



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 March 2009  
(OR. en)**

**7518/09**

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**Interinstitutional File:  
2009/0014 (CNS)**

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**VISA 94  
AMLAT 27**

**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject : Council Decision on the signing and provisional application of the Agreement  
between the European Community and Barbados on the short-stay visa waiver

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**COUNCIL DECISION**

**of**

on the signing and provisional application  
of 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 establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1932/2006<sup>1</sup> amended Regulation (EC) No 539/2001<sup>2</sup> listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by, inter alia, transferring Barbados from the negative to the positive list. Furthermore, Regulation (EC) No 1932/2006 provides that the exemption is to be applied only from the date of entry into force of an agreement on visa exemption to be concluded between the European Community and Barbados.
- (2) By decision of 5 June 2008, the Council authorised the Commission to negotiate an agreement between the European Community and Barbados on the short-stay visa waiver.
- (3) Negotiations on the agreement were opened on 7 July 2008 and concluded on 16 October 2008.
- (4) The Agreement initialled in Brussels on 12 November 2008 should be signed and the attached declarations be approved. The Agreement should be applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

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<sup>1</sup> OJ L 405, 30.12.2006, p. 23.

<sup>2</sup> OJ L 81, 21.3.2001, p. 1.

- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and Barbados on the short-stay visa waiver (hereinafter referred to as "the Agreement") is hereby approved on behalf of the Community, subject to its conclusion.

The text of the Agreement is attached to this Decision.

Article 2

The declarations attached to this Decision shall be approved on behalf of the Community.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

Article 4

The Agreement shall be applied on a provisional basis as from the date of signature thereof<sup>1</sup>, pending the completion of the procedures for its formal conclusion.

Done at Brussels,

For the Council  
The President

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<sup>1</sup> The date of signature of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

AGREEMENT  
BETWEEN  
THE EUROPEAN COMMUNITY AND BARBADOS  
ON THE SHORT-STAY VISA WAIVER



THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community",

and

BARBADOS,

hereinafter referred to jointly as the "Contracting Parties",

WITH A VIEW TO further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD to Council Regulation (EC) No 1932/2006 of 21 December 2006, amending Regulation (EC) No 539/2001 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<sup>1</sup> by, inter alia, transferring six third countries, including Barbados to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States of the European Union (EU),

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<sup>1</sup> OJ L 405, 30.12.2006, p. 23.

BEARING IN MIND that Article 2 of Regulation (EC) No 1932/2006 states that for these six countries, the exemption from the visa requirement is to be applied only from the date of entry into force of an agreement on visa exemptions which is to be concluded by the European Community with the country in question,

RECOGNISING that the citizens of all Member States are exempted from the visa requirement when travelling to Barbados, however for different periods of 28 days or 6 months,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for this category the relevant rules of Community law and national law of the Member States and the national law of Barbados on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland and the Protocol integrating the Schengen acquis into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community and confirming that the provisions of this agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

## ARTICLE 1

### Purpose

This Agreement provides for visa-free travel for the citizens of the European 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.

## ARTICLE 2

### Definitions

For the purpose of this Agreement:

- (a) "Member State" shall mean any Member State of the European Union, with the exception of the United Kingdom and Ireland;
- (b) " a citizen of the European Union" shall mean a national of a Member State as defined in point (a);

- (c) "a citizen of Barbados" shall mean any person who holds the citizenship of Barbados;
- (d) "Schengen area" shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen acquis in full.

## ARTICLE 3

### Scope of application

1. The citizens of the European Union holding a valid ordinary, diplomatic or service/official passport issued by a Member State may enter and stay without a visa in the territory of Barbados for the period of stay as defined in Article 4(1).

The citizens of Barbados holding a valid ordinary, diplomatic or service/official passport issued by Barbados may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 does not apply to persons travelling for the purpose of carrying out a paid activity.

For this category of persons, each Member State individually may decide to impose the visa requirement on the citizens of Barbados or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Barbados may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Barbados reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Community law, national law of the Member States and by national law of Barbados.

## ARTICLE 4

### Duration of stay

1. The citizens of the European Union may stay in the territory of Barbados for a maximum period of three months during a six months period following the date of first entry into the territory of the country.

2. The citizens of Barbados may stay in the Schengen area for a maximum period of three months during a six months period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months 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 three months during a six months period following the date of first entry in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the Schengen area.

3. This Agreement does not affect the possibility for Barbados and the Member States to extend the period of stay beyond three months in accordance with national law and Community law.

## ARTICLE 5

### Territorial application

1. As regards the French Republic, the provisions of this Agreement shall apply only to the European territory of the French Republic.
2. As regards the Kingdom of the Netherlands, the provisions of this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

## ARTICLE 6

### Joint Committee for the management of the Agreement

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the "Committee"), composed of representatives of the European Community and representatives of Barbados. The Community shall be represented by the European Commission.

2. The Committee shall have, inter alia, the following tasks:
  - (a) monitoring the implementation of this Agreement;
  - (b) suggesting amendments or additions to this Agreement;
  - (c) settling disputes arising from the interpretation or application of the provisions of this Agreement.
3. The Committee shall be convened whenever necessary at the request of one of the Contracting Parties.
4. The Committee shall establish its rules of procedure.

## ARTICLE 7

### Relation between this Agreement and existing bilateral visa waiver agreements between the Member States and Barbados

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Barbados, insofar as their provisions cover issues falling within the scope of this Agreement.

## ARTICLE 8

### Final provisions

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to above have been completed.

2. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 5.
3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.
4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, protection of national security or protection of public health, illegal immigration or the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than 2 months before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for suspension no longer exist.
5. Each Contracting Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.
6. Barbados may suspend or terminate this Agreement only in respect of all the Member States.

7. The Community may suspend or terminate this Agreement only in respect of all of its Member States.

Done at Brussels, in duplicate each in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

For the European Community

For Barbados

JOINT DECLARATION  
WITH REGARD TO ICELAND, NORWAY,  
SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Community and Norway, Iceland, Switzerland and Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of these countries with the implementation, application and development of the Schengen acquis.

In such circumstances it is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Barbados, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

JOINT DECLARATION  
ON THE INTERPRETATION OF THE CATEGORY  
OF PERSONS TRAVELLING FOR THE PURPOSE  
OF CARRYING OUT A PAID ACTIVITY AS  
PROVIDED IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purpose of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberation (without being employed in the country of the other Contracting Party),
- sportspersons and artists performing an activity on an ad hoc basis,
- journalists sent by the media of their country of residence, and
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

JOINT DECLARATION  
ON THE INTERPRETATION OF THE PERIOD  
OF THREE MONTHS DURING A SIX MONTHS  
PERIOD FOLLOWING THE DATE OF FIRST  
ENTRY AS SET OUT IN ARTICLE 4  
OF THIS AGREEMENT

The Contracting Parties agree that the maximum period of three months during a six months period following the date of first entry into the territory of Barbados or the Schengen area as provided by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed three months in any six months period in total.

JOINT DECLARATION  
ON THE INFORMATION OF THE CITIZENS  
ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and Barbados, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.