



Council of the
European Union

Brussels, 15 July 2026
(OR. en)

13725/05
DCL 1

LIMITE

VISA 268
NIS 147
COEST 180

DECLASSIFICATION

of document:	13725/05 RESTREINT UE/EU RESTRICTED
dated:	26 October 2005
new status:	LIMITE
Subject:	Adoption of the Draft Council Decision authorising the Commission to negotiate with Ukraine a Visa Facilitation Agreement between the European Community and Ukraine

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 October 2005

13725/05

RESTREINT UE

**VISA 268
NIS 147
COEST 180**

"A" ITEM NOTE

from:	Permanent Representatives Committee
to:	Council
No. prev. doc.	13564/05 VISA 263 NIS 146 COEST 176 (RESTREINT UE)
No Cion prop.	11833/05 COEST 136 NIS 121 VISA 204 (RESTREINT UE)
Subject :	Adoption of the Draft Council Decision authorising the Commission to negotiate with Ukraine a Visa Facilitation Agreement between the European Community and Ukraine

1. On 1 September 2005 the Commission submitted to the Council the Draft Council Decision authorising the Commission to negotiate with Ukraine a Visa Facilitation Agreement between the European Community and Ukraine.
2. Following examination by the competent Council bodies [the Visa Working Party on 12 and 30 September 2005 and the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 20 October 2005], the Permanent Representatives Committee reached an agreement on the draft Decision.
3. The Council is invited to adopt, under part "A" of its agenda of a forthcoming session, the Decision as set out in the Annex to this note.

Draft

Council Decision
authorising the Commission to negotiate
with Ukraine
a Visa Facilitation Agreement
between the European Community and Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

- hereby authorises the Commission to negotiate, on behalf of the Community, with Ukraine with a view to concluding a bilateral agreement on the facilitation of the issuance of short-stay visas;
- appoints a special committee¹ to assist the Commission in its task, since in accordance with the Treaty, the Commission will conduct these negotiations on behalf of the European Community;
- has decided that the negotiations will be conducted in accordance with the following directives:

¹ The Visa Working Party assisted by the relevant geographic working group.

RESTREINT UE

NEGOTIATING DIRECTIVES

The Commission shall, in the course of negotiations, aim to achieve the specific objectives which are set out in detail below.

1. PURPOSE AND SCOPE OF THE AGREEMENT

The purpose of the agreement shall be to establish clear and unambiguous legally binding rights and obligations to ensure simplified visa issuing procedures for Ukrainian citizens entering the Schengen Member States. If the visa requirement is reintroduced by Ukraine for EU citizens, the same legally binding rights and obligations provided in the agreement for Ukrainian citizens would automatically, on the basis of reciprocity, apply to EU citizens.

2. SPECIFIC OBJECTIVES

The negotiations shall aim to attain a series of specific objectives which are set out below.

When defining categories of beneficiaries for the different types of visa facilitations to be included in the draft agreement, those covered in previous agreements with third countries could be regarded as a precedent, where appropriate.

2.1. Visa fees

The fee for processing applications for all categories of visas covered by the Agreement should correspond to the fee provided in the Schengen acquis for obtaining a Schengen visa.

If Ukraine would reintroduce the visa requirement for EU citizens, the visa fee to be charged by Ukraine to EU citizens shall not be higher than the Schengen visa fee.

The Agreement shall provide for specific justified exceptions and shall define categories of persons for whom waiving of the visa fee are justified which could include, for example, students and scientific researchers.

RESTREINT UE

2.2. Simplifying conditions for issuing visas

The agreement shall define simplified procedures for issuing visas in specific circumstances. In particular, it shall define the criteria for issuing multiple-entry visas, valid for a long period of time, to specific categories of persons and shall introduce simplifications concerning documentary evidence to be presented in order to obtain a visa for certain specified categories of persons which could include, for example, members of official delegations, students on study trips or exchanges and researchers.

2.3. Fixing a standard length of procedure for issuing visas

The agreement should define a short standard duration for processing a visa application, taking into account possible need for prior consultation between Member States. However it shall also provide for longer processing times or accelerated procedures in specific justified cases.

2.4. Visa exemptions

The agreement shall provide for Ukrainian holders of diplomatic passports to be exempted from the visa requirement when travelling to the Schengen territory.

3. MANAGEMENT OF THE AGREEMENT

The Agreement shall contain a provision setting up a Committee of experts. The Committee shall be composed by representatives of the European Community and Ukraine. The Community shall be represented by the Commission assisted by the experts from the Member States.

The Committee of experts shall in particular have the tasks of:

- monitoring the implementation of the agreement;
- suggesting amendments and additions to it.

The Commission would regularly inform the Council on the implementation of the Agreement.

RESTREINT UE

4. **RELATION WITH EXISTING BILATERAL AGREEMENTS BETWEEN MEMBER STATES AND UKRAINE**

The Agreement should contain a clause whereby, from its entry into force, its provisions shall take precedence over the provisions of any bilateral agreements or arrangements which have been concluded between individual Member States and Ukraine, insofar as the provisions of the latter cover issues dealt with by this Agreement.

5. **TERRITORIAL APPLICATION, ENTRY INTO FORCE, DURATION, SUSPENSION AND TERMINATION OF THE AGREEMENT**

The Agreement should contain provisions related to its territorial application, entry into force and duration. It should be concluded for an indefinite period and should contain provisions, which give both Contracting Parties a possibility to suspend and/or terminate the entirety or parts of this Agreement.

Given the importance of the linkage between visa facilitation agreements and readmission agreements, the Commission will ensure, in the course of its negotiations, the appropriate linkage between the two agreements as regards their entry into force, suspension or termination.

6. **VARIABLE GEOMETRY**

The Agreement shall take into account the special positions of Denmark, Ireland, the United Kingdom, Iceland and Norway. Joint declarations should state the desirability that arrangements on visa facilitation should be concluded between Ukraine and each of these Member States and associated countries in similar terms as the Agreement with the Community.

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 has entered into force by the time negotiations with Ukraine have concluded, a similar declaration will also be made in respect of Switzerland.

RESTREINT UE

7. APPLICABILITY TO MEMBER STATES THAT JOINED THE EU ON 1 MAY 2004

A protocol annexed to the Agreement should, for the transitional period up to the full implementation of the Schengen acquis by the Member States that joined the Union on 1st May 2004, provide for the provisions allowing to take into account, for the implementation of the Agreement, of the fact that these Member States will not issue Schengen visas but national ones.

This Protocol should also foresee that the same will apply to Romania and Bulgaria as of the date of their accession to the EU.
