision on the issuance of visas. The decision on whether or not to issue a visa will in principle have to be taken within 10 calendar days. In urgent cases, this period may be reduced to 2 working days or even less. However, when further scrutiny is needed in order to take the decision, the period may be extended up to 30 calendar days.

The visa fee for Moldovan citizens will also be limited to 35 €, instead of the general fee of 60 €. This reduced fee concerns both single and multiple-entry visas. Moreover, certain categories of persons will benefit from a full waiving of the visa fee: close relatives, officials participating in government activities, students, disabled persons, humanitarian cases, persons participating in cultural, educational exchange programs and sport or cultural events, journalists, children, pensioners, etc.

The documents to be presented regarding the purpose of the journey have been simplified for some categories of persons, such as members of official delegations, business people, journalists, participants in scientific, cultural and sporting events, students, participants in exchange programs, close relatives, representatives of civil society, persons visiting for medical reasons. For these categories of persons, only few documents can be requested in order to issue the visa. For example, for persons participating in scientific, cultural and artistic activities, including university and other exchange programs, only a written request from the host organisation is needed.

There are also simplified criteria for issuing multiple-entry visas for specific categories of persons, such as members of official delegations, representatives of civil society, etc.

Finally, citizens of the Republic of Moldova who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

Observations by the rapporteur

Since the enlargement of the EU to Romania and Bulgaria, the Republic of Moldova became the immediate neighbour of the EU.

The conclusion of the agreement on visa facilitation offers the opportunity for the EU and the Republic of Moldova to avoid the creation of new dividing lines between the EU and its neighbour. It represents an encouraging step forward, given the European aspirations of the Republic of Moldova and will promote friendly relations, stability, security and well-being of the citizens.

The agreement will facilitate the people-to-people contacts, which is an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties.

It is also a step forward and an encouragement for the Republic of Moldova to deepen the cooperation with its neighbours and with the EU and to implement the reforms needed in the area of freedom, security and justice. In that sense, several priorities for action should be reminded:

- sustained efforts towards a viable solution to the Transnistria conflict – there are still concerns about border management along the Transnistrian section as well as control over goods and people;
- progress towards a system of efficient, comprehensive state border management on all sectors of the Moldovan border – there are still challenges in terms of infrastructure and equipment;
- stepping up the fight against organised crime, including trafficking in human beings – the Republic of Moldova has taken steps to combat trafficking in human beings (by establishing a Centre for fighting against trafficking, ratifying relevant international conventions and adopting legislation and action plans), but this remains an issue of concern.
- ensuring the efficient management of migratory flows;
- further reinforcing administrative and judicial capacity.

The agreement places the Republic of Moldova in a similar situation as Ukraine and Russia as concerns the visa facilitation. These two countries have already signed visa facilitation agreements with the EU. As Moldovan law allows for double citizenship, many Moldovans have a second passport, be it Russian, Ukrainian or Romanian. The conclusion of the visa facilitation agreement with the Republic of Moldova would avoid the situation in which Moldovan nationals holding a Russian / Ukrainian passport would enjoy greater freedom of travel than others. It would also avoid encouraging Moldovans to apply for Russian or Ukrainian citizenship in order to benefit from the visa facilitation.

The rapporteur welcomes the decision by the Republic of Moldova to exempt, as from 1 January 2007, EU citizens from the visa requirement when travelling to the Republic of Moldova. Romania's decision to continue issuing visas for citizens of the Republic of Moldova without any fee is also to be welcomed.

In order to inform people of the new situation, information campaigns are highly needed in the Republic of Moldova, in order to allow people to take the advantage of the new possibilities. In addition, the changes in the visa policy should also appear as soon as possible on the European institutions websites.

The rapporteur welcomes the initiative of setting up a Common Visa Application Centre in Chişinău, which opened in April 2007 and would like to remind that an increase of the number of consulates of the EU member states in Chisinau would improve the access of the Moldovan citizens to EU visas. Also, given the very high demand on visas for travelling to Romania, the Romanian authorities proposed the opening of two supplementary consular offices, in Cahul and Balti, in order to cover the whole area of the Republic of Moldova and to improve even better the access of Moldavian people to visas. The rapporteur regrets the lack of cooperation of the Moldovan authorities on this matter and the refusal of authorisation from the Moldovan authorities on the opening of these supplementary offices.

Recommendations of the rapporteur

1. In the agreements with the Republic of Moldova, a reference to a “Moldovan” language is made, in the sentence “Done at ... on the ... day of ... in the year ... in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Moldovan, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.”

While reiterating its support for the conclusion and the implementation of the agreement on visa facilitation and on readmission and its commitment to fully apply their provisions, Romania underlines that its participation to the said agreements does not imply whatsoever any recognition or acknowledgement of the name of the language referred to as "Moldovan". Romania reiterates that, according to the facts and scientific evidence, including the interpretation of the Academy of Science of the Republic of Moldova (issued in September 1994), the correct name of the language is Romanian.¹

The rapporteur fully endorses this official declaration of Romania put forward in the Council on the 9 October 2007 and reminds that the same declaration has also been made by the Romanian authorities concerning *the Protocol to the Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on accession of the Republic of Bulgaria and Romania to the PCA.*²

¹ Declaration of Romania related to final clause of the Visa and Readmission Agreements between the EC and the Republic of Moldova - statement to be entered into the Council's minutes, see Council doc 13021/1/07 REV 1

² Council doc 12489/07 ADD 1.

The rapporteur takes note that in all the 9 agreements with the Western Balkans countries, the Commission used the more neutral formulation “Done at on the day of in the year in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.”

He regrets that this formulation was not used in the case of the agreements with the Republic of Moldova and, for the future, recommends the use of such neutral formulations in case of sensitive contexts, such as the present case.

2. The rapporteur recommends to the committee monitoring implementation of these agreements as well as to the European Commission to identify, once the agreements are implemented, any barrier to the correct application of these agreements, at the level of the consulates and at the level of the border crossing.

3. The rapporteur regrets the insufficient involvement and information of the European Parliament, as concerns the opening of the negotiations on such agreements and the negotiations of such agreements. Directly representing the citizens of Europe, the Parliament has an essential role to play in strengthening the accountability of the EU's external action and the democratic control. The LIBE Committee expects from the European Commission to provide the Parliament with information on the results of the implementation of the agreements, in application of the principle of cooperation in good faith between institutions.

9.10.2007

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Moldova on the facilitation of issuance of short-stay visas
(COM(2007)0488 – C6-0339/2007 – 2007/0175(CNS))

Draftsman: Jan Marinus Wiersma

SHORT JUSTIFICATION

Your draftsman welcomes the swift conclusion of the negotiations on an agreement between the European Community and the Republic of Moldova on the facilitation of issuance of short-stay visas, in parallel with a readmission agreement. Going beyond the priorities set out in the European Neighbourhood Action Plan for Moldova, the agreement offers Moldovan citizens a tangible benefit of closer cooperation between the EU and Moldova.

The agreement puts the Republic of Moldova on a par with its neighbour Ukraine and tackles some of the adverse effects on the cross-border mobility of Moldovan citizens which resulted from Romania's accession to the European Union on 1 January 2007. It also avoids the situation in which Moldovan nationals holding a Russian passport would enjoy greater freedom of travel than others.

The Moldovan government should undertake all reforms necessary to allow an extension of the visa facilitation regime to more categories of travellers and to open the way for full visa liberalisation in the future, which is recognised in the agreement as a long term objective. Such a development could help to reduce the number of third-country passports held by Moldovan citizens, and thus also improve the cohesion of the country.

Your draftsman hopes that the agreement can make a positive contribution to the further intensification of ties between the EU and Moldova. Such intensification cannot, however, be disconnected from the overall stabilisation of the country, which depends on the efforts undertaken by the Moldovan government to implement democratic reforms as set out in the Action Plan and a peaceful and comprehensive settlement of the Transnistrian conflict within

the framework of respect for the territorial integrity of Moldova.

Your draftsman also welcomes in particular the initiative of setting up a Common Visa Application Centre in Chişinău, which opened in April 2007. This novel form of consular cooperation between EU Member States and a host country considerably reduces the transaction costs of obtaining a Schengen visa. This is particularly important for the citizens of a small country, where only a minority of the EU Member States have a full diplomatic presence. It also offers the opportunity to enhance the visibility of the European Union in third countries. Your draftsman hopes that the experience obtained in Chişinău will lead to the opening of other such centres, and encourages Member States to join the initiative.

Your draftsman calls on both parties to proceed to a swift ratification so that the two agreements can enter into force on 1 January 2008.

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose approval of the Commission proposal.

PROCEDURE

Title	Agreement between the EC and Moldova on short-stay visas
References	COM(2007)0488 - 2007/0175(CNS)
Committee responsible	LIBE
Opinion by Date announced in plenary	AFET
Drafts(wo)man Date appointed	Jan Marinus Wiersma 12.9.2007
Discussed in committee	9.10.2007
Date adopted	9.10.2007
Result of final vote	+: 8 -: 0 0: 0
Members present for the final vote	Cristian Silviu Buşoi, Michael Gahler, Anna Ibrisagic, Ioan Mircea Paşcu, Samuli Pohjamo, Charles Tannock, Josef Zieleniec
Substitute(s) present for the final vote	Luis Yañez-Barnuevo García

PROCEDURE

Title	Agreement between the EC and Moldova on short-stay visas	
References	COM(2007)0488 - C6-0339/2007 - 2007/0175(CNS)	
Date of consulting Parliament	10.10.2007	
Committee responsible Date announced in plenary	LIBE 10.10.2007	
Committee(s) asked for opinion(s) Date announced in plenary	AFET 10.10.2007	
Rapporteur(s) Date appointed	Marian-Jean Marinescu 3.10.2007	
Discussed in committee	2.10.2007	5.11.2007
Date adopted	5.11.2007	
Result of final vote	+: 23 -: 1 0: 0	
Members present for the final vote	Alexander Alvaro, Philip Bradbourn, Jean-Marie Cavada, Carlos Coelho, Elly de Groen-Kouwenhoven, Esther De Lange, Bárbara Dührkop Dührkop, Claudio Fava, Kinga Gál, Roland Gewalt, Lilli Gruber, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Sarah Ludford, Javier Moreno Sánchez, Inger Segelström, Károly Ferenc Szabó, Ioannis Varvitsiotis, Manfred Weber	
Substitute(s) present for the final vote	Edit Bauer, Gérard Deprez, Sophia in 't Veld, Metin Kazak, Marian-Jean Marinescu, Jan Zahradil	