AGREEMENT

between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas

THE EUROPEAN UNION,

and

THE REPUBLIC OF MOLDOVA,

hereinafter referred to as 'the Parties',

HAVING REGARD to the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas which entered into force on 1 January 2008,

DESIRING to further facilitate people-to-people contacts,

RECOGNISING the importance of the introduction of a visa-free travel regime for the citizens of the Republic of Moldova in due course, provided that the conditions for well-managed and secure mobility are in place,

TAKING INTO ACCOUNT the Protocol on the Schengen *acquis* integrated into the framework of the European Union and 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 and 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 Denmark,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas, hereinafter referred to as the 'Agreement', shall be amended in accordance with the provisions of this Article:

(1) In the title, the word 'Community' shall be replaced by the word 'Union'.

(2) In Article 2(1) and (2) and in Article 3 point (e), the word 'Community' shall be replaced by the words 'European Union'.

(3) Article 4 paragraph 1 shall be amended as follows:

(a) Point (d) shall be replaced by the following:

'(d) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Moldova:

— a written request from the national association of carriers of the Republic of Moldova providing for international road transportation, stating the purpose, itinerary, duration and frequency of the trips;';

(b) Point (f) shall be replaced by the following:

'(f) for journalists and the technical crew accompanying them in a professional capacity:

— certificate or other document issued by a professional organisation 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 the person is a member of the technical crew accompanying the journalist in a professional capacity;';

(c) Point (k) shall be replaced by the following:

'(k) for close relatives – spouse, children (including adopted children), parents (including custodians), grandparents and grandchildren – visiting citizens of the Republic of Moldova 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:

— a written request from the host person;';

(d) The following point shall be added:

'(p) for participants in official European Union cross-border cooperation programmes, such as under the European Neighbourhood and Partnership Instrument (ENPI):

— a written request by the host organisation.'.

(4) In Article 5, paragraphs 1 to 3 shall be replaced by the following:

'1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of five years to the following categories of persons:

(a) members of national and regional Governments and Parliaments, of the Constitutional Court and Supreme Court if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties;

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

(c) spouses and children (including adopted children), who are under the age of 21 or are dependent, and parents (including custodians) visiting citizens of the Republic of Moldova 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;

(d) business people and representatives of business organisations who regularly travel to the Member States;

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

By way of derogation from the first subparagraph, 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 term of office,

— 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,

— in the case of the persons referred to in point (c), the period of validity of the authorisation for legal residence of citizens of the Republic of Moldova legally residing in the European Union,

— in the case of the persons referred to in point (d), the term of validity of the status as a representative of the business organisation or the work contract, or

— in the case of the persons referred to in point (e), the work contract

is less than five years.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of one year to the following categories of persons, 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) members of official delegations who, following an official invitation addressed to the Republic of Moldova, are to participate regularly in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental organisations;

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

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

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

(e) members of train, refrigerator and locomotive crews in international trains travelling to the territories of the Member States;

(f) persons participating in scientific, cultural and artistic activities, including university and other exchange programs, who regularly travel to the Member States;

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

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

(i) participants in official exchange programmes organised by twin cities or other localities;

(j) participants in official European Union cross-border cooperation programmes, such as under the European Neighbourhood and Partnership Instrument (ENPI).

By way of derogation from the first subparagraph, 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 shall issue multiple-entry visas with a term of validity of a minimum of two years and a maximum of five years to the categories of persons referred to in paragraph 2, provided that during the previous two 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.'.

(5) Article 6 shall be amended as follows:

(a) In paragraph 2,

(i) the introductory words shall be replaced by the following:

'2. Without prejudice to paragraph 4 fees for processing the visa application are waived for the following categories of persons:';

(ii) in point (a), the following words shall be added:

'or citizens of the European Union residing in the territory of the Member State of which they are nationals';

(iii) in point (j), the following words shall be added:

'and the technical crew accompanying them in a professional capacity';

(iv) the following points shall be added:

'(p) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non profit organisations;

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

(r) participants in official European Union cross-border cooperation programmes, such as under the European Neighbourhood and Partnership Instrument (ENPI).';

(v) the following subparagraph shall be added:

'The first subparagraph shall apply also where the purpose of the journey is transit.';

(b) The following paragraph shall be added:

'4. If a Member State 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 shall maintain the possibility for all applicants to lodge their applications directly at their consulates. The external service provider shall conduct its operations in accordance with the Visa Code and in full respect of Moldovan legislation.'.

(6) The following Article shall be inserted:

'*Article 6a*

Lodging of an application without the presence of the applicant

Member States consulates may waive the requirement to appear in person, when the applicant is known to them for his integrity and reliability, unless the applicant is required to appear in person for the collection of biometric identifiers.'.

(7) Article 8 shall be replaced by the following:

'*Article 8*

Departure in the case of lost or stolen documents

Citizens of the European Union and citizens of the Republic of Moldova who have lost their identity documents, or from whom those documents have been stolen while staying in the territory of the Republic of Moldova or of the Member States, may leave the territory of the Republic of Moldova or of 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 Moldova without any visa or other authorisation.'.

(8) Article 10 shall be amended as follows:

(a) The title shall be replaced by the following:

'Diplomatic and service passports';

(b) Paragraph 2 shall be replaced by the following:

'2. Citizens of the Republic of Moldova, holders of valid biometric service passports can enter, leave and transit through the territories of the Member States without visas.';

(c) The following paragraph shall be added:

'3. Persons mentioned in paragraphs 1 and 2 may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days.'.

(9) Article 12(1) shall be amended as follows:

(a) In the first sentence, the word 'Community' shall be replaced by the word 'Union';

(b) In the second sentence, the word 'Community' shall be replaced by the words 'European Union' and the words 'Commission of the European Communities' by the words 'European Commission'.

(10) Article 13 shall be amended as follows:

(a) The existing paragraph shall be numbered as paragraph 1;

(b) The following paragraph shall be added:

'2. The provisions of bilateral Agreements or arrangements between individual Member States and the Republic of Moldova concluded before the entry into force of this Agreement providing for the exemption of the holders of non-biometric service passports from the visa requirement shall continue to apply without prejudice to the right of the Member States concerned or the Republic of Moldova to denounce or suspend these bilateral agreements or arrangements.'.

(11) In Article 14, the following first paragraph shall be inserted:

'The Republic of Moldova may only reintroduce the visa requirement for citizens or certain categories of citizens of all Member States and not for citizens or certain categories of citizens of individual Member States.'.

Article 2

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 last Party notifies the other that the procedures referred to above have been completed.

Done at Brussels on the twenty-seventh day of June in the year two thousand and twelve, in duplicate in the official languages of the Parties, each of these texts being equally authentic.

За Европейския съюз
Por la Unión Europea
Za 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
Ghall-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
Pentru Uniunea Europeană

За Република Молдова
Por la República de Moldavia
Za Moldavskou republiku
For Republikken Moldova
Für die Republik Moldau
Moldova Vabariigi nimel
Για τη Δημοκρατία της Μολδαβίας
For the Republic of Moldova
Pour la République de Moldavie
Per la Repubblica moldova
Moldovas Republikas vārdā –
Moldovos Respublikos vardu
A Moldovai Köztársaság részéről
Ghar-Repubblika tal-Moldova
Voor de Republiek Moldavië
W imieniu Republiki Mołdawii
Pela República da Moldova
Pentru Republica Moldova
Za Moldavskú republiku
Za Republiko Moldavijo
Moldovan tasavallan puolesta
För Republiken Moldavien
Pentru Republica Moldova

JOINT DECLARATION ON COOPERATION ON TRAVEL DOCUMENTS

The Parties agree that the Joint Committee established pursuant to 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.

EUROPEAN UNION DECLARATION ON DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

The European Union will establish a harmonised list of supporting documents, in accordance with Article 48 paragraph 1 lit. a of the Visa Code, in order to ensure that applicants from the Republic of Moldova are required to submit, in principle, the same supporting documents. The European Union will inform the Republic of Moldova in the Committee, when such a list has been established. The European Union will also inform the citizens of the Republic of Moldova in accordance with Article 47 paragraph 1 lit. a of the Visa Code.

EUROPEAN UNION DECLARATION ON COOPERATION WITH EXTERNAL SERVICE PROVIDERS

The European Union commits itself to outsource the reception of visa applications only as a last resort, when there are particular circumstances or reasons relating to the local situation, such as where the high number of applicants does not allow the collection of applications and of data to be organised in a timely manner and in decent conditions; or it is not possible to ensure a good territorial coverage of the third country concerned in any other way; and where other forms of cooperation prove not to be appropriate for the Member State concerned.

EUROPEAN UNION DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS

The European Union takes note of the suggestion of the Republic of Moldova to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that the Republic of Moldova attaches to the simplification of movement of this category of persons.

In order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of the Republic of Moldova legally residing in the territories of Member States or with citizens of the European Union residing in the territory of the Member State of which they are nationals, the European Union invites the Member States' consular offices to make full use of the existing possibilities in the Visa Code for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and, where appropriate, the issuing of multiple-entry visas.

JOINT DECLARATION CONCERNING SWITZERLAND AND LIECHTENSTEIN

The Parties take note of the close relationship between the Union and Switzerland and Liechtenstein, particularly by virtue of the Agreement of 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 and Liechtenstein and the Republic of Moldova conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the amended Agreement.