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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the partial suspension of the application of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver

COUNCIL DECISION (EU) 2022/...

of ...

**on the partial suspension of the application of the Agreement
between the European Union and the Republic of Vanuatu
on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), point (a), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver¹ ('the Agreement') was concluded on 28 May 2015 by means of Council Decision (EU) 2016/272². The Agreement facilitates travel to the Union for citizens of Vanuatu and travel to Vanuatu for citizens of the Union.
- (2) The Agreement is based on the Contracting Parties' common desire to encourage people-to-people contacts, boost tourism and invigorate business between the Union and Vanuatu.
- (3) Under Article 8(4) of the Agreement, each Contracting Party is able to suspend in whole or in part the application of the Agreement, in particular for reasons of public policy and the protection of national security. The decision on suspension is to be notified to the other Contracting Party not later than 2 months before its planned entry into force. Should the reasons for the suspension cease to exist, the Contracting Party that has suspended the application of the Agreement is to inform the other Contracting Party immediately and is to lift the suspension.

¹ OJ L 173, 3.7.2015, p. 48.

² Council Decision (EU) 2016/272 of 12 February 2016 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver (OJ L 52, 27.2.2016, p. 11).

- (4) Vanuatu operates investor citizenship schemes whereby it has granted Vanuatu nationality to nationals of other countries with no previous connection to Vanuatu, issuing positive decisions on the vast majority of applications. On the basis of the information provided by Vanuatu's Passport Office on 14 June 2021, by March 2021 Vanuatu had issued over 10 500 passports under such schemes, with an extremely low rejection rate. This raises doubts as to the reliability of the security screening and due diligence carried out by the Vanuatu authorities.
- (5) In exchanges in October 2017, November 2019, June 2020 and March 2021, the Commission expressed serious concerns and warned the government of Vanuatu of the possibility of the visa requirement being reintroduced. The explanations provided by Vanuatu were not sufficient to mitigate those concerns.
- (6) The granting of citizenship to applicants listed in INTERPOL databases contradicts previous assurances by the Vanuatu authorities regarding security screening and raises further concerns as to the reliability of the schemes' security screening procedures.
- (7) Among the successful applicants for Vanuatu nationality are nationals of several countries whose nationals are required to possess visas when crossing the external borders of the Union. Furthermore, the Commission has raised concerns regarding the absence of physical presence or residence requirements, the schemes' short processing periods and the lack of systematic exchange of information with applicants' countries of origin or countries of main past residence. The Commission has come to the conclusion that the screening of applications for the investor citizenship schemes in Vanuatu does not guarantee a high level of security.

- (8) The suspension of the application of the Agreement should be limited to ordinary passports issued as of 25 May 2015, when the number of successful applicants under Vanuatu's investor citizenship schemes started to increase significantly.
- (9) The application of the Agreement as regards citizens of Vanuatu holding an ordinary passport issued by Vanuatu as of 25 May 2015 should therefore be suspended.
- (10) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

¹ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 1

The application of the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver is hereby suspended as from 4 May 2022 as regards citizens of Vanuatu holding an ordinary passport issued by Vanuatu as of 25 May 2015.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 8(4) of the Agreement.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President
