Council Decision (EU) 2018/1869 of 26 November 2018 on the signing, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports

COUNCIL DECISION (EU) 2018/1869

of 26 November 2018

on the signing, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports

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(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Regulation (EU) No 610/2013 of the European Parliament and of the Council[(1)] 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.

(2) It is necessary to incorporate this new definition into the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports[(2)] in order to harmonise the Union's short-stay regime.

(3) On 9 October 2014, the Council authorised the Commission to open negotiations with the Federative Republic of Brazil for an agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports ('the Agreement'). Negotiations on the Agreement were successfully finalised by the initialling thereof on 31 October 2017.

(4) 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[(3)]; 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.

(5) 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[(4)]; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2018/1869. (See end of Document for details)*

(6) The Agreement should be signed and the text of the declaration annexed to this Decision as well as the text of the joint declarations attached to the Agreement should be approved, on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports is hereby authorised, subject to the conclusion of the said Agreement[(5)].

Article 2

The text of the declaration annexed to this Decision and the text of the joint declarations attached to the Agreement shall be approved on behalf of the Union.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 4

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

Done at Brussels, 26 November 2018.

For the Council

The President

J. BOGNER-STRAUSS