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NOTE

From: Presidency
To: Visa Working Party/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
Subject: Visa restrictions as a policy tool

Reintroduction of visa obligations for holders of diplomatic, service/official and special passports of Georgia

On 27 January 2025, the Council adopted a decision partially suspending the agreement between the European Union and Georgia on the facilitation of the issuance of visas. The decision was adopted in order to protect public order in the Member States and in the Union following a series of events in Georgia, a number of which breached the fundamental principles on which the Facilitation Agreement had been concluded. The Council therefore deemed it appropriate and proportionate that Georgian citizens holding valid diplomatic passports travelling to the Union required a visa, as these persons represent interests contrary to those that led to the conclusion of the Facilitation Agreement.

As Georgia is still listed in Annex II to Regulation (EU) 2018/1806, all Georgian nationals benefit from the visa exemption. In order to be effective, the partial suspension would therefore have to be accompanied by national measures taken by the Member States pursuant to Article 6(1)(a) of the Regulation, which establishes that Member States may provide for exceptions from the exemption from the visa requirement as regards holders of diplomatic passports, service/official passports or special passports.

On 18 February 2025, the Commission issued guidelines on the implementation of the Council decision and on the application by Member States of Article 6(1) of Regulation (EU) 2018/1806. As of 26 August 2025, 15 Member States, plus Norway, have notified both the Council and the Commission on the reintroduction of visa obligations for holders of diplomatic, service/official and special passports of Georgia.

In the 7th Report under the Visa Suspension Mechanism (VSM), the Commission concluded that in order for Georgia to continue fulfilling all visa liberalisation benchmarks and to avoid potential activation of the suspension mechanism, the Georgian Government needed to take further urgent action to address the Commission's recommendations, particularly in the area of protecting fundamental rights. The Commission addressed seven detailed recommendations for Georgia to address, of which the two first pertained to fundamental rights.

In light of the ongoing democratic backsliding in Georgia, the Ministers of Foreign Affairs of five Member States (the Czech Republic, Estonia, Germany, Latvia and Lithuania) sent a letter to the European Commission ahead of the Foreign Affairs Council meeting on 15 July 2025, in which they encouraged the Commission to inform the Council about a concrete deadline by which the Commission would update its recommendations for Georgia. The letter also noted the importance of sending a message to the Georgian Government and the Georgian people, to the effect that the VSM could be triggered if they failed to comply with the recommendations, suggesting that the selected group of Georgian officials – to be proposed by the Commission - to be targeted in order to avoid harming all Georgian citizens at once.

At the Foreign Affairs Council meeting on 15 July, the High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Kaja Kallas, announced that the EU would be sending a letter to the Georgian authorities on the same day, emphasising that if Georgia did not comply with the VSM recommendations by September, the EU could take appropriate measures by suspending the visa-free regime.

There are certain factors worth considering in relation to the potential activation of the suspension mechanism under the current regulation and under the revised mechanism on which the European Parliament and the Council reached a political agreement on 17 June 2025 and which is expected to become operational later in the autumn.

Firstly, under the current Regulation 2018/1806, all Georgian nationals would be targeted by the suspension of the visa exemption after the first nine-month phase, whereas the revised mechanism in the second phase would include the possibility of targeting only certain categories of nationals.

Secondly, under Article 6(1)(a) of the current regulation, Member States can still freely implement national exceptions, whereas, pursuant to the revised mechanism, under which the Commission has adopted an implementing act that temporarily suspends the exemption from the visa requirement for nationals of the third country concerned who hold diplomatic passports, service/official passports or special passports, Member States will no longer be able to include new exceptions, and Member States that already have bilateral agreements with the third country concerned will have to take the necessary steps not to apply exceptions.

Given the current development, the Presidency would like to hold a debate on the best way forward with regard to the visa free-regime with Georgia. Delegations are invited to reflect and share their opinion on the following questions:

1. What is your experience of the reintroduction of visa requirements for holders of diplomatic, service/official or special passports of Georgia?
2. Do you consider it necessary that the Visa Working Party discuss the possibility of activating the VSM for Georgia under the current regulation or should the discussion await the entering into force of the revised mechanism towards the end of the year?
3. If you consider that our discussion should await the revised mechanism, what do you believe would be the best way to proceed, i.e. targeting certain categories? If so, which categories?
4. If you consider that the VSM should not be activated at this point, what other measures do you believe the Member States or the Commission could take?