

AGREEMENT**between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF SEYCHELLES (hereinafter referred to as 'Seychelles'),

of the other part,

hereinafter referred to jointly as 'the Contracting Parties',

HAVING REGARD to the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver ⁽¹⁾ (hereinafter referred to as 'the Agreement') which entered into force on 1 January 2010,

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,

REAFFIRMING that the Agreement covers citizens of all Member States of the European Union with the exception of the United Kingdom and Ireland,

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 the title and in Articles 3(5), 4(3), 6(1) and 8(7), the word 'Community' is replaced by the word 'Union';
- (2) 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 169, 30.6.2009, p. 31.

⁽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).

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The citizens of the European Union may stay in the territory of Seychelles for a maximum period of 90 days in any 180-day period.';

(b) paragraph 2 is replaced by the following:

'2. The citizens of Seychelles 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 Seychelles may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that does 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*.';

(c) in paragraph 3, the words 'three months' are replaced by the words '90 days';

(4) 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 пети април две хиляди и осемнадесета година.

Hecho en Bruselas, el veinticinco de abril de dos mil dieciocho.

V Bruselu dne dvacátého pátého dubna dva tisíce osmnáct.

Udfærdiget i Bruxelles den femogtyvende april to tusind og atten.

Geschehen zu Brüssel am fünfundzwanzigsten April zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις εικοσι πέντε Απριλίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the twenty-fifth day of April in the year two thousand and eighteen.

Fait à Bruxelles, le vingt-cinq avril deux mille dix-huit.

Sastavljeno u Bruxellesu dvadeset petog travnja godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī.

Priimta du tūkstančiai aštuonioliktą metų balandžio dvidešimt penktą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenhatszadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-ħamsa u għoxrin jum ta' April fis-sena elfejn u tmintax.

Gedaan te Brussel, vijfentwintig april tweeduizend achttien.

Sporządzono w Brukseli dnia dwudziestego piątego kwietnia roku dwa tysiące osiemnastego.

Feito em Bruxelas, em vinte e cinco de abril de dois mil e dezoito.

Întocmit la Bruxelles la douăzeci și cinci aprilie două mii optsprezece.

V Bruseli dvadsiateho piatého apríla dvetisícosemnásť.

V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den tjugofemte april år tjugohundraarton.

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 Europsku 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



За Република Сейшели
 Por la República de Seychelles
 Za Seychelskou republiku
 For Republikken Seychellerne
 Für die Republik Seychellen
 Seišelli Vabariigi nimel
 Για τη Δημοκρατία των Σεϋχέλλων
 For the Republic of Seychelles
 Pour la République des Seychelles
 Za Republiku Sejšele
 Per la Repubblica delle Seychelles
 Seišelu Republikas vārdā –
 Seišelių Respublikos vardu
 A Seychelle Köztársaság részéről
 Għar-Repubblika tas-Seychelles
 Voor de Republiek der Seychellen
 W imieniu Republiki Seszeli
 Pela República das Seicheles
 Pentru Republica Seychelles
 Za Seychelskú republiku
 Za Republiko Sejšeli
 Seychellien tasavallan puolesta
 För Republiken Seychellerna



JOINT DECLARATION CONCERNING ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

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