COMMISSION OF THE EUROPEAN COMMUNITIES

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2007/0149 (CNS)

Proposal for a

COUNCIL DECISION

on the signature of the Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. POLITICAL AND LEGAL BACKGROUND

The importance of a dialogue on visa issues, for the Republic of Montenegro as well as for all the other Western Balkan countries, was reaffirmed in the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003, which confirmed also the European perspective of the countries of the Western Balkans. As concerns the visa issues, the "Thessaloniki agenda" confirmed that the perspective of visa liberalisation for the Western Balkan countries is a long-term goal linked to the progress of the countries concerned in implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration and the strengthening of their administrative capacity in border control and security of documents.

Given the European perspective of the country, the authorities of the Republic of Montenegro focused their interest on the possibility of obtaining facilitation of short-stay visa issuing procedures for its citizens as an immediate, transitional step towards the lifting of the visa obligation which remains a medium-term perspective.

For the European Community, visa facilitation agreements represent a new instrument in the framework of the European short-stay visa policy: in the **Hague Programme,** the Council and the Commission are invited to examine with a view to developing a common approach "whether in the context of the EC readmission policy it would be opportune to facilitate, on a case by case basis, the issuance of short-stay visas to third-country nationals, where possible and on a basis of reciprocity, as part of a real partnership in external relations, including migration-related issues". The EU developed and used this instrument for the first time in its relations with the Russian Federation and with Ukraine.

In December 2005, at the level of Coreper, Member States agreed on a common approach for the development of the EU policy on visa facilitation and identified key elements to be taken into account when deciding to open negotiations on visa facilitations with third countries.

Following the authorization given by the Council to the Commission on 13 November 2006, negotiations with the Republic of Montenegro on the facilitation of the issuance of short-stay visas were opened in Brussels on 15 December 2006, back-to-back with the continuation of negotiations on a readmission agreement. Two further rounds of negotiations were held on 6 February 2007 and 11 April 2007 in Brussels, in parallel ("back-to-back") with negotiations on an EC-Montenegro readmission agreement. Moreover, formal negotiations were occasionally prepared by informal expert meetings.

At the last formal round on 11 April 2007, the final texts of the visa facilitation and readmission agreements were initialled at technical level. At political level an initialling ceremony took place at Zagreb on 13 April 2007.

The European Commission has already negotiated a visa facilitation agreement with two third countries (the Russian Federation and Ukraine). The experience acquired in previous negotiations has been useful for the negotiations with the Republic of Montenegro.

Member States have been regularly informed and consulted in relevant Council Working

groups and committees at all stages of the negotiations.

On the part of the Community, the legal basis for the Agreement is Article 62(2)(b), in conjunction with Article 300 TEC.

The attached proposals constitute the legal instruments for the signature and conclusion of the Agreement. The Council will decide by qualified majority. The European Parliament will have to be formally consulted on the conclusion of the Agreement, in accordance with Art. 300(3) TEC.

The proposed decision concerning the conclusion sets out the necessary internal arrangements for the practical application of the Agreement. In particular, it specifies that the European Commission, assisted by experts from Member States, represents the Community within the Joint Committee set up by Article 12 of the Agreement.

Under Article 12(4), the Joint Committee may adopt its own rules of procedure. The Community position in this regard shall be established by the Commission in consultation with a special committee designated by the Council.

European citizens[1] are exempt from the visa obligation by the Republic of Montenegro. In this respect, the draft agreement on visa facilitation states in Article 1(2) that if the Republic of Montenegro would reintroduce the visa requirement for EU citizens, the same facilitations granted under the agreement to the citizens of the Republic of Montenegro would apply automatically, on the basis of reciprocity, to EU citizens.

2. OUTCOME OF NEGOTIATIONS

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft visa facilitation agreement is acceptable to the Community.

The final content of it can be summarised as follows:

– in principle, for all visa applicants, a decision on whether or not to issue a visa will have to be taken within 10 calendar days. This period may be extended up to 30 calendar days when further scrutiny is needed. In urgent cases, the period for taking a decision may be reduced to three working days or less;

– the visa fee for processing applications of Montenegrin citizens shall amount to 35 €. This fee will be applied to all Montenegrin visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiving of the visa fee: close relatives, officials participating in government activities, students, disabled persons, judges, journalists, representatives of the religious communities, representatives of civil society, members of the professions, members of train crews, pensioners, children under the age of 6, humanitarian cases and persons participating in cultural, educational exchange programmes and sport or cultural events;

[1] The Republic of Montenegro announced its intention to exempt by unilateral Decision the Romanian citizens from the Visa Obligation. A Community Declaration is annexed to the agreement linking the ratification of the Visa Facilitation Agreement to the adoption by the Republic of Montenegro of the Decision exempting the Romanian citizens from the visa obligation.

– the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives, business people, members of official delegations, students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of the religious communities, representatives of civil society, members of the professions, drivers conducting international cargo and passenger transportation services, judges and persons visiting for medical reasons. For these categories of persons, only the documents listed in the agreement can be requested for justifying the purpose of the journey. No other justification, invitation or validation provided for by the legislation of the Member States is required;

– there are also simplified criteria for issuing multiple-entry visas for the following categories of persons:

a) for members of national government and parliament, Constitutional and Supreme Court, president of the Court of Appeals, president of the Administrative Court, permanent members of official delegations and spouses and children visiting citizens of the Republic of Montenegro legally residing in the Member States: visa valid up to five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence);

b) participants in scientific, cultural, official exchange programmes and sport events, journalists, business people, representatives of the religious communities, representatives of civil society, members of the professions, judges, professional drivers and train crews, students and persons visiting for medical reasons, provided that during the previous two years they have made good use of a 1 year multiple-entry visa and the reasons for requesting a multiple-entry visa are still valid: visas valid for a minimum of 2 years and a maximum of 5 years are issued;

– citizens of the Republic of Montenegro who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays;

– for citizens of the Republic of Montenegro who are holders of valid service passports the bilateral Agreements signed before 1 January 2007 continue to apply for a period of 5 years. A Declaration attached to the Agreement provides the assessment of the service passports system at the latest 4 years after the entry into force of the Agreement;

– a protocol was agreed stating that Member States that do not fully apply the Schengen acquis yet, may unilaterally recognise Schengen visas and residence permits issued to Montenegrin citizens for the purpose of transit through their territory in accordance with European parliament and Council Decision N°895/2006/EC of 14 June 2006[2]. A reference to the future amendment of the Decision (EC) 895/2006 for covering Bulgaria and Romania is added;

– a European Community Declaration is attached to the Agreement on access of visa applicants to information and harmonisation of information procedures for issuance of short-stay visas;

– replying to the specific requests formulated by the Republic of Montenegro, European Community Declarations are attached to the Agreement on facilitations for family members

[2] OJ L167, 20.6.2006, p.1.

(not covered by the legally binding provisions of the Agreement), for bona fide applicants and for seamen.

For all issues that are not covered by the Agreement the normal Schengen rules or national law continue to apply, such as the refusal of the visa, recognition of travel documents, proof of sufficient means of subsistence, the possibility in the case of doubts to invite applicants for a personal interview in individual cases but also the already existing flexibilities for bona fide travellers.

The specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble and in two joint declarations attached to the Agreement. The close association of Norway and Iceland to the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration to the Agreement.

Since the two agreements on visa facilitation and readmission are linked, both agreements should be signed, concluded and enter into force simultaneously.

3. CONCLUSIONS

In the light of the above-mentioned results, the Commission proposes that the Council

– decide that the Agreement be signed on behalf of the Community and authorise the President of the Council to appoint the person(s) duly empowered to sign on behalf of the Community;

– approve, after consultation of the European Parliament, the attached Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of short-stay visas.

Proposal for a

COUNCIL DECISION

on the signature of the Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission[3],

Whereas:

(1) By its decision of 13 November 2006, the Council authorised the Commission to negotiate an agreement between the European Community and the Republic of Montenegro regarding the facilitation of the issuance of short-stay visas.

(2) Negotiations on the agreement were opened on 15 December 2006 and concluded on 11 April 2007.

(3) Subject to its possible conclusion at a later date, the Agreement initialled at technical level in Brussels on 11 April and at political level in Zagreb on 13 April 2007, should be signed…..

(4) 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, the United Kingdom and Ireland do not take part in the adoption of this Decision and are therefore not bound by it or subject to its application.

(5) In accordance with the Protocol on the position of the 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 therefore not bound by it or subject to its application

HAS DECIDED AS FOLLOWS:

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[3] OJ C, p. .

Sole Article

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community, the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of short-stay visas and the related documents consisting of the text of the agreement, a Protocol and the declarations.

Done in Brussels, the……..of……2007.

For the Council
The President

2007/0149 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(i) and (ii), 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[4],

Having regard to the opinion of the European Parliament[5]

WHEREAS:

(1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Montenegro on the facilitation of the issuance of short-stay visas;

(2) This Agreement has been signed, on behalf of the European Community, on …….2007 subject to its possible conclusion at a later date, in accordance with Decision……../……/EC of the Council of [……].

(3) This 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, the United Kingdom and Ireland do not take part in the adoption of this Decision and are therefore not bound by it or subject to its application.

(6) In accordance with the Protocol on the position of the 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 therefore not bound by it or subject to its application.

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4 OJ C…

5 OJ C…

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of short-stay 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[6].

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.

Article 5

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

Done in Brussels, the……of……2007.

For the Council
The President

[6] 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].

Annex

AGREEMENT

between

the European Community and the Republic of Montenegro

on the facilitation of the issuance of visas

THE EUROPEAN COMMUNITY hereinafter referred to as "*the Community*";

and

THE REPUBLIC OF MONTENEGRO,

hereinafter referred to as the Parties;

Having regard to the European perspective of the Republic of Montenegro, the Stabilisation and Association Agreement (SAA) negotiations between the European Community and the Republic of Montenegro;

Reaffirming, the intention to cooperate closely within the framework of the future SAA structures for the liberalization of the visa regime between the Republic of Montenegro and the European Union, in line with the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003;

Desiring, as a first concrete step towards the visa free travel regime, 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 citizens of the Republic of Montenegro;

Bearing in mind that, all EU citizens are exempted from the visa requirement when travelling to the Republic of Montenegro for a period of time not exceeding 90 days or transiting through the territory of the Republic of Montenegro;

Recognising that if the Republic of Montenegro was to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of The Republic of Montenegro would automatically, on the basis of reciprocity, apply to EU citizens;

Recognising that visa facilitation should not lead to illegal migration and paying special attention to security and readmission;

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 the Republic of Montenegro.

2. If the Republic of Montenegro was to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Montenegro 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 the Republic of Montenegro 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 citizen law of the Republic of Montenegro, 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 citizen of a Member State as defined in point (a);

c) *"Citizen of the Republic of Montenegro*": shall mean a person who holds the citizenship of the Republic of Montenegro;

d) "*Visa*" shall mean an authorization 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 the Republic of Montenegro authorized 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 - Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Republic of Montenegro the following documents are sufficient for justifying the purpose of the journey to the other Party:

a) members of official delegations who, following an official invitation addressed to the Republic of Montenegro, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:

– a letter issued by an authority from the Republic of Montenegro confirming that the applicant is a member of the its delegation travelling to the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;

b) business people and representatives of business organisations:

– a written request from a host legal person or company, or an office or branch of such legal person or company, state or 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, endorsed by a Chamber of Commerce, the Union of Employers of the Republic of Montenegro or the Montenegro Business Alliance;

c) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro;

– a written request from the national association of carriers of the Republic of Montenegro providing for international road transportation, stating the purpose, duration and frequency of the trips;

d) for members of train, refrigerator and locomotive crews travelling to the territories of the Member States:

– a written request from the competent railway company of the Republic of Montenegro, stating the purpose, duration and frequency of the trips;

e) 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) 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) 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, academy, college or school or student cards or certificates of the courses to be attended;

h) participants in international sports events and persons accompanying them in a professional capacity:

– a written request from the host organisation: competent authorities, National Sports Federations or National Olympic Committees of the Member States;

i) participants in official exchange programs organized by twin cities:

– a written request of the Head of Administration/Mayor of these cities;

j) close relatives – spouse, children (including adopted), parents (including custodians), grandparents and grandchildren visiting citizens of the Republic of Montenegro legally residing in the territory of the Member States:

– a written request from the host person;

k) 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.

l) persons visiting for medical reasons and necessary accompanying persons:

– an official document of the medical institution confirming necessity of medical care in this institution and the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment;

m) persons 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.

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) 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) judges participating in international exchange programmes, symposia, seminars or similar training events held in the territory of the Member States:

– a written request from the host organization to participate in those activities

q) representatives of the religious communities in the Republic of Montenegro:

– a written request from a religious community registered in the Republic of Montenegro, stating the purpose, duration and frequency of trips**;**

r) persons travelling for tourism:

– a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organized trip

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 where relevant the name of the spouse and children accompanying the invited person;

b) for the inviting person – name, surname and address; or

c) for the inviting legal person, company or organisation – full name and address and

– if the invitation is issued by an organisation, the name and position of the person who signs the invitation,

– 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 visa 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 a term of validity of up to five years to the following categories of persons:

a) members of the National Government, Parliament, Constitutional Court and Supreme Court, President of the Court of Appeals, President of the Administrative Court in case they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with the term of validity limited to their term of office if this is less than 5 years;

b) permanent members of official delegations who, following an official invitation addressed to the Republic of Montenegro, shall regularly participate in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental organizations;

c) spouse and children (including adopted), who are under the age of 21 or are dependant, visiting citizens of the Republic of Montenegro legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorization for legal residence.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a 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) members of official delegations who, following an official invitation addressed to the Republic of Montenegro, 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 organizations;

b) business people and representatives of business organizations who regularly travel to the Member States;

c) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro;

d) members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;

e) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;

f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States*;*

g) participants in international sports events and persons accompanying them in a professional capacity;

h) journalists;

i) participants in official exchange programs organized by twin cities;

j) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programs;

k) persons needing to visit regularly for medical reasons and necessary accompanying persons;

l) representatives of religious communities registered in the Republic of Montenegro, who regularly travel to the Member States.

m) representatives of civil society organizations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;

n) judges participating in international exchange programmes, symposia, seminars or similar training events, who regularly travel to the Member States.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of 2 years and a maximum of 5 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 citizens of the Republic of Montenegro shall amount to €35.

   The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

   If the Republic of Montenegro was to reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Montenegro shall not be higher than €35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. Fees for processing the visa application are waived for the following categories of persons:

a) members of the National Government, Parliament, Constitutional Court and Supreme Court, President of the Court of Appeals, President of the Administrative Court**,** persons mentioned in the Article 5, (1). point a) if they are not exempted from the visa requirement by the present Agreement;

b) close relatives - spouse, children (including adopted) parents (including custodians), grandparents and grandchildren visiting citizens of the Republic of Montenegro, legally residing in the territory of the Member States;

c) members of officials delegations who, following an official invitation addressed to the Republic of Montenegro shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations*;*

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 seriously ill close relative;

g) participants in international sports events and persons accompanying them in a professional capacity;

h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;

i) participants in official exchange programmes organized by twin cities;

j) journalists;

k) pensioners;

l) judges participating in international exchange programmes, symposia, seminars or similar training events;

m) representatives of religious communities registered in the Republic of Montenegro;

n) representatives of civil society organizations travelling to attend meetings, seminars, exchange programs or training courses;

o) Members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States;

p) Drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Montenegro;

q) Members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;

r) Children under 6 years of age.

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 to 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 3 working days or less in urgent cases.

Article 8 - Departure in case of lost or stolen documents

Citizens of the European Union and of the Republic of Montenegro who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Montenegro or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Montenegro without any visa or other authorization.

Article 9 - Extension of visa in exceptional circumstances

Citizens of the Republic of Montenegro 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 the Republic of Montenegro, 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 citizen rules and regulations concerning citizen security of the Member States

and subject to EU rules on visas with limited territorial validity, citizens of the Republic of Montenegro shall be entitled to travel within the territory of the Member States on an 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 the Republic of Montenegro. 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 the Republic of Montenegro

1. 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 the Republic of Montenegro, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement.

2. The provisions of bilateral Agreements or arrangements between individual Member States and the Republic of Montenegro signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement, shall continue to apply for a period of 5 years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Montenegro to denounce or suspend these bilateral agreements during this period of 5 years.

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 on the date of the entry into force of the Agreement between the European Community and the Republic of Montenegro 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 citizen 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 in XXX on XXX, in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

For the European Community *For the Republic of Montenegro*

ANNEX

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 citizen visas the validity of which is limited to their own territory.

These Member States may unilaterally recognize Schengen visas and residence permits for the transit through their territory, in accordance with European Parliament and Council Decision Nº 895/2006/EC of 14 June 2006.

As European Parliament and Council Decision Nº 895/2006/EC of 14 June 2006 does not apply to Romania and Bulgaria; similar provisions will be proposed by the European Commission in order to enable these countries to unilaterally recognize Schengen visas and residence permits and other similar documents issued by other Member States not yet fully integrated into the Schengen area for the purpose of transit through their territory.

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 the Republic of Montenegro conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Montenegro.

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 the Republic of Montenegro, conclude bilateral agreements on the facilitation of the issuance of visas.

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 the Republic of Montenegro conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Community and the Republic of Montenegro.

JOINT DECLARATION CONCERNING SWISS CONFEDERATION AND LIECHTENSTEIN (*if needed)*

If the Agreement between the EU, the EC and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen acquis and the Protocols to this Agreement concerning Liechtenstein has entered into force by the time negotiations with the Republic of Montenegro have concluded, a similar declaration will also be made in respect of Switzerland and Liechtenstein.

EUROPEAN COMMUNITY DECLARATION ON REVIEWING THE VISA REQUIREMENT FOR HOLDERS OF SERVICE PASSPORTS

As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and the Republic of Montenegro which have been signed before 1 January 2007 shall only continue to apply for a period of 5 years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or the Republic of Montenegro to denounce or suspend these bilateral agreements during this period of 5 years, the European Community will reassess the situation of the holders of service passports at the latest 4 years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(4).

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

Recognizing 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 applicants from the Republic of Montenegro are given coherent and uniform basic information and are required to submit, in principle, the same supporting documents.

The information mentioned above including the list of accredited travel agencies and tour operators in the framework of local consular cooperation 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.

EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS AND BONA FIDE APPLICANTS

The European Community takes note of the suggestion of the Republic of Montenegro to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that the Republic of Montenegro 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 the Republic of Montenegro legally residing in the territories of Member States, the European Community invites the Member States' consular offices to make full use of the existing possibilities in the "acquis communautaire" 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.

In addition, the European Community also invites the Member States' consular offices to make full use of these possibilities for the facilitation of the issuance of visas to bona fide applicants.

EUROPEAN COMMUNITY DECLARATION ON SEAMEN

In line with international agreements on the mobility of civilian ships crew members, the European Community invites Member States consular offices to make full use of the existing possibilities in the "acquis communautaire" for facilitating the issuance of transit visas to seamen from Montenegro. This includes in particular, the simplification of documentary evidence requested for the applicants and the issuing of multiple entry transit visas.

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