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THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: **AGREEMENT** between the European Union and the Republic of Armenia on the
facilitation of the issuance of visas
COMMON GUIDELINES
Consultation deadline for Croatia: 5.12.2012

AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF ARMENIA
ON THE FACILITATION OF THE ISSUANCE OF VISAS

THE EUROPEAN UNION, hereinafter referred to as "the Union",

and

THE REPUBLIC OF ARMENIA, hereinafter referred to as "Armenia",

hereinafter referred to as "the Parties",

DESIRING 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 Armenia,

BEARING IN MIND the Partnership and Cooperation Agreement between the Union and its Member States, of the one part, and Armenia, of the other part, as well as the intention of the Parties to conclude an EU-Armenia Association Agreement,

HAVING REGARD to the Joint Declarations of the Prague and Warsaw Eastern Partnership Summits held respectively on 7 May 2009 and on 30 September 2011 stating the political support towards visa liberalization of the visa regime in a secure environment,

REAFFIRMING the intention to take gradual steps towards a visa-free travel regime for their citizens in due course, provided that conditions for well-managed and secure mobility are in place,

BEARING IN MIND that, as from 10 January 2013, all citizens of the Union are exempted from the visa requirement when travelling to Armenia for a period of time not exceeding 90 days or transiting through the territory of Armenia,

RECOGNISING that if Armenia reintroduces visa requirements for the citizens of the Union or certain categories of them, the same facilitations granted under this Agreement to the citizens of Armenia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned,

BEARING IN MIND that these visa requirements can only be reintroduced for all citizens of the Union or certain categories of citizens of the Union,

RECOGNISING that visa facilitation should not lead to irregular migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol of the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, 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 on the Functioning of the European Union 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 Armenia.
2. If Armenia reintroduces the visa requirements for the citizens of the Union or certain categories of them, the same facilitations granted under this Agreement to the citizens of Armenia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned,

ARTICLE 2

General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of Armenia only insofar as they are not exempted from the visa requirement by the laws and regulations of the Union or the Member States, this Agreement or other international agreements.
2. The national law of Armenia or of the Member States or the Union 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 of Great Britain and Northern Ireland;
- (b) 'citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'citizen of Armenia' shall mean any person who holds the citizenship of Armenia in accordance with the legislation of the Republic of Armenia;
- (d) 'visa' shall mean an authorisation issued by a Member State with a view to transiting through or an intended stay of a duration of no more than 90 days in any 180-day period in the territory of Member States;
- (e) 'legally residing person' shall mean a citizen of Armenia authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union law or national legislation.

ARTICLE 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of Armenia, the following documents are sufficient for justifying the purpose of the journey to the other Party:
 - (a) for close relatives – spouses, children (including adopted), parents (including custodians), grandparents, grandchildren visiting citizens of Armenia legally residing in the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals:
 - a written request from the host person;
 - (b) for members of official delegations including permanent members of such delegations who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations:
 - a letter issued by a competent authority of Armenia confirming that the applicant is a member of its delegation, respectively a permanent member of its delegation, travelling to the territory of the other Party to participate in the aforementioned events, accompanied by a copy of the official invitation;

- (c) for pupils, students, post-graduate persons 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, college or school or student cards or certificates of the courses to be attended;
- (d) for persons travelling for medical reasons and necessary accompanying persons:
 - an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
- (e) for journalists and technical crew accompanying them in a professional capacity:
 - a certificate or other document issued by a professional organisation or the applicant's employer proving that the person concerned is a qualified journalist and stating that the purpose of the journey is to carry out journalistic work or proving that he/she is a member of the technical crew accompanying the journalist in a professional capacity;

- (f) for participants in international sport events and persons accompanying them in a professional capacity:
 - a written request from the host organisation, competent authorities, national sport federations or national Olympic committees of the Member State;
- (g) for business people and representatives of business organisations:
 - a written request from the host legal person or company, organisation or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territories of one of the Member States, endorsed by the competent authorities in accordance with the national legislation;
- (h) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events:
 - a written request from the host organisation confirming that the person concerned is participating in the event;

- (i) for representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes:
 - a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation or participating in Pan-Armenian or community support activities and the certificate on establishment of such organisation from the relevant register issued by a state authority in accordance with the national legislation;
- (j) for persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in the activities;
- (k) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia:
 - a written request from the national association (union) of carriers of Armenia providing for international road transportation, stating the purpose, itinerary, duration and frequency of the trips;

- (l) for participants of the official exchange programmes organised by twin cities and other municipal entities:
 - a written request of the Head of Administration/Mayor of these cities or municipal authorities;
 - (m) 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.
2. For the purposes of this Article the written request shall include the following items:
- (a) for the invited person: name and surname, date of birth, sex, citizenship, passport number, 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;
 - (c) for the inviting legal person, company or organisation: full name and address and:
 - if the request is issued by an organisation or authority, the name and position of the person who signs the request,

- 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 visas 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 Parties.

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 5 years to the following categories of persons:

- (a) spouses, children (including adopted), who are under the age of 21 or are dependent and parents (including custodians), visiting citizens of Armenia legally residing in the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals;
- (b) members of national and regional governments and of constitutional and supreme courts if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties;

- (c) permanent members of official delegations who, following an official invitation addressed to Armenia, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

By way of derogation, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period, in particular where:

- in the case of the persons referred to in point (a), the period of validity of the authorisation for legal residence of citizens of Armenia legally residing in the Union,
- in case of the persons referred to in point (b), the term of office,
- in the case of the persons referred to in point (c), the term of the validity of the status as a permanent member of an official delegation,

is less than five years.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of one year to the following categories of persons, provided that during the previous year they have obtained at least one visa and have made use of it in accordance with the laws on entry and stay of the visited State:

- (a) members of official delegations who, following an official invitation addressed to Armenia, shall participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (b) representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips to the Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes;
- (c) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;
- (d) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes, who regularly travel to the Member States;

- (e) students and post-graduate persons who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (f) participants of the official exchange programmes organised by twin cities and other municipal entities;
- (g) persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (h) journalists and technical crew accompanying them in a professional capacity;
- (i) business people and representatives of business organisations who regularly travel to the Member States;
- (j) participants in international sports events and persons accompanying them in a professional capacity;
- (k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia.

By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period.

3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the 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 2 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 unless the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.

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 shall amount to EUR 35.

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

2. Without prejudice to paragraph 3 of this Article, fees for processing the visa application are waived for the following categories of persons:

- (a) pensioners;
- (b) children under the age of 12;
- (c) members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement;
- (d) persons with disabilities and the persons accompanying them, if necessary;
- (e) close relatives – spouse, children (including adopted), parents (including custodians), grandparents or grandchildren – of citizens of Armenia legally residing in the territory of the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals;
- (f) members of official delegations, including permanent members of official delegations, who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;

- (g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school-related activities;
- (h) journalists and technical crew accompanying them in a professional capacity;
- (i) participants in international sport events and persons accompanying them in a professional capacity;
- (j) representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes;
- (k) persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes;
- (l) 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.

3. If a Member State cooperates with an external service provider in view of issuing a visa the external service provider may charge a service fee. This fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30. The Member States shall maintain the possibility for all applicants to lodge their applications directly at their consulates.

For the Union, the external service provider shall conduct its operations in accordance with the Visa Code and in full respect of Armenian legislation.

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 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 2 working days or less in urgent cases.

4. If applicants are required to obtain an appointment for the lodging of an application, the appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested. In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

ARTICLE 8

Departure in case of lost or stolen documents

Citizens of the Union and of Armenia who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Armenia or the Member States, may leave the territory of Armenia or the Member States 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 Armenia without any visa or other authorisation.

ARTICLE 9

Extension of visa in exceptional circumstances

Citizens of Armenia who are not able to leave the territory of the Member States by the time stated in their visas for reasons of force majeure or humanitarian reasons shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving Member State for the period required for their return to the State of their residence.

ARTICLE 10

Diplomatic passports

1. Citizens of Armenia who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Member States without visas.
2. Persons referred in paragraph 1 of this Article may stay without visas in the territories of Member States for a period not exceeding 90 days per period of 180 days.

ARTICLE 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to Union rules on visas with limited territorial validity, citizens of Armenian shall be entitled to travel within the territory of the Member States on equal basis with citizens of the Union.

ARTICLE 12

Joint Committee for management of the Agreement

The Parties shall set up a Joint Committee of experts (hereinafter referred to as "the Committee"), composed by representatives of the Union and of Armenia. The Union shall be represented by the Commission, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of this Agreement;
 - (b) suggesting amendments or additions to this 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 Armenia

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 Armenia, in so far as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.

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 from paragraph 1 of this Article, this Agreement shall only enter into force on the date of the entry into force of the Agreement between the European Union and Armenia on readmission 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 national 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 the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Armenian languages, each of these texts being equally authentic.

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

In accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories¹, harmonised measures have been taken in order to simplify the transit of holders of Schengen visa and Schengen residence permits through the territory of the Member States that do not fully apply the Schengen *acquis* yet.

JOINT DECLARATION
ON ARTICLE 10 OF THE AGREEMENT ON DIPLOMATIC PASSPORTS

The Union or Armenia might invoke a partial suspension of the agreement and in particular of Article 10, in accordance with the procedure set up by Article 14(5), if the implementation of Article 10 is abused by the other Party or leads to a threat to public security.

¹ OJ L 161, 20.6.2008, p. 30.

In case of suspension of the implementation of Article 10, both Parties shall initiate consultations within the framework of the Joint Committee set up by the Agreement with a view to solve the problems that lead to the suspension.

As a priority, both Parties declare their commitment to ensure a high level of document security for diplomatic passports, in particular by integrating biometric identifiers. For the Union, this will be ensured in compliance with the requirements set out in Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States².

EUROPEAN UNION DECLARATION
ON DOCUMENTS TO BE SUBMITTED
WHEN APPLYING FOR SHORT STAY VISAS

The European Union will intensify efforts and endeavour to draw up, before the entry into force of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas, a list of minimum requirements in order to ensure that Armenian applicants are given coherent and uniform basic information, in accordance with point (a) of Article 47(1) of the Visa Code, and are required to submit, in principle, the same supporting documents.

The information mentioned above is to be disseminated widely (on the information board of consulates, in leaflets, on websites, etc.).

² OJ L385, 29.12.2004, p.1.

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 services of Denmark.

In such circumstances, it is appropriate that the authorities of Denmark and of Armenia conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the Union and Armenia.

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 appropriate that the authorities of the United Kingdom, Ireland and Armenia conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION
CONCERNING ICELAND, NORWAY,
SWITZERLAND AND LIECHTENSTEIN

The Parties take note of the close relationship between the Union and Switzerland, Iceland, Liechtenstein, and Norway, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is appropriate that the authorities of Switzerland, Iceland, Liechtenstein, and Norway and Armenia conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the Union and Armenia.

JOINT DECLARATION
ON COOPERATION ON TRAVEL DOCUMENTS

The Parties agree that the Joint Committee established under Article 12 of the Agreement, when monitoring the implementation of the Agreement, should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties agree to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.