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Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas

EXPLANATORY MEMORANDUM

I. POLITICAL AND LEGAL FRAMEWORK

In the context of the Warsaw Eastern Partnership Summit Declaration of 30 September 2011, the EU and the partner countries confirmed their political support for enhancing mobility of citizens in a secure and well-managed environment and reaffirmed their intention to take gradual steps towards a visa free regime for their citizens in due course.

On that basis and as a first concrete step forward, the Commission presented on 16 September 2011 a recommendation to the Council in order to authorise the Commission to open negotiations with the Republic of Azerbaijan on a Visa Facilitation Agreement.

Following the authorisation given by the Council on 19 December 2011, the negotiations with the Republic of Azerbaijan on a Visa Facilitation Agreement were opened in Baku on 1 March 2012. Three further rounds of negotiations took place on 1 June 2012 in Brussels, 6 November 2012 in Baku and on 13 March 2013 in Brussels. The final text of the Agreement was initialled in Brussels on 29 July 2013 by the chief negotiators.

Member States have been regularly informed and consulted in the relevant Council Working Groups at all stages of the negotiations.

On the part of the Union, the legal basis for the Agreement is Article 77(2)(a), in conjunction with Article 218 of the TFEU.

The attached proposal constitutes the legal instrument for the signature of the Agreement. The Council will decide by qualified majority.

II. OUTCOME OF THE NEGOTIATIONS

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Agreement is acceptable to the Union.

The final content of it can be summarised as follows:

- in principle, for all visa applicants, a decision on whether or not to issue a visa will have to be taken within 10 calendar days. This period may be extended up to 30 calendar days when further scrutiny is needed. In urgent cases, the period for taking a decision may be reduced to two working days or less. As a rule, the visa applicants can have an appointment for lodging their application within a period of two weeks from the date of request and in cases of urgency immediately or without an appointment.
- the visa fee for processing applications of citizens of the European Union and the Republic of Azerbaijan shall amount to EUR 35. This fee will be applied to all visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiver of the visa fee: pensioners, close relatives, members of official delegations participating in government activities, pupils, students and post-graduate students, persons with disabilities, journalists and the technical crew accompanying them, representatives of civil society organisations, children under the age of 12, humanitarian cases and persons participating in scientific, cultural, artistic activities and sport events;
- the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives, business people, members of official delegations, pupils, students and post-graduate students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of civil society, members of the professions, drivers conducting international cargo and

passenger transportation services, participants in official exchange programmes of twin cities and persons visiting for medical reasons. For these categories of persons, only the documents listed in the agreement can be requested for justifying the purpose of the journey. No other justification, invitation or validation provided for by the legislation of the Member States or the Republic of Azerbaijan is required;

- there are also simplified criteria for issuing multiple-entry visas for the following categories of persons:
 - (a) for permanent members of official delegations and spouses and children visiting citizens of the European Union legally residing in the territory of Azerbaijan or citizens of the Republic of Azerbaijan legally residing in the Member States or EU citizens residing in the territory of the Member States of which they are nationals or citizens of the Republic of Azerbaijan residing in the territory of Azerbaijan: visas valid for five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence);
 - (b) participants in scientific, cultural, official exchange programmes and sport events, journalists, students, business people, members of official delegations, representatives of civil society, members of the professions and drivers, provided that during the previous two years they have made good use of 1 year multiple-entry visas and the reasons for requesting a multiple-entry are still valid: visas valid for a minimum of two years and a maximum of 5 years are issued;
- citizens of the European Union and the Republic of Azerbaijan who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.
- a protocol addresses the specific situation of the Member States that do not fully apply the Schengen *acquis* yet and their unilateral recognition of Schengen visas and residence permits issued to citizens of the Republic of Azerbaijan for the purpose of transit through their territory in accordance with Council Decision N° 582/2008/EC.
- A Joint Declaration is attached to the Agreement on the implementation of Article 10 on diplomatic passports.
- A Joint Declaration is attached to the Agreement on cooperation on travel documents and regular exchange of information on travel document security.
- A Joint Declaration reaffirming that the Agreement does not affect the possibility of individual Member States and the Republic of Azerbaijan to conclude bilateral Visa Waiver Agreements for holders of service passports.
- the specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble. The close association of Iceland, Norway, Switzerland and Liechtenstein to the implementation, application and development of the Schengen *acquis* is reflected in a Joint Declaration to the Agreement.

III. CONCLUSIONS

In light of the above-mentioned results, the Commission proposes that the Council

- decide that the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas be signed on behalf of the Union and authorise the Commission to appoint the person(s) duly empowered to sign on behalf of the Union.

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(a), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Joint Declaration of the Warsaw Eastern Partnership Summit of 30 September 2011 confirms the political support towards enhancing mobility of citizens by way of visa liberalisation and the intention to take gradual steps towards the visa free travel for their citizens in due course.
- (2) On 19 December 2011 the Council authorised the Commission to open negotiations with the Republic of Azerbaijan on an Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas. The negotiations were successfully concluded by the initialling of the Agreement on 29 July 2013.
- (3) In accordance with the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the provisions of this Agreement do not apply to the United Kingdom and Ireland,
- (4) In accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the provisions of this Agreement do not apply to Denmark.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement to be signed is attached to this Decision.

Article 2

The Council Secretariat General shall establish the instrument of full powers to sign the Agreement, subject to its conclusion, for the person(s) indicated by the negotiator of the Agreement.

Article 3

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

Done at Brussels,

*For the Council
The President*

ANNEX
AGREEMENT
between
the European Union and the Republic of Azerbaijan
on the facilitation of the issuance of visas

THE EUROPEAN UNION hereinafter referred to as 'the Union';

and

THE REPUBLIC OF AZERBAIJAN,

hereinafter referred to as 'the Parties';

DESIRING to facilitate people to people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Union and the Republic of Azerbaijan on a basis of reciprocity,

BEARING IN MIND the Agreement on Partnership and Cooperation establishing a Partnership between the Union and its Member States, of the one part, and the Republic of Azerbaijan, of the other part, as well as the negotiations on an EU-Azerbaijan Association Agreement which were launched in 2010,

HAVING REGARD to the Joint Declaration of the Prague Eastern Partnership Summit held on 7 May 2009 stating the political support towards visa liberalization of the visa regime in a secure environment,

RECOGNISING that visa facilitation should not lead to irregular migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol of the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose and scope of application

The purpose of this Agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the Union and the Republic of Azerbaijan.

Article 2

General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of the Union and of the Republic of Azerbaijan only insofar as they are not exempted from the visa requirement by the laws and regulations of the Republic of Azerbaijan, of the Union or the Member States, this Agreement or other international Agreements.

2. The national law of the Republic of Azerbaijan or of the Member States or Union law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

Article 3

Definitions

For the purpose of this Agreement:

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

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

(c) 'Citizen of the Republic of Azerbaijan' shall mean any person who holds the citizenship of the Republic of Azerbaijan in accordance with its legislation in force;

(d) 'visa' shall mean an authorisation issued by a Member State or the Republic of Azerbaijan with a view to transiting through, or an intended stay of a duration of no more than 90 days in any 180-day period, in the territory of Member States or the Republic of Azerbaijan;

(e) 'legally residing person' shall mean :

- for the Republic of Azerbaijan, a citizen of the Union who acquired temporary or permanent residence permit for a period of more than 90 days in the territory of the Republic of Azerbaijan,

- for the Union, a citizen of the Republic of Azerbaijan authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union law or national legislation.

Article 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Union and of the Republic of Azerbaijan, the following documents are sufficient for justifying the purpose of the journey to the other Party:

(a) for close relatives – spouses, children (including adopted), parents (including custodians), grandparents and grand-children – visiting citizens of the European Union legally residing in the territory of the Republic of Azerbaijan or citizens of the Republic of Azerbaijan legally residing in the Member States, or citizens of the European Union residing in the territory of the Member State of which they are nationals, or citizens of the Republic of Azerbaijan residing in the territory of the Republic of Azerbaijan:

- a written request from the host person;

(b) without prejudice to Article 10, for members of official delegations including permanent members of such delegations who, following an official invitation addressed to the Member States, the European Union or the Republic of Azerbaijan, shall participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Azerbaijan or one of the Member States by intergovernmental organisations:

- a letter issued by a competent authority of a Member State or of the Republic of Azerbaijan or by an institution of the European Union confirming that the applicant is a member of its delegation respectively or a permanent member of its delegation travelling to the territory of the other Party to participate in the aforementioned events, accompanied by a copy of the official invitation;

(c) for business people and representatives of business organisations:

- a written request from the host legal person or company, organization or an office or a branch of such legal person or company, state, or local authorities of the Republic of Azerbaijan or the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territory of the Republic of Azerbaijan or one of the Member States endorsed by the competent authorities in accordance with the national legislation;

(d) for drivers conducting international cargo and passenger transportation services between the territories of the Republic of Azerbaijan and the Member States in vehicles registered in the Member States or in the Republic of Azerbaijan:

- a written request from the national company or association (union) of carriers of the Republic of Azerbaijan or the national associations of carriers of the Member States providing for international road transportation, stating the purpose, itinerary, duration and frequency of the trips;

(e) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities:

- a written request or a certificate of enrolment from the host university, academy, institute, college or school or student cards or certificates of the courses to be attended;

(f) for persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes:

- a written request from the host organisation to participate in those activities;

(g) for journalists and technical crew accompanying them in a professional capacity:

- a certificate or other document issued by a professional organization or the applicant's employer proving that the person concerned is a qualified journalist and stating that the purpose of the journey is to carry out journalistic work or proving that he/she is a member of technical crew accompanying the journalist in a professional capacity;

(h) for participants in international sports events and persons accompanying them in a professional capacity:

- a written request from the host organization, competent authorities, national sport Federations of the Member States or the Republic of Azerbaijan or National Olympic Committee of the Republic of Azerbaijan or National Olympic Committees of the Member States;

(i) for participants in official exchange programmes organized by twin cities:

- a written request of the Head of Administration/Mayor of these cities;

(j) for persons travelling for medical reasons and necessary accompanying persons:

- an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;

(k) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held on the territory of the Republic of Azerbaijan or Member States:

- a written request from the host organization confirming that the person concerned is participating in the event;

(l) for representatives of civil society organizations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:

- a written request issued by the host organization, a confirmation that the person is representing the civil society organization and the certificate on establishment of such organization from the relevant register issued by a state authority in accordance with the national legislation;

(m) relatives visiting for burial ceremonies:

- an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;

(n) for visiting military and civil burial grounds:

- an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;

2. The written request mentioned in paragraph 1 of this Article shall include the following items:

(a) for the invited person: name and surname, date of birth, sex, citizenship, passport number, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;

(b) for the inviting person: name, surname and address;

(c) for the inviting legal person, company or organisation: full name and address and:

- if the request is issued by an organisation or authority, the name and position of the person who signs the request;

- if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State or in the Republic of Azerbaijan, the registration number as required by the national law of the Member State concerned or by the Azerbaijani law.

3. For the categories of persons mentioned in paragraph 1 of this Article, all categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Parties.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States and of the Republic of Azerbaijan shall issue multiple-entry visas with a term of validity of 5 years to the following categories of citizens:

(a) spouses, children (including adopted), who are under the age of 21 or are dependant, parents (including custodians), visiting citizens of the European Union legally residing in the territory of the Republic of Azerbaijan or citizens of the Republic of Azerbaijan legally residing in the territory of the Member States, or citizens of the European Union residing in the territory of the Member State of which they are nationals, or citizens of the Republic of Azerbaijan residing in the territory of the Republic of Azerbaijan;

(b) permanent members of official delegations, who following an official invitation addressed to the Member States, the European Union or the Republic of Azerbaijan, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of the Azerbaijan or one of the Member States by intergovernmental organisations;

By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period, in particular where:

- in the case of the persons referred to in point (a), the period of validity of the authorisation for legal residence of citizens of the Republic of Azerbaijan legally residing in one of the Member States or citizens of the Union legally residing in the Republic of Azerbaijan;

- in the case of the persons referred to in point (b), the term of the validity of the status as a permanent member of an official delegation,

is less than five years.

2. Diplomatic missions and consular posts of the Member States and of the Republic of Azerbaijan shall issue multiple-entry visas with the term of validity of one year to the following categories of citizens, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State:

(a) students, post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;

(b) journalists and technical crew accompanying them in a professional capacity;

(c) participants in official exchange programmes organised by twin cities;

(d) drivers conducting international cargo and passenger transportation services between the territories of the Republic of Azerbaijan and the Member States in vehicles registered in the Member States or the Republic of Azerbaijan;

(e) persons needing to visit regularly for medical reasons and necessary accompanying persons;

(f) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Republic of Azerbaijan or the Member States;

(g) representatives of civil society organizations travelling regularly to the Republic of Azerbaijan or the Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;

(h) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Republic of Azerbaijan or the Member States;

(i) participants in international sports events and persons accompanying them in a professional capacity;

(j) members of official delegations who, following an official invitation addressed to the Member State, the European Union or the Republic of Azerbaijan, shall participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Azerbaijan or of the Member States by intergovernmental organisations;

(k) business people and representatives of business organisations who regularly travel to the Republic of Azerbaijan or the Member States.

By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period.

3. Diplomatic missions and consular posts of the Member States and of the Republic of Azerbaijan shall issue multiple-entry visas with the term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous 2 years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State, unless the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States or in the Republic of Azerbaijan.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

2. Without prejudice to paragraph 3, fees for processing the visa application are waived for the following categories of persons:

(a) for close relatives – spouses, children (including adopted), parents (including custodians), grandparents and grand-children – of citizens of the European Union legally residing in the territory of the Republic of Azerbaijan, of citizens of the Republic of Azerbaijan legally residing in the territory of the Member States, of citizens of the European Union residing in the territory of the Member State of which they are nationals, and of citizens of the Republic of Azerbaijan residing in the territory of the Republic of Azerbaijan;

(b) for members of official delegations, including permanent members of official delegations, who, following an official invitation addressed to the Member States, the European Union or the Republic of Azerbaijan, shall participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Azerbaijan or one of the Member States by intergovernmental organisations;

(c) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities;

(d) persons with disabilities and persons accompanying them, if necessary;

(e) participants in international sports events and persons accompanying them in a professional capacity;

(f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes;

(g) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;

(h) representatives of civil society organizations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;

(i) pensioners;

(j) children under the age of 12;

(k) journalists and technical crew accompanying them in a professional capacity.

3. If a Member State or the Republic of Azerbaijan cooperates with an external service provider in view of issuing a visa the external service provider may charge a service fee. This fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30. The Member States and the Republic of Azerbaijan shall maintain the possibility for all applicants to lodge their applications directly at their consulates.

For the Union, the external service provider shall conduct its operations in accordance with the Visa Code and in full respect of the legislation of the Republic of Azerbaijan.

For the Republic of Azerbaijan, the external service provider shall conduct its operations in accordance with the Azerbaijani legislation and of the legislation of the EU Member States.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States and the Republic of Azerbaijan shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.

2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.

3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.

If applicants are required to obtain an appointment for the lodging of an application the appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested. Notwithstanding the foregoing sentence, external service providers shall ensure that a visa application, as a rule, can be lodged without undue delay.

In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and the Republic of Azerbaijan who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Azerbaijan or the Member States, may leave the territory of the Republic of Azerbaijan or the Member States on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Azerbaijan without any visa or other authorisation.

Article 9

Extension of visa in exceptional circumstances

Citizens of the European Union and the Republic of Azerbaijan who are not able to leave the territory of the Republic of Azerbaijan or the territory of the Member States by the time stated in their visas for reasons of force majeure shall have the period of validity and/or the duration of stay of the issued visa extended free of charge in accordance with the legislation applied by the Republic of Azerbaijan or the receiving Member State for the period required for their return to the State of their residence.

Article 10

Diplomatic passports

1. Citizens of the European Union and the Republic of Azerbaijan who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Republic of Azerbaijan or the Member States without visas.
2. Persons mentioned in paragraph 1 may stay in the territory of the Republic of Azerbaijan or the territories of Member States for a period not exceeding 90 days per period of 180 days.

Article 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Republic of Azerbaijan and of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the Union and Azerbaijani citizens shall be entitled to travel within the territory of the Member States and of the Republic of Azerbaijan on equal basis with the Republic of Azerbaijan and European Union citizens.

Article 12

Joint Committee for management of the Agreement

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as “the Committee”), composed of representatives of the Union and of the Republic of Azerbaijan. The Union shall be represented by the European Commission, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:

- (a) monitoring the implementation of the present Agreement;
 - (b) suggesting amendments or additions to the present Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.
3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.
 4. The Committee shall establish its rules of procedure.

Article 13

Relation of this Agreement with bilateral Agreements between Member States and the Republic of Azerbaijan

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and the Republic of Azerbaijan, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.

Article 14

Final clauses

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
2. By way of derogation from paragraph 1 of this Article, this Agreement shall only enter into force on the date of the entry into force of the Agreement between the European Union and the Republic of Azerbaijan on readmission if this date is after the date provided for in paragraph 1 of this Article.
3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
6. Each 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.

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

For the Union

For the Republic of Azerbaijan

PROTOCOL

to the Agreement on the Member States that do not fully apply the Schengen *acquis*

Those Member States which are bound by the Schengen *acquis* but which do not issue yet Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

In accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories¹ harmonised measures have been taken in order to simplify the transit of holders of Schengen visa and Schengen residence permits through the territory of the Member States that do not fully apply the Schengen *acquis* yet.

Joint Declaration on Article 10 of the Agreement on diplomatic passports

The Union or the Republic of Azerbaijan might invoke a partial suspension of the agreement and in particular of Article 10, in accordance with the procedure set up by Article 14 (5), if the implementation of Article 10 is abused by the other Party or leads to a threat to public security.

In case of suspension of the implementation of Article 10, both Parties shall initiate consultations within the framework of the Joint Committee set up by the agreement with a view to solve the problems that lead to the suspension.

As a priority, both Parties declare their commitment to ensure a high level of document security for diplomatic passports, in particular by integrating biometric identifiers. For the Union, this will be ensured in compliance with the requirements set out in Regulation (EC) 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States².

Joint Declaration concerning Denmark

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular services of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the Republic of Azerbaijan conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Union and the Republic of Azerbaijan.

Joint Declaration concerning the United Kingdom and Ireland

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

¹ OJ L 161, 20.6.2008, p. 30.

² OJ L385, 29.12.2004, p.1.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the Republic of Azerbaijan, conclude bilateral agreements on the facilitation of the issuance of visas.

Joint Declaration concerning Iceland, Norway, Switzerland and Liechtenstein

The Parties take note of the close relationship between the European Union and Switzerland, Iceland, Liechtenstein, and Norway, 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 Switzerland, Iceland, Liechtenstein, and Norway and the Republic of Azerbaijan conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Union and the Republic of Azerbaijan.

Joint Declaration on cooperation on travel documents

The Parties agree that the Joint Committee established under Article 12 of the Agreement, when monitoring the implementation of the Agreement, should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties agree to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.

Joint Declaration on service passports

The Parties, considering the framework of these negotiations, reaffirm that this Agreement does not affect the possibility of individual Member States and the Republic of Azerbaijan to conclude bilateral agreements providing for the exemption from the visa requirements of holders of service passports.
