

AGREEMENT

between

the Government of the Kingdom of Denmark and

the Cabinet of Ministers of Ukraine

on the facilitation of the issuance of visas

The Government of the KINGDOM OF DENMARK

and

The Cabinet of Ministers of UKRAINE,

hereinafter referred to as the Contracting Parties;

- (1) *With a view to* further developing friendly relations between the Contracting Parties and desiring 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 Ukrainian citizens;
- (2) *Desiring* to regulate the regime of mutual travel of citizens of Denmark and Ukraine;
- (3) *Bearing in mind* that, as from 1st May 2005, EU citizens are exempted from the visa requirement when travelling to Ukraine for a period of time not exceeding 90 days or transiting through the territory of Ukraine;
- (4) *Recognising* that if Ukraine would reintroduce the visa requirement for EU citizens, the same facilitations granted under this agreement to the Ukrainian citizens would automatically, on the basis of reciprocity, apply to Danish citizens;
- (5) *Recognising* that visa facilitation should not lead to illegal migration and paying special attention to security and readmission;
- (6) *Recognising* the introduction of a visa free travel regime within the EU/Schengen framework for the citizens of Ukraine as a long-term perspective;
- (7) *Basing themselves* on the Agreement between the European Community and Ukraine on the facilitation of the issuance of 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 to the citizens of Ukraine for an intended stay of no more than 90 days per period of 180 days in the territory of Denmark and any other Schengen Member State.
2. If Ukraine would reintroduce the visa requirement for EU citizens or certain categories of EU citizens, the same facilitations granted under this agreement to the Ukrainian citizens 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 Ukraine only insofar as they are not exempted from the visa requirement by the laws and regulations of the European Community or Denmark, the present Agreement or other international agreements.
2. The national law of Ukraine or of Denmark or European 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.

Article 3 - Definitions

For the purpose of this Agreement:

- a) "*Citizen of Denmark*" shall mean a person, who possesses or has acquired citizenship of Denmark in accordance with its national legislation;
- b) "*Citizen of Ukraine*" shall mean any person who holds the citizenship of Ukraine.
- 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 EU Member States.
- d) "*legally residing person*" shall mean a citizen of Ukraine authorized or entitled to stay for more than 90 days in the territory of a Schengen Member State, on the basis of Community 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.
- g) "*EU Member State*" shall mean any state which is a member of the European Union.

Article 4 - Supporting documents regarding the purpose of the journey

1. For the following categories of citizens of Ukraine, the following documents are sufficient for justifying the purpose of the journey to the other Contracting Party:
 - a) for members of official delegations who, following an official invitation addressed to Ukraine, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark and/or one of the other Schengen Member States by intergovernmental organisations:
 - a letter issued by an Ukrainian authority confirming that the applicant is a member of its delegation travelling to the other Contracting Party to participate at the aforementioned events, accompanied by a copy of the official invitation;
 - b) for business people and representatives of business organisations:
 - a written request from a host legal person or company, or an office or a branch of such legal person or company, state and local authorities of Denmark or organizing committees of trade and industrial exhibitions, conferences and symposia held in the territory of Denmark;
 - c) for drivers conducting international cargo and passenger transportation services to the territory of Denmark in vehicles registered in Ukraine:
 - a written request from the national association of carriers of Ukraine providing for international road transportation, stating the purpose, duration and frequency of the trips;
 - d) for members of train, refrigerator and locomotive crews in international trains, travelling to the territory of Denmark:
 - a written request from the competent railway company of Ukraine stating the purpose, duration and frequency of the trips;
 - e) 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;
 - f) 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;
 - g) 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, college or school or student cards or certificates of the courses to be attended.

- h) for participants in international sports events and persons accompanying them in a professional capacity:
 - a written request from the host organisation: competent authorities, national sport Federations and National Olympic Committee of Denmark;
 - i) for participants in official exchange programmes organised by twin cities:
 - a written request of the Head of Administration/Mayor of these cities.
 - j) for close relatives -spouse, children (including adopted), parents (including custodians), grandparents and grandchildren- visiting citizens of Ukraine legally residing in the territory of Denmark:
 - a written request from the host person.
 - k) relatives 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.
 - l) 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.
 - m) for visiting for medical reasons:
 - an official document of the medical institution confirming necessity of medical care in this institution and proof of sufficient financial means to pay the medical treatment.
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 the identity document, time and purpose of the journey, number of entries and name of minor children accompanying the invited person;
 - b) for the inviting person: name and surname and address or
 - c) for the inviting legal person, company or organisation: full name and address and
 - if the request is issued by an organisation, the name and position of the person who signs the request;
 - 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 Danish law;

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 the term of validity of up to five years to the following categories of the citizens of Ukraine:

- a) members of national and regional Governments and Parliaments, Constitutional and Supreme Courts 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 5 years;
- b) permanent members of official delegations who, following official invitations addressed to Ukraine, shall regularly participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark by intergovernmental organisations;
- c) spouses and children (including adopted), who are under the age of 21 or are dependant, and parents (including custodians) visiting citizens of Ukraine legally residing in the territory of Denmark with the term of validity limited to the duration of the validity of their authorisation for legal residence.
- d) business people and representatives of business organisations who regularly travel to Denmark;
- e) journalists.

2. Diplomatic missions and consular posts of Denmark shall issue multiple-entry visas with the term of validity of up to one year to the following categories of the citizens of Ukraine, 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) drivers conducting international cargo and passenger transportation services to the territory of Denmark in vehicles registered in Ukraine;
- b) members of train, refrigerator and locomotive crews in international trains, travelling to the territory of Denmark;
- c) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to Denmark;
- d) participants in international sports events and persons accompanying them in a professional capacity;
- e) participants in official exchange programmes organized by twin cities.

3. Diplomatic missions and consular posts of Denmark shall issue multiple-entry visas with the 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 the 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 Ukrainian citizens shall amount to 35€.

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

2. If Ukraine would reintroduce the visa requirement for EU citizens, the visa fee to be charged by Ukraine shall not be higher than 35€ or the amount reviewed and agreed on in the Agreement between the European community and Ukraine on the facilitation of issuance of visas.

3. Denmark shall charge a fee of 70 € for processing visas in cases where the visa application and the supporting documents have been submitted by the visa applicant within three days before his/her envisaged date of departure. This will not apply to cases pursuant to Article 6(4)(b),(c),(e),(f),(j),(k) and Article 7(3). For categories mentioned in Article 6(4)(a),(d),(g),(h),(i),(l) to (n), the fee in urgent cases is the same as provided for in Article 6(1).

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

- a) for close relatives - spouses, children (including adopted) parents (including custodians), grandparents and grandchildren-of citizens of Ukraine legally residing in the territory of Denmark;
- b) for members of official delegations who, following an official invitation addressed to Ukraine, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of Denmark by intergovernmental organisations;
- c) members of national and regional Governments and Parliaments, Constitutional Courts and Supreme Courts, in case they are not exempted from the visa requirement by the present Agreement;
- 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 close relative seriously ill;
- g) participants in international sports events and persons accompanying them.
- h) persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
- i) participants in official exchange programmes organised by twin cities;
- j) journalists;
- k) pensioners;
- l) drivers conducting international cargo and passenger transportation services to the territory of Denmark in vehicles registered in Ukraine;
- m) members of train, refrigerator and locomotive crews in international trains, travelling to the territory of Denmark;
- n) children under the age of 18 and dependant children under the age of 21.

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 up to 30 calendar days in individual cases, notably when further scrutiny of the application is required.
3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.

Article 8 - Departure in case of lost or stolen documents

Citizens of Denmark and of Ukraine who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Denmark or Ukraine, may leave that territory on the grounds of valid identity documents entitling to cross the border issued by diplomatic missions or consular posts of Denmark or EU Member States or of Ukraine without any visa or other authorisation.

Article 9 - Extension of visa in exceptional circumstances

The citizens of Ukraine 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 Kingdom of Denmark for the period required for their return to the State of their residence.

Article 10 - Diplomatic passports

1. Citizens of Ukraine, holders of valid diplomatic passports can enter, leave and transit through the territories of the Schengen Member States without visas.
2. Persons mentioned in paragraph 1 of this Article may stay in the territory 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 Ukraine shall be entitled to travel within the territory of the Schengen area on equal basis with Danish citizens.

Article 12 - Monitoring of the Agreement

Representatives of the Contracting Parties shall meet whenever necessary at the request of one of the Contracting Parties to discuss the implementation of this Agreement, and if deemed necessary, propose amendments to this Agreement, in particular in the light of changes to the Agreement between the European Community and Ukraine on the facilitation of issuance of visas.

Article 13 - Final clauses

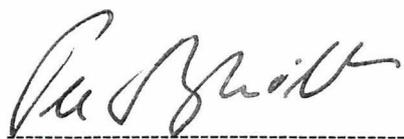
1. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that their internal procedures necessary for the entry into force of this Agreement have been completed.
2. By way of derogation to paragraph 1 of this Article, the present Agreement shall not enter into force before the date of the entry into force of the Agreement between the Government of the Kingdom of Denmark and the Cabinet of Ministers of Ukraine on the 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 Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.
5. Each Contracting 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 Contracting Party not later than 48 hours before its entry into force. The Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party once the reasons for the suspension no longer apply.

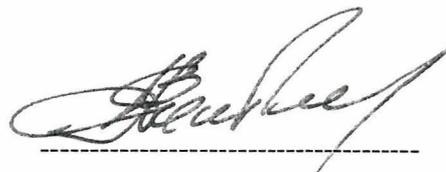
6. Each Contracting Party may terminate this Agreement by giving written notice to the other Contracting Party. This Agreement shall cease to be in force 90 days after the date of such notification is received.

Done at Copenhagen on 16 March 2007 in duplicate each in the English and Ukrainian languages, each of these texts being equally authentic. In case of any differences in interpretation the English text shall prevail.

For the
Government of the
Kingdom of Denmark

For the
Cabinet of Ministers of Ukraine





DECLARATION OF DENMARK ON ISSUANCE OF SHORT-STAY VISAS FOR VISITS TO MILITARY AND CIVIL BURIAL GROUNDS

Diplomatic missions and consular posts of Denmark shall, as a general rule, issue short-stay visas for a period of up to 14 days for persons visiting military and civil burial grounds.
