Council of the European Union

Brussels, 24 March 2022
(OR. fr)

7569/22

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

VISA 53
COLAC 15

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	Council Decision on the conclusion, on behalf of the 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

1. On 16 July 2014 the Commission submitted to the Council a recommendation for a Council Decision authorising the opening of negotiations for amending the short-stay visa waiver agreements concluded between the European Union/Community and Antigua and Barbuda, the Commonwealth of the Bahamas, Barbados, the Federative Republic of Brazil, the Republic of Mauritius, the Federation of Saint Kitts and Nevis and the Republic of Seychelles[1].

2. On 9 October 2014 the Council adopted a decision authorising the opening of negotiations on an Agreement amending the two Agreements between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

3. On 31 October 2017 the draft Agreement was initialled by the Commission and Brazil.

[1] COM(2014) 468 final.

4. 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[2], together with a draft text of the said agreement in the annex to that proposal[3], and a proposal for a Council Decision on the conclusion of the same agreement[4].

5. On 26 November 2018, the Decision on the signing[5] was adopted by the Council. The text of the Agreement included a recital stating that the United Kingdom is not taking part in the decision.

6. The United Kingdom ceased to be a Member State of the European Union on 1 February 2020 and the transition period between the United Kingdom and the Union ended on 31 December 2020.

7. After an initial postponement, the Agreement was signed on behalf of the Union and the Federative Republic of Brazil on 27 September 2021. The same day, the Union notified Brazil by means of a Note Verbale that the United Kingdom, as a consequence of the events referred to in paragraph 4 of this note, is not treated as a Member State of the Union for the purposes of the Agreement and is therefore not covered and bound by it.

8. The Decision on the conclusion 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.

9. In accordance with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union, the Council shall adopt the Decision concluding the Agreement after obtaining the consent of the European Parliament.

---

2 7924/18 + COR 1.
3 7924/18 ADD 1.
4 7926/18.
5 13444/18.

10. On 9 November 2021, the Council decided to forward the draft Decision on conclusion as well as the text of the Agreement to the European Parliament for its consent.

11. On 24 March 2022, the European Parliament gave its consent to the conclusion of the Agreement[6] and instructed its president to forward its position to the Council, the Commission and the governments and parliaments of the Member States and Brazil.

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

    (a) adopt the Decision on conclusion as set out in 13445/1/18 REV 1 as an 'A' item at a forthcoming meeting;

    (b) decide that the text of the above Decision and the text of the Agreement be published in the 'L' series of the Official Journal in accordance with Article 17(1)(d) of the Council's Rules of Procedure.

    The European Parliament will be informed in accordance with Article 218(10) TFEU.

---

[6] P9_TA(2022)0097