

AGREEMENT

between

the Kingdom of Denmark and the Republic of Montenegro

on the facilitation of issuance of short-stay visas

THE KINGDOM OF DENMARK

and

THE REPUBLIC OF MONTENEGRO

hereinafter referred to as the Parties;

Desiring, as a first concrete step towards the visa free travel regime, to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Republic of Montenegro ;

Bearing in mind that, all EU citizens are exempted from the visa requirement when travelling to the Republic of Montenegro for a period of time not exceeding 90 days or transiting through the territory of the Republic of Montenegro;

Recognizing that if the Republic of Montenegro was to reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the citizens of the Republic of Montenegro would automatically, on the basis of reciprocity, apply to Danish citizens;

Recognizing that visa facilitation should not lead to illegal migration and paying special attention to security and readmission;

Bearing in mind that the Kingdom of Denmark and Montenegro recognize and apply the Agreement between the Kingdom of Denmark and the Federal Republic of Yugoslavia on return and readmission of persons who do not or no longer fulfill the conditions for entry or residence in the territory of the other state, and which was concluded on 8 March 2003.

Basing themselves on the Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas and the joint declaration concerning the Kingdom of Denmark annexed thereto.

HAVE AGREED AS FOLLOWS:

Article 1- Purpose and scope of application

1. 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 citizens of Republic of Montenegro.
2. If the Republic of Montenegro was to reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this Agreement to the citizens of the Republic of Montenegro would automatically, on the basis of reciprocity, apply to Danish citizens concerned.

Article 2- General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of the Republic of Montenegro only insofar as they are not exempted from the visa requirement by the laws and regulations of the EU or Denmark, the present Agreement or other international agreements.
2. The national law of the Republic of Montenegro or of Denmark or EU 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.

Article 3- Definitions

For the purpose of this Agreement:

- a) “*Citizen of Denmark*” shall mean a person who possesses Danish citizenship;

- b) “*Citizen of the Republic of Montenegro*” shall mean a person, who holds the citizenship of the Republic of Montenegro;
- c) “*Visa*” shall mean an authorization issued or a decision taken by Denmark which is required with a view to:
- entry for an intended stay in Denmark or in several Schengen Member States of no more than 90 days in total,
 - entry for transit through the territory of Denmark or several Schengen Member States .
- d) “*legally residing person*” shall mean a citizen of the Republic of Montenegro authorized or entitled to stay for more than 90 days in the territory of a Schengen Member State, on the basis of EU or national legislation.
- e) “*Schengen Member State*” shall mean any state applying the Schengen acquis in full.
- f) “*Schengen area*” shall mean the area of Schengen Member States.

Article 4- Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of the Republic of Montenegro the following documents are sufficient for justifying the purpose of the journey to the other Party:
- a) members of official delegations who, following an official invitation addressed to the Republic of Montenegro, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark by intergovernmental organizations:
- a letter issued by an authority of the Republic of Montenegro, confirming that the applicant is a member of its delegation travelling

to the territory of Denmark to participate in the aforementioned events, accompanied by a copy of the official invitation;

b) business people and representatives of business organizations:

– a written request from a host legal person or company, or an office or branch of such legal person or company, state or local authorities of Denmark or organizing committees of trade and industrial exhibitions, conferences and symposia held in the territory of Denmark, endorsed by a Chamber of Commerce, the Union of Employers of the Republic of Montenegro or the Montenegro Business Alliance;

c) drivers conducting international cargo and passenger transportation services to the territory of Denmark in vehicles registered in the Republic of Montenegro;

– a written request from the national association of carriers of the Republic of Montenegro providing for international road transportation, stating the purpose, duration and frequency of the trips;

d) members of train, refrigerator and locomotive crews travelling to the territory of Denmark;

- a written request from the competent railway company of the Republic of Montenegro stating the purpose, duration and frequency of the trips;

e) journalists:

– a certificate or other document issued by a professional organization 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;

f) persons participating in scientific, cultural and artistic

activities, including university and other exchange programmes:

- a written request from the host organization to participate in those activities;
- g) 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, college or school or student cards or certificates of the courses to be attended.
- h) participants in international sports events and persons accompanying them in a professional capacity:
- a written request from the host organization: competent authorities, National Sports Federations or the National Olympic Committee of Denmark;
- i) participants in official exchange programmes organized by twin cities:
- a written request of the Head of Administration/Mayor of these cities.
- j) close relatives - spouse, children (including adopted), parents (including custodians), grandparents and grandchildren visiting citizens of the Republic of Montenegro legally residing in the territory of Denmark:
- a written request from the host person.
- k) 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.

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

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

m) persons visiting for burial ceremonies:

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

n) for representatives of civil society organisations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:

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

o) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of Denmark:

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

p) judges participating in international exchange programmes, symposia, seminars or similar training events held in the territory of Denmark:

- a written request from the host organization to participate in those activities.

q) representatives of the religious communities in the Republic of Montenegro:

- a written request from a religious community registered in the Republic of Montenegro, stating the purpose, duration and frequency of trips;

r) persons travelling for tourism:

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

2. The written request mentioned in paragraph 1 of this Article shall contain the following items:

a) for the invited person: name and surname, date of birth, sex, citizenship, number of identity document, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person,

b) for the inviting person: name, surname and address, or

c) for the inviting legal person, company or organization: full name and address and

- if the invitation is issued by an organisation, the name and position of the person who signs the invitation;

- if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the

territory of Denmark, the registration number as required by the national law of Denmark;

3. For the categories of persons mentioned in paragraph 1 of this article, all categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of Denmark.

Article 5 - Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of Denmark 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 National Government, Parliament, Constitutional Court and Supreme Court, President of the Court of Appeals, President of the Administrative Court in case they are not exempted from the visa requirement by the present Agreement, in the exercise of their duties, with the 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 the Republic of Montenegro, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark by intergovernmental organizations;

c) spouse and children (including adopted), who are under the age of 21 or are dependant, visiting citizens of the Republic of Montenegro legally residing in the territory of Denmark with the term of validity limited to the duration of the validity of their authorization for legal residence.

2. Diplomatic missions and consular posts of Denmark 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 the Republic of Montenegro, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark by intergovernmental organizations;
- b) business people and representatives of business organizations who regularly travel to Denmark;
- c) drivers conducting international cargo and passenger transportation services to the territory of the Denmark in vehicles registered in the Republic of Montenegro;
- d) members of train, refrigerator and locomotive crews in international trains, traveling to the territory of Denmark;
- e) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to Denmark;
- f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to Denmark;
- g) participants in international sports events and persons accompanying them in a professional capacity;
- h) journalists;
- i) participants in official exchange programmes organized by twin cities.

- j) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
 - k) persons needing to visit regularly for medical reasons and necessary accompanying persons;
 - l) representatives of religious communities registered in the Republic of Montenegro who regularly travel to Denmark;
 - m) representatives of civil society organizations travelling regularly to Denmark for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
 - n) judges participating in international exchange programmes, symposia, seminars or similar training events, who regularly travel to Denmark;
3. Diplomatic missions and consular posts of Denmark 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 Denmark and any other Schengen Member State.

Article 6-Fees for processing visa applications

1. The fee for processing visa applications of citizens of the Republic of Montenegro shall amount to €35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 13(4)

If the Republic of Montenegro was to reintroduce the visa requirement for EU citizens, the visa fee to be charged by the Republic of Montenegro shall not be higher than €35 or the amount agreed if the fee is reviewed in accordance with the procedure provided for in Article 13 (4).

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

- a) members of the National Government, Parliament, Constitutional Court and Supreme Court, President of the Court of Appeals, President of the Administrative Court, persons mentioned in the Article 5, (1), point a) if they are not exempted from the visa requirement by the present Agreement;
- b) close relatives - spouse, children (including adopted) parents (including custodians), grandparents and grandchildren visiting citizens of the Republic of Montenegro, legally residing in the territory of Denmark;
- c) members of official delegations who, following an official invitation addressed to the Republic of Montenegro shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark by intergovernmental organizations;
- d) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training;
- e) disabled persons and the person accompanying them, if necessary;
- f) 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;

g) participants in international sports events and persons accompanying them in a professional capacity;

h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;

i) participants in official exchange programmes organized by twin cities;

j) journalists;

k) pensioners;

l) judges participating in international exchange programmes, symposia, seminars or similar training events;

m) representatives of religious communities registered in the Republic of Montenegro;

n) representatives of civil society organizations travelling to attend meetings, seminars, exchange programs or training courses;

o) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of Denmark;

p) drivers conducting international cargo and passenger transportation services to the territory of Denmark in vehicles registered in the Republic of Montenegro;

q) members of train, refrigerator and locomotive crews in international trains, travelling to the territory of Denmark;

r) children under 6 years of age.

Article 7- Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of Denmark 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.

Article 8- Departure in case of lost or stolen documents

Citizens of Denmark and of the Republic of Montenegro who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Montenegro or Denmark, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of Denmark or of the Republic of Montenegro without any visa or other authorization.

Article 9- Extension of visa in exceptional circumstances

Citizens of the Republic of Montenegro who do not have the possibility to leave the territory of Denmark 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 the legislation applied by the receiving State for the period required for their return to the State of their residence.

Article 10- Diplomatic passports

1. Citizens of the Republic of Montenegro, holders of valid diplomatic passports can enter, leave and transit through the territory of Denmark without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territories of Denmark and any other Schengen Member State for a period not exceeding 90 days per period of 180 days.

Article 11- Territorial validity of visas

Subject to the national rules and regulations concerning national security of Denmark and subject to EU rules on visas with limited territorial validity, the citizens of the Republic of Montenegro shall be entitled to travel within the territory of the Schengen area on an equal basis with European Union citizens.

Article 12- Monitoring of the Agreement

Representatives of the Parties shall meet whenever necessary at the request of one of the Parties to discuss the implementation of this Agreement, and if deemed necessary, propose amendments to this Agreement especially in the light of changes to the Agreement between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas.

Article 13- Final clauses

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.

2. By way of derogation to paragraph 1 of this Article, the present Agreement shall only enter into force on the date of the entry into force of the Agreements between the European Community and the Republic of Montenegro on the facilitation of issuance of short-stay visas and on readmission of persons if this date is after the date provided for in paragraph 1 of this Article.

3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.

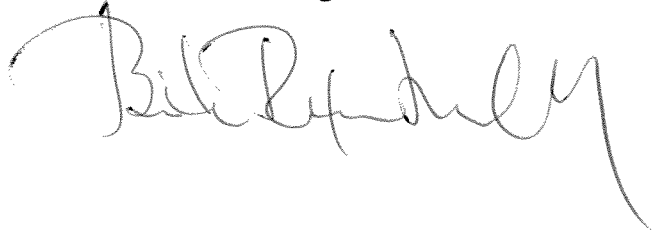
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.

6. Each 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.

Done in Copenhagen on 13 March 2008, in duplicate each in the Danish, English, and Montenegrin languages, each of these texts being equally authentic. In case of any differences in interpretation the English text shall prevail.

For the Kingdom of Denmark



For the Republic of Montenegro

