Council of the
European Union

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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 Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation

COUNCIL DECISION (EU) 2022/...

of …

on the partial suspension of the application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation[1] ('the Agreement') entered into force on 1 June 2007, in parallel with the Agreement between the European Community and the Russian Federation on readmission[2].

(2) The purpose of the Agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the European Union and the Russian Federation. The desire to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties is underlined in the preamble to the Agreement.

(3) Under Article 15(5) of the Agreement, each Party may suspend the Agreement in whole or in part for reasons of public order, the protection of national security or the protection of public health. The decision on suspension is to be notified to the other Party not later than 48 hours before its entry into force.

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1 OJ L 129, 17.5.2007, p. 27.
2 OJ L 129, 17.5.2007, p. 40.

(4) In reaction to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in 2014, and to Russia's continued destabilising actions in eastern Ukraine, the European Union has introduced economic sanctions in view of Russia's actions destabilising the situation in Ukraine, linked to the complete implementation of the Minsk agreements, sanctions in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and sanctions in response to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation.

(5) The decision of the Russian Federation to recognise the non-government controlled areas of Donetsk and Luhansk oblasts of Ukraine as independent entities, and the ensuing decision to send Russian troops into those areas further undermined Ukraine's sovereignty and independence, and is a severe breach of international law and international agreements, including the UN Charter, the Helsinki Final Act, the Paris Charter and the Budapest Memorandum.

(6) As a signatory of the Minsk agreements, the Russian Federation has a clear and direct responsibility to work towards finding a peaceful settlement of the conflict in line with those principles. With the decision to recognise the non-government controlled regions of eastern Ukraine as independent entities, the Russian Federation clearly violated the Minsk agreements, which stipulate the full return of those areas to the control of the Ukrainian government.

(7) Events which take place in a country bordering the Union, such as those which have occurred in Ukraine and which have given rise to the restrictive measures, are capable of justifying measures designed to protect essential Union and Member States' security interests. The above actions by the Russian Federation are in breach of the fundamental principles of international law. The actions of the Russian Federation are also likely to provoke migratory movements stemming from acts that are illegal under international law.

(8) In view of the gravity of the situation, the Council considers that the application of certain provisions of the Agreement providing for facilitations for certain categories of citizens of the Russian Federation applying for a short-stay visa, namely members of the Russian Federation official delegations, members of the Russian Federation national and regional Governments and Parliaments, the Russian Federation Constitutional Court and the Russian Federation Supreme Court, in the exercise of their duties, citizens of the Russian Federation holding valid diplomatic passports and business people and representatives of business organisations, should be suspended.

(9) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Decision 2002/192/EC; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The application of the following provisions of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation is suspended as from 28 February 2022:

(a) Article 4(1), point (a), as regards members of the Russian Federation's official delegations who, following an official invitation addressed to the Russian Federation, are to participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;

(b) Article 4(1), point (b), as regards business people and representatives of business organisations;

(c) Article 5(1), point (a), as regards members of the Russian Federation's national and regional Governments and Parliaments, the Russian Federation Constitutional Court and the Russian Federation's Supreme Court;

(d) Article 5(2), point (a), as regards members of the Russian Federation's official delegations who, following an official invitation addressed to the Russian Federation, are to participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;

(e) Article 5(2), point (b), as regards business people and representatives of business organisations;

(f) Article 5(3), as regards the categories of citizens referred to in Article 5(2), points (a) and (b);

(g) Article 6(3), points (b) and (c), as regards members of the Russian Federation's official delegations who, following an official invitation addressed to the Russian Federation, are to participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations, and as regards members of the Russian Federation's national and regional Governments and Parliaments, the Russian Federation Constitutional Court and the Russian Federation's Supreme Court;

(h) Article 11(1), as regards citizens of the Russian federation holding valid diplomatic passports issued by the Russian Federation.

(i) Article 6(1), as regards fees for processing visa applications for the categories of citizens and persons referred to in Article 4(1), point (b), Article 6(3) points (b) and (c) and Article 11(1). The standard fee foreseen in Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) shall apply by default.

(j) Article 7, as regards the categories of citizens and persons referred to in Article 4(1), points (a) and (b), Article 6(3) points (b) and (c) and Article 11(1).

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 15(5) of the Agreement.

Article 3

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

Done at …,

For the Council
The President