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European Union

Brussels, 9 August 2017  
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**VISA 313  
COEST 215**

## **PROPOSAL**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	25 July 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 384 final ANNEX 1
Subject:	ANNEX to the Proposal for a COUNCIL DECISION establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas, with regard to the adoption of common guidelines for the implementation of the Agreement

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Delegations will find attached document COM(2017) 384 final ANNEX 1.

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Encl.: COM(2017) 384 final ANNEX 1



Brussels, 25.7.2017  
COM(2017) 384 final

ANNEX 1

**ANNEX**

*to the*

**Proposal for a COUNCIL DECISION**

**establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas,  
with regard to the adoption of common guidelines for the implementation of the Agreement**

DRAFT  
DECISION No ../201.. OF THE JOINT COMMITTEE  
SET UP BY THE AGREEMENT  
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF ARMENIA  
ON THE FACILITATION OF THE ISSUANCE OF VISAS

of .....

with regard to the adoption of common guidelines for the implementation of the Agreement

THE COMMITTEE,

Having regard to the Agreement between the European Union and the Republic of Armenia on facilitating the issue of visas<sup>(1)</sup> ('the Agreement'), and in particular Article 12 thereof,

Whereas the Agreement entered into force on 1 January 2014,

HAS DECIDED THE FOLLOWING:

Article 1

The common guidelines for the implementation of the Agreement between the European Union and the Republic of Armenia on the facilitation the issuance of visas are set out in the Annex to this Decision.

Article 2

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

Done at...

For the European Union

For the Republic of Armenia

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<sup>1</sup> OJ L 289, 30.10.2013, p. 2-11.

DRAFT  
**GUIDELINES**  
**FOR THE IMPLEMENTATION OF THE**  
**AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF**  
**ARMENIA**  
**ON THE FACILITATION OF THE ISSUANCE OF VISAS**

The purpose of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas, which entered into force on 1 January 2014, is to facilitate, on the basis of reciprocity, the procedures for issuing visas for an intended stay of no more than 90 days per period of 180 days to citizens of Armenia.

The Agreement establishes **legally binding rights and obligations** for the purpose of simplifying the visa issuing procedures for Armenian citizens.

These Guidelines, adopted by the Joint Committee established by Article 12 of the Agreement, aim to ensure a harmonised implementation of the provisions of the Agreement by the diplomatic missions and consular posts of the Member States. These Guidelines are not part of the Agreement and therefore are not legally binding. However, it is highly recommended that diplomatic and consular staff consistently follow them when implementing the provisions of the Agreement.

The Guidelines are intended to be updated in light of the experience of implementing the Agreement under the responsibility of the Joint Committee.

In order to ensure the continued and harmonised implementation of the Agreement and in conformity with the rules of procedure of the Joint Visa Facilitation Committee, the parties agreed to undertake informal contacts between the formal meetings of the Joint Committee, in order to deal with urgent issues. Detailed reports about these issues and the informal contacts will be presented at the following Joint Visa Facilitation Committee meeting.

## **I. GENERAL ISSUES.**

### **1.1. Purpose and scope of application**

Article 1(1) of the Agreement stipulates that: *‘The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Armenia.’*

The Agreement applies to all citizens of Armenia who apply for a short-stay visa, regardless of the country in which they reside.

The Agreement does not apply to stateless persons holding a residence permit issued by Armenia. The normal rules of the EU visa *acquis* apply to this category of persons.

As from 10 January 2013, all EU citizens and citizens of the Schengen associated states are exempted from the visa requirement when travelling to Armenia for a period of time not exceeding 90 days.

Article 1(2) of the Agreement stipulates that: *‘If Armenia reintroduces the visa requirements for the citizens of the Union or certain categories of them, the same*

*facilitations granted under this Agreement to the citizens of Armenia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned.'*

## **1.2. Scope of the Agreement**

Article 2 of the Agreement stipulates that:

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

*2. The national law of Armenia or of the Member States or the Union law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.'*

Without prejudice to its Article 10 (which provides for the exemption from the visa requirement for holders of Armenian diplomatic passports), the Agreement does not affect the existing rules on visa obligations and visa exemptions. For instance, Article 4 of Council Regulation No 539/2001<sup>2</sup> allows Member States to exempt from the visa requirement civilian air and sea crews among other categories.

In this context it should be added that according to Article 21 of the Convention implementing the Schengen Agreement,<sup>3</sup> all Parties to that Convention must recognise the long-stay visas and residence permits issued by each other as valid for short stays on each other's territories. All Parties to that Convention accept residence permits, D visas and short-stay visas of Schengen associated countries for entry and short stay and vice versa.

Regulation (EC) No 810/2009 of the European Parliament and of the Council (Visa Code)<sup>4</sup> applies to all issues not covered by the Agreement such as determining the Party to the Convention implementing the Schengen Agreement responsible for processing a visa application, the motivation of refusal to issue a visa, the right to appeal against a negative decision or the general rule of the personal interview with the applicant and providing information in relation to the visa application. Furthermore, Schengen rules<sup>5</sup> (i.e. the refusal of entry in the territory, proof of sufficient means of subsistence etc.) and national law (i.e. the recognition of travel documents, expulsion measures etc.) continue to apply to issues which are not covered by the Agreement.

Even if the conditions set in the Agreement are met, for example, proof of documentary evidence of the purpose of the journey for the categories listed in Article 4 is provided by the visa applicant, the issuance of the visa still can be refused if the conditions laid down in

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<sup>2</sup> Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L81 of 21.3.2001, last amended by Regulation (EU) 1289/2013 of 11.12.2013, OJ L 347, 20.12.2013, p.74.

<sup>3</sup> OJ L 239, 22.9.2000, p. 19.

<sup>4</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1.

<sup>5</sup> Notably, Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1.

Article 6 of Regulation (EC) 2016/399 of the European Parliament and of the Council<sup>6</sup> ('the Schengen Borders Code') are not fulfilled, i.e. the person is not in possession of a valid travel document, an alert in the Schengen Information System (SIS) has been issued, the person is considered a threat for public policy, internal security, etc.

Other flexibilities in the issuing of visas allowed by the Visa Code continue to apply. For instance, multiple-entry visas for a long period of validity — up to five years — can be issued to categories of persons other than those mentioned in Article 5 of the Agreement, if the conditions set in the Visa Code (Article 24) are met. In the same way, the provisions contained in the Code allowing waiver or reduction of the visa fee will continue to apply (Article 16(5) and (6) of the Visa Code).

### **1.3. Types of visas falling within the scope of the Agreement.**

Article 3(d) of the Agreement defines a 'visa' as '*an authorisation issued by a Member State with a view to transiting through or an intended stay of a duration of no more than 90 days in any 180-day period in the territory of Member States.*'

The facilitations provided by the Agreement apply both to uniform visas valid for the entire territory of the Member States and visas with limited territorial validity (LTV).<sup>7</sup>

### **1.4. Calculation of the length of stay authorised by a visa**

The Schengen Borders Code<sup>8</sup> defines the notion of a short stay as follows: '90 days in any 180-day period, which entails considering the 180-day period preceding each day of stay'.

The day of entry will be calculated as the first day of stay in the territory of the Member States and the day of exit will be calculated as the last day of stay in the territory of the Member States. The notion of 'any' implies the application of a 'moving' 180-day reference period, on each day of the stay looking back to the last 180 days period, in order to verify if the 90/180 day requirement continues to be fulfilled. This means that an absence in the territory of the Member States for an uninterrupted period of 90 days allows for a new stay of up to 90 days.

The definition is in force since 18 October 2013. A short-stay calculator, which can be used for calculating the period of allowed stay under the new rules, can be found on-line at the following address: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/index_en.htm).

#### **Example of calculation of stay on the basis of the new definition**

A person holding a multiple-entry visa for 1 year (18 April 2014 – 18 April 2015) enters for the first time on 19 April 2014 and stays for 3 days. Then the same person enters again on 18 June 2014 and stays for 86 days. What is the situation on specific dates? When will this person be allowed to enter again?

On 11 September 2014: Over the last 180 days (16 March 2014 – 11 September 2014) the person had stayed for 3 days (19-21 April 2014) plus 86 days (18 June 2014 – 11 September 2014) = 89 days = No overstay. The person may still stay for up to 1 day.

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<sup>6</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1.

<sup>7</sup> Cfr. Articles 2, 24 and 25 of the Visa Code.

<sup>8</sup> See, in particular, amendments enacted by Regulation (EU) No 610/2013 of the European Parliament and of the Council, OJ L 182, 29.6.2013, p.1.

As of 16 October 2014: The person might enter for a stay of 3 additional days. On 16 October 2014 the stay on 19 April 2014 becomes irrelevant (outside the 180 days period); on 17 October 2014 the stay on 20 April 2014 becomes irrelevant (outside the 180 days period; etc.).

As of 15 December 2014: The person might enter for 86 additional days (on 15 December 2014, the stay on 18 June 2014 becomes irrelevant (outside the 180 days period); on 16 December 2014, the stay on 19 June 2014 becomes irrelevant, etc.).

### **1.5. Situation regarding the Member States that do not yet fully apply the Schengen *acquis*, Member States that do not participate in the EU Common Visa Policy and associated countries**

Member States that joined the EU in 2004 (the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia), 2007 (Bulgaria and Romania), and 2013 (Croatia) are bound by the Agreement as from its entry into force.

Bulgaria, Croatia, Cyprus and Romania do not yet fully implement the Schengen *acquis*. They will continue issuing national visas with a validity limited to their own national territory. Once these Member States fully implement the Schengen *acquis*, they will continue to apply the Agreement.

National law continues to apply to all issues not covered by the Agreement until the date of full implementation of the Schengen *acquis* by these Member States. As from that date, Schengen rules/national law will apply to issues not regulated by the Agreement.

Bulgaria, Croatia, Cyprus and Romania are authorised to recognise residence permits, D visas and short-stay visas issued by all Parties to the Convention implementing the Schengen Agreement and associated countries for short stays on their territory.<sup>9</sup>

According to Article 21 of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders, all Parties to that Convention must recognise the long-stay visas and residence permits issued by each other as valid for short stays on each other's territories. They accept residence permits, D visas and short-stay visas of associated countries for entry and short stay and vice versa.

The Agreement does not apply to Denmark, Ireland and the United Kingdom but includes joint declarations about the desirability of those Member States to conclude bilateral agreements on visa facilitation with Armenia.

Although associated with Schengen, Iceland, Liechtenstein, Norway and Switzerland, are not bound by the Agreement. However, the Agreement contains a joint declaration about desirability of those Schengen associated countries to conclude bilateral agreements on visa facilitation with Armenia without delay.

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<sup>9</sup> Decision No 565/2014/EU of 15.05.2014 entered into force on 16.06.2014, authorising Bulgaria, Croatia, Cyprus and Romania to unilaterally recognise only those uniform short-stay visas which are valid for two or multiple entries and long-stay visas and residence permits issued by Parties to the Schengen Agreement, and visas with limited territorial validity to the holders of passports issued by Kosovo, as well as national visas and residence permits issued by Croatia as equivalent to their national visas both for transit through and for intended stays on their territory not exceeding 90 days in any 180-day period. Bulgaria, Croatia, Cyprus and Romania may apply the new rules as of 14.07.2014, replacing Decisions No 895/2006/EC of 14 June 2006 and No 582/2008 EC of 17 June 2008.

## **1.6. The Agreement/bilateral agreements**

Article 13 of the Agreement stipulates that:

*‘As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and Armenia, in so far as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.’*

As from the date of entry into force of the Agreement, provisions in the bilateral agreements in force between Member States and Armenia on issues covered by the Agreement ceased to apply. In accordance with EU law, Member States have to take the necessary measures to eliminate the incompatibilities between their bilateral agreements and the Agreement.

Should a Member State have concluded a bilateral agreement or arrangement with Armenia on issues not covered by the Agreement, such agreement or arrangement would continue to apply after the entry into force of the Agreement.

## II. GUIDELINES ON SPECIFIC PROVISIONS.

### **2.1. New rules that apply to all visa applicants**

**Important:** Note that the facilitations mentioned below regarding the visa fee, the length of procedures for processing visa applications, departure in case documents are lost or stolen, and the extension of visa in exceptional circumstances apply to all Armenian visa applicants and visa holders, including, for example, **tourists**.

#### **2.1.1. Visa processing fee**

Article 6(1) of the Agreement stipulates that:

*‘1. The fee for processing visa applications shall amount to EUR 35.’*

In accordance with Article 6(1), the fee for processing a visa application is **EUR 35**. This fee will apply to all Armenian visa applicants (including tourists) and concerns short-stay visas, irrespective of the number of entries.

Article 6(2) of the Agreement stipulates that (NB: any implementing arrangements follow the category):

*‘2. Without prejudice to paragraph 3 of this Article, fees for processing the visa application are waived for the following categories of persons:*

*(a) pensioners;’*

To benefit from the fee waiver for this category of persons, visa applicants must present a proof of their pensioner status, i.e. pension book or certificate on receiving pension. The waiver is not justified in cases where the purpose of the journey is paid activity.

*‘(b) children under the age of 12;’*

In order to benefit from the fee waiver for this category of persons, visa applicants have to present evidence proving their age.

*‘(c) members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement;’*

Members of regional governments will be understood as members of territorial administration, i.e. Governors of the regions (*marzpet*) and their deputies, as well as the Mayor of Yerevan and his/her deputy. In order to benefit from the fee waiver for this category of persons, visa applicants have to present evidence from the Armenian authorities proving their position.

*‘(d) persons with disabilities and the persons accompanying them, if necessary;’*

In order to benefit from the fee waiver, evidence should be provided that both visa applicants fall under this category. In case of disability, visa applicants have to present an extract from the medical certificate attesting that the disability. Where the disability of the applicants is obvious (blind persons, people missing limbs) visual recognition at the visa consular office is acceptable.

In justified cases, the visa application can be submitted by a representative or the guardian of the disabled person.

- ‘(e) *close relatives — spouse, children (including adopted), parents (including custodians), grandparents or grandchildren — of citizens of Armenia legally residing in the territory of the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals;*
- (f) *members of official delegations, including permanent members of official delegations, who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;*
- (g) *pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school-related activities;*
- (h) *journalists and technical crew accompanying them in a professional capacity;’*

In order to benefit from the fee waiver for this category of persons, visa applicants have to present proof of being members of professional journalistic or media organisations — link with Article 4 of the Agreement and point 2.2.1 (e) of the Guidelines.

- ‘(i) *participants in international sport events and persons accompanying them in a professional capacity;’*

Supporters will not be considered as accompanying persons.

- ‘(j) *representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes;’*

In order to benefit from the fee waiver for this category of persons, visa applicants have to present proof of being members of civil society organisations or non-profit organisations — link with Article 4 of the Agreement.

- ‘(k) *persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes;*
- (l) *persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative.’*

The fee is fully waived for the above-mentioned categories of persons. In addition, the fee is also waived, in accordance with Article 16(4) of the Visa Code, for the following categories of persons:

- researchers travelling within the European Union for the purpose of carrying out scientific research as defined in Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005;
- representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.

As stated in Article 16(6) of the Visa Code *‘in individual cases, the amount of the fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting*

*interests as well as interests in the field of foreign policy, development policy, other areas of vital public interest or for humanitarian reasons.'*

Article 16(7) of the Visa Code states that the visa fee will be charged in euro, in the national currency of the third country or in the currency usually used in the third country where the application is lodged. It will not be refundable except if the application is inadmissible or if the consulate is not competent.

In order to avoid discrepancies which could lead to visa shopping, Member States in Armenia should ensure similar visa fees for all Armenian visa applicants when charged in foreign currencies.

Armenian applicants will be given a receipt for the visa fee paid in line with Article 16(8) of the Visa Code.

Article 6(3) of the Agreement stipulates that:

*'3. If a Member State cooperates with an external service provider in view of issuing a visa the external service provider may charge a service fee. This fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30. The Member States shall maintain the possibility for all applicants to lodge their applications directly at their consulates.'*

Regarding the modalities of the cooperation with external services providers, Article 43 of the Visa Code provides detailed information concerning the tasks.

### **2.1.2. Length of procedures for processing visa applications**

Article 7 of the Agreement stipulates that:

*'1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.*

*2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.*

*3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.'*

A decision on the visa application will be taken, in principle, within 10 calendar days of the date of an admissible application being lodged.

This period may be extended up to a maximum of 30 calendar days in individual cases, notably when further scrutiny of the application is needed or, in case of representation, where the authorities of the represented Member State are consulted.

All these deadlines start running only when the application file is complete, i.e. as from the date of reception of the visa application and the supporting documents.

As a principle, for diplomatic missions and consular posts that have an appointment system, the waiting time to get an appointment is not included in the processing time. This issue, as well as other practical arrangements for lodging a visa application, are regulated by the Visa Code (Article 9).

As defined in Article 7(4) of the Agreement, where an appointment is required for the lodging of an application, it *'shall, as a rule, take place within two weeks from the date the appointment was requested.'*

*In justified cases of urgency* (where the visa could not have been applied earlier for reasons that could not have been foreseen by the applicant), *'the consulate may allow applicants to lodge their applications either without appointment or an appointment should be given immediately.'*

When setting the appointment, the possible urgency claimed by the visa applicant should be taken into account. The decision on reducing the time for taking a decision on a visa application is taken by the consular officer.

### **2.1.3. Extension of visa in exceptional circumstances**

Article 9 of the Agreement stipulates that:

*'Citizens of Armenia who are not able to leave the territory of the Member States by the time stated in their visas for reasons of force majeure or humanitarian reasons shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving Member State for the period required for their return to the State of their residence'*.

As regards extending the validity of the visa in cases of justified personal reasons, where the holder of the visa is unable to leave the territory of the Member State by the date indicated on the visa sticker, Article 33 of the Visa Code will apply as long as this is compatible with the Agreement. Therefore, under the Agreement the extension of the visa is carried out free of charge in case of *force majeure or humanitarian reasons*.

## **2.2. New rules that apply to certain categories of visa applicants**

### **2.2.1. Documentary evidence of the purpose of the journey**

For the categories of persons listed in Article 4(1) only the documentary evidence indicated will be required regarding the purpose of the journey. As stated in Article 4(3), no other justification, invitation or validation regarding the purpose of the journey will be required. However, this does not mean a waiver of the requirement to appear in person to submit the visa application or to provide supporting documents with regard to, for example, the means of subsistence.

If in individual cases doubts remain regarding the authenticity of the document proving the purpose of the journey, under Article 21(8) of the Visa Code the visa applicant may be called for an additional in-depth interview to the embassy/consulate where (s)he can be questioned regarding the actual purpose of the visit or the applicant's intention to return. In such individual cases, additional documents can be provided by the visa applicant or exceptionally requested by the consular officer. The Joint Committee will closely monitor this issue.

For the categories of persons not mentioned in Article 4 (for example tourists), the general rules continue to apply regarding documentation proving the purpose of the journey. The same applies to documents regarding parental consent for travel of children under 18.

Schengen rules or national law will apply to issues not covered by this Agreement, such as the recognition of travel documents, guarantees regarding return and sufficient means of subsistence.

In principle, the original of the document required by Article 4(1) will be submitted with the visa application. However, the consulate can start processing the visa application based on the facsimile or copies of the document. Nevertheless, the consulate may ask for the original document in case of the first time application and will ask for it in individual cases in case of any doubts.

*‘Article 4 — Documentary evidence regarding the purpose of the journey*

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

(a) *for close relatives — spouses, children (including adopted), parents (including custodians), grandparents, grandchildren visiting citizens of Armenia legally residing in the Member States, or citizens of the European Union residing in the territory of the Member State of which they are nationals:*

– *a written request from the host person;’*

This point regulates the situation of Armenian close relatives travelling to the Member States to visit Armenian citizens legally residing in the Member States or citizens of the European Union residing in the territory of the Member State of which they are nationals.

The authenticity of the signature of the inviting person must be confirmed by the competent authority according to the national legislation of the country of residence. The invitation should be validated by competent authorities. In the case of diplomats, technical and administrative staff and other officials posted by the Government of the Republic of Armenia in the Member States, the authenticity of the signature will be confirmed by letter or a *note verbale* issued by the head of diplomatic representation or consular post.

(b) *for members of official delegations including permanent members of such delegations who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations:*

– *a letter issued by a competent authority of Armenia confirming that the applicant is a member of its delegation, respectively a permanent member of its delegation, travelling to the territory of the other Party to participate in the aforementioned events, accompanied by a copy of the official invitation;’*

The applicant’s name must be stated in the letter issued by the competent authority confirming that the person is part of the delegation travelling to the territory of the other Party to participate in the official meeting. The applicant's name does not need to be stated in the official invitation to participate in the meeting, although this might be the case when the official invitation is addressed to a specific person.

This provision applies to members of official delegations regardless of the type of passport they hold.

*‘(c) for pupils, students, post-graduate persons and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:*

- a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;’*

A student card is only accepted to justify the purpose of the journey if it has been issued by the host university, college or school where the studies or educational training is going to take place.

*‘(d) for persons travelling for medical reasons and necessary accompanying persons:*

- an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment.’*

The document from the medical institution confirming the three points (the necessity of medical care in this institution, the necessity of being accompanied and the proof of sufficient financial means to pay for the medical treatment, e.g. proof of prepayment) will be submitted.

*‘(e) for journalists and technical crew accompanying them in a professional capacity:*

- a certificate or other document issued by a professional organisation or the applicant’s employer proving that the person concerned is a qualified journalist and stating that the purpose of the journey is to carry out journalistic work or proving that he/she is a member of the technical crew accompanying the journalist in a professional capacity;’*

This category does not cover freelance journalists and their assistants.

The certificate or document proving that the applicant is a professional journalist or an *accompanying person in a professional capacity* and the original document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work or assist in such work must be presented.

A number of professional organisations exist in Armenia, which represent the interests of journalists or accompanying persons in a professional capacity and could issue certificates proving that the person is a professional journalist or an accompanying person in a professional capacity in a specific area. In order to assess the professional status of these organisations, consulates may consult [www.e-register.am](http://www.e-register.am). Consulates may also accept a certificate issued by the applicant’s employer.

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

- a written request from the host organisation, competent authorities, national sport federations or national Olympic committees of the Member State;’*

The list of accompanying persons in the case of international sports events will be limited to those attending in a professional capacity: coaches, masseurs, manager, medical staff and

head of the sports club. Therefore, supporters will not be considered as accompanying persons.

*‘(g) for business people and representatives of business organisations:*

- *a written request from the host legal person or company, organisation or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territories of one of the Member States, endorsed by the competent authorities in accordance with the national legislation;’*

In order to verify the existence of the business organisation the consulates may consult [www.e-register.am](http://www.e-register.am).

*‘(h) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events:*

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

*(i) for representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes:*

- *a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation or participating in Pan-Armenian or community support activities and the certificate on establishment of such organisation from the relevant register issued by a state authority in accordance with the national legislation;’*

A document from the civil society organisation confirming that the applicant is representing this organisation must be presented.

The competent Armenian state authority issuing the certificate on establishment of a civil society organisation is the Ministry of Justice.

The register in which the certificates on establishment of civil society organisations are registered is the State Registry of Legal Persons. The Ministry of Justice administers the electronic data base of NGOs, which is available via the website [/https://www.e-register.am/](https://www.e-register.am/) of the Ministry of Justice.

Individual members of the civil society organisations are not covered by the Agreement.

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

- *a written request from the host organisation to participate in the activities;’*

*‘(k) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia:*

- a written request from the national association (union) of carriers of Armenia providing for international road transportation, stating the purpose, itinerary, duration and frequency of the trips;’*

The Armenian national association of carriers competent for providing the written request to professional drivers is the Association of International Road Carriers of Armenia (AIRCA).

*‘(l) for participants of the official exchange programmes organised by twin cities and other municipal entities:*

- a written request of the Head of Administration/Mayor of these cities or municipal authorities;’*

The Head of Administration/Mayor of the city or other locality competent to issue the written request is the Head of Administration/Mayor of the host city or other locality where the twinning activity is going to take place. This category only covers official twinning.

*‘(m) for visiting military and civil burial grounds:*

- an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried.’*

The Agreement does not specify whether the above-mentioned official document should be issued by the authorities of the country where the burial ground is located or those of the country in which the person who wants to visit the burial ground resides. It should be accepted that the competent authorities of either country could issue this official document.

The above mentioned official document confirming the existence and preservation of the grave as well as of the family or other relationship between the applicant and the buried must be presented.

**Important:** The Agreement does not create any new liability rules for the physical or legal persons issuing the written requests. The respective EU/national law applies in the case of false issuance of such requests.

### **2.2.2. Issuance of multiple-entry visas.**

In cases where the visa applicant needs to travel frequently to the territory of the Member States, short-stay visas may be issued for several visits, provided that the total length of these visits does not exceed 90 days per period of 180 days.

Article 5 of the Agreement stipulates that:

*‘1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of 5 years to the following categories of persons:*

- (a) *spouses, children (including adopted), who are under the age of 21 or are dependent and parents (including custodians), visiting citizens of Armenia legally residing in the Member States, or citizens of the European Union residing in the territory of the Member State of which they are nationals;*
- (b) *members of national and regional governments and of Constitutional and Supreme courts if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties;*
- (c) *permanent members of official delegations who, following an official invitation addressed to Armenia, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;*

*By way of derogation, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period, in particular where:*

- *in the case of the persons referred to in point a), the period of validity of the authorisation for legal residence of citizens of Armenia legally residing in the European Union,*
- *in case of the persons referred to in point b), the term of office,*
- *in the case of the persons referred to in point c), the term of the validity of the status as a permanent member of an official delegation,*

*is less than five years.?*

Taking into account the professional status of these categories of persons, or their family relationship with a citizen of Armenia who is legally residing in the territory of the Member States or with an EU citizen residing in a Member State whose nationality (s)he holds, it is justified to grant them a multiple-entry visa with a validity of five years, or limited to the term of office or to their legal residence if these are of less than five years.

Persons falling under Article 5(1)(a) of the Agreement, must present proof of the legal residence of the host person.

As regards persons falling under Article 5(1)(b) of the Agreement, confirmation should be given regarding their professional status and the duration of their mandate.

This provision will not apply to persons falling under Article 5(1)(b) of the Agreement if they are exempted from the visa requirement by the Agreement, i.e. if they are holders of a diplomatic passport.

Persons falling under Article 5(1)(c) of the Agreement, must present proof of their permanent status as a member of the delegation and the need to participate regularly in meetings, consultations, negotiations or exchange programmes.

In cases where the need or the intention to travel frequently or regularly is clearly limited to a shorter period, the validity of the multiple-entry visa will be limited to that period.

*‘2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State:*

*(a) members of official delegations who, following an official invitation addressed to Armenia, shall participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;*

*(b) representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips to the Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes;*

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

*(d) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes, who regularly travel to the Member States;*

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

*(f) participants of the official exchange programmes organised by twin cities and other municipal entities;*

*(g) persons needing to visit regularly for medical reasons and necessary accompanying persons;*

*(h) journalists and technical crew accompanying them in a professional capacity;*

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

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

*(k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia.*

*By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period.'*

In principle, multiple-entry visas valid for one year will be issued to the above-mentioned categories if during the previous year (12 months) the visa applicant has obtained at least one visa and has used it in conformity with the laws on entry and stay of the State(s) visited (for instance, the person has not overstayed) and if there are reasons for requesting a multiple-entry visa.

In cases where it is not justified to issue a visa valid for one year, (for instance, if the duration of the exchange programme is of less than one year or the person does not need to travel for a full year) the validity of the visa will be of less than one year, provided that the other requirements for issuing the visa are met.

*'3. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous 2 years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State unless the need or the intention to travel*

*frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.*

*4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.'*

Multiple-entry visas valid from 2 years up to 5 years will be issued to the categories mentioned under Article 5(2) of the Agreement, provided that during the previous two years (24 months) they have made use of the two 1-year multi-entry visas in accordance with the laws on entry and stay in the territory(ies) of the visited State(s) and that the reasons for requesting a multi-entry visa are still valid. It has to be noted that a visa with a validity from 2 to 5 years, will only be issued if the visa applicant has been issued two visas valid for one year — and not less — during the previous two years, and if (s)he has used these visas in accordance with the laws of entry and stay in the territory(ies) of the visited State(s). Diplomatic missions and consular posts will decide, on the basis of the assessment of each visa application, the period of validity of these visas, i.e. from 2 to 5 years.

There is no obligation to issue a multiple-entry visa if the applicant has not made use of a previously issued visa.

### **2.2.3. Holders of diplomatic passports.**

Article 10 of the Agreement stipulates that:

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

*2. Persons mentioned in paragraph 1 of this Article may stay without visas in the territories of the Member States for a period not exceeding 90 days per period of 180 days.'*

The procedures for the posting of diplomats in the Member States are not covered by the Agreement. The usual accreditation procedure applies.

## **III. COOPERATION ON TRAVEL DOCUMENTS**

In a joint declaration annexed to the Agreement the parties agree that the Joint Committee established under Article 12 of the Agreement should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the parties committed to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.

## **IV. STATISTICS**

In order to allow the Joint Committee set up by the Agreement to effectively monitor the Agreement, diplomatic missions and consular posts of the Member States should submit statistics to the Commission, every 6 months. When possible these should include, presented in a monthly breakdown:

- the number of each type of visas issued to the different categories covered by the Agreement;

- the number of visa refusals for the different categories covered by the Agreement;
- the number of multiple-entry visas issued;
- the length of validity of multiple-entry visas issued;
- the number of visas issued without fees to the different categories covered by the Agreement.