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► **B**

► **M1** AGREEMENT

Between the european union and the republic of cabo verde on facilitating the issuing of short-stay visas ◀

(OJ L 282, 24.10.2013, p. 3)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Agreement between the European Union and the Republic of Cabo Verde amending the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union	L 371	5	19.10.2021

▼ B▼ M1**AGREEMENT****Between The European Union And The Republic Of Cabo Verde
On Facilitating The Issuing Of Short-Stay Visas**▼ B

THE EUROPEAN UNION, hereinafter referred to as ‘the Union’,

and

THE REPUBLIC OF ► M1 CABO VERDE ◀, hereinafter referred to as
► M1 ‘Cabo Verde’ ◀,

Hereinafter referred to as ‘the Parties’,

WISHING to promote contacts between their peoples as an important factor in ensuring the constant development of economic, humanitarian, cultural, scientific and other ties by facilitating the issue of visas to their citizens on the basis of reciprocity,

HAVING REGARD to the Joint Declaration of 5 June 2008 on a Mobility Partnership between the European Union and ► M1 Cabo Verde ◀, in accordance with which the Parties are to take steps to develop a dialogue on matters relating to short-stay visas, with a view to facilitating the mobility of certain categories of people,

RECALLING the Cotonou Partnership Agreement and the Special Partnership between the European Union and ► M1 Cabo Verde ◀, approved by the Council of the European Union on 19 November 2007,

RECOGNISING that this should not encourage illegal immigration 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, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom of Great Britain and Northern Ireland or to Ireland,

TAKING INTO ACCOUNT 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, and confirming that the provisions of this Agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Subject matter and scope**

The purpose of this Agreement is to facilitate, on the basis of reciprocity, the issue of visas to citizens of ► M1 Cabo Verde ◀ and of the Union for an intended stay of no more than 90 days per period of 180 days.

▼ M1*Article 2***General clause**

1. The measures to facilitate the issuing of visas, as set out in this Agreement, shall apply to Union citizens and to citizens of Cabo Verde only insofar as those citizens are not exempt from visa requirements under the laws and regulations of the Union or its Member States, under the laws and regulations of Cabo Verde, or under this Agreement or other international agreements.
2. If Cabo Verde reintroduces the visa requirement for Union citizens or certain categories of Union citizens for intended stays of no more than 30 days, at least the same facilitations granted under this Agreement to the citizens of Cabo Verde shall automatically apply to the Union citizens concerned, on the basis of reciprocity.
3. For intended stays of longer than 30 days but not exceeding 90 days, at least the same facilitations granted under this Agreement to the citizens of Cabo Verde shall apply to the Union citizens concerned.
4. The national law of Cabo Verde and the national law of the Member States or the law of the Union shall apply to matters not covered by this Agreement.

▼ B*Article 3***Definitions**

For the purposes of this Agreement:

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- (a) ‘Member State’ shall mean any Member State of the Union with the exception of the Kingdom of Denmark and Ireland;

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- (b) ‘Union citizen’ shall mean any national of a Member State as defined in point (a);
- (c) ‘citizen of ► M1 Cabo Verde ◀’ shall mean any person with ► M1 Cabo Verde ◀ citizenship;
- (d) ‘visa’ shall mean an authorisation issued or a decision taken by a Member State or by ► M1 Cabo Verde ◀ which is required with a view to entering, for transit purposes or for an intended stay of no more than 90 days in total, the territory of that Member State or of several Member States or the territory of ► M1 Cabo Verde ◀;

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- (e) ‘legal resident’ shall mean any citizen of Cabo Verde authorised or entitled to stay for more than 90 days in the territory of a Member State on the basis of Union or national law;
- (f) ‘EU *laissez-passer*’ shall mean the document issued by the Union to servants of the institutions of the Union in accordance with Council Regulation (EU) No 1417/2013 ⁽¹⁾.

⁽¹⁾ Council Regulation (EU) No 1417/2013 of 17 December 2013 laying down the form of the *laissez-passer* issued by the European Union (OJ L 353, 28.12.2013, p. 26).

▼ M1*Article 4***Issuance of multiple-entry visas**

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas valid for five years to the following categories of citizens of Cabo Verde:

- (a) members of national and local governments and parliaments, constitutional courts, the supreme court or court of auditors, if they are not exempt from visa requirements under this Agreement, in the exercise of their duties;
- (b) permanent members of official delegations who, following an official invitation addressed to Cabo Verde, are travelling to a Member State to take part in meetings, consultations, negotiations, exchange programmes or events organised on the initiative of inter-governmental organisations;
- (c) business people and company representatives who regularly travel to the Member States;
- (d) spouses, children (including adopted children) under the age of 21 or dependent, and parents of either Cabo Verde citizens legally resident in the territory of a Member State or Union citizens resident in the Member State of their nationality.

However, if the need to travel frequently or regularly is clearly limited to a shorter period, the validity of the multiple-entry visa shall be limited to that period, in particular where any of the following is less than five years:

- the term of office, in the case of those referred to in point (a) of the first subparagraph;
- the term of office of a permanent member of an official delegation, in the case of those referred to in point (b) of the first subparagraph;
- the duration of the positions as business people and company representatives, in the case of those referred to in point (c) of the first subparagraph; or
- the duration of the residence permits issued to Cabo Verde citizens residing in the territory of a Member State, in the case of those referred to in point (d) of the first subparagraph.

2. Without prejudice to paragraph 1, diplomatic missions and consular posts of the Member States shall issue multiple-entry visas to other applicants with a validity period of:

- (a) one year, provided that the applicant has obtained and lawfully used a visa within the previous 18 months;
- (b) two years, provided that the applicant has obtained and lawfully used, a multiple-entry visa valid for one year within the previous 30 months;
- (c) three to five years, provided that the applicant has obtained and lawfully used a multiple-entry visa valid for two years within the previous 42 months.

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3. By way of derogation from paragraphs 1 and 2, the term of validity of the visa may be shortened in individual cases, where there is reasonable doubt that the entry conditions will be met for the entire period or where the validity of the visa would exceed that of the applicant's travel document.

4. The persons referred to in paragraphs 1 and 2 shall not stay in the territory of the Member States for a total of more than 90 days in any of 180-day period.

*Article 5***Visa fees and service charges**

1. The fee for processing visa applications shall be 75 % of the amount to be charged in accordance with the applicable domestic legislation.

That percentage may be reviewed in accordance with the procedure provided for in Article 12(4).

2. Without prejudice to paragraph 1, the Member States shall not collect visa fees from the following categories of people:

- (a) members of official delegations who, following an official invitation addressed to Cabo Verde, are travelling to a Member State to take part in meetings, consultations, negotiations, official exchange programmes, or events organised on the initiative of intergovernmental organisations;
- (b) children under 12 years of age;
- (c) school pupils, students, postgraduate students and accompanying teachers travelling for study or educational purposes;
- (d) researchers travelling for the purposes of scientific research;
- (e) participants in seminars, conferences or sports, cultural or educational events organised by non-profit organisations, aged 25 years or less;
- (f) spouses, children (including adopted children) under the age of 21 or dependent, and parents of either citizens of Cabo Verde legally resident in the territory of a Member State or Union citizens residing in the Member State of their nationality.

3. Without prejudice to point (f) of paragraph 2, children who are at least 12 years old but are below 18 years old shall be charged 50% of the fee applicable under paragraph 1.

4. Where Member States cooperate with an external service provider, service charges may be collected. The service charge shall be proportionate to the costs incurred by the external service provider in the performance of the tasks, and shall not exceed EUR 30.

*Article 5a***Documentary evidence**

1. For the following categories of citizens of Cabo Verde, the following documents are sufficient to verify the purpose of the journey:

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- (a) for members of national and local governments and parliaments, constitutional courts, the supreme court or court of auditors, if they are not exempt from visa requirements under this Agreement, in the exercise of their duties: a verbal note issued by the Cabo Verdean Ministry of Foreign Affairs confirming that the applicant is on an official mission to a Member State;
- (b) for members of official delegations who, following an official invitation addressed to Cabo Verde, are travelling to a Member State to take part in meetings, consultations, negotiations, exchange programmes or events organised on the initiative of intergovernmental organisations: a letter issued by the competent authority of Cabo Verde confirming that the applicant is a member of its delegation travelling to the territory of the Member State(s) to participate in the event(s) in question, accompanied by a copy of the official invitation or registration confirmation issued by the host organisation;
- (c) for business people and representatives of business organisations: a written invitation issued by a company or organisation based in the Member State of destination;
- (d) for the spouses, children (including adopted children) under the age of 21 or dependent, and parents of Cabo Verde citizens legally residing in the territory of a Member State or of Union citizens residing in the Member State of their nationality: a written invitation from the host person;
- (e) for school pupils, students, postgraduate students and accompanying teachers travelling for study or educational purposes, including university or other exchange programmes (for stays not exceeding 90 days in any 180-day period): a written invitation or a certificate of enrolment issued by the host school, college or university, or certificates of the courses to be attended;
- (f) for persons participating in scientific or academic research, training events, including vocational training (for stays not exceeding 90 days in any 180-day period): a certificate of enrolment issued by the educational establishment or a written request issued by the host organisation;
- (g) for participants in seminars, conferences, cultural or religious events organised by non-profit organisations registered in a Member State: a written invitation from the host organisation to participate in the activities;
- (h) for persons travelling for medical reasons and necessary accompanying persons: an official document from a medical institution confirming the need for medical care in that institution, and proof of sufficient means to pay for the medical treatment or proof of prepayment of the medical care, and, where applicable, the need for the person being treated to be accompanied;
- (i) for participants in international sports events and persons accompanying them in a professional capacity: a written invitation from the host organisation, competent authorities, national sport federations or national Olympic committees of the Member States;

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(j) for journalists and accompanying technical crew travelling in a professional capacity: a certificate or other document issued by a professional organisation or the applicant's employer proving that the applicant is a qualified journalist travelling for the purpose of carrying out journalistic work, or a member of the technical crew accompanying the journalist in a professional capacity.

2. For the purposes of this Article, the written invitation letter or the relevant official documents shall include the following information:

- (a) the invited person's name and surname, date of birth, sex, citizenship, passport number, time and purpose of the journey, number of entries required and, where relevant, the name of the spouse and children accompanying the invited person; and
- (b) if the inviting party is a natural person: the inviting person's name, surname, address and, where applicable, proof of legal residence in a Member State in accordance with national legislation; or
- (c) if the inviting party is a legal person, company or organisation, including a non-profit organisation, established in the territory of the Member State(s): the full name and address of the inviting person, the name and position of the representative signing the request and the registration number of the inviting person, as required by the national law of the Member State in question; or
- (d) if the relevant official document is issued by a public authority: the name and position of the person signing the request, and the status of the applicant.

3. Applicants who have obtained and lawfully used a multiple-entry visa valid for at least one year in the previous 30 months shall, in principle, be exempted from presenting documents to prove the accommodation, or proof of sufficient means to cover the accommodation.

▼ B*Article 6***Departure in the case of lost or stolen documents**

Citizens of ►**M1** Cabo Verde ◀ and of the Union who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Member States or of ►**M1** Cabo Verde ◀ respectively, may leave that territory on the basis of valid identity documents issued by diplomatic missions or consular posts of the Member States or of ►**M1** Cabo Verde ◀ entitling them to cross the border without any visa or other authorisation.

*Article 7***Extension of visa in exceptional circumstances**

Citizens of ►**M1** Cabo Verde ◀ and of the Union who are unable to leave the territory of the Member States or of ►**M1** Cabo Verde ◀ respectively by the date indicated in their visas for reasons of force majeure shall have their visas extended free of charge in accordance with the legislation applied by the host State for the period necessary for their return to their State of residence.

▼ M1*Article 8***Diplomatic and service passports**

1. Citizens of Cabo Verde who are holders of valid diplomatic or service passports issued by Cabo Verde may enter, leave and transit through the territories of the Member States without visas.
2. Union citizens who are holders of valid diplomatic or service passport issued by a Member State, and holders of a valid EU *laissez-passer*, may enter, leave and transit through the territory of Cabo Verde without visas.
3. The persons referred to in paragraphs 1 and 2 may stay in the territories of the Member States or of Cabo Verde, respectively, for periods not exceeding 90 days in any 180-day period.

▼ B*Article 9***Territorial validity of visas**

Subject to the national rules and regulations concerning national security applied by the Member States and ► M1 Cabo Verde ◀, and subject to Union rules on visas with limited territorial validity, citizens of ► M1 Cabo Verde ◀ and of the Union shall be entitled to travel within the territory of the Member States and of ► M1 Cabo Verde ◀ under the same conditions as Union and ► M1 Cabo Verde ◀ citizens respectively.

*Article 10***Joint Committee for the management of the Agreement**▼ M1

1. The Parties shall establish a Joint Committee to manage the Agreement ('the Committee'), which shall consist of representatives of the Union and of Cabo Verde.

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2. The Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of the Agreement;
 - (b) proposing amendments or additions to the Agreement;
 - (c) settling disputes arising from the interpretation or application of the provisions in the Agreement.
3. The Committee shall meet whenever necessary at the request of either of the Parties and at least once a year.
4. The Committee shall lay down its own rules of procedure.

▼ M1*Article 11***Relationship between this Agreement and agreements between the Member States and Cabo Verde**

From its entry into force, this Agreement shall take precedence over the provisions of any bilateral or multilateral agreements or arrangements concluded between Member States and Cabo Verde, in so far as the provisions of those agreements or arrangements may affect or alter the scope of this Agreement.

▼B*Article 12***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 enter into force only on the date of the entry into force of the Agreement on readmission between the Union and ►**M1** Cabo Verde ◀ if that date is after the date provided for in paragraph 1 of this Article.
3. This Agreement is concluded for an indefinite period, 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.

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5. Either Party may suspend in whole or in part this Agreement. 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.

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6. Either Party may terminate this Agreement by giving written notice to the other Party. The Agreement shall cease to apply 90 days after the date of receipt of such notification.

Done in duplicate 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.

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Съставено в Прая на двадесет и шести октомври две хиляди и дванадесета година.

Hecho en Praia, el veintiséis de octubre de dos mil doce.

V Praie dne dvacátého šestého října dva tisíce dvanáct.

Udfærdiget i Praia den seksogtyvende oktober to tusind og tolv.

Geschehen zu Praia am sechszwanzigsten Oktober zweitausendzwoölf.

Kahe tuhande kaheteistkümnenda aasta oktoobrikuu kahekümne kuuendal päeval Praias.

Έγινε στην Πράια, στις είκοσι έξι Οκτωβρίου δύο χιλιάδες δώδεκα.

Done at Praia on the twenty-sixth day of October in the year two thousand and twelve.

Fait à Praia, le vingt-six octobre deux mille douze.

Fatto a Praia, addì ventisei ottobre duemiladodici.

Prajā, divi tūkstoši divpadsmitā gada divdesmit sestajā oktobrī.

Priimta du tūkstančiai dvyliktą metų spalio dvidešimt šeštą dieną Prajoje.

Kelt Praiában, a kétezer-tizenkettedik év október havának huszonhatodik napján.

Magħmul fi Praja, fis-sitta u għoxrin jum ta' Ottubru tas-sena elfejn u tnax.

Gedaan te Praia, de zesentwintigste oktober tweeduizend twaalf.

Sporządzono w Prai dnia dwudziestego szóstego października roku dwa tysiące dwunastego.

Feito em Praia, em vinte e seis de outubro de dois mil e doze.

Întocmit la Praia la douăzeci și șase octombrie două mii doisprezece.

V Praii dňa dvadsiateho šiesteho októbra dvetisíc dvanásť.

V Praii, dne šestindvajsetega oktobra leta dva tisoč dvanajst.

Tehty Praiassa kahdentenkymmenentenäkuudentena päivänä lokakuuta vuonna kaksituhattakaksitoista.

Som skedde i Praia den tjugosjätte oktober tjugohundratolv.

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За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen




За Република Кабо Верде
 Por la República de Cabo Verde
 За Kapverdskou republiku
 For Republikken Kap Verde
 Für die Republik Kap Verde
 Cabo Verde Vabariigi nimel
 Για τη Δημοκρατία του Πράσινου Ακρωτηρίου
 For the Republic of ► **MI** Cabo Verde ◀
 Pour la République du Cap-Vert
 Per la Repubblica del Capo Verde
 Kaboverdes Republikas vārdā –
 Žaliojo Kyšulio Respublikos vardu
 A Zöld-foki Köztársaság részéről
 Għar-Repubblika tal-Kap Verde
 Voor de Republiek Kaapverdië
 W imieniu Republiki Zielonego Przylądka
 Pela República de Cabo Verde
 Pentru Republica Capului Verde
 Za Kapverdiskú republiku
 Za Republika Zelenortski otoki
 Kap Verden tasavallan puolesta
 För Republiken Kap Verde



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

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

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In accordance with Decision No 565/2014/EU of the European Parliament and of the Council⁽¹⁾, harmonised measures have been taken to simplify the transit or short stay of holders of Schengen visas and Schengen residence permits through or on the territory of Member States that do not yet fully apply the Schengen *acquis*. Decision No 565/2014/EU authorises Bulgaria, Croatia, Cyprus and Romania unilaterally to recognise the following as equivalent to their national visas, not only for transit through their territory, but also for intended stays not exceeding 90 days in any 180-day period:

- uniform short-stay visas that are valid for two or multiple entries;
- long-stay visas and residence permits issued by Member States that are fully implementing the Schengen *acquis*, including visas with limited territorial validity issued in accordance with the first sentence of Article 25(3) of Regulation (EC) No 810/2009 of the European Parliament and of the Council⁽²⁾; and
- national visas and residence permits issued by Bulgaria, Croatia, Cyprus and Romania.

⁽¹⁾ Decision No 565/2014/EU of the European Parliament and of the Council of 15 May 2014 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decisions No 895/2006/EC and No 582/2008/EC (OJ L 157, 27.5.2014, p. 23).

⁽²⁾ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

▼B**Joint Declaration on Article 8 of the Agreement concerning diplomatic and service passports**

Either Party may invoke a partial suspension of the Agreement, and in particular of Article 8, in accordance with the procedure set out in Article 12(5), if the implementation of Article 8 leads to abuse by the other Party or to a threat to public security.

If the implementation of Article 8 is suspended, the two Parties shall initiate consultations in the framework of the Committee set up by the Agreement with a view to solving the problems that led to the suspension.

As a priority, both Parties undertake to ensure a high level of security for diplomatic and service passports, in particular by integrating biometric identifiers. For the Union, this will be ensured in accordance with the requirements set out in Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States ⁽¹⁾.

⁽¹⁾ OJ L 385, 29.12.2004, p. 1.

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Joint Declaration on the harmonisation of information on procedures for issuing short-stay visas and on the documents to be submitted when applying for short-stay visas

Recognising the importance of transparency for visa applicants, the Parties consider that appropriate measures should be taken:

- in general, to draw up a list of basic information for applicants on the procedures and conditions for applying for visas, on the visas themselves and on the validity of the visas issued;
- in the case of each Party, to draw up a list of minimum requirements in order to ensure that applicants are given basic, coherent and uniform information and are required to submit, in principle, the same supporting documents.

The information mentioned above is to be disseminated widely (on the information board of consulates, in leaflets, on the internet, etc.).

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Joint Declaration concerning the Kingdom of Denmark

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

It is therefore desirable that the authorities of Denmark and of ►M1 Cabo Verde ◀ should conclude, without delay, a bilateral agreement on facilitating the issue of short-stay visas, in terms similar to those in the Agreement between the Union and ►M1 Cabo Verde ◀.

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**Joint Declaration concerning Ireland and the United Kingdom of
Great Britain and Northern Ireland**

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

It is therefore desirable that the authorities of the United Kingdom of Great Britain and Northern Ireland, Ireland and ►**M1** Cabo Verde ◀ should conclude bilateral agreements on facilitating the issue of visas.

▼B**Joint Declaration concerning the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein**

The Parties take note of the close relationship between the Union and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of 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*.

It is therefore desirable that the authorities of the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Liechtenstein and ►**M1** Cabo Verde ◀ should conclude, without delay, bilateral agreements on facilitating the issue of short-stay visas, in terms similar to those set out in this Agreement.

▼B**Joint Declaration on cooperation on travel documents**

The Parties agree that when monitoring the implementation of the Agreement, the Joint Committee established under Article 11 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 to avoid the proliferation of travel documents, to develop the technical aspects of travel document security, and regarding the personalisation process in the issue of travel documents.