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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/583

of 4 April 2022

on the conclusion, 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 Article 77(2), point (a), in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the Union an Agreement with 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').
- (2) Pursuant to Council Decision (EU) 2018/1869 ⁽²⁾, the Agreement was signed on 27 September 2021, subject to its conclusion.
- (3) 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 ⁽³⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

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 approved on behalf of the Union ⁽⁴⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the Agreement ⁽⁵⁾.

⁽¹⁾ Consent of 24 March 2022 (not yet published in the Official Journal).

⁽²⁾ 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 (OJ L 306, 30.11.2018, p. 1).

⁽³⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁴⁾ See page 3 of this Official Journal.

⁽⁵⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

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

Done at Luxembourg, 4 April 2022.

For the Council

The President

R. BACHELOT-NARQUIN

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 EUROPEAN UNION,

of the one part, and

THE FEDERATIVE REPUBLIC OF BRAZIL (hereinafter referred to as 'Brazil'),

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to 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 ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 April 2011,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties who are holders of diplomatic, service or official passports,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of 'the date of first entry' can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as '90 days in any 180-day period',

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and confirming that the provisions of this amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in Article 1, the words 'three months during a six months period' are replaced by the words '90 days in any 180-day period';

⁽¹⁾ OJ L 66, 12.3.2011, p. 2.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

(2) Article 4 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

- ‘1. The citizens of the Union holding a valid diplomatic, official or service passport may stay in the territory of Brazil for a maximum period of 90 days in any 180-day period.
2. The citizens of Brazil holding a valid diplomatic, official or service passport may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

The citizens of Brazil holding a valid diplomatic, official or service passport may stay for a maximum period of 90 days in any 180-day period 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 territory of the Member States fully applying the Schengen *acquis*.’;

(b) in paragraph 3, the words ‘three months’ are replaced by the words ‘90 days’;

(3) in Article 8(4), the last sentence is replaced by the following:

‘A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.’.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

Съставено в Брюксел на двадесет и седми септември две хиляди двадесет и първа година.

Hecho en Bruselas, el veintisiete de septiembre de dos mil veintiuno.

V Bruselu dne dvacátého sedmého září dva tisíce dvacet jedna.

Udfærdiget i Bruxelles den syvogtyvende september to tusind og enogtyve.

Geschehen zu Brüssel am siebenundzwanzigsten September zweitausendeinundzwanzig.

Kahe tuhande kahekümne esimese aasta septembrikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι εφτά Σεπτεμβρίου δύο χιλιάδες είκοσι ένα.

Done at Brussels on the twenty-seventh day of September in the year two thousand and twenty one.

Fait à Bruxelles, le vingt-sept septembre deux mille vingt et un.

Sastavljeno u Bruxellesu dvadeset sedmog rujna godine dvije tisuće dvadeset prve.

Fatto a Bruxelles, addì ventisette settembre duemilaventuno.

Briselē, divi tūkstoši divdesmit pirmā gada divdesmit septītajā septembrī.

Priimta du tūkstančiai dvidešimt pirmų metų rugsėjo dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-huszonegyedik év szeptember havának huszonhetedik napján.

Magħmul fi Brussell, fis-sebgha u għoxrin jum ta' Settembru fis-sena elfejn u wiehed u għoxrin.

Gedaan te Brussel, zevenentwintig september tweeduizend eenentwintig.

Sporządzono w Brukseli dnia dwudziestego siódmego września roku dwa tysiące dwudziestego pierwszego.

Feito em Bruxelas, em vinte e sete de setembro de dois mil e vinte e um.

Întocmit la Bruxelles la douăzeci și șapte septembrie două mii douăzeci și unu.

V Bruseli dvadsiateho siedmeho septembra dvetisícdvadsaťjeden.

V Bruslju, dne sedemindvajsetega septembra leta dva tisoč enaindvajset.

Tehty Brysselissä kahdentenäkymmenentenäseitsemäntenä päivänä syyskuuta vuonna kaksituhattakaksikymmentäyksi.

Som skedde i Bryssel den tjugosjunde september år tjugohundratjugoett.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejską uniję
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen

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MICHAEL SHOTTER

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За Федеративна република Бразилия
 Por la República Federativa de Brasil
 Za Brazylskou federativní republiku
 For Den Føderative Republik Brasilien
 Für die Föderative Republik Brasilien
 Brasīlija Liitvabariigi nimel
 Για την Ομοσπονδιακή Δημοκρατία της Βραζιλίας
 For the Federative Republic of Brazil
 Pour la République fédérative du Brésil
 Za Saveznu Republiku Brazil
 Per la Repubblica federativa del Brasile
 Brazīlijas Federatīvās Republikas vārdā –
 Brazīlijos Federacinės Respublikos vardu
 A Brazil Szövetségi Köztársaság részéről
 Għar-Repubblika Federattiva tal-Brażil
 Voor de Federale Republiek Brazilië
 W imieniu Federacyjnej Republiki Brazylii
 Pela República Federativa do Brasil
 Pentru Republica Federativă a Braziliei
 Za Brazylską federacyjną republikę
 Za Federativno republiko Brazilijo
 Brazilian liittotasavallan puolesta
 För Förbundsrepubliken Brasilien

MARCOS BEZERRA ABBOTT GALVÃO

MAG

**JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND
LIECHTENSTEIN**

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Brazil on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver for holders of diplomatic, service or official passports in accordance with the terms of this Agreement.

—

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided by Article 4 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

COUNCIL DECISION (EU) 2022/584**of 4 April 2022****on the conclusion, 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 ordinary passports**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), point (a), in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the Union an Agreement with 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 ordinary passports (the 'Agreement').
- (2) Pursuant to Council Decision (EU) 2018/1870 ⁽²⁾, the Agreement was signed on 27 September 2021, subject to its conclusion.
- (3) 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 ⁽³⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

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 ordinary passports is hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2 of the Agreement ⁽⁵⁾.

Article 3

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

⁽¹⁾ Consent of 24 March 2022 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2018/1870 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 ordinary passports (OJ L 306, 30.11.2018, p. 4).

⁽³⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁴⁾ See page 11 of this Official Journal.

⁽⁵⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Done at Luxembourg, 4 April 2022.

For the Council
The President
R. BACHELOT-NARQUIN

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 ordinary passports

THE EUROPEAN UNION,

of the one part, and

THE FEDERATIVE REPUBLIC OF BRAZIL (hereinafter referred to as "Brazil"), of the other part,

hereinafter referred to jointly as "the Contracting Parties",

HAVING REGARD to the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports ⁽¹⁾ (hereinafter referred to as "the Agreement") which entered into force on 1 October 2012,

REAFFIRMING the importance of facilitating people to people contacts,

TAKING NOTE that the Agreement works for the satisfaction of the citizens of the Contracting Parties,

TAKING INTO ACCOUNT that the definition of short-stay provided for by the Agreement (three months during a six months period following the date of first entry) is not precise enough and in particular the notion of "the date of first entry" can give rise to uncertainties and questions,

BEARING IN MIND that Regulation (EU) No 610/2013 of the European Parliament and of the Council ⁽²⁾ has introduced horizontal changes in the visa and borders *acquis* of the European Union and has defined short-stay as "90 days in any 180-day period",

TAKING INTO ACCOUNT that the Entry/Exit System to be established by the European Union requires the use of a uniform and clear cut definition of short-stay which is applicable to all third-country nationals,

DESIRING to ensure the smooth flow of travellers at border crossing points of the Contracting Parties,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and confirming that the provisions of this amending Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is amended as follows:

- (1) in Article 1, the words "three months during a six months period" are replaced by the words "90 days in any 180-day period";

⁽¹⁾ OJ EU L 255, 21.9.2012, p. 4.

⁽²⁾ Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ EU L 182, 29.6.2013, p. 1).

(2) Article 5 is amended as follows:

(a) paragraphs 1, 2 and 3 are replaced by the following:

- "1. For the purposes of this Agreement the citizens of the Union may stay in the territory of Brazil for a maximum period of 90 days in any 180-day period.
2. For the purposes of this Agreement the citizens of Brazil may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.
3. The citizens of Brazil may stay for a maximum period of 90 days in any 180-day period 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 territory of the Member States fully applying the Schengen *acquis*.”;

(b) in paragraph 4, the words "three months" are replaced by the words "90 days”;

(3) in Article 9(4), the last sentence is replaced by the following:

"A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.”.

Article 2

This amending Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures and shall enter into force on the first day of the sixth month following the date on which the last Party notifies the other that the procedures referred to above have been completed.

Done in duplicate in the Bulgarian, Croatian, 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.

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Hecho en Bruselas, el veintisiete de septiembre de dos mil veintiuno.

V Bruselu dne dvacátého sedmého září dva tisíce dvacet jedna.

Udfærdiget i Bruxelles den syvogtyvende september to tusind og enogtyve.

Geschehen zu Brüssel am siebenundzwanzigsten September zweitausendeinundzwanzig.

Kahe tuhande kahekümne esimese aasta septembrikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι εφτά Σεπτεμβρίου δύο χιλιάδες είκοσι ένα.

Done at Brussels on the twenty-seventh day of September in the year two thousand and twenty one.

Fait à Bruxelles, le vingt-sept septembre deux mille vingt et un.

Sastavljeno u Bruxellesu dvadeset sedmog rujna godine dvije tisuće dvadeset prve.

Fatto a Bruxelles, addì ventisette settembre duemilaventuno.

Briselē, divi tūkstoši divdesmit pirmā gada divdesmit septītajā septembrī.

Priimta dutūkstančiai dvidešimt pirmų metų rugsėjo dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-huszonegyedik év szeptember havának huszonhetedik napján.

Magħmul fi Brussell, fis-sebgha u għoxrin jum ta' Settembru fis-sena elfejn u wiehed u għoxrin.

Gedaan te Brussel, zevenentwintig september tweeduizend eenentwintig.

Sporządzono w Brukseli dnia dwudziestego siódmego września roku dwa tysiące dwudziestego pierwszego.

Feito em Bruxelas, em vinte e sete de setembro de dois mil e vinte e um.

Întocmit la Bruxelles la douăzeci și șapte septembrie două mii douăzeci și unu.

V Bruseli dvadsiateho siedmeho septembra dvetisícdvadsaťjeden.

V Bruslju, dne sedemindvajsetega septembra leta dva tisoč enaindvajset.

Tehty Brysselissä kahdentenäkymmenentenäseitsemäntenä päivänä syyskuuta vuonna kaksituhattakaksikymmentäyksi.

Som skedde i Bryssel den tjugosjunde september år tjugohundratjugoett.

Za Evropský svaz
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Evropsku uniju
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen

IZTOK JARC



MICHAEL SHOTTER



Za Федеративна република Бразилия
Por la República Federativa de Brasil
Za Brazylskou federativní republiku
For Den Føderative Republik Brasilien
Für die Föderative Republik Brasilien
Brasília Liitvabariigi nimel
Για την Ομοσπονδιακή Δημοκρατία της Βραζιλίας
For the Federative Republic of Brazil
Pour la République fédérative du Brésil
Za Saveznu Republiku Brazil
Per la Repubblica federativa del Brasile
Brazīlijas Federatīvās Republikas vārdā –
Brazīlijos Federacinės Respublikos vardu
A Brazil Szövetségi Köztársaság részéről
Għar-Repubblika Federattiva tal-Brażil
Voor de Federale Republiek Brazilië
W imieniu Federacyjnej Republiki Brazylii
Pela República Federativa do Brasil
Pentru Republica Federativă a Braziliei
Za Brazylsku federativną republikę
Za Federativno republiko Brazilijo
Brasílian liittotasavallan puolesta
För Förbundsrepubliken Brasilien

MARCOS BEZERRA ALBUQUERQUE GALVÃO



**JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND
LIECHTENSTEIN**

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Brazil on the other hand, modify, without delay, the existing bilateral agreements on the short-stay visa waiver for holders of ordinary passports in accordance with the terms of this Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF 90 DAYS IN ANY 180-DAY PERIOD

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided by Article 5 of the Agreement means either a continuous visit or several consecutive visits, the duration of which does not exceed 90 days in any 180-day period in total.

The notion of "any" implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

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