

AGREEMENT**between the European Union and Georgia on the facilitation of the issuance of visas**

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

and

GEORGIA,

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 Georgia,

REAFFIRMING the intention to establish a visa-free travel regime for their citizens as a long-term goal, provided that all the conditions for well-managed and secure mobility are fulfilled,

BEARING IN MIND that, as from 1 June 2006, all citizens of the Union are exempted from the visa requirement when travelling to Georgia for a period of time not exceeding 90 days or transiting through the territory of Georgia,

RECOGNISING that if Georgia reintroduces visa requirements for the citizens of the Union or certain categories of them, the same facilitations granted under this Agreement to the citizens of Georgia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned,

BEARING IN MIND that these visa requirements can only be reintroduced for all citizens of the Union or certain categories of citizens of the Union,

RECOGNISING that visa facilitation should not lead to illegal 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 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, 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***Purpose and scope of application**

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Georgia.

2. If Georgia reintroduces the visa requirement for the citizens of all Member States or certain categories of citizens of all Member States, the same facilitations granted under this Agreement to the citizens of Georgia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned.

*Article 2***General clause**

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

2. The national law of Georgia or of the Member States or Union law shall apply to issues not covered by 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 Union, with the exception of Denmark, 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 Georgia' shall mean a person who holds the citizenship of Georgia in accordance with its national legislation;
- (d) 'visa' shall mean an authorisation issued by a Member State with a view to transiting through or an intended stay in the territory of Member States of a duration of no more than 90 days in any 180-day period from the date of first entry into the territory of the Member States;
- (e) 'legally residing person' shall mean a citizen of Georgia authorised or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union or national legislation.

Article 4

Documentary evidence regarding the purpose of the journey

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

- (a) for close relatives – spouse, children (including adopted), parents (including custodians), grandparents, grandchildren – who are visiting citizens of Georgia legally residing in the territory of the Member States:

— a written request from the host person;

- (b) for members of official delegations who, following an official invitation to Georgia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:

— a letter issued by a Georgian authority confirming that the applicant is a member of a delegation travelling to

the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;

- (c) for pupils, students, post-graduate persons 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, college or school or student cards or certificates of the courses to be attended;

- (d) 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;

- (e) for journalists and accredited persons accompanying them in a professional capacity:

— a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist or accompanying person in a professional capacity and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work or assist in such work;

- (f) for participants in international sport events and persons accompanying them in a professional capacity:

— a written request from the host organisation, competent authorities, national sport federations or national Olympic committees of the Member States;

- (g) for business people and representatives of business organisations:

— a written request from the host legal person or company, organisation or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the State Chamber of Registration of Georgia;

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

— a written request from the host organisation confirming that the person concerned is participating in the event;

(i) for representatives of civil society organisations 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 organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant register issued by a state authority in accordance with the national legislation;

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

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

(k) for drivers conducting international cargos and passenger transportation services to the territories of the Member States in vehicles registered in Georgia:

— a written request from the national company or association of carriers of Georgia providing for international road transportation, stating the purpose, duration and frequency of the trips;

(l) for participants of the official exchange programmes organised by twin cities:

— a written request of the Head of Administration/Mayor of these cities or municipal authorities;

(m) 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, the registration number as required by the national law of the Member State concerned.

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 Member States.

Article 5

Issuance of multiple-entry visas

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

(a) spouses, children (including adopted) who are under the age of 21 or are dependent, or parents visiting citizens of Georgia legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorisation for legal residence;

(b) members of national and regional governments and of Constitutional and Supreme courts if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than 5 years;

(c) permanent members of official delegations who, following an official invitation addressed to Georgia, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations.

2. Diplomatic missions and consular services of the Member States shall issue multiple-entry visas with the term of validity of up to 1 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 Member State and that there are reasons for requesting a multiple-entry visa:

- (a) members of official delegations who, following an official invitation, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by inter-governmental organisations;
- (b) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, 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) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes, who regularly travel to Member States;
- (e) students and post-graduate persons who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (f) participants in official exchange programmes organised by twin cities or municipal authorities;
- (g) persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (h) journalists and accredited persons accompanying them in a professional capacity;
- (i) business people and representatives of business organisations who regularly travel to Member States;
- (j) participants in international sports events and persons accompanying them in a professional capacity;
- (k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Georgia.

3. Diplomatic missions and consular services of the Member States 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 made use of the 1-year multiple-entry visas in accordance with the laws on entry and stay of the host Member State and that the reasons for requesting a multiple-entry visa are still valid.

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.

Article 6

Fees for processing visa applications

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

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

If Georgia reintroduces the visa requirement for all citizens of the Union, the visa fee to be charged by Georgia shall not exceed EUR 35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4).

2. When Member States cooperate with an external service provider, an additional service may be charged. The service fee shall be proportionate to the costs incurred by the external service provider while performing his tasks and shall not exceed EUR 30. The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.

3. The fees for processing the visa application are waived for the following categories of citizens:

- (a) pensioners;
- (b) children below the age of 12;
- (c) members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement;
- (d) disabled persons and the persons accompanying them, if necessary;
- (e) close relatives – spouse, children (including adopted), parents (including custodians), grandparents or grandchildren – who are visiting citizens of Georgia legally residing in the territory of the Member States;

- (f) members of official delegations who, following an official invitation addressed to Georgia, are to participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- (g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school-related activities;
- (h) journalists and accredited persons accompanying them in a professional capacity;
- (i) participants in international sport events and persons accompanying them in a professional capacity;
- (j) representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (k) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes;
- (l) 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.

Article 7

Duration of the visa application procedure

1. Diplomatic missions and consular services of the Member States shall take a decision upon the request to issue a visa within 10 calendar days starting from the date of the receipt of the application and documents required for issuing visas.
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 review 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.

Article 8

Departure in case of lost or stolen documents

Citizens of the Union and of Georgia who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Georgia or of the Member States, may leave that territory 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 Georgia without any visa or other authorisation.

Article 9

Extension of visas in exceptional circumstances

The period of validity and/or duration of stay of an issued visa of a citizen of Georgia shall be extended when the competent authority of a Member State considers that the visa holder has provided proof of *force majeure* or humanitarian reasons preventing him from leaving the territory of the Member States before expiry of the period of validity of or the duration of stay authorised by the visa. Such an extension shall be granted free of charge.

Article 10

Diplomatic passports

1. Citizens of Georgia who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Member States without visas.

2. Persons mentioned in paragraph 1 of this Article may stay in 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 Member States and subject to Union regulations on visas with limited territorial validity, the citizens of Georgia shall be entitled to travel within the territory of the Member States on equal basis with the citizens of the Union.

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 Georgia. The Union shall be represented by the Commission, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:

- (a) monitoring the implementation of this Agreement;
- (b) suggesting amendments or additions to this 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

Connection of this Agreement with bilateral agreements between Member States and Georgia

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 Georgia, in so far 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 last Party notifies the 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 Georgia 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.

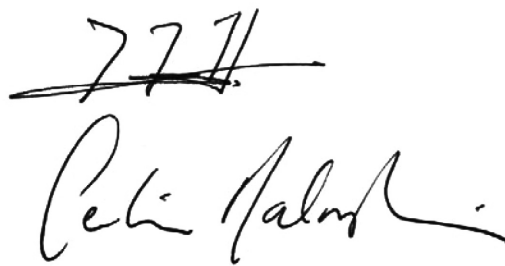
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

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.

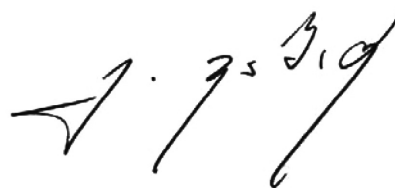
6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Brussels, on 17 June 2010, 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, Swedish and Georgian languages, 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
 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
ევროპის კავშირის სახელით



За Грузия
 Por Georgia
 Za Gruzii
 For Georgien
 Für Georgien
 Gruusia nimel
 Για τη Γεωργία
 For Georgia
 Pour la Géorgie
 Per la Georgia
 Gruzijas vārdā –
 Gruzijos vardu
 Grúzia részéről
 Għall-Georgja
 Voor Georgië
 W imieniu Gruzji
 Pela Geórgia
 Pentru Georgia
 Za Gruzínsko
 Za Gruzijo
 Georgian puolesta
 För Georgien
საქართველოს სახელით



ANNEX

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 yet issue 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 territories ⁽¹⁾ 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.

⁽¹⁾ OJ L 161, 20.6.2008, p. 30.

JOINT DECLARATION ON ARTICLE 10 ON DIPLOMATIC PASSPORTS

The Union may invoke a partial suspension of the Agreement and in particular of Article 10 thereof, in accordance with the procedure set up by Article 14(5) of the Agreement, 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 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 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.

JOINT DECLARATION ON THE HARMONISATION OF INFORMATION ON PROCEDURES FOR ISSUING SHORT-STAY VISAS AND DOCUMENTS TO BE SUBMITTED WHEN APPLYING FOR SHORT-STAY VISAS

Recognising the importance of transparency for visa applicants, the Parties to the Agreement consider the possibility of applying the following measures:

- to draw up general information for the applicants on the procedures and conditions for applying for visas, the visas and on the validity of issued visas,
- the Union will draw up a list of minimum requirements in order to ensure that Georgian applicants are given coherent and uniform basic 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 websites, etc.).

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the 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 Georgia 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 Georgia.

JOINT DECLARATION CONCERNING THE UNITED KINGDOM AND IRELAND

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

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

JOINT DECLARATION CONCERNING SWITZERLAND, ICELAND, LIECHTENSTEIN AND NORWAY

The Parties take note of the close relationship between the 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 Georgia conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the Union and Georgia.

EUROPEAN UNION DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS

The Union took note of the suggestion of Georgia to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that Georgia 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 Georgian citizens legally residing in the territories of Member States, the European Union invites the Member States' consular offices to make full use of the existing possibilities in the *acquis* 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.

EUROPEAN UNION DECLARATION ON THE SUSPENSION OF THE VISA FACILITATION AGREEMENT

In case Georgia, in violation of Article 1(2) of the Agreement, reintroduces the visa requirement for the citizens of one or more Member States of the Union or certain categories of such citizens, the Union will suspend the application of the Agreement.

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.
