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## II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 6 April 2009

**on the signing and provisional application of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver**

(2009/478/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006 <sup>(1)</sup> amended Regulation (EC) No 539/2001 <sup>(2)</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring Antigua and Barbuda from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and Antigua and Barbuda.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 18 July 2008 and concluded on 16 October 2008.

(4) The Agreement initialled in Brussels on 19 November 2008 should be signed and the attached declarations be approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

(5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (hereinafter referred to as the Agreement) is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

*Article 2*

The declarations attached to this Decision shall be approved on behalf of the Community.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

<sup>(2)</sup> OJ L 81, 21.3.2001, p. 1.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

*Article 4*

The Agreement shall be applied on a provisional basis as from the date of signature thereof <sup>(1)</sup>, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

*For the Council*  
*The President*  
J. POSPÍŠIL

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<sup>(1)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT****between the European Community and Antigua and Barbuda on the short-stay visa waiver**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community' and

ANTIGUA AND BARBUDA, hereinafter referred to jointly as 'the Contracting Parties',

WITH A VIEW TO further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD to Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement<sup>(1)</sup> by, inter alia, transferring six third countries, including Antigua and Barbuda to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU),

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question,

RECOGNISING that the citizens of several Member States are exempted from the visa requirement when travelling to Antigua and Barbuda for a period not exceeding 6 months, while those of other Member States are under the visa requirement,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of Antigua and Barbuda on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

**Article 1****Purpose**

This Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Antigua and Barbuda when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

(a) 'Member State' shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;

(b) 'a citizen of the European Union' shall mean a national of a Member State as defined in point (a);

(c) 'a citizen of Antigua and Barbuda' shall mean any person who holds the citizenship of Antigua and Barbuda;

**Article 2****Definitions**

For the purpose of this Agreement:

(d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

### Article 3

#### Scope of application

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of Antigua and Barbuda for the period of stay as defined in Article 4(1).

The citizens of Antigua and Barbuda holding a valid ordinary, diplomatic or service/official passport issued by Antigua and Barbuda may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of Antigua and Barbuda or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Antigua and Barbuda may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Antigua and Barbuda reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States or by national law of Antigua and Barbuda.

### Article 4

#### Duration of stay

1. The citizens of the European Union may stay in the territory of Antigua and Barbuda for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of Antigua and Barbuda may stay in the Schengen area for a maximum period of three months during

a six months period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Antigua and Barbuda may stay for a maximum period of three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for Antigua and Barbuda and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

### Article 5

#### Territorial application

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

### Article 6

#### Joint Committee for the management of the Agreement

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the Committee), composed of representatives of the European Community and representatives of Antigua and Barbuda. The Community shall be represented by the European Commission.

2. The Committee shall have, inter alia, the following tasks:

(a) monitoring the implementation of this Agreement;

(b) suggesting amendments or additions to this Agreement;

(c) settling disputes arising from the interpretation or application of the provisions of this Agreement.

3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.

4. The Committee shall establish its rules of procedure.

*Article 7***Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and Antigua and Barbuda**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Antigua and Barbuda, in so far as their provisions cover issues falling within the scope of this Agreement.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.

2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.

3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than two months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.

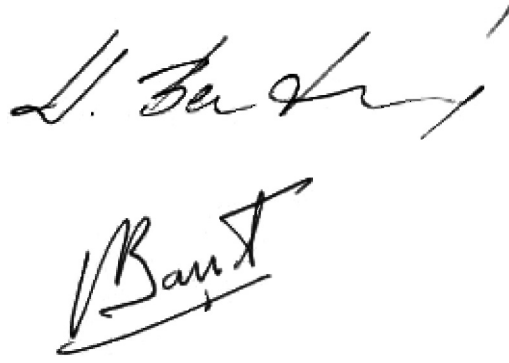
5. Each Contracting Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

6. Antigua and Barbuda may suspend or terminate this Agreement only in respect of all the Member States.

7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate, on 28 May 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen



За Антигуа и Барбуда  
 Por Antigua y Barbuda  
 Za Antigua a Barbudu  
 For Antigua and Barbuda  
 Für Antigua und Barbuda  
 Antigua ja Barbuda nimel  
 Για την Αντίγκουα και Μπαρμπούντα  
 For Antigua and Barbuda  
 Pour Antigua-et-Barbuda  
 Per Antigua e Barbuda  
 Antigvas un Barbudas vārdā  
 Antigvos ir Barbudos vardu  
 Antigua és Barbuda részéről  
 Għal Antigwa u Barbuda  
 Voor Antigua en Barbuda  
 W imieniu Antigui i Barbudy  
 Por Antígua e Barbuda  
 Pentru Antigua și Barbuda  
 Za Antigua a Barbudu  
 Za Antigvo in Barbudo  
 Antigua ja Barbudan puolesta  
 För Antigua och Barbuda





## JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, 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 desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Antigua and Barbuda, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

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## JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sportspersons and artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

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JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF THREE MONTHS DURING A SIX MONTHS PERIOD FOLLOWING THE DATE OF FIRST ENTRY AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of Antigua and Barbuda or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

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JOINT DECLARATION ON THE INFORMATION OF THE CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and Antigua and Barbuda, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

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## COUNCIL DECISION

of 6 April 2009

**on the signing and provisional application of the Agreement between the European Community and Barbados on the short-stay visa waiver**

(2009/479/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006 <sup>(1)</sup> amended Regulation (EC) No 539/2001 <sup>(2)</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring Barbados from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and Barbados.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and Barbados on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 7 July 2008 and concluded on 16 October 2008.
- (4) The Agreement initialled in Brussels on 12 November 2008 should be signed and the attached declarations be approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty

establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Community and Barbados on the short-stay visa waiver (hereinafter referred to as the Agreement) is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

*Article 2*

The declarations attached to this Decision shall be approved on behalf of the Community.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

*Article 4*

The Agreement shall be applied on a provisional basis as from the date of signature thereof <sup>(3)</sup>, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

*For the Council*  
*The President*  
J. POSPÍŠIL

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

<sup>(2)</sup> OJ L 81, 21.3.2001, p. 1.

<sup>(3)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT****between the European Community and Barbados on the short-stay visa waiver**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

BARBADOS, hereinafter referred to jointly as the 'Contracting Parties',

WITH A VIEW TO further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD to Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement<sup>(1)</sup> by, inter alia, transferring six third countries, including Barbados to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU),

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question,

RECOGNISING that the citizens of all Member States are exempted from the visa requirement when travelling to Barbados, however for different periods of 28 days or 6 months,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of Barbados on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose**

This Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Barbados when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

*Article 2***Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of Barbados' shall mean any person who holds the citizenship of Barbados;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

### Article 3

#### Scope of application

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of Barbados for the period of stay as defined in Article 4(1).

The citizens of Barbados holding a valid ordinary, diplomatic or service/official passport issued by Barbados may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of Barbados or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Barbados may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Barbados reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States and by national law of Barbados.

### Article 4

#### Duration of stay

1. The citizens of the European Union may stay in the territory of Barbados for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of Barbados may stay in the Schengen area for a maximum period of three months during a six months

period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Barbados may stay for a maximum period of three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for Barbados and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

### Article 5

#### Territorial application

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

### Article 6

#### Joint Committee for the management of the Agreement

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the 'Committee'), composed of representatives of the European Community and representatives of Barbados. The Community shall be represented by the European Commission.

2. The Committee shall have, inter alia, the following tasks:

(a) monitoring the implementation of this Agreement;

(b) suggesting amendments or additions to this Agreement;

(c) settling disputes arising from the interpretation or application of the provisions of this Agreement.

3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.

4. The Committee shall establish its rules of procedure.

*Article 7***Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and Barbados**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Barbados, insofar as their provisions cover issues falling within the scope of this Agreement.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.

2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.

3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than 2 months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.

5. Each Contracting 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.

6. Barbados may suspend or terminate this Agreement only in respect of all the Member States.

7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate, on 28 May 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen

За Барбадос  
 Por Barbados  
 Za Barbados  
 For Barbados  
 Für Barbados  
 Barbadosse nimel  
 Για τα Μπαρμπάντος  
 For Barbados  
 Pour la Barbade  
 Per le Barbados  
 Barbadosas vārdā  
 Barbadoso vardu  
 Barbados részéről  
 Għal Barbados  
 Voor Barbados  
 W imieniu Barbadosu  
 Por Barbados  
 Pentru Barbados  
 Za Barbados  
 Za Barbados  
 Barbadosin puolesta  
 För Barbados

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## JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, 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 desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Barbados, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

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## JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sportspersons and artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and,
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

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JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF THREE MONTHS DURING A SIX MONTHS PERIOD FOLLOWING THE DATE OF FIRST ENTRY AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of Barbados or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

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JOINT DECLARATION ON THE INFORMATION OF THE CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and Barbados, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

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## COUNCIL DECISION

of 6 April 2009

**on the signing and provisional application of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver**

(2009/480/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point (2)(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006 <sup>(1)</sup> amended Regulation (EC) No 539/2001 <sup>(2)</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring the Republic of Mauritius (hereinafter referred to as Mauritius) from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and Mauritius.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and Mauritius on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 11 July 2008 and concluded on 16 October 2008.
- (4) The Agreement initialled in Brussels on 12 November 2008, should be signed and the attached declarations approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (hereinafter referred to as the Agreement) is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

*Article 2*

The Declarations attached to this Decision shall be approved on behalf of the Community.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

*Article 4*

The Agreement shall be applied on a provisional basis as from the date of signature thereof <sup>(3)</sup>, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

For the Council  
The President  
J. POSPÍŠIL

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

<sup>(2)</sup> OJ L 81, 21.3.2001, p. 1.

<sup>(3)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## AGREEMENT

### between the European Community and the Republic of Mauritius on the short-stay visa waiver

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

THE REPUBLIC OF MAURITIUS, hereinafter referred to as 'Mauritius',

hereinafter referred to jointly as 'the Contracting Parties';

WITH A VIEW to further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens;

HAVING REGARD to Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement<sup>(1)</sup> by, inter alia, transferring six third countries, including Mauritius to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU);

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question;

RECOGNISING that the citizens of all Member States are exempted from the visa requirement when travelling to Mauritius for a period of sixty days;

DESIRING to safeguard the principle of equal treatment of all EU citizens;

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of Mauritius on the visa obligation or exemption and on the access to employment continue to apply;

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

#### Article 1

##### Purpose

This Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Mauritius when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

#### Article 2

##### Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of Mauritius' shall mean any person who holds the citizenship of the Mauritius;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

### Article 3

#### Scope of application

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of Mauritius for the period of stay as defined in Article 4(1).

The citizens of Mauritius holding a valid ordinary, diplomatic or service/official passport issued by Mauritius may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of Mauritius or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Mauritius may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Mauritius reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States or by national law of Mauritius.

### Article 4

#### Duration of stay

1. The citizens of the European Union may stay in the territory of Mauritius for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of Mauritius may stay in the Schengen area for a maximum period of three months during a six months

period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Mauritius may stay for a maximum period of three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for Mauritius and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

### Article 5

#### Territorial application

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

### Article 6

#### Joint Committee for the management of the Agreement

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the Committee), composed of representatives of the European Community and representatives of Mauritius. The Community shall be represented by the European Commission.

2. The Committee shall have, inter alia, the following tasks:

(a) monitoring the implementation of this Agreement;

(b) suggesting amendments or additions to this Agreement;

(c) settling disputes arising from the interpretation or application of the provisions of this Agreement.

3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.

4. The Committee shall establish its rules of procedure.

*Article 7***Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and Mauritius**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Mauritius, in so far as their provisions cover issues falling within the scope of this Agreement.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.

2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.

3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than two months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.

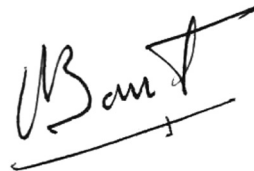
5. Each Contracting Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

6. Mauritius may suspend or terminate this Agreement only in respect of all the Member States.

7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate, on 28 May 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen

За Република Мавриций  
 Por la República de Mauricio  
 Za Mauricijskou republiku  
 For Republikken Mauritius  
 Für die Republik Mauritius  
 Mauritiuse Vabariigi nimel  
 Για τη Δημοκρατία του Μαυρίκιου  
 For the Republik of Mauritius  
 Pour la République de Maurice  
 Per la Repubblica di Mauritius  
 Maurīcijas Republikas vārdā  
 Mauricijaus Respublikos vardu  
 A Mauritiusi Köztársaság részéről  
 Għar-Repubblika tal-Mawrizju  
 Voor de Republiek Mauritius  
 W imieniu Republiki Mauritiusu  
 Pela República da Maurícia  
 Pentru Republica Mauritius  
 Za Maurícijskú republiku  
 Za Republiko Mauritius  
 Mauritiuksen tasavallan puolesta  
 För Republiken Mauritius




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## JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, 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 desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Mauritius, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

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## JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sportspersons and artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

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JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF THREE MONTHS DURING A SIX MONTHS PERIOD FOLLOWING THE DATE OF FIRST ENTRY AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of Mauritius or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

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JOINT DECLARATION ON THE INFORMATION OF THE CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and Mauritius, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

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## COUNCIL DECISION

of 6 April 2009

**on the signing and provisional application of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver**

(2009/481/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point (2)(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006 <sup>(1)</sup> amended Regulation (EC) No 539/2001 <sup>(2)</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring the Commonwealth of the Bahamas (hereinafter referred to as the Bahamas) from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and the Bahamas.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and the Bahamas on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 4 July 2008 and concluded on 16 October 2008.
- (4) The Agreement initialled in Brussels on 19 November 2008, should be signed and the attached declarations be approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty

establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (hereinafter referred to as the Agreement) is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

*Article 2*

The Declarations attached to this Decision shall be approved on behalf of the Community.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign, the Agreement on behalf of the Community subject to its conclusion.

*Article 4*

The Agreement shall be applied on a provisional basis as from the date of signature thereof <sup>(3)</sup>, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

*For the Council*  
*The President*  
J. POSPÍŠIL

<sup>(1)</sup> OJ L L 405, 30.12.2006, p. 23.

<sup>(2)</sup> OJ L 81, 21.3.2001, p. 1.

<sup>(3)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## AGREEMENT

### between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

THE COMMONWEALTH OF THE BAHAMAS, hereinafter referred to as 'the Bahamas',

hereinafter referred to jointly as 'the Contracting Parties';

WITH A VIEW to further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD TO Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement <sup>(1)</sup> by, inter alia, transferring six third countries, including the Bahamas to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU),

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question,

RECOGNISING that the citizens of several Member States are exempted from the visa requirement when travelling to the Bahamas for a period not exceeding three or eight months, while those of other Member States are under the visa requirement,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of the Bahamas on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

##### **Purpose**

This Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of the Bahamas when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

#### *Article 2*

##### **Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of the Bahamas' shall mean any person who holds the citizenship of the Bahamas;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

*Article 3***Scope of application**

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of the Bahamas for the period of stay as defined in Article 4(1).

The citizens of the Bahamas holding a valid ordinary, diplomatic or service/official passport issued by the Bahamas may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of the Bahamas or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, the Bahamas may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and the Bahamas reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States or by national law of the Bahamas.

*Article 4***Duration of stay**

1. The citizens of the European Union may stay in the territory of the Bahamas for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of the Bahamas may stay in the Schengen area for a maximum period of three months during a six months period following the date of first entry into the

territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of the Bahamas may stay for a maximum period of three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for the Bahamas and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

*Article 5***Territorial application**

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

*Article 6***Joint Committee for the management of the Agreement**

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the Committee), composed of representatives of the European Community and representatives of the Bahamas. The Community shall be represented by the European Commission.

2. The Committee shall, inter alia, have the following tasks:

(a) monitoring the implementation of this Agreement;

(b) suggesting amendments or additions to this Agreement;

(c) settling disputes arising from the interpretation or application of the provisions of this Agreement.

3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.

4. The Committee shall establish its rules of procedure.

*Article 7***Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and the Bahamas**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and the Bahamas, in so far as their provisions cover issues falling within the scope of this Agreement.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.
2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.
3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than two months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.

5. Each Contracting 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.

6. The Bahamas may suspend or terminate this Agreement only in respect of all the Member States.

7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate, on 28 May 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

За Европейската общност  
 Por la Comunidad Europea  
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 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
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 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen




За Бахамската общност  
 Por la Commonwealth de Las Bahamas  
 Za Bahamské společenství  
 For Commonwealth of The Bahamas  
 Für das Commonwealth der Bahamas  
 Bahama Ühenduse nimel  
 Για την Κοινοπολιτεία των Νήσων Μπαχάμες  
 For the Commonwealth of The Bahamas  
 Pour le Commonwealth des Bahamas  
 Per il Commonwealth delle Bahamas  
 Bahamu Salu Sadraudzības vārdā  
 Bahamų Sandraugos vardu  
 A Bahamai Közösség részéről  
 Għall-Commonwealth tal-Bahamas  
 Voor het Gemenebest van de Bahama's  
 W imieniu Wspólnoty Bahamów  
 Pela Comunidade das Baamas  
 Pentru Uniunea Bahamas  
 Za Bahamské spoločenstvo  
 Za Zvezo Bahami  
 Bahaman liittovaltion puolesta  
 För Samväldet Bahamas



## JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, 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 desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and the Bahamas, on the other hand, conclude, without delay, bilateral agreements on the short stay visa waiver in similar terms as this Agreement.

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## JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- business persons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sports persons and artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

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JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF THREE MONTHS DURING A SIX MONTHS PERIOD FOLLOWING THE DATE OF FIRST ENTRY AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of the Bahamas or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

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JOINT DECLARATION ON THE INFORMATION OF THE CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and the Bahamas, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

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**COUNCIL DECISION****of 6 April 2009****on the signing and provisional application of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver**

(2009/482/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point (2)(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006 <sup>(1)</sup> amended Regulation (EC) No 539/2001 <sup>(2)</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring the Republic of Seychelles (hereinafter referred to as Seychelles) from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and Seychelles.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and Seychelles on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 9 July 2008 and concluded on 16 October 2008.
- (4) The Agreement initialled in Brussels on 12 November 2008, should be signed and the attached declarations approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty

establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (hereinafter referred to as the Agreement) is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

*Article 2*

The Declarations attached to this Decision shall be approved on behalf of the Community.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

*Article 4*

The Agreement shall be applied on a provisional basis as from the date of signature thereof <sup>(3)</sup>, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

*For the Council*  
*The President*  
J. POSPÍŠIL

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

<sup>(2)</sup> OJ L 81, 21.3.2001, p. 1.

<sup>(3)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.



## AGREEMENT

### between the European Community and the Republic of Seychelles on the short-stay visa waiver

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

THE REPUBLIC OF SEYCHELLES, hereinafter referred to as 'Seychelles',

hereinafter referred to jointly as 'the Contracting Parties';

WITH A VIEW TO further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD TO Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement <sup>(1)</sup> by, inter alia, transferring six third countries, including Seychelles to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU),

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question,

RECOGNISING that the citizens of all Member States are exempted from the visa requirement when travelling to Seychelles for a period of up to one month, which can be extended for a period up to three months,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of Seychelles on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

##### **Purpose**

This Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Seychelles when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

#### *Article 2*

##### **Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of Seychelles' shall mean any person who holds the citizenship of Seychelles;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

### Article 3

#### Scope of application

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of Seychelles for the period of stay as defined in Article 4(1).

The citizens of Seychelles holding a valid ordinary, diplomatic or service/official passport issued by Seychelles may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of Seychelles or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Seychelles may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Seychelles reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States or by national law of Seychelles.

### Article 4

#### Duration of stay

1. The citizens of the European Union may stay in the territory of Seychelles for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of Seychelles may stay in the Schengen area for a maximum period of three months during a six months

period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Seychelles may stay for a maximum period of three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for Seychelles and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

### Article 5

#### Territorial application

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

### Article 6

#### Joint Committee for the management of the Agreement

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the Committee), composed of representatives of the European Community and representatives of Seychelles. The Community shall be represented by the European Commission.

2. The Committee shall have, inter alia, the following tasks:

(a) monitoring the implementation of this Agreement;

(b) suggesting amendments or additions to this Agreement;

(c) settling disputes arising from the interpretation or application of the provisions of this Agreement.

3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.

4. The Committee shall establish its rules of procedure.

*Article 7***Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and Seychelles**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Seychelles, in so far as their provisions cover issues falling within the scope of this Agreement.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.

2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.

3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than 2 months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.

5. Each Contracting 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.

6. Seychelles may suspend or terminate this Agreement only in respect of all the Member States.

7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate, on 28 May 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen

За Република Сейшели  
 Por la República de Seychelles  
 Za Seychelskou republiku  
 For Republikken Seychellerne  
 Für die Republik Seychellen  
 Seišelli Vabariigi nimel  
 Για τη Δημοκρατία των Σεϋχελών  
 For the Republic of Seychelles  
 Pour la République des Seychelles  
 Per la Repubblica delle Seychelles  
 Seišela Salu Republikas vārdā  
 Seišelių Respublikos vardu  
 A Seychelle Köztársaság részéről  
 Għar-Repubblika tas-Seychelles  
 Voor de Republiek der Seychellen  
 W imieniu Republiki Seszeli  
 Pela República das Seicheles  
 Pentru Republica Seychelles  
 Za Seychelskú republiku  
 Za Republiko Sejšeli  
 Seychellien tasavallan puolesta  
 För Republiken Seychellernas

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## JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, 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 desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Seychelles, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

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## JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- business persons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sports persons and artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

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JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF THREE MONTHS DURING A SIX MONTHS PERIOD FOLLOWING THE DATE OF FIRST ENTRY AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of Seychelles or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

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JOINT DECLARATION ON THE INFORMATION OF THE CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and Seychelles, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

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## COUNCIL DECISION

of 6 April 2009

**on the signing and provisional application of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver**

(2009/483/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006 <sup>(1)</sup> amended Regulation (EC) No 539/2001 <sup>(2)</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring the Federation of Saint Kitts and Nevis (hereinafter referred to as Saint Kitts and Nevis) from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and Saint Kitts and Nevis.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and Saint Kitts and Nevis on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 15 July 2008 and concluded on 16 October 2008.
- (4) The Agreement initialled in Brussels on 12 November 2008, should be signed and the attached declarations be approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty

establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (hereinafter referred to as the Agreement), is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

*Article 2*

The declarations attached to this Decision shall be approved on behalf of the Community.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

*Article 4*

The Agreement shall be applied on a provisional basis as from the date of signature thereof <sup>(3)</sup>, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

*For the Council*  
*The President*  
J. POSPÍŠIL

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.

<sup>(2)</sup> OJ L 81, 21.3.2001, p. 1.

<sup>(3)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT****between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

THE FEDERATION OF SAINT KITTS AND NEVIS, hereinafter referred to as 'Saint Kitts and Nevis',

hereinafter referred to jointly as 'the Contracting Parties';

WITH A VIEW to further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens;

HAVING REGARD to Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement <sup>(1)</sup> by, inter alia, transferring six third countries, including Saint Kitts and Nevis to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU);

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question;

RECOGNISING that the citizens of several Member States are exempted from the visa requirement when travelling to Saint Kitts and Nevis for a period not exceeding 3 months, while those of other Member States are under the visa requirement;

DESIRING to safeguard the principle of equal treatment of all EU citizens;

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of Saint Kitts and Nevis on the visa obligation or exemption and on the access to employment continue to apply;

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

**Article 1****Purpose**

This Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Saint Kitts and Nevis when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

**Article 2****Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the European Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of Saint Kitts and Nevis' shall mean any person who holds the citizenship of Saint Kitts and Nevis;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

<sup>(1)</sup> OJ L 405, 30.12.2006, p. 23.



### Article 3

#### Scope of application

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of Saint Kitts and Nevis for the period of stay as defined in Article 4(1).

The citizens of Saint Kitts and Nevis holding a valid ordinary, diplomatic or service/official passport issued by Saint Kitts and Nevis may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of Saint Kitts and Nevis or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Saint Kitts and Nevis may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Saint Kitts and Nevis reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States or by national law of Saint Kitts and Nevis.

### Article 4

#### Duration of stay

1. The citizens of the European Union may stay in the territory of Saint Kitts and Nevis for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of Saint Kitts and Nevis may stay in the Schengen area for a maximum period of three months during

a six months period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Saint Kitts and Nevis may stay for a maximum period of three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for Saint Kitts and Nevis and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

### Article 5

#### Territorial application

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

### Article 6

#### Joint Committee for the management of the Agreement

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the Committee), composed of representatives of the European Community and representatives of Saint Kitts and Nevis. The Community shall be represented by the European Commission.

2. The Committee shall have, inter alia, the following tasks:

(a) monitoring the implementation of this Agreement;

(b) suggesting amendments or additions to this Agreement;

(c) settling disputes arising from the interpretation or application of the provisions of this Agreement.

3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.

4. The Committee shall establish its rules of procedure.

*Article 7***Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and Saint Kitts and Nevis**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Saint Kitts and Nevis, in so far as their provisions cover issues falling within the scope of this Agreement.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.
2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.
3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than 2 months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.

5. Each Contracting 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.

6. Saint Kitts and Nevis may suspend or terminate this Agreement only in respect of all the Member States.

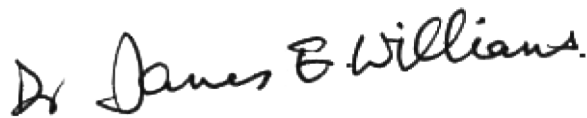
7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate, on 28 May 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
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 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen




За Федерация Сейнт Китс и Невис  
 Por la Federación de San Cristóbal y Nevis  
 Za Federaci Svätý Kryštof a Nevis  
 For Føderationen Saint Kitts og Nevis  
 Für die Föderation St. Kitts und Nevis  
 Saint Kittsi ja Nevisse föderatsioon nimel  
 Για την Ομοσπονδία του Αγίου Χριστόφορου και Νέβις  
 For the Federation of Saint Kitts and Nevis  
 Pour la Fédération de Saint-Christophe-et-Nevis  
 Per la Federazione di Saint Christopher (Saint Kitts) e Nevis  
 Sentkitsas un Nevisas Federācijas vārdā  
 Sent Kitso ir Nevio Federācijas vardu  
 A Saint Kitts és Nevis Államszövetség részéről  
 Ghall-Federazzjoni ta' Saint Kitts u Nevis  
 Voor de Federatie van Saint Kitts en Nevis  
 W imieniu Federacji Saint Kitts i Nevis  
 Pela Federação de São Cristóvão e Nevis  
 Pentru Federația Saint Kitts și Nevis  
 Za Federáciu Svätý Krištof a Nevis  
 Za Federacijo Saint Kitts in Nevis  
 Saint Kitts ja Nevisin puolesta  
 För Saint Kitts och Nevis



## JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, 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 desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Saint Kitts and Nevis, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

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## JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sportspersons and artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and,
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

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JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF THREE MONTHS DURING A SIX MONTHS PERIOD FOLLOWING THE DATE OF FIRST ENTRY AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of Saint Kitts and Nevis or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

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JOINT DECLARATION ON THE INFORMATION OF THE CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and Saint Kitts and Nevis, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

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