

**AGREEMENT****between the European Community and the Republic of Mauritius on the short-stay visa waiver**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', and

THE REPUBLIC OF MAURITIUS, hereinafter referred to as 'Mauritius',

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 Mauritius 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);

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 Mauritius for a period of sixty days;

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 Mauritius 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 Mauritius 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 Mauritius' shall mean any person who holds the citizenship of the Mauritius;
- (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.

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

### 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 Mauritius for the period of stay as defined in Article 4(1).

The citizens of Mauritius holding a valid ordinary, diplomatic or service/official passport issued by Mauritius 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 Mauritius or to withdraw it according to Article 4(3) of Regulation (EC) No 539/2001.

For this category of persons, Mauritius 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 Mauritius 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 or by national law of Mauritius.

### Article 4

#### Duration of stay

1. The citizens of the European Union may stay in the territory of Mauritius 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 Mauritius 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 Mauritius 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 Mauritius 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 Mauritius. 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 Mauritius**

This Agreement shall take precedence over the provisions of any bilateral agreements or arrangements concluded between individual Member States and Mauritius, in so far 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 two 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. Mauritius 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, on 28 May 2009 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.

За Европейската общност  
 Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Pentru Comunitatea Europeană  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen

За Република Мавриций  
 Por la República de Mauricio  
 Za Mauricijskou republiku  
 For Republikken Mauritius  
 Für die Republik Mauritius  
 Mauritiuse Vabariigi nimel  
 Για τη Δημοκρατία του Μαυρίκιου  
 For the Republik of Mauritius  
 Pour la République de Maurice  
 Per la Repubblica di Mauritius  
 Maurīcijas Republikas vārdā  
 Mauricijaus Respublikos vardu  
 A Mauritiusi Köztársaság részéről  
 Għar-Repubblika tal-Mawrizju  
 Voor de Republiek Mauritius  
 W imieniu Republiki Mauritiusu  
 Pela República da Maurícia  
 Pentru Republica Mauritius  
 Za Maurícijskú republiku  
 Za Republiko Mauritius  
 Mauritiuksen tasavallan puolesta  
 För Republiken Mauritius

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## 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 Mauritius, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in similar terms as this Agreement.

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## 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.

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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 Mauritius 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.

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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 Mauritius, 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.

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