

**GUIDELINES
FOR THE IMPLEMENTATION OF THE
AGREEMENT BETWEEN THE EUROPEAN COMMUNITY
AND BOSNIA AND HERZEGOVINA
ON THE FACILITATION OF THE ISSUANCE OF VISAS**

03/12/09

The purpose of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas, which entered into force on 1 January 2008, is to facilitate, on the basis of reciprocity, the procedures for issuing visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Bosnia and Herzegovina.

The Agreement establishes, on the basis of reciprocity, **legally binding rights and obligations** for the purpose of simplifying the visa issuing procedures for citizens of Bosnia and Herzegovina.

These Guidelines, which will be adopted by the Joint Committee established by the Agreement, aim at ensuring a correct and harmonised implementation of the provisions of the Agreement by the diplomatic missions and consular posts of the Member States. They are not part of the Agreement and therefore they are not legally binding. However, it is highly recommended that diplomatic and consular staff consistently follow them when implementing the provisions of the Agreement.

The Guidelines are conceived as a living document, to be updated in the light of the experience on the implementation of the Agreement under the responsibility of the Joint Committee set up by Article 12 of the Agreement.

I. GENERAL ISSUES.

1.1. Purpose and scope of application.

Article 1 of the Agreement stipulates that: "*The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the nationals of Bosnia and Herzegovina.*"

The Agreement applies to all citizens of Bosnia and Herzegovina who apply for a short-stay visa, whatever the country in which they reside.

Article 1(2) of the Agreement stipulates that: "*If Bosnia and Herzegovina were to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the nationals of Bosnia and Herzegovina would automatically, on the basis of reciprocity, apply to EU citizens concerned.*"

EU citizens are exempted from the visa requirement when travelling to Bosnia and Herzegovina for a period of time not exceeding 90 days per period of 180 days or transiting through the territory of Bosnia and Herzegovina.

1.2. Scope of the Agreement.

Article 2 of the Agreement stipulates that:

"1. The visa facilitations provided in this Agreement shall apply to nationals of Bosnia and Herzegovina only insofar as they are not exempted from the visa requirement by the laws and regulations of the Community or the Member States, the present agreement or other international agreements.

2. The national law of Bosnia and Herzegovina, or of the Member States or Community law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures."

Without prejudice to Article 10 (which provides for the exemption from the visa requirement for holders of diplomatic passports of Bosnia and Herzegovina), the Agreement does not affect the existing rules on visa obligations and visa exemptions. For instance, Article 4 of Council Regulation N°539/2001¹ allows Member States to exempt from the visa requirement civilian air and sea crews among other categories.

In accordance with Decision N°896/2006 of 14 June 2006², the Council ruled that the Member States fully implementing the Schengen acquis shall unilaterally recognise the residence permits issued by Switzerland and Liechtenstein. That Decision provides that citizens of Bosnia and Herzegovina who legally reside in Switzerland or Liechtenstein do not need a transit visa for transiting through the Schengen area. Since the putting into effect of Switzerland's association to the Schengen Area on 13 December 2008, residence permits issued by Switzerland are recognised as equivalent to Schengen visas for both transit and short stay.

Schengen rules and, where appropriate, national law continue to apply to all issues not covered by the Agreement such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence, the refusal of entry, expulsion measures or the general rule of the personal interview with the applicant. This also applies to the Schengen rules determining the Schengen Member State responsible for processing a visa application. Therefore, a citizen of Bosnia and Herzegovina should continue to apply for a visa to the consulate of the Member State of the main destination of his/her travelling; if there is no main destination, (s)he should apply to the consulate of the Member State of first entry into the Schengen area.

Even if the conditions foreseen in the Agreement are met, for example, proof of documentary evidence regarding the purpose of the journey for the categories foreseen in Article 4 is provided by the visa applicant, the issuance of the visa still can be refused if the conditions laid down in Article 5 of the Schengen Borders Code³ are not fulfilled, i.e. the person is not in possession of a valid travel document, an alert in the SIS has been issued, the person is considered a threat for public policy, internal security, etc.

¹ OJ L81 of 21.3.2001, modified by Regulation N°1932/2006/EC, OJ L29 of 29.3.2007.

² OJ L167 of 20.6.2006, p. 8.

³ OJ L 105 of 13.4.2006, p.1.

Other possibilities for flexibility in the issuing of visas allowed in the Common Consular Instructions⁴ (CCI) continue to apply. For instance, multiple-entry visas for a long period of validity - up to five years - can be issued to categories of persons other than those mentioned in Article 5, if the conditions foreseen in the CCI are met (cfr. V.2.2.1). In the same way, the provisions contained in the CCI allowing waiver or reduction of the visa fee will continue to apply (cfr. infra II.2.1.1.).

1.3. Types of visas falling within the scope of the Agreement.

Article 3 (d) of the Agreement defines "visa" as "*an authorization issued by a Member State or a decision taken by such State which is required with a view to:*

- *entry for an intended stay in that Member State or in several Member States of no more than 90 days in total,*
- *entry for transit through the territory of that Member State or several Member States;"*

The following types of visas are covered by the Agreement:

- "B" visas (transit visas)
- "C" visas (short-stay visas).

The facilitations provided by the Agreement also apply to visas with limited territorial validity (LTV) issued for transit or short-stay.

1.4. Calculation of the length of stay authorised by a visa and in particular the question on how to determine the six months period

"Three months within a six months period"

The first period of six months starts with the date of the very first entry. The next period of six months starts from the next entry following the expiry of a period of six months from the very first entry. This means in practice that the short stay of a person is also legal in the following example: a person enters on 1.1. and stays one day. He exits and comes back on 2.4. and stays until 29.6. He exits on 29.6. and enters again on 1.7. On 1.7. the next period of six months starts and the person can stay legally until 30.9.

1.5. Situation regarding the Member States that joined the European Union in 2004 and 2007, Member States that do not participate in the EU Common Visa Policy and associated countries.

Member States that joined the EU in 2004 (Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and the Czech Republic) and 2007 (Bulgaria and Romania) are bound by the Agreement as from its entry into force.

⁴ OJ C 326 of 22.12.2005, p.1

As Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and the Czech Republic fully implement the Schengen acquis before 1.1.2008⁵, only Cyprus, Bulgaria and Romania, which do not yet fully implement the Schengen *acquis*, will continue issuing national visas with a validity limited to their own national territory. Once these Member States fully implement the Schengen acquis, they will continue to apply the Agreement.

National law continues to apply to all issues not covered by the Agreement until the date of full implementation of the Schengen acquis by these Member States. As from that date, Schengen rules/national law shall apply to issues not regulated by the Agreement.

As from the full implementation from 21 December 2007 of the Schengen acquis by Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and the Czech Republic, only Cyprus still implements Decision N°895/2006/EC of 14 June 2006⁶, which authorises Member States to unilaterally recognise the visas and residence permits issued by Schengen States as equivalent to national visas. This equivalence is valid only for transit which does not exceed five days. European Parliament and Council Decision N°582/2008/EC of 17 June 2008 extends the scope of the above mentioned Council Decision to Bulgaria and Romania⁷. As from 11 and 18 July 2008 respectively, Romania and Bulgaria apply the new rules.

In addition, according to European Parliament and Council Decision N°896/2006/EC, Schengen States as well as Member states that also apply Decision N°895/2006/EC of 14 June 2006 could recognise residence permits issued by Switzerland and Liechtenstein as equivalent to transit visas. This equivalence is valid only for transit, for a period not exceeding five days. European Parliament and Council Decision N°586/2008/EC of 17 June 2008 extends the scope of the above mentioned Council Decision to Bulgaria and Romania⁸. As from 11 and 18 July 2008 respectively, Romania and Bulgaria apply the new rules. Since the putting into effect of Switzerland's association to the Schengen Area on 13 December 2008, residence permits issued by Switzerland are recognised as equivalent to Schengen visas for both transit and short stay.

The Agreement does not apply to the UK, Ireland and Denmark but comprises joint declarations about the desirability of those Member States to conclude bilateral agreements on visa facilitation with Bosnia and Herzegovina.

A bilateral agreement on visa facilitation between Denmark and Bosnia and Herzegovina entered into force on 1 April 2009.

The UK and Ireland have indicated that there are currently no plans to open negotiations with Bosnia and Herzegovina.

Although associated to Schengen, Norway, Iceland and Switzerland are not covered by the Agreement.

A bilateral agreement on visa facilitation between Norway and Bosnia and Herzegovina entered into force on 1 May 2009.

⁵ By Council Decision N° 2007/801/EC it is decided that Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and the Czech Republic will fully implement the Schengen acquis as from 21 December 2007.

⁶ OJ L167 of 20.6.2006, p. 1.

⁷ OJ L 161/30 of 20.6.2008.

⁸ OJ L 162/27 of 21.6.2008.

A bilateral agreement on visa facilitation between Switzerland and Bosnia and Herzegovina was signed on 3 November 2008.

Iceland is represented by Denmark for the issuance of visas in Bosnia and Herzegovina.

1.6. Community Agreement/Bilateral agreements.

Article 13(1) of the Agreement stipulates that *"As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and Bosnia and Herzegovina, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by the present Agreement."*

As from the date of entry into force of the Agreement, provisions in the bilateral agreements in force between Member States and Bosnia and Herzegovina on issues dealt with by the visa facilitation agreement ceased to apply. In accordance with Community law, Member States have to take the necessary measures to eliminate the incompatibilities between their bilateral agreements and the Community Agreement.

Regarding bilateral agreements or arrangements between individual Member States and Bosnia and Herzegovina in relation to holders of service passports Article 13(2) provides that: *"The provisions of bilateral Agreements or arrangements between individual Member States and Bosnia and Herzegovina signed before 1 January 2007 providing for the exemption of the holders of service passports from the visa requirement, shall continue to apply for a period of 5 years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or Bosnia and Herzegovina to denounce or suspend these bilateral agreements during this period of 5 years."*

The visa exemption for service passport holders granted by a Member State only applies for travelling on the territory of this Member State and not for travelling to the other Schengen Member States.

In a Declaration annexed to the Agreement, the European Community makes the commitment to review the visa requirement for the citizens of Bosnia and Herzegovina who are holders of service passports under the following terms: *"As the exemption of the holders of service passports from the visa requirement provided in bilateral Agreements or arrangements between individual Member States and Bosnia and Herzegovina which have been signed before 1 January 2007 shall only continue to apply for a period of 5 years from the entry into force of this Agreement without prejudice to the right of the Member States concerned or Bosnia and Herzegovina to denounce or suspend these bilateral agreements during this period of 5 years, the European Community will reassess the situation of the holders of service passports at the latest 4 years after the entry into force of this Agreement, in view of a possible amendment of the Agreement to that end in accordance with the procedure provided in Article 14(4)."*

Should a Member State have concluded a bilateral agreement or arrangement with Bosnia and Herzegovina on issues not covered by the Community Agreement, this exemption would continue to apply after the entry into force of the Community visa facilitation Agreement.

1.7. European Community Declaration on access of visa applicants and harmonisation of information on procedures for issuing short-stay visas and documents to be submitted when applying for short-stay visas.

In accordance with this European Community Declaration annexed to the Agreement, common basic information on access of visa applicants to diplomatic missions and consular posts of the Member States and on the procedures and conditions for applying for visas and on the validity of visas issued has been drafted to ensure that applicants are given coherent and uniform information. This information is available at website of the EC Delegation to Bosnia and Herzegovina: <http://www.delbih.ec.europa.eu/>

Diplomatic missions and consular posts are requested to disseminate widely this information (on the information boards, in leaflets, on websites, etc) and to disseminate also precise information on the conditions for issuing visas, the representation of Member States in Bosnia and Herzegovina and their list of required supporting documentation.

II. GUIDELINES ON SPECIFIC PROVISIONS.

2.1. New rules that apply to all visa applicants

Important: It is recalled that the facilitations mentioned below regarding the visa handling fee, the length of procedures for processing visa applications and the extension of visa in exceptional circumstances apply to all visa applicants.

2.1.1. Visa handling fee.

Article 6(1) of the Agreement stipulates that:

"1. The fee for processing visa applications of nationals of Bosnia and Herzegovina shall amount to EUR 35."

In accordance with Article 6(1), the fee for processing a visa application is **35 EUR**. This fee will apply to all visa applicants of Bosnia and Herzegovina (including tourists) and concerns transit and short-stay visas, irrespective of the number of entries.

"If Bosnia and Herzegovina were to reintroduce the visa requirement for EU citizens, the visa fee to be charged by Bosnia and Herzegovina shall not be higher than €35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 14(4)."

Article 6(2) of the Agreement stipulates that:

"2. Fees for processing the visa application are waived for the following categories of persons:

(a) close relatives – spouses, children (including adopted), parents (including custodians), grandparents and grandchildren of nationals of Bosnia and Herzegovina legally residing in the territory of the Member States;"

This paragraph regulates the situation of close relatives of Bosnia and Herzegovina travelling to the Member States to visit citizens of Bosnia and Herzegovina legally residing in the Member States. (Visa applicants of Bosnia and Herzegovina who are family members of a Union citizen, in the sense of Article 5(2) of Directive 2004/38/EC of 29 April 2004⁹, shall be issued visas free of charge, as soon as possible and on the basis of an accelerated procedure.)

"(b) members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

(c) members of the Court of Bosnia and Herzegovina and the prosecutor office of Bosnia and Herzegovina, if they are not exempted from the visa requirement by the present Agreement;

⁹ Directive 2004/38/EC on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158, 30.4.2004, p.77.

- (d) *pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;*
- (e) *children under 6 years of age;* (N.B. In order to benefit of the waiving of the fee from this category, visa applicants have to present evidence proving their age.)
- (f) *disabled persons and the person accompanying them, if necessary;* (N.B. In order to benefit of the waiving of the fee, evidence should be provided that both visa applicants fall under this category.)
- (g) *persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;*
- (h) *participants in international sports events and persons accompanying them in a professional capacity;* (N.B. Supporters shall not be considered as accompanying persons.)
- (i) *persons participating in scientific, cultural and artistic activities including university and other exchange programmes;*
- (j) *participants in official exchange programmes organised by twin cities;*
- (k) *journalists;* (N.B. covered are the journalists covered by Article 4(1)(f)).
- (l) *representatives of the traditional religious communities in Bosnia and Herzegovina visiting diasporas of Bosnia and Herzegovina in the territory of the Member States;*
- (m) *representatives of civil society organizations travelling to attend meetings, seminars, exchange programs or training courses;*
- (n) *drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Bosnia and Herzegovina;*
- (o) *members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;*
- (p) *pensioners;* (N.B. In order to benefit of the waiving of the fee from this category, visa applicants have to present evidence proving their pensioner status.)
- (q) *members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States."*

The fee is fully waived for the above mentioned categories of persons. In addition, the fee is also waived, in accordance with Council Decision 2006/440/EC¹⁰ of 1 June 2006 amending Annex 12 to the CCI, for the following category of persons:

¹⁰ OJ L 175 of 29.6.2006, p.77.

- researchers travelling within the Community for the purpose of carrying out scientific research as defined in Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005¹¹.

Finally, as stated in Rule II.I of Annex 12 to the CCI, as amended by the above mentioned Council Decision 2006/440/EC, "*in individual cases, the amount of the fee to be charged may be waived or reduced in accordance with national law when this measure serves to promote cultural interests as well as interests in the field of foreign policy, development policy, other areas of vital public interest or for humanitarian reasons.*"

2.1.2. Length of procedures for processing visa applications.

Article 7 of the Agreement stipulates that:

"1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.

2. The period of time for taking a decision on a visa application may be extended to up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.

3. The period of time for taking a decision on a visa application may be reduced to 3 working days or less in urgent cases."

A decision on the visa application shall be taken, in principle, within 10 calendar days of the date of the receipt of the complete visa application and supporting documents.

This period may be extended up to 30 days when further scrutiny is needed- for example, for consultation of central authorities.

All these deadlines start running only when the application file is complete, i.e. as from the date of reception of the visa application and the supporting documents.

For diplomatic missions and consular posts that have an appointment system, the period of time to get an appointment is not counted as part of the processing time. When setting the appointment, it should be taken into account the eventual urgency claimed by the visa applicant in view of the implementation of Article 7(3). In general, appointments should be fixed within a reasonable period of time. The Joint Committee will monitor this issue carefully.

The decision about the reduced time for taking a decision on a visa application as defined in Article 7(3) is taken by the consular officer.

2.1.3. Extension of visa in exceptional circumstances.

Article 9 of the Agreement stipulates that:

"The nationals of Bosnia and Herzegovina who do not have the possibility to leave the territory of the Member States by the time stated in their visas for reasons of force majeure shall have the term of their visas extended free of charge in accordance with

¹¹ OJ L 289 of 3.11.2005, p.23.

the legislation applied by the receiving State for the period required for their return to the State of their residence."

Regarding the possibility of extending the validity of the visa in cases of *force majeure* - for instance, stay in a hospital- where the holder of the visa does not have the possibility to leave the territory of the Member State by the date stated in the visa, the provisions of the Decision of the Executive Committee of 14.12.1993 (SCH/Com-ex (93)21¹²) shall apply as long as they are compatible with the Agreement (for example, the extended visa shall remain a uniform visa, entitling entry to the territory of all the Schengen Member States for which this visa was valid at the time of issue). However, under the Agreement the extension of the visa is done for free in case of *force majeure*.

2.2. New rules that apply to certain categories of visa applicants.

2.2.1. Documentary evidence regarding the purpose of the journey.

For the categories of persons listed in Article 4(1) only the indicated documentary evidence will be required regarding the purpose of the journey. As stated in Article 4(3), no other justification, invitation or validation regarding the purpose of the journey will be required. However, this does not mean a waiver of the general requirement of personal appearance for the submission of the visa application and supporting documents (cf. CCI II.4), which remains unaffected.

However, if in individual cases doubts remain regarding the real purpose of the journey, the visa applicant shall be called for an additional in depth interview to the embassy/consulate where (s)he can be questioned regarding the actual purpose of the visit or the applicant's intention to return- cfr CCI, III.4. In such individual cases, additional documents can be provided by the visa applicant or exceptionally requested by the consular officer. The Joint Committee will closely monitor this issue.

For the categories of persons not mentioned in Article 4, the current rules shall continue to apply regarding documentation proving the purpose of the journey. The same applies to documents regarding parents' consent for travel of children under 18 years old.

Schengen rules or national law shall apply to issues not covered by the provisions of this Agreement, such as recognition of travel documents, travel medical insurance and guarantees regarding return and sufficient means of subsistence (cfr supra I.1.2.).

In principle, the original request or certificate of the document required by Article 4(1) shall be submitted with the visa application. However, the consulate can start processing the visa application with facsimile or copies of the request or certificate of the document. Nevertheless, the consulate may ask for the original document in case of the first application and shall ask for it in individual cases where there are doubts.

Article 4- Documentary evidence regarding the purpose of the journey

"1. For the following categories of nationals of Bosnia and Herzegovina the following documents are sufficient for justifying the purpose of the journey to the other Party:

¹² OJ L239 of 22.9.2000, p.152.

(a) *for members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations:*

- *a letter issued by an authority from Bosnia and Herzegovina confirming that the applicant is a member of its delegation travelling to the territory of the Member States to participate in the aforementioned events, accompanied by a copy of the official invitation;"*

The applicant's name must be indicated in the letter issued by the competent authority confirming that the person is part of the delegation travelling to the territory of the other Party to participate in the official meeting. The name of the applicant must not necessarily also be indicated in the official invitation to participate in the meeting, although this might be the case when the official invitation is addressed to a specific person.

This provision applies to members of official delegations whatever the passport (service or ordinary passport) they hold.

"(b) for business people and representatives of business organisations:

- *a written request from a host legal person or company, organisation, or an office or branch of such legal person or company, state or local authorities of the Member States or organising committees of trade and industrial exhibitions, conferences and symposia held in the territories of the Member States, endorsed by the Foreign Trade Chamber of Bosnia and Herzegovina;"*

The written request from the host legal person, company, office, branch or State or local authority must be presented. This written request is endorsed by the Foreign Trade Chamber of Bosnia and Herzegovina (official name: "Vanjsko-trgovinska komora Bosne i Hercegovine").

"(c) for representatives of civil society organizations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programs:

- *a written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and the certificate on establishment of such organisation from the relevant Register issued by a state authority in accordance with the national legislation;"*

An official document from the civil society organisation confirming that the applicant is representing this organisation must be presented.

The competent state authority of Bosnia and Herzegovina issuing the certificate on establishment of a civil society organisation is: "Ministry of Justice of the Federation of Bosnia and Herzegovina and Ministry of Justice of the Republic of Srpska".

The Register in which the certificates on establishment of civil society organisations are registered is: "Ministry of Justice of the Federation of Bosnia and Herzegovina and Ministry of Justice of the Republic of Srpska".

Members as such of the civil society organisations are not covered by the Agreement.

"(d) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Bosnia and Herzegovina:

- a written request from the Foreign Trade Chamber of Bosnia and Herzegovina, stating the purpose, duration and frequency of the trips;"*

The Foreign Trade Chamber of Bosnia and Herzegovina is competent for providing the written request to professional drivers (official name: "Vanjsko-trgovinska komora Bosne i Hercegovine").

"(e) for members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States:

- a written request from the competent railway company of Bosnia and Herzegovina stating the purpose, duration and frequency of the trips;"*

The competent railway company of Bosnia and Herzegovina for issuing the written request to members of train, refrigerator and locomotive crews is: Railway Company of Federation of Bosnia and Herzegovina (Željeznice Federacije Bosne i Hercegovine) and Railway Company of the Republic of Srpska (Željeznice Republike Srpske).

"(f) for journalists:

- a certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist and a document issued by his/her employer stating that the purpose of the journey is to carry out journalistic work;"*

This category does not cover free-lance journalists.

The certificate or document proving that the applicant is a professional journalist and the document issued by his/her employer stating that the purpose of the journey is to carry out a journalistic work must be presented.

The competent professional organisation of Bosnia and Herzegovina proving that the person concerned is a qualified journalist is: Journalists Association of Bosnia and Herzegovina (Društvo novinara Bosne i Hercegovine) and BH Journalists (bh novinari).

"(g) for persons participating in scientific, cultural and artistic activities, including university and other exchange programmes:

- a written request from the host organisation to participate in those activities;"*

"(h) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:

- *a written request or a certificate of enrolment from the host university, academy, institute, college or school or student cards or certificates of the courses to be attended;"*

A student card can only be accepted as justification of the purpose of the journey when it is issued by the host university, academy, institute, college or school where the studies or educational training is going to take place.

"(i) for participants in international sports events and persons accompanying them in a professional capacity:

- *a written request from the host organization: competent authorities, national sport federations or National Olympic Committees of the Member States;"*

The list of accompanying persons in case of international sports events will be limited to those accompanying the sportsman/woman in a professional capacity: coaches, masseurs, manager, medical staff and head of the sports club. Supporters shall not be considered as accompanying persons.

"(j) for participants in official exchange programs organized by twin cities:

- *a written request of the Head of Administration/Mayor of these cities;"*

The Head of Administration/Mayor of the city competent to issue the written request is the Head of Administration/Mayor of the host city where the twinning activity is going to take place. This category only covers official twinings.

"(k) for close relatives – spouse, children (including adopted), parents (including custodians), grandparents and grandchildren - visiting nationals of Bosnia and Herzegovina legally residing in the territory of the Member States:

- *a written request from the host person;"*

This paragraph regulates the situation of close relatives of Bosnia and Herzegovina travelling to the Member States to visit citizens of Bosnia and Herzegovina legally residing in the Member States. This facilitation does not apply to EU nationals living in the EU inviting relatives of Bosnia and Herzegovina.

The authenticity of the signature of the inviting person must be proved by the competent authority according to the national legislation of the country of residence.

It is also necessary to prove the legal residence of the inviting person and the family tie; for example providing together with the written request from the host person, copies of documents explaining his/her status, such as a photocopy of the residence permit and confirming the family ties.

This provision also applies to relatives of staff working in diplomatic missions and consulates travelling for a family visit of up to 90 days to the territory of the Member States except for the need to prove legal residence and family ties.

"(l) for persons visiting for medical reasons and necessary accompanying persons:

- an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied, and proof of sufficient financial means to pay for the medical treatment;"*

The document of the medical institution confirming the three elements (the necessity of medical care in this institution, the necessity of being accompanied and the proof of sufficient financial means to pay for the medical treatment) shall be submitted.

"(m) for persons visiting for burial ceremonies:

- an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;"*

The Agreement does not specify which country's authorities should issue the above mentioned official document: the country where the burial ceremony will take place or the country where resides the person who wants to visit the burial ceremony. It should be accepted that the competent authorities of both countries could issue such official document.

The above mentioned official document confirming the fact of death as well as the family or other relationship between the applicant and the deceased must be presented; e.g. birth and/or marriage certificates.

"(n) for representatives of the traditional religious communities in Bosnia and Herzegovina visiting diasporas of Bosnia in Herzegovina in the territory of the Member States:

- a written request by the head of the religious community in Bosnia and Herzegovina, stating the purpose, duration and frequency of trips;*

In accordance with Bosnia and Herzegovina Law on Traditional Religious Communities, four main traditional religious communities are established/recognised:

1. Jewish Community of Bosnia and Herzegovina;
2. Islamic Religious Association;
3. Catholic Church;
4. Orthodox Church.

Thus, issue of registration is not applicable in this case. Heads of the above mentioned traditional religious communities are authorised to issue necessary documentary evidence.

Members of religious communities are not covered by the Agreements.

"(o) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:

- a written request from the host organization confirming that the person concerned is participating in the event;"*

"(p) *for visiting military and civil burial grounds:*

- *an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;"*

The Agreement does not specify whether the above mentioned official documents should be issued by the authorities of the country where the burial ground is located or those of the country in which the person who wants to visit the burial ground resides. It should be accepted that the competent authorities of both countries could issue such official document.

"(q) *for persons travelling for tourism:*

- *a certificate or voucher from a travel agency or a tour operator accredited by Member States in the framework of the local consular cooperation confirming the booking of an organized trip."*

Member States have not yet accredited travel agencies or tour operators within the framework of local consular cooperation.

This provision covers individual trips as well as group visits.

This provision does not prevent consulates from asking the personal appearance of the visa applicant; consulates are not obliged to accept that travel agencies or tour operators act as an intermediary and deposit the visa application at the consulate.

Important: The Agreement does not create any new liability rules for the physical or legal persons issuing the written requests. The respective EC/national law applies in case of false issuance of such requests.

2.2.2. Issuance of multiple-entry visas.

In cases where the visa applicant needs to travel frequently to the territory of the Member States, short-stay visas may be issued for several visits, provided that the total length if these visits does not exceed 90 days per period of 180 days.

Article 5 of the Agreement stipulates that:

- "1. *Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to five years to the following categories of persons:*
 - (a) *members of the Court of Bosnia and Herzegovina and the prosecutor office of Bosnia and Herzegovina, if they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with a term of validity limited to their term of office if this is less than five years;*
 - (b) *permanent members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall regularly participate in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Member States by intergovernmental organizations;*

- (c) *close relatives – spouse, children (including adopted), parents (including custodians) – visiting nationals of Bosnia and Herzegovina legally residing in the territory of the Member States with the term of validity limited to the duration of the validity of their authorization for legal residence."*

For these categories of persons, taking into account their professional status or the family relationship with a citizen of Bosnia and Herzegovina legally residing in the territory of the Member States, it is justified to issue a multiple-entry visa with a validity of up to five years, or limited to the term of office or to the legal residence if these are less than 5 years.

For persons falling under Article 5(1)(a), confirmation should be given regarding their professional status and the duration of their mandate.

This provision will not apply to persons falling under Article 5(1)(a) if they are exempted from the visa requirement by the Agreement, i.e. if they are holders of a diplomatic passport.

For persons falling under Article 5(1)(b), proof must be presented regarding their permanent status as a member of the delegation and the need to participate regularly in meetings, consultations, negotiations or exchange programs.

For persons falling under Article 5(1)(c), proof must be presented regarding the legal residence of the inviting person (cfr. supra II.2.2.1).

- "2. *Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of up to one year to the following categories of persons, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State and that there are reasons for requesting a multiple-entry visa:*
- (a) *members of official delegations who, following an official invitation addressed to Bosnia and Herzegovina, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organizations;*
 - (b) *business people and representatives of business organizations who regularly travel to the Member States;*
 - (c) *drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Bosnia and Herzegovina;*
 - (d) *members of train, refrigerator and locomotive crews in international trains, travelling to the territories of the Member States;*
 - (e) *journalists;*
 - (f) *persons participating in scientific, cultural and artistic activities, including university and other exchange programs, who regularly travel to the Member States;*
 - (g) *students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programs;*
 - (h) *participants in international sports events and persons accompanying them in a professional capacity;*

- (i) *participants in official exchange programs organised by twin cities;*
 - (j) *persons needing to visit regularly for medical reasons and necessary accompanying persons;*
 - (k) *representatives of the traditional religious communities in Bosnia and Herzegovina visiting diasporas of Bosnia in Herzegovina in the territory of the Member States, who regularly travel to the Member States;*
 - (l) *representatives of civil society organizations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programs;*
 - (m) *members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States.*
3. *Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous two years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State and that the reasons for requesting a multiple-entry visa are still valid.*
4. *The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States."*

In principle, multiple-entry visas valid for one year shall be issued to the above mentioned categories if during the previous year (12 months) the visa applicant has obtained at least one visa (i.e. a Schengen visa or a visa issued by a Member State that joined the EU in 2004 or in 2007) and has made use of it in accordance with the laws on entry and stay of the State(s) visited (for instance, the person has not overstayed) and if there are reasons for requesting a multiple-entry visa. In cases where it is not justified to issue a visa valid for one year, (for instance, if the duration of the exchange programme is of less than one year or the person does not need to travel for a full year) the validity of the visa will be of less than one year, provided that the other requirements for issuing the visa are met.

Multiple-entry visas valid from 2 years up to 5 years shall be issued to the categories mentioned under Article 5(2), provided that during the previous two years (24 months) they have made use of the 1 year multi-entry visas (i.e. Schengen visa or a visa issued by a Member State that joined the EU in 2004 or 2007) in accordance with the laws on entry and stay in the territory(ies) of the visited State(s) and that the reasons for requesting a multi-entry visa are still valid. It has to be noted that a visa with a validity from 2 to 5 years, shall only be issued if the visa applicant has been issued two visas valid for one year -and not less- during the previous two years, and if (s)he has used these visas in accordance with the laws of entry and stay in the territory(ies) of the visited State(s). Diplomatic missions and consular posts shall decide, on the basis of the assessment of each visa application, the period of validity of these visas- i.e. from 2 to 5 years.

Regarding the definition of the criteria in Article 5(2): "*provided that...there are reasons for requesting a multiple-entry visa*", and Article 5(3): "*provided that...the reasons for requesting a multiple-entry visa are still valid*", the criteria set up in the CCI

for issuing these type of visas shall apply: i.e. that the person needs to travel frequently to one or several Member States, for example on business.

There is no obligation to issue a multiple-entry visa if the applicant did not make use of a previous visa.

Cfr II.2.2.1. regarding documents justifying the purpose of the journey for issuing multiple-entry visas for the categories mentioned in Article 5.

2.2.3. Holders of diplomatic passports.

Article 10 of the Agreement stipulates that:

- "1. *Nationals of Bosnia and Herzegovina, holders of valid diplomatic passports can enter, leave and transit through the territories of the Member States without visas.*
2. *Persons mentioned in paragraph 1 of this Article may stay in the territories of the Member States for a period not exceeding 90 days per period of 180 days."*

The posting of diplomats in the Member States is not regulated by the Agreement. The usual accreditation procedure applies.

III. EUROPEAN COMMUNITY DECLARATION ON FACILITATIONS FOR FAMILY MEMBERS AND BONA FIDE APPLICANTS

Although the Agreement does not include legally binding rights and obligations for facilitating the movement of a wider number of citizens of Bosnia and Herzegovina, which are family members of citizens of Bosnia and Herzegovina legally residing in the territories of Member States, the European Community takes note of the suggestion of Bosnia and Herzegovina to give a wider definition to the notion of family members that should benefit from visa facilitation as well as of the importance that Bosnia and Herzegovina attaches to the simplification of movement of this category of persons.

Therefore, in order to ease the mobility of an extended number of persons which have family links (in particular sisters and brothers and their children) with citizens of Bosnia and Herzegovina legally residing in the territories of Member States, in a declaration attached to the Agreement, the Member States' consular offices are invited to make full use of the existing possibilities in the "*acquis communautaire*" for facilitating the issuance of visas to this category of persons, including in particular, the simplification of documentary evidence requested for the applicants, exemptions from handling fees and where appropriate the issuing of multiple entry visas.

In addition, the European Community also invites the Member States' consular offices to make full use of these possibilities for the facilitation of the issuance of visas to bona fide applicants.

IV. STATISTICS

In order to allow the Joint Committee set up by the Agreement to monitor effectively the Agreement, diplomatic missions and consular posts of the Member States must submit statistics to the Commission, every three months during the first year of implementation of the Agreement and every six months as from the second year, regarding in particular, where possible, and specifying by month:

- types of visas issued to the different categories covered by the Agreement;
- percentages of applicants called for a personal interviews per categories of persons.
