



Council of the
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VISA 101
COLAC 29

DECLASSIFICATION¹

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

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

¹ Document declassified by the European Commission on 15 January 2020.



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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	11 March 2015
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
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Delegations will find attached document COM(2015) 119 final ANNEX 1.

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ANNEX 1

ANNEX

Negotiating Directives

to the

Recommendation for a Council Decision

**authorising the opening of negotiations on short-stay visa waiver agreements between
the European Union and Colombia and Peru**

ANNEX**Negotiating Directives****to the****Recommendation for a Council Decision****authorising the opening of negotiations on short-stay visa waiver agreements between
the European Union and Colombia and Peru**

In the course of the negotiations the Commission should aim to achieve the objectives set out in detail below.

1. PURPOSE AND SCOPE OF THE AGREEMENTS

The purpose of the agreements should be to establish clear, unambiguous and legally binding rights and obligations ensuring exemption from the visa requirement for short stays both for citizens of Colombia and Peru crossing the external borders of the Member States and for citizens of the Member States crossing the borders of these countries.

2. SPECIFIC ISSUES

The agreements should define the categories of EU citizens and nationals of Colombia and Peru concerned who are to benefit from the visa waiver, namely holders of ordinary passports and holders of diplomatic, service, official and special passports. Declarations attached to the agreements should recall the Colombian and Peruvian governments' plans to start issuing biometric passports to their citizens in the course of the year 2015.

The agreements should define the purpose of stay for which the visa waiver is established: tourism, family visits, business etc. The visa waiver should not apply to persons entering for a period of no more than 90 days in order to carry out a gainful economic activity.

The agreements should also define the duration of the stay allowed under the visa waiver. In the case of an EU citizen this should be 90 days in any 180-day period in the territory of Colombia and Peru, and in the case of Colombian and Peruvian nationals it should be 90 days in any 180-day period in the Schengen area.

The agreements should provide that exceptionally, and for a transitional period, the stay in the Schengen area covered by the visa waiver of 90 days in any 180-day period is to be calculated independently of any stay in a Member State which does not yet implement the Schengen *acquis* in full.

The agreements should make it clear that the visa waiver applies regardless of the mode of transport used to cross the border.

The agreements should make it clear that matters outside the scope of the agreements continue to be governed by national and Union law. This would apply in particular to other entry conditions, refusals of entry, extension of stay beyond three months, etc.

3. MANAGEMENT OF THE AGREEMENT

The agreements with Colombia and Peru should contain a provision setting up a committee of experts. The committees should be composed of representatives of the European Union and of Colombia and Peru respectively. The Union should be represented by the Commission.

The committee of experts should in particular have the task of:

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

4. RELATIONS WITH EXISTING BILATERAL AGREEMENTS BETWEEN MEMBER STATES AND COLOMBIA AND PERU

Each of the agreements should contain a clause whereby, from its entry into force, its provisions will take precedence over bilateral agreements or the provisions of any bilateral agreements or arrangements concluded between individual Member States and Colombia and Peru, in so far as their provisions concern matters within the scope of the agreement.

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

The agreements should contain provisions related to their territorial application – in the case of France and the Netherlands, the visa waiver would entitle nationals of Colombia and Peru to stay only in those Member States' European territories – and their entry into force and duration. They should be concluded for an indefinite period and should contain provisions which allow either contracting party to suspend and/or terminate all or part of the agreement. The grounds for suspension should include in particular threats to public policy and security, irregular immigration, and the reintroduction of a visa requirement by either party. On the specific issue of irregular migration, declarations attached to the agreements should recall that under Article 49 (3) of the Political Dialogue and Cooperation Agreement² between the European Community and its Member States, of the one part, and the Andean Community and its member countries, of the other part, the parties agree to readmit their irregular migrants.

² COM(2003) 695. The Agreement has not yet entered into force as the EU has not yet ratified it. It is however expected to enter into force in the course of 2015.

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Colombia and Peru should be entitled to suspend or terminate their respective agreement only in respect of the European Union as a whole, and not in respect of one or more Member States individually. The Union should be entitled to suspend or terminate the agreements only in respect of all of its Member States.

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