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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/75

of 20 December 2018

on the conclusion, on behalf of the Union, of the Agreement between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) By its Decision 2009/896/EC ⁽²⁾, the Council concluded the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver ⁽³⁾ (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Antigua and Barbuda when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽⁴⁾ introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union, an agreement with Antigua and Barbuda which amends the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (the 'amending Agreement').
- (5) In accordance with Council Decision (EU) 2017/2083 ⁽⁵⁾, the amending Agreement has been signed.

⁽¹⁾ Consent given on 23 October 2018.

⁽²⁾ Council Decision 2009/896/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 38).

⁽³⁾ OJ L 169, 30.6.2009, p. 3.

⁽⁴⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

⁽⁵⁾ Council Decision (EU) 2017/2083 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the shortstay visa waiver (OJ L 297, 15.11.2017, p. 1).

- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁶⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver is hereby approved on behalf of the Union.

The text of the amending Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement ⁽⁸⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 December 2018.

For the Council
The President
E. KÖSTINGER

⁽⁶⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁸⁾ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Declaration of the Union concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 entered into force on 29 December 2017.

As a consequence, as from the date of application of Regulation (EU) 2017/2226 ⁽¹⁾ for the purposes of this Agreement Member States applying the Schengen *acquis* in full will mean Member States operating the Entry/Exit System at the external borders. The maximum period of 90 days in any 180-day period will be calculated taking into account the period of stay in all the Member States operating the Entry/Exit System at the external borders.

⁽¹⁾ The date of application will be decided by the Commission in accordance with Article 73 of Regulation (EU) 2017/2226.

AGREEMENT**between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

ANTIGUA AND BARBUDA,

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 May 2010,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 169, 30.6.2009, p. 3.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The citizens of the European Union may stay in the territory of Antigua and Barbuda for a maximum period of 90 days in any 180-day period.’;

(b) paragraph 2 is replaced by the following:

‘2. The citizens of Antigua and Barbuda may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Antigua and Barbuda may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.’;

(c) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(4) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty-fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatalcadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijfentwintig april tweeduizend achttien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piateho apríla dvetisícosemnást.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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
Za Europejską uniję
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 Антигуа и Барбуда
Por Antigua y Barbuda
Za Antigua a Barbudu
For Antigua og Barbuda
Für Antigua und Barbuda
Antigua ja Barbuda nimel
Για την Αντίγκουα και Μπαρμπούντα
For Antigua and Barbuda
Pour Antigua-et-Barbuda
Za Antigv i Barbudu
Per Antigua e Barbuda
Antigvas un Barbudas vārdā –
Antigvos ir Barbudos vardu
Antigua és Barbuda részéről
Għal Antigwa u Barbuda
Voor Antigua en Barbuda
W imieniu Antigui i Barbudy
Por Antigua e Barbuda
Pentru Antigua și Barbuda
Za Antigua a Barbudu
Za Antigvo in Barbudo
Antigua ja Barbudan puolesta
För Antigua och Barbuda



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Antigua and Barbuda, on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this amending Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

**COUNCIL DECISION (EU) 2019/76
of 20 December 2018**

on the conclusion, on behalf of the Union, of the Agreement between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) By its Decision 2009/898/EC ⁽²⁾, the Council concluded the Agreement between the European Community and Barbados on the short-stay visa waiver ⁽³⁾ (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Barbados when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽⁴⁾ introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union, an agreement with Barbados which amends the Agreement between the European Community and Barbados on the short-stay visa waiver (the 'amending Agreement').
- (5) In accordance with Council Decision (EU) 2017/2084 ⁽⁵⁾, the amending Agreement has been signed.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁶⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver is hereby approved on behalf of the Union.

⁽¹⁾ Consent given on 23 October 2018.

⁽²⁾ Council Decision 2009/898/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 40).

⁽³⁾ OJ L 169, 30.6.2009, p. 10.

⁽⁴⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

⁽⁵⁾ Council Decision (EU) 2017/2084 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 297, 15.11.2017, p. 3).

⁽⁶⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

The text of the amending Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement ⁽⁸⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 December 2018.

For the Council
The President
E. KÖSTINGER

⁽⁸⁾ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Declaration of the Union concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 entered into force on 29 December 2017.

As a consequence, as from the date of application of Regulation (EU) 2017/2226 ⁽¹⁾ for the purposes of this Agreement Member States applying the Schengen *acquis* in full will mean Member States operating the Entry/Exit System at the external borders. The maximum period of 90 days in any 180-day period will be calculated taking into account the period of stay in all the Member States operating the Entry/Exit System at the external borders.

⁽¹⁾ The date of application will be decided by the Commission in accordance with Article 73 of Regulation (EU) 2017/2226.

AGREEMENT**between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

BARBADOS,

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and Barbados on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 March 2010,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 169, 30.6.2009, p. 10.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The citizens of the European Union may stay in the territory of Barbados for a maximum period of 90 days in any 180-day period.’;

(b) paragraph 2 is replaced by the following:

‘2. The citizens of Barbados may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Barbados may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.’;

(c) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(4) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty-fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizennyolcadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijftientwintig april tweeduizend achttien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piateho apríla dvetisícosemnást.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

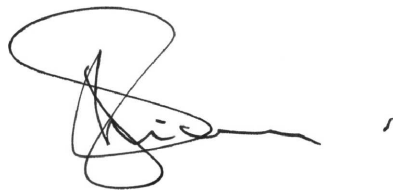
Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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
Za Europejską uniję
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 Барбадос
Por Barbados
Za Barbados
For Barbados
Für Barbados
Barbadosse nimel
Για τα Μπαρμπάντος
For Barbados
Pour la Barbade
Za Barbados
Per le Barbados
Barbadosas vārdā –
Barbadoso vardu
Barbados részéről
Għal Barbados
Voor Barbados
W imieniu Barbadosu
Por Barbados
Pentru Barbados
Za Barbados
Za Barbados
Barbadosin puolesta
För Barbados



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Barbados, on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this amending Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

COUNCIL DECISION (EU) 2019/77**of 20 December 2018****on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) By its Decision 2009/897/EC ⁽²⁾, the Council concluded the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver ⁽³⁾ (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Commonwealth of the Bahamas when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽⁴⁾ introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union, an agreement with the Commonwealth of the Bahamas which amends the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (the 'amending Agreement').
- (5) In accordance with Council Decision (EU) 2017/2085 ⁽⁵⁾, the amending Agreement has been signed.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁶⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

⁽¹⁾ Consent given on 23 October 2018.

⁽²⁾ Council Decision 2009/897/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 39).

⁽³⁾ OJ L 169, 30.6.2009, p. 24.

⁽⁴⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

⁽⁵⁾ Council Decision (EU) 2017/2085 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 297, 15.11.2017, p. 5).

⁽⁶⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European community and the Commonwealth of the Bahamas on the short-stay visa waiver is hereby approved on behalf of the Union.

The text of the amending Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement ⁽⁸⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 December 2018.

For the Council
The President
E. KÖSTINGER

⁽⁸⁾ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Declaration of the union concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 entered into force on 29 December 2017.

As a consequence, as from the date of application of Regulation (EU) 2017/2226 ⁽¹⁾ for the purposes of this Agreement Member States applying the Schengen *acquis* in full will mean Member States operating the Entry/Exit System at the external borders. The maximum period of 90 days in any 180-day period will be calculated taking into account the period of stay in all the Member States operating the Entry/Exit System at the external borders.

⁽¹⁾ The date of application will be decided by the Commission in accordance with Article 73 of Regulation (EU) 2017/2226.

AGREEMENT**between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

THE COMMONWEALTH OF THE BAHAMAS (hereinafter referred to as 'the Bahamas'),

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 April 2010,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 169, 30.6.2009, p. 24.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The citizens of the European Union may stay in the territory of the Bahamas for a maximum period of 90 days in any 180-day period.’;

(b) paragraph 2 is replaced by the following:

‘2. The citizens of the Bahamas may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of the Bahamas may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.’;

(c) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(4) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatalcadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijftientwintig april tweeduizend achtien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piateho apríla dvetisícosemnást.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

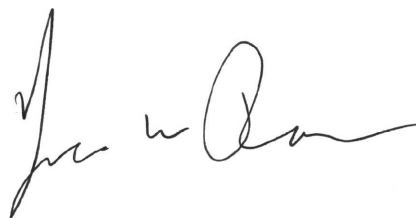
Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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
Za Europsku uniju
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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 Бахамската общност
Por la Commonwealth de las Bahamas
Za Bahamské společenství
For Commonwealth of the Bahamas
Für das Commonwealth der Bahamas
Bahama Ühenduse nimel
Για την Κοινοπολιτεία των Μπαχάμων
For the Commonwealth of the Bahamas
Pour le Commonwealth des Bahamas
Za Zajednicu Bahama
Per il Commonwealth delle Bahamas
Bahamu Salu Sadraudzības vārdā —
Bahamų Sandraugos vardu
A Bahamai Közösség részéről
Għall-Commonwealth tal-Bahamas
Voor het Gemenebest van de Bahama's
W imieniu Wspólnoty Bahamów
Pela Comunidade das Baamas
Pentru Uniunea Bahamas
Za Bahamské spoločenstvo
Za Zvezu Bahami
Bahaman liittovaltion puolesta
För Samväldet Bahamas



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and the Bahamas, on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this amending Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

COUNCIL DECISION (EU) 2019/78
of 20 December 2018

on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) By its Decision 2009/899/EC ⁽²⁾, the Council concluded the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver ⁽³⁾ (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Republic of Mauritius when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽⁴⁾ introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union an agreement with the Republic of Mauritius which amends the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (the 'amending Agreement').
- (5) In accordance with Council Decision (EU) 2017/2087 ⁽⁵⁾, the amending Agreement has been signed.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁶⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

⁽¹⁾ Consent given on 23 October 2018.

⁽²⁾ Council Decision 2009/899/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 41).

⁽³⁾ OJ L 169, 30.6.2009, p. 17.

⁽⁴⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

⁽⁵⁾ Council Decision (EU) 2017/2087 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (OJ L 297, 15.11.2017, p. 9).

⁽⁶⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver is hereby approved on behalf of the Union.

The text of the amending Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement ⁽⁸⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 December 2018.

For the Council
The President
E. KÖSTINGER

⁽⁸⁾ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Declaration of the Union concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 entered into force on 29 December 2017.

As a consequence, as from the date of application of Regulation (EU) 2017/2226 ⁽¹⁾ for the purposes of this Agreement Member States applying the Schengen *acquis* in full will mean Member States operating the Entry/Exit System at the external borders. The maximum period of 90 days in any 180-day period will be calculated taking into account the period of stay in all the Member States operating the Entry/Exit System at the external borders.

⁽¹⁾ The date of application will be decided by the Commission in accordance with Article 73 of Regulation (EU) 2017/2226.

AGREEMENT**between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF MAURITIUS (hereinafter referred to as 'Mauritius'),

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 March 2010,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 169, 30.6.2009, p. 17.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The citizens of the European Union may stay in the territory of Mauritius for a maximum period of 90 days in any 180-day period.’;

(b) paragraph 2 is replaced by the following:

‘2. The citizens of Mauritius may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Mauritius may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.’;

(c) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(4) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty-fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatalcadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijftientwintig april tweeduizend achttien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piateho apríla dvetisícosemnást.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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
Za Europsku uniju
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 Мавриций
Por la República de Mauricio
Za Mauricijskou republiku
For Republikken Mauritius
Für die Republik Mauritius
Mauritiuse Vabariigi nimel
Για τη Δημοκρατία του Μαυρίκιου
For the Republic of Mauritius
Pour la République de Maurice
Za Republiku Mauricijus
Per la Repubblica di Maurizio
Maurīcijas Republikas vārdā —
Maurīcijas Respublikos vardu
A Mauritiusi Köztársaság részéről
Għar-Repubblika ta' Mauritius
Voor de Republiek Mauritius
W imieniu Republiki Mauritiusu
Pela República da Maurícia
Pentru Republica Mauritius
Za Maurícijskú republiku
Za Republika Mauritius
Mauritiuksen tasavallan puolesta
För Republiken Mauritius



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Mauritius, on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this amending Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

COUNCIL DECISION (EU) 2019/79**of 20 December 2018**

on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) By its Decision 2009/900/EC ⁽²⁾, the Council concluded the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver ⁽³⁾ (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Republic of Seychelles when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽⁴⁾ introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union, an agreement with the Republic of Seychelles which amends the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (the amending 'Agreement').
- (5) In accordance with Council Decision (EU) 2017/2088 ⁽⁵⁾, the amending Agreement has been signed.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁶⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

⁽¹⁾ Consent given on 23 October 2018.

⁽²⁾ Council Decision 2009/900/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 42).

⁽³⁾ OJ L 169, 30.6.2009, p. 31.

⁽⁴⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

⁽⁵⁾ Council Decision (EU) 2017/2088 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 297, 15.11.2017, p. 11).

⁽⁶⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver is hereby approved on behalf of the Union.

The text of the amending Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement ⁽⁸⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 December 2018.

For the Council
The President
E. KÖSTINGER

⁽⁸⁾ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Declaration of the Union concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 entered into force on 29 December 2017.

As a consequence, as from the date of application of Regulation (EU) 2017/2226 ⁽¹⁾ for the purposes of this Agreement Member States applying the Schengen *acquis* in full will mean Member States operating the Entry/Exit System at the external borders. The maximum period of 90 days in any 180-day period will be calculated taking into account the period of stay in all the Member States operating the Entry/Exit System at the external borders.

⁽¹⁾ The date of application will be decided by the Commission in accordance with Article 73 of Regulation (EU) 2017/2226.

AGREEMENT**between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF SEYCHELLES (hereinafter referred to as 'Seychelles'),

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 January 2010,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 169, 30.6.2009, p. 31.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The citizens of the European Union may stay in the territory of Seychelles for a maximum period of 90 days in any 180-day period.’;

(b) paragraph 2 is replaced by the following:

‘2. The citizens of Seychelles may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Seychelles may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.’;

(c) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(4) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty-fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatszadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijfentwintig april tweeduizend achtien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piateho apríla dvetisícosemnást.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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
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Eiropas Savienības vārdā –
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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 Сейшели
Por la República de Seychelles
Za Seychelskou republiku
For Republikken Seychellerne
Für die Republik Seychellen
Seišelli Vabariigi nimel
Για τη Δημοκρατία των Σεϋχελών
For the Republic of Seychelles
Pour la République des Seychelles
Za Republiku Sejšele
Per la Repubblica delle Seychelles
Seišelu Republikas vārdā –
Seišelių Respublikos vardu
A Seychelle Köztársaság részéről
Ghar-Repubblika tas-Seychelles
Voor de Republiek der Seychellen
W imieniu Republiki Seszeli
Pela República das Seicheles
Pentru Republica Seychelles
Za Seychelskú republiku
Za Republiko Sejšeli
Seychellien tasavallan puolesta
För Republiken Seychellerna



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Seychelles, on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this amending Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

COUNCIL DECISION (EU) 2019/80**of 20 December 2018****on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federation of St Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) By its Decision 2009/901/EC ⁽²⁾, the Council concluded the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver ⁽³⁾ (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Federation of Saint Kitts and Nevis when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽⁴⁾ introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) The Commission has negotiated, on behalf of the Union, an agreement with the Federation of Saint Kitts and Nevis which amends the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (the 'amending Agreement').
- (5) In accordance with Council Decision (EU) 2017/2086 ⁽⁵⁾, the amending Agreement has been signed.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽⁶⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁷⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) The amending Agreement should be approved,

⁽¹⁾ Consent given on 23 October 2018.

⁽²⁾ Council Decision 2009/901/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 43).

⁽³⁾ OJ L 169, 30.6.2009, p. 38.

⁽⁴⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

⁽⁵⁾ Council Decision (EU) 2017/2086 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 297, 15.11.2017, p. 7).

⁽⁶⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁷⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis the short-stay visa waiver is hereby approved on behalf of the Union.

The text of the amending Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the amending Agreement ⁽⁸⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 December 2018.

For the Council
The President
E. KÖSTINGER

⁽⁸⁾ The date of entry into force of the amending Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Declaration of the Union concerning the entry into force of Regulation (EU) 2017/2226 establishing the Entry/Exit System (EES) and the Member States applying the Schengen *acquis* in full

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 entered into force on 29 December 2017.

As a consequence, as from the date of application of Regulation (EU) 2017/2226 ⁽¹⁾ for the purposes of this Agreement Member States applying the Schengen *acquis* in full will mean Member States operating the Entry/Exit System at the external borders. The maximum period of 90 days in any 180-day period will be calculated taking into account the period of stay in all the Member States operating the Entry/Exit System at the external borders.

⁽¹⁾ The date of application will be decided by the Commission in accordance with Article 73 of Regulation (EU) 2017/2226.

AGREEMENT**between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

THE FEDERATION OF SAINT KITTS AND NEVIS (hereinafter referred to as 'Saint Kitts and Nevis'),

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 August 2015,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 169, 30.6.2009, p. 38.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The citizens of the European Union may stay in the territory of Saint Kitts and Nevis for a maximum period of 90 days in any 180-day period.’;

(b) paragraph 2 is replaced by the following:

‘2. The citizens of Saint Kitts and Nevis may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Saint Kitts and Nevis may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.’;

(c) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(4) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatalcadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijfentwintig april tweeduizend achttien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piateho apríla dvetisícosemnást.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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
 Za Europejską uniję
 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 Федерация Сейнт Китс и Невис
 Por la Federación de San Cristóbal y Nieves
 Za Federaci Svatý Kryštof a Nevis
 For Føderationen Saint Kitts og Nevis
 Für die Föderation St. Kitts und Nevis
 Saint Kittsi ja Nevise Föderatsiooni nimel
 Για την Ομοσπονδία Αγίου Χριστόφορου και Νέβις
 For the Federation of Saint Kitts and Nevis
 Pour la Fédération de Saint-Christophe-et-Nevis
 Za Federacju Svetog Kristofora i Nevisa
 Per la Federazione di Saint Christopher (Saint Kitts) e Nevis
 Sentkitsas un Nevisas Federācijas vārdā —
 Sent Kitso ir Nevio Federācijas vardu
 Saint Kitts és Nevis Államszövetség részéről
 Għall-Federazzjoni ta' Saint Kitts u Nevis
 Voor de Federatie van Saint Kitts en Nevis
 W imieniu Federacji Saint Kitts i Nevis
 Pela Federação de São Cristóvão e Neves
 Pentru Federația Saint Kitts și Nevis
 Za Federáciu Svätého Krištofa a Nevisu
 Za Federacijo Saint Kitts in Nevis
 Saint Kitts ja Nevisin federaation puolesta
 För Federationen Saint Kitts och Nevis



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Saint Kitts and Nevis, on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver in accordance with the terms of this amending Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/81

of 17 January 2019

amending Annex I to Implementing Decision (EU) 2016/2008 concerning animal health control measures relating to lumpy skin disease in certain Member States

(notified under document C(2019) 102)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease ⁽³⁾, and in particular Article 14(2), Article 19(1)(a) and (3)(a) and Article 19(4) and (6) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽⁴⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Directive 92/119/EEC lays down general control measures to be applied in the event of an outbreak of certain animal diseases, including lumpy skin disease (LSD). These control measures include the establishment of protection and surveillance zones around the infected holding, and they also provide for emergency vaccination in the case of an outbreak of LSD in addition to other control measures.
- (2) Commission Implementing Decision (EU) 2016/2008 ⁽⁵⁾ lays down animal health control measures to be taken in relation to outbreaks of LSD in the Member States or parts thereof as listed in Annex I thereto, including the minimum requirements for vaccination programmes against LSD submitted by the Member States to the Commission for approval. Implementing Decision (EU) 2016/2008 defines 'infected zones' as the part of the territory of a Member State listed in Part II of Annex I thereto, which includes the area where LSD was confirmed and any protection and surveillance zones established in accordance with Directive 92/119/EEC, and where vaccination against LSD may be implemented following the approval of vaccination programmes. It also defines 'free zones with vaccination' as the part of the territory of a Member State listed in Part I of that Annex which includes the areas outside the infected zones, where vaccination against LSD is implemented following the approval of vaccination programmes.
- (3) In August 2015, LSD was confirmed in Greece for the first time. In 2016, there were cases of LSD in Bulgaria and additional cases in Greece, as well as in a number of neighbouring third countries. In 2017, LSD was present to a lesser extent in South-East Europe, with a large scale recurrence of the disease in Albania, and a few additional sporadic outbreaks in Greece and the former Yugoslav Republic of Macedonia.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁴⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁵⁾ Commission Implementing Decision (EU) 2016/2008 of 15 November 2016 concerning animal health control measures relating to lumpy skin disease in certain Member States (OJ L 310, 17.11.2016, p. 51).

- (4) In 2018, there has been an improvement of the LSD epidemiological situation and no case of LSD has been reported in any Member State or in any neighbouring third country in South-East Europe, excluding Turkey.
- (5) In response to the outbreaks of LSD, the affected Member States, namely Greece and Bulgaria, as well as the affected neighbouring third countries, implemented mass vaccination programmes of their live bovine animals and captive wild ruminants. Croatia, where LSD has not occurred to date, also implemented a mass vaccination programme against LSD, in 2016 and 2017, as a preventive measure in view of the epidemiological situation in neighbouring Member States and third countries. The LSD vaccination programmes in Greece, Bulgaria and Croatia were approved by the Commission under Commission Implementing Decision (EU) 2016/2009 ⁽⁶⁾.
- (6) Since the first occurrence of LSD in continental Europe, the European Food Safety Authority (EFSA) has produced an 'Urgent advice on LSD, adopted on 29 July 2016 ⁽⁷⁾ and three reports, namely 'Lumpy skin disease: I. Data collection and analysis' approved on 27 March 2017 ⁽⁸⁾, 'Lumpy skin disease II. Data collection and analysis' approved on 29 January 2018 ⁽⁹⁾ and 'Lumpy skin disease: scientific and technical assistance on control and surveillance activities' approved on 28 September 2018 ⁽¹⁰⁾. All these scientific assessments suggest that mass vaccination campaigns against LSD, when they are properly implemented, bring the disease under control by preventing the occurrence of new outbreaks.
- (7) Mass vaccination against LSD has continued in 2018 in all the Member States and neighbouring third countries in South-East Europe that have been affected by LSD.
- (8) Since the beginning of 2018, Croatia has stopped vaccination against LSD in view of the favourable epidemiological situation in that Member State and in neighbouring third countries. Instead, Croatia started implementing a LSD surveillance programme approved by the Commission. That programme involves clinical, virological and serological surveillance with an emphasis on high risk areas, situated close to Member States and neighbouring third countries where outbreaks of LSD have been reported in recent years.
- (9) In accordance with Article 11.9.4 of the Terrestrial Animal Health Code of the World Health Organisation for Animal Health (OIE), in the case of preventive vaccination, conducted in a country or zone free from LSD, in response to a threat but without the occurrence of a case of LSD, disease-free status may be regained eight months after the last vaccination when clinical, virological and serological surveillance has been conducted in accordance with Article 11.9.15 of that Code.
- (10) According to a report, submitted by Croatia to the Commission on 13 October 2018, the results of clinical, virological and serological surveillance indicate that there is no evidence of the presence of LSD in its territory. Hence, Croatia fulfils all OIE requirements for disease-free status for LSD in the absence of the occurrence of LSD cases and since more than eight months have elapsed since the last LSD vaccination. It is therefore appropriate to lift the restrictions in relation to LSD vaccination in that Member State.
- (11) As a result, the entry for Croatia should be deleted from the list of Member States with 'free zones with vaccination' in Annex I to Implementing Decision (EU) 2016/2008.
- (12) Annex I to Implementing Decision (EU) 2016/2008 should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2016/2008 is replaced by the text set out in the Annex to this Decision.

⁽⁶⁾ Commission Implementing Decision (EU) 2016/2009 of 15 November 2016 approving the vaccination programmes against lumpy skin disease submitted by the Member States (OJ L 310, 17.11.2016, p. 66).

⁽⁷⁾ EFSA Journal 2016;14(8):4573.

⁽⁸⁾ EFSA Journal 2017;15(4):4773.

⁽⁹⁾ EFSA Journal 2018;16(2):5176.

⁽¹⁰⁾ EFSA Journal 2018;16(10):5452.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 January 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

‘ANNEX I

PART I

“Free zones with vaccination”1. *Bulgaria*

A. The following provinces in Bulgaria:

- Province of Burgas
- Province of Varna
- Province of Dobrich
- Province of Razgrad
- Province of Silistra
- Province of Ruse
- Province of Pleven

B. The following municipalities in Bulgaria:

- The municipalities of Opaka, Popovo and Antonovo in the province of Targovishte.
- The municipalities of Shumen, Kaspichan, Novi Pazar, Nikola Kozlevo, Kaolinovo, Venets and Hitrino in the province of Shumen.
- The municipalities of Svishtov, Polski Trambesh and Strazhitsa, in the province of Veliko Tarnovo.

2. *Greece*

The following regions in Greece:

- Region of Ionian Islands, excluding the regional unit of Kerkyra
- Region of North Aegean, excluding the regional unit of Limnos
- Region of South Aegean
- Region of Crete

PART II

“Infected zones”1. *Greece*

A. The following regions in Greece:

- Region of Attica
- Region of Central Greece
- Region of Central Macedonia
- Region of Eastern Macedonia and Thrace
- Region of Epirus
- Region of Peloponnese
- Region of Thessaly
- Region of Western Greece
- Region of Western Macedonia

B. The following regional units in Greece:

— Regional unit of Limnos

— Regional unit of Kerkyra

2. *Bulgaria*

The entire territory of Bulgaria excluding the areas listed in Part I.'

COMMISSION IMPLEMENTING DECISION (EU) 2019/82**of 17 January 2019****amending the Annex to Implementing Decision (EU) 2016/2009 approving the vaccination programmes against lumpy skin disease submitted by the Member States***(notified under document C(2019) 105)***(Only the Bulgarian, Croatian and Greek texts are authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease ⁽³⁾, and in particular Article 19(1)(a) and (3)(a) and Article 19(6) thereof,

Whereas:

- (1) Directive 92/119/EEC lays down general control measures to be applied in the event of an outbreak of certain animal diseases, including lumpy skin disease (LSD). These control measures include the establishment of protection and surveillance zones around the infected holding, and they also provide for emergency vaccination in the case of an outbreak of LSD in addition to other control measures.
- (2) In August 2015, LSD was confirmed in Greece for the first time. In 2016, there were cases of LSD in Bulgaria and additional cases in Greece, as well as in a number of neighbouring third countries. In 2017, LSD was present to a lesser extent in South-East Europe, with a large scale recurrence of the disease in Albania, and a few additional sporadic outbreaks in Greece and the former Yugoslav Republic of Macedonia.
- (3) In response to the outbreaks of LSD, the affected Member States, namely Greece and Bulgaria, as well as the affected neighbouring third countries, implemented mass vaccination programmes of their live bovine animals and captive wild ruminants. In 2016 and 2017, Croatia, where LSD has not occurred to date, also implemented a mass vaccination programme against LSD, as a preventive measure in view of the epidemiological situation in neighbouring Member States and third countries. The vaccination programmes against LSD in Greece, Bulgaria and Croatia were approved by the Commission under Commission Implementing Decision (EU) 2016/2009 ⁽⁴⁾, and those three Member States are duly listed in the Annex to that act as having approved vaccination programmes against LSD.
- (4) In 2018, there has been a further improvement of the LSD epidemiological situation and no case of LSD has been reported in any Member State or in any neighbouring third country in South-East Europe, excluding Turkey. During the same year, mass vaccination against LSD has continued in all the Member States and in neighbouring third countries in South-East Europe that have been affected by LSD.
- (5) Since the beginning of 2018, Croatia stopped vaccination against LSD in view of the favourable epidemiological situation in that Member State and in neighbouring countries. Instead, Croatia started implementing a LSD surveillance programme that was approved by the Commission. That surveillance programme involves clinical,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁴⁾ Commission Implementing Decision (EU) 2016/2009 of 15 November 2016 approving the vaccination programmes against lumpy skin disease submitted by the Member States (OJ L 310, 17.11.2016, p. 66).

virological and serological surveillance with an emphasis on high risk areas, situated close to Member States and neighbouring third countries where outbreaks of LSD have been reported in recent years. According to a report, submitted by Croatia to the Commission on 13 October 2018, the results of the clinical, virological and serological surveillance indicate that there is no evidence of the presence of LSD in its territory.

- (6) As a result, Croatia should no longer be included in the list of Member States with an approved vaccination programme against LSD, since LSD vaccination is no longer carried out in that Member State.
- (7) The Annex to Implementing Decision (EU) 2016/2009 should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2016/2009 is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Republic of Bulgaria, the Hellenic Republic and the Republic of Croatia.

Done at Brussels, 17 January 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

‘ANNEX

- The vaccination programme submitted by Greece.
- The vaccination programme submitted by Bulgaria.’

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2018 OF THE STABILISATION AND ASSOCIATION COUNCIL of 4 December 2018

concerning the transition to the second stage of the Association between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, pursuant to Article 5(3) of the Stabilisation and Association Agreement [2019/83]

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part ⁽¹⁾ (the 'Agreement'), and in particular Article 5(3) thereof,

Whereas:

- (1) Article 5(1) of the Agreement provides for a transitional period of a maximum of 10 years divided into two successive stages.
- (2) The first stage began on 1 April 2004, which was the date of entry into force of the Agreement.
- (3) Article 5(3) of the Agreement further provides that the Stabilisation and Association Council is to evaluate the progress made and to decide about the passage into the second phase and its duration, as well as on any possible changes to be brought about as regards the content of the provisions governing the second stage.
- (4) The Parties are determined to comply with the obligations related to the transition to the second stage of the Association.
- (5) The former Yugoslav Republic of Macedonia has taken the measures necessary to ensure compliance with all of the obligations resulting from the transition to the second stage,

Has ADOPTED THIS DECISION:

Article 1

The transition to the second stage of the Association between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, pursuant to Article 5(3) of the Agreement, hereby takes effect.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 4 December 2018.

For the Stabilisation and Association Council
The President

⁽¹⁾ OJ L 84, 20.3.2004, p. 13.

SGS18/06055

H. E. Agneza RUSI POPOVSKA,
Ambassador,
Head of the Mission of the former Yugoslav Republic of Macedonia
to the European Union,

Brussels, 10 July 2018

Your Excellency,

I have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation thereof shall together constitute:

- 1) The adoption by the EU - the former Yugoslav Republic of Macedonia Stabilisation and Association Council of Decision No. 1/2018 concerning the transition to the second stage of the Association between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, pursuant to article 5(3) of the Stabilisation and Association Agreement; and
- 2) The signature of the same Decision by the President of the EU - the former Yugoslav Republic of Macedonia Stabilisation and Association Council.

In so doing, the requirements under the terms set out in Article 10 of the Rules of Procedure of the Stabilisation and Association Council are thereby fulfilled.

A copy of the draft Decision is herewith attached (document UE-FM 1452/18).

Please accept, Madam, the assurance of my highest consideration.

Co-Secretary of the Stabilisation
and Association Council



Andzelika SOKOLOVA

IM 12603 2018
04.12.2018

Мисија на Република Македонија
при Европската Унија
Mission of the Republic of Macedonia
to the European Union

38, Rue de la Loi
B - 1040 Brussels
Tel: (+32) 2 235.03.50
Fax: (+32) 2 280.09.49
E-mail: mission.eu@mfa.gov.mk

Ref. No. 08- 01-791/1
Date: 26.11.2018

Ms Andzelika SOKOLOVA
Co-Secretary of the Stabilisation and Association Council
Council of the European Union
General Secretariat

Dear Ms Sokolova,

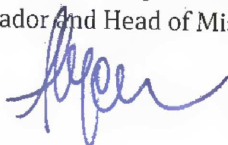
I have the honour to acknowledge the receipt of your letter SGS18/06055 dated 10-07-2018 regarding the adoption by the EU - the Republic of Macedonia Stabilisation and Association Council of Decision No. 1/2018 concerning the transition to the second stage of the Association between the European Communities and their Member States, of the one part, and the Republic of Macedonia, of the other part, pursuant to Article 5(3) of the Stabilisation and Association Agreement.

Hereby, I confirm our acceptance that your letter and this confirmation that the Government of the Republic of Macedonia agrees with the provisions of the annexed text of aforementioned Decision shall together constitute signature of the Decision through written procedure, under the terms set out in Article 10 of the Rules of Procedure of the Stabilisation and Association Council.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the Decision, having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, Madame, the assurances of my highest consideration.

Agneza Rusi Popovska
Ambassador and Head of Mission





Council of the European Union
General Secretariat

SGS/19 000257

H. E. Agneza RUSI POPOVSKA,
Ambassador,
Head of the Mission of the former Yugoslav Republic of Macedonia
to the European Union

Brussels, 15 January 2019

Your Excellency,

I have the honour to acknowledge the receipt of your letter of 4/12/2018.

The European Union notes that the exchange of letters between the European Union and the former Yugoslav Republic of Macedonia which constitutes the adoption of the Decision by the EU-the former Yugoslav Republic of Macedonia Stabilisation and Association Council and its signature by the President of the said Council has been accomplished concerning Decision No. 1/2018 of the EU-the former Yugoslav Republic of Macedonia Stabilisation and Association Council of 4/12/2018 concerning the transition to the second stage of the Association between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, pursuant to article 5(3) of the Stabilisation and Association Agreement. None of this can be interpreted as acceptance or recognition by the European Union in whatever form or content of a denomination other than the former Yugoslav Republic of Macedonia.

Please accept, Madame, the assurance of my highest consideration.

Co-Secretary of the Stabilisation
and Association Council

Andzelika SOKOLOVA

