



Brussels, 9.11.2017  
COM(2017) 588 final

2017/0295 (NLE)

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 Azerbaijan  
on the facilitation of the issuance of visas,  
with regard to the adoption of its rules of procedure**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

The Agreement between the European Union and the Republic of Azerbaijan to facilitate the issuing of short-stay visas to citizens of the Republic of Azerbaijan and of the European Union entered into force on 1 September 2014<sup>1</sup>. The Agreement established, on the basis of reciprocity, legally binding rights and obligations applicable to both parties, to simplify procedures for issuing visas to both Azerbaijani and EU citizens. Article 12 of the Agreement sets up a Joint Committee whose tasks include monitoring the implementation of the Agreement. Article 12(4) of the Agreement stipulates that the Joint Committee is to define its own rules of procedure.

The rules of procedure are to be adopted through a Decision of the Joint Committee and will not be part of the Agreement.

### **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

#### **• Legal basis**

The Council empowers the EU representative on the Joint Committee, i.e. the Commission, to adopt the rules of procedure on the basis of this proposal. The purpose of the rules is to organise the work of the Joint Committee and help prepare for and manage its meetings.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

The rules of procedure, as set out in the Annex to this proposal for a Council Decision, are the outcome of consultation with the competent authorities in Azerbaijan, at the first and second meeting of the Joint Committee, and through an exchange of emails in between the meetings (last on 5 June 2017). The Member States were consulted by written procedure, which ended on 16 June 2017.

### **4. BUDGETARY IMPLICATIONS**

This proposal has no impact on the EU budget.

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<sup>1</sup> OJ L 128, 30.4.2014, p. 49-60.

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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 Article 218(9) thereof,

Having regard to Council Decision 2014/242/EU of 14 April 2014 concerning the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas<sup>2</sup>,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas<sup>3</sup> (hereinafter referred to as ‘the Agreement’) entered into force on 1 September 2014.
- (2) Article 12 of the Agreement sets up a Joint Committee to manage the Agreement. Paragraph 4 of this Article provides that the Joint Committee shall establish its own rules of procedure.
- (3) The rules of procedure are necessary to organise the work of the Joint Committee tasked with managing the Agreement and monitoring its implementation.
- (4) It is therefore appropriate to establish the position to be adopted on behalf of the European Union within the Joint Committee as regards adopting the Joint Committee's rules of procedure for managing the Agreement.
- (5) This Decision constitutes a development of Schengen *acquis* provisions in which the United Kingdom does not take part, in accordance with 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*. The United Kingdom is therefore not playing any part in adopting this Decision and is not bound by it or subject to its application.
- (6) This Decision constitutes a development of Schengen *acquis* provisions in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions

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<sup>2</sup> OJ L 128, 30.4.2014, p. 47-48.

<sup>3</sup> OJ L 128, 30.4.2014, p. 49-60.

of the Schengen acquis<sup>5</sup>. Ireland is therefore not playing any part in adopting this Decision and is not bound by it or subject to its application.

- (7) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not playing any part in adopting this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted on behalf of the European Union within the Joint Committee set up by Article 12 of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas, with regard to adopting the rules of procedure of the Joint Committee, shall be based on the draft Decision by the Joint Committee, which is attached to this Decision.

*Article 2*

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

Done at Brussels,

*For the Council  
The President*