

ANTIGUA AND BARBUDA



**RESOLUTION OF THE HOUSE OF REPRESENTATIVES RATIFYING THE
AGREEMENT BETWEEN THE EUROPEAN UNION AND ANTIGUA AND BARBUDA
AMENDING THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND
ANTIGUA AND BARBUDA ON THE SHORT-STAY VISA WAIVER**

STATUTORY INSTRUMENT

2021, No. 29

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WHEREAS Antigua and Barbuda and the European Union (hereafter the ‘Contracting Parties’) are parties to the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver which entered into force on the 1st May 2010; and

WHEREAS the Contracting Parties have taken into account the definition of a ‘short-stay’ as provided for in the Agreement between the European Community and Antigua and Barbuda, and bearing in mind that Regulation (EU) No. 610/2013 of the European Parliament and of the Council introduced horizontal changes to the visa and borders *acquis* of the European Union and has defined short-stay as ‘90 days in any 180-days period’, and also taking into account that the Entry/Exit System to be established by the European Union requires a uniform and clear cut definition of ‘short-stay’ which is applicable to all third-country nationals, and confirming that the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver will now cover all Member States of the European Union with the exception of the United Kingdom and Ireland; and

WHEREAS the Contracting Parties have entered into an agreement to amend the Agreement between the European Community and Antigua and Barbuda; and

WHEREAS the Ratification of Treaties Act (Cap. 364) provides in section 3(1) *inter alia* that where a Treaty to which Antigua and Barbuda becomes a Party is one which affects or concerns the relationship of Antigua and Barbuda with any international organisation, agency, association or similar body, such Treaty shall not enter into force with respect to Antigua and Barbuda unless it has been ratified or approved in accordance with the provisions of the Act; and

WHEREAS the Agreement amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver is an international agreement which is governed by international law and concerns the relationship of Antigua and Barbuda and the international member states of the European Union;

NOW THEREFORE BE IT RESOLVED by this Honourable House that the Agreement to amend the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver, the text of which is attached hereto as a schedule, be ratified as a treaty under section 3(1)(c) of the Ratification of Treaties Act, Cap.364.

Passed the House of Representatives this 25th day of March, 2021

Gerald Watt, Q.C.,
Speaker of the House of Representatives

A. Peters
Clerk to the House of Representatives

**SCHEDULE
AGREEMENT**

**between the European Union and Antigua and Barbuda amending the
Agreement between the European Community and Antigua and Barbuda on
the short-stay visa waiver**

THE EUROPEAN UNION,

of the one part, and

ANTIGUA AND BARBUDA,

of the other part,

hereinafter referred to jointly as ‘the Contracting Parties’,

HAVING REGARD to the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (¹) (hereinafter referred to as ‘the Agreement’) which entered into force on 1 May 2010,

REAFFIRMING the importance of facilitating people to people contacts,

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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. 3.

(2) Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013

(2) 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 Antigua and Barbuda for a maximum period of 90 days in any 180-day period ’,

(b) paragraph 2 is replaced by the following:

‘2 The citizens of Antigua and Barbuda 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 Antigua and Barbuda 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’,

(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.

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

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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).

Съставено в Брюксел на двадесет и петти 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 tuhanda kaheksateistkümnenda aasta aprillikuu kahekümne viiendal päeval Brüsselis. Έγινε στις Βρυξέλλες, στις είκοσι 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, addi venticinque aprile duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada divdesmit piektajā aprīlī Priimta du tūkstančiai aštuonioliktų metų balandžio dvidešimt penktą dieną Briuselyje. Kelt Brüsszelben, a kétézer-tizennyolcadik év április havának huszonötödik napján.

Magħmul fi Brussell, fil-hamsa 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 Bruselas, 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 piateho apríla dvetisícosemnást'.

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V Bruslju, dne petindvajsetega aprila leta dva tisoč osemnajst.

Tehty Brysselissä kahdentenakymmenentenäviidentenä päivänä huhtikuuta vuonna
kaksituhattakahdeksantoista. Som skedde i Bryssel den tjugofemte april år
tjugohundraarton.

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Za Evropský s'юз For 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

Za Antigua y Barbuda For
Antigua y Barbuda Za

Antigua a Barbudu For
Antigua og Barbuda

Für Antigua und Barbuda
Antigua ja Barbuda nimel

Για την Αντίγκουα και Μπαρμπούντα For
Antigua and Barbuda

Pour Antigua-et-Barbuda Za
Antigvu i Barbudu Per

Antigua e Barbuda
Antigvas un Barbudas vārdā –

Antigvos ir Barbudos vardu
Antigua és Barbuda részéről Għal

Antigwa u Barbuda Voor Antigua
en Barbuda

W imieniu Antigui i Barbudy For
Antigua e Barbuda Pentru

Antigua și Barbuda Za Antigua a
Barbudu

Za Antigvo in Barbudo Antigua ja
Barbudan puolesta För Antigua och
Barbuda




JOINT DECLARATION CONCERNING ICELAND, NORWAY,
SWITZERLAND AND LIECHTENSTEIN

It is desirable that the authorities of Norway, Iceland, Switzerland, Liechtenstein, on the one hand, and Antigua and Barbuda, 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.