Council of the European Union

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13829/18

Interinstitutional Files:
2018/0085(NLE)
2018/0086(NLE)

VISA 292
COLAC 92

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	a) Council Decision on the signing, on behalf of the European Union, 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 short-stay visa waiver for holders of diplomatic, service or official passports – Adoption b) Council Decision on the conclusion of the same Agreement – Request for the consent of the European Parliament

1. On 11 April 2018, the Commission submitted a proposal for a Council Decision on the signing, on behalf of the European Union, 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 short-stay visa waiver for holders of diplomatic, service or official passports[1], together with a draft text of the said agreement in the annex to that proposal[2], and a proposal for a Council Decision on the conclusion of the same agreement[3].

[1] 7924/18 VISA 71 COLAC 16 + COR 1.
[2] 7924/18 VISA 71 COLAC 16 ADD 1.
[3] 7926/18 VISA 72 COLAC 17.

2. On 22 October 2018, the Visa Working Party agreed on these proposals. On the same occasion, the Visa Working Party also approved a declaration to be annexed to the decision on the signing, concerning the entry into force of Regulation 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full[4].

3. The Decision on the signing of the abovementioned agreement constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000; the United Kingdom is therefore not taking part in their adoption and is not bound by them or subject to their application.

4. The Decision on the signing constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002; Ireland is therefore not taking part in their adoption and is not bound by them or subject to their application.

5. The Decision on the signing and the text of the agreement have been edited by the legal-linguistic experts. They are set out in respectively 13444/18 VISA 277 COLAC 83 and 13446/18 VISA 279 COLAC 85.

   The Decision on the conclusion of the same agreement has also been edited by the legal-linguistic experts. The edited text is set out in 13445/18 VISA 278 COLAC 84.

6. The Permanent Representatives Committee is accordingly invited to recommend that the Council:

   a) adopt, as an "A" item of the agenda of one of its forthcoming sessions, the Decision on the signing as set out in 13444/18;

   b) decide to forward the draft Decision on the conclusion as set out in 13445/18 to the European Parliament for its consent once the agreement has been duly signed.

   The Decision on the signing will be published in the OJ in accordance with the applicable rules.

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[4] 13028/18 VISA 266 COLAC 77.