

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 ⁽¹⁾ amended Regulation (EC) No 539/2001 ⁽²⁾ 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 ⁽³⁾, pending the completion of the procedures for its formal conclusion.

Done at Luxembourg, 6 April 2009.

For the Council
The President
J. POSPIŠIL

⁽¹⁾ OJ L 405, 30.12.2006, p. 23.

⁽²⁾ OJ L 81, 21.3.2001, p. 1.

⁽³⁾ 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.