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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the suspension in whole of the application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation

COUNCIL DECISION (EU) 2022/...

of ...

on the suspension in whole of the application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(a), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation¹ ('the Agreement') entered into force on 1 June 2007, in parallel with the Agreement between the European Community and the Russian Federation on readmission².
- (2) The purpose of the Agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the European Union and the Russian Federation. The desire to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties is underlined in the preamble to the Agreement.
- (3) Under Article 15(5) of the Agreement, it is possible for each Party to suspend the Agreement in whole or in part for reasons of public order, the protection of national security or the protection of public health. The decision on suspension is to be notified to the other Party not later than 48 hours before its entry into force.

¹ OJ L 129, 17.5.2007, p. 27.

² OJ L 129, 17.5.2007, p. 40.

- (4) In reaction to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in 2014 and to Russia's continued destabilising actions in eastern Ukraine, the European Union has introduced economic sanctions in response to Russia's actions destabilising the situation in Ukraine, linked to the incomplete implementation of the Minsk agreements, sanctions in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and sanctions in response to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation.
- (5) As a signatory of the Minsk agreements, the Russian Federation has a clear and direct responsibility to work towards finding a peaceful settlement of the conflict in line with those principles. With the decision to recognise the non-government controlled regions of eastern Ukraine as independent entities, the Russian Federation has clearly violated the Minsk agreements, which stipulate the full return of those areas to the control of the Ukrainian government.

- (6) The decision of the Russian Federation to recognise the non-government-controlled areas of Donetsk and Luhansk oblasts of Ukraine as independent entities and the ensuing decision to send Russian troops into Ukraine further undermined Ukraine's territorial integrity, sovereignty and independence, and are severe breaches of international law and international agreements, including the UN Charter, the Helsinki Final Act, the Paris Charter and the Budapest Memorandum.
- (7) Since the beginning of Russia's unprovoked and unjustified aggression against Ukraine on 24 February 2022, the situation has worsened, and Russia has expanded its full or partial occupation of the eastern and southern regions of Ukraine. Russia is also using Ukraine's largest nuclear power plant in Zaporizhzhia as a military facility, creating the risk of a major nuclear incident with spillover effects on neighbouring countries, including Member States.

- (8) On 24 February 2022, the European Council, together with its international partners, condemned in the strongest possible terms Russia's unprovoked and unjustified military aggression against Ukraine and expressed full solidarity with Ukraine and its people. The European Council further stated that, by its illegal military actions, Russia is grossly violating international law and undermining European and global security and stability. Subsequently, on 25 February, the Council adopted, among other restrictive measures, the partial suspension of the application of the Agreement, in response to Russia's unprovoked and unjustified military aggression¹.
- (9) Military aggression which takes place in a country bordering the European Union, such as that which has occurred in Ukraine and which has given rise to a number of restrictive measures, justifies measures to protect the essential security interests of the European Union and its Member States.
- (10) The Russian Federation has also violated the Minsk agreements by undermining Ukraine's territorial integrity, sovereignty and independence. This is contrary to the Russian Federation's international obligations.

¹ Council Decision (EU) 2022/333 of 25 February 2022 on the partial suspension of the application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation (OJ L 54, 25.2.2022, p. 1).

- (11) The military actions by the Russian Federation in Ukraine have increased the threats to the public order, national security and public health of the Member States.
- (12) Therefore, in view of the deteriorating situation triggered by Russia's military aggression against Ukraine, the Council considers that the application of the provisions of the Agreement providing for the facilitation of the issuance of visas for citizens of the Russian Federation applying for a short-stay visa should be suspended in whole.
- (13) 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; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (14) 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 taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation ('the Agreement') is suspended in whole as regards citizens of the Russian Federation, as from 12 September 2022.

Article 2

Council Decision (EU) 2022/333 is hereby repealed.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 15(5) of the Agreement.

Article 4

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

Done at Brussels,

For the Council

The President
