

No. 47988. Spain and Estonia

AGREEMENT BETWEEN THE KINGDOM OF SPAIN AND THE REPUBLIC OF ESTONIA ON THE REPRESENTATION FOR THE ISSUING OF SCHENGEN VISAS. MADRID, 11 FEBRUARY 2009 [*United Nations, Treaty Series*, vol. 2710, I-47988.]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT AMENDING THE AGREEMENT BETWEEN THE KINGDOM OF SPAIN AND THE REPUBLIC OF ESTONIA ON THE REPRESENTATION FOR THE ISSUING OF SCHENGEN VISAS. MADRID, 25 MARCH 2010 AND 14 MAY 2010

Entry into force: provisionally on 14 May 2010 and definitively on 14 September 2010 by notification, in accordance with the provisions of the said notes

Authentic texts: English and Spanish

Registration with the Secretariat of the United Nations: Spain, 28 January 2011

Nº 47988. Espagne et Estonie

ACCORD ENTRE LE ROYAUME D'ESPAGNE ET LA RÉPUBLIQUE D'ESTONIE RELATIF À LA REPRÉSENTATION POUR LA DÉLIVRANCE DE VISAS SCHENGEN. MADRID, 11 FÉVRIER 2009 [*Nations Unies, Recueil des Traités*, vol. 2710, I-47988.]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD MODIFIANT L'ACCORD ENTRE LE ROYAUME D'ESPAGNE ET LA RÉPUBLIQUE D'ESTONIE RELATIF À LA REPRÉSENTATION POUR LA DÉLIVRANCE DE VISAS SCHENGEN. MADRID, 25 MARS 2010 ET 14 MAI 2010

Entrée en vigueur : provisoirement le 14 mai 2010 et définitivement le 14 septembre 2010 par notification, conformément aux dispositions desdites notes

Textes authentiques : anglais et espagnol

Enregistrement auprès du Secrétariat des Nations Unies : Espagne, 28 janvier 2011

[ENGLISH TEXT – TEXTE ANGLAIS]

I



No. 3/15.8

NOTE VERBALE

The Ministry of Foreign Affairs and Cooperation presents its compliments to the Embassy of the Republic of Estonia in Madrid and is pleased to refer to the Agreement between the Republic of Estonia and the Kingdom of Spain on representation for the issuing of Schengen visas, done at Madrid on 11 February 2009, and which has been in force since 29 April 2009.

This Ministry, following the consultations made through diplomatic channels regarding the adaptation of the aforesaid Agreement to the new legal framework on the representation of Schengen States for the purpose of studying applications for and issuing Schengen visas, which appears in Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) and which shall be applicable as of 5 April 2010, and bearing in mind the provisions of Article 6 of the abovementioned Agreement, has the honour to propose, on behalf of the Government of the Kingdom of Spain, the following amendments to the third paragraph of the preamble, to paragraph 1 of Article 1, and to paragraphs 1 and 2 of Article 2 of the Agreement, and thus they shall read as follows:

"Preamble (third paragraph)

In accordance with the Schengen acquis and to the current provisions of European Union law concerning representation for the issuing of Schengen visas in third countries;

Article 1 - Spanish Embassies and Consulates in charge of issuing visas for Estonia (first paragraph).

1. Spain shall represent Estonia in the issuing of Schengen visas in the Consulates or the Consular Sections of the Embassies of Spain in:

- a) Algiers (Algeria)*
- b) Buenos Aires (Argentina)*
- c) Sao Paulo (Brazil)*
- d) San Jose (Costa Rica)*

- e) San Salvador (El Salvador)
- f) San Juan (Puerto Rico, United States of America)
- g) Guatemala City (Guatemala)
- h) Tegucigalpa (Honduras)
- i) Mexico City (Mexico)
- j) Managua (Nicaragua)
- k) Panama City (Panama)
- l) Asunción (Paraguay)
- m) Montevideo (Uruguay)
- n) Caracas (Venezuela)

Article 2 – Issuing of Visas

1. *If the Consulate or Consular Section of the Spanish Embassy in the respective country verifies that all conditions for issuing a visa are met as established by applicable European Union law, that no risk of illegal immigration is present and that the applicant poses no threat to public order, it shall issue the visa.*

2. *If the Consulate or Consular Section of the Spanish Embassy in the respective country verifies that conditions for issuing a visa are not met, it shall refuse to issue the visa pursuant to applicable European Union law. In case of doubt, the nearest Estonian Embassy or Consulate may be consulted (see details in Annexe I)."*

If the above is acceptable to the Government of the Republic of Estonia, the present Note and the reply Note from that Embassy expressing such acceptance shall constitute an Agreement between the Republic of Estonia and the Kingdom of Spain, amending the Agreement between the Republic of Estonia and the Kingdom of Spain on representation for the issuing of Schengen visas, done at Madrid on 11 February 2009, which shall enter into force on the date of the last notification whereby the Contracting Parties inform each other of compliance with the necessary domestic procedures for the entry into force of this amending Agreement. The amending Agreement shall be implemented provisionally as of 5 April 2010, following the exchange of Notes.

The Ministry of Foreign Affairs and Cooperation avails itself of this opportunity to reiterate to the Embassy of the Republic of Estonia the assurance of its highest and most distinguished consideration.



Madrid, on the 25th of March 2010.

TO THE EMBASSY OF THE REPUBLIC OF ESTONIA. Madrid

II

Eesti Vabariigi Suursaadkond
Embajada de la República de Estonia Madrid

No. 1-3/15

NOTE VERBALE

The Embassy of the Republic of Estonia presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Kingdom of Spain and has the honour to refer to the Ministry's Note No 3/15.6, dated 25 March 2010, which reads as follows:

[See note I]

The Embassy confirms that the foregoing is acceptable to the Republic of Estonia. Accordingly the Ministry's Note and this reply Note shall constitute the *Agreement between the Republic of Estonia and the Kingdom of Spain amending the Agreement between the Republic of Estonia and the Kingdom of Spain on representation for the issuing of Schengen visas, done at Madrid on 11 February 2009*, which shall enter into force on the date of the last notification of completion of the necessary domestic procedures for the entry into force of this amending Agreement.

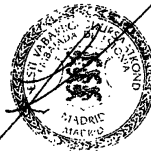
The amending Agreement shall be implemented provisionally as of 14 May 2010, following the exchange of Notes.

Estonia has completed the necessary domestic procedures for the entry into force of this amending Agreement. The Estonian side would be grateful for notification of completion of the necessary domestic procedures for the entry into force of this amending Agreement by the Spanish side.

Additionally, with reference to the Article 3 of the Agreement, the Estonian side kindly requests the Spanish side, after this amending Agreement has entered into force and following a request from the Estonian side, also provide the statistics available relating to the visas refused under the Agreement.

The Embassy of the Republic of Estonia avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Cooperation of the Kingdom of Spain the assurances of its highest consideration.

Madrid, 14 May 2010



To the Ministry of Foreign Affairs and
Cooperation of the Kingdom of Spain
MADRID

[SPANISH TEXT – TEXTE ESPAGNOL]



MINISTERIO
DE ASUNTOS EXTERIORES
Y DE COOPERACIÓN

I

Núm. 3/15.6

NOTA VERBAL

El Ministerio de Asuntos Exteriores y de Cooperación saluda muy atentamente a la Embajada de la República de Estonia en Madrid y se complace en referirse al Acuerdo entre la República de Estonia y el Reino de España para la representación en la expedición de visado Schengen, hecho en Madrid el 11 de febrero de 2009 y que se encuentra en vigor desde el día 29 de abril de 2009.

Este Ministerio, como continuación de las consultas realizadas por vía diplomática, relativas a la adaptación del citado Acuerdo al nuevo marco jurídico sobre la representación de los Estados Schengen a efectos de examinar las solicitudes y expedir visados Schengen, que se encuentra recogido en el Reglamento (CE) N° 810/2009 del Parlamento Europeo y del Consejo de 13 de julio de 2009 por el que se establece un Código comunitario sobre visados (Código de visados) que será aplicable a partir del 5 de abril de 2010, y teniendo en cuenta lo que dispone el referido Acuerdo en su Artículo 6, tiene el honor de proponer en nombre del Gobierno del Reino de España, las siguientes enmiendas al tercer párrafo del preámbulo, al párrafo 1 del Artículo 1 y a los párrafos 1 y 2 del Artículo 2 del Acuerdo, por lo que quedarán redactados en los siguientes términos:

"Preámbulo (tercer párrafo)

De acuerdo con el acervo Schengen y las disposiciones del derecho de la Unión Europea vigente, referentes a la representación para la expedición de visados Schengen en países terceros;

Artículo 1 – Embajadas y Consulados de España encargadas de expedir visados para Estonia (primer párrafo).

1. España representará a Estonia en la expedición de visados Schengen en los Consulados o las Secciones Consulares de las Embajadas de España en:

- a) Argel (Argelia).
- b) Buenos Aires (Argentina).
- c) Sao Paulo (Brasil).
- d) San José de Costa Rica (Costa Rica).