

MEMORANDUM OF UNDERSTANDING

ON VISA AND RELATED ISSUES CONCERNING TOURIST

GROUPS FROM THE PEOPLE'S REPUBLIC OF CHINA

(ADS)

MEMORANDUM OF UNDERSTANDING

On Visa and Related Issues concerning Tourist Groups from

The People's Republic of China

(ADS)

THE MINISTRY OF REFUGEE, IMMIGRATION AND INTEGRATION AFFAIRS OF THE
KINGDOM OF DENMARK,

and

THE NATIONAL TOURISM ADMINISTRATION OF THE PEOPLE'S REPUBLIC OF CHINA

Hereinafter referred to as "the Contracting Parties"

Desiring to facilitate organised group travel from the People's Republic of China to
the Kingdom of Denmark;

Conscious that such travel will require matters of visa and related issues to be
addressed;

Considering that such travel will contribute to strengthening the tourism sectors in
both the People's Republic of China and the Kingdom of Denmark;

Determined to ensure that this Memorandum of Understanding will be applied in
strict conformity with the applicable Chinese regulations and Danish law;

HAVE AGREED AS FOLLOWS:

Section I: Subject and Definitions

Article 1

Definitions

For the purpose of this Memorandum of Understanding:

- (a) “*Chinese Citizen*” shall mean any person who holds the passport of the People’s Republic of China.
- (b) “*Chinese Designated Travel agency*”, shall mean any travel agency selected and designated by the National Tourism Administration of the People’s Republic of China (CNTA).
- (c) “*Courier*” shall mean the person entitled to submit visa applications for a tourist group to the Embassy or consular offices of Denmark in China according to the procedure established in Article 4 paragraph 2 of this Memorandum of Understanding.
- (d) “Schengen Visa” is the uniform visa laid down in Article 10 of the Schengen Application Convention.

Article 2

Purpose and Scope of Application

This Memorandum of Understanding shall apply to the travel by tourist groups of Chinese citizens at their own expenses from China to Denmark. For this purpose, Denmark shall enjoy the status of an approved destination (ADS).

Such travel will be organised in accordance with the provisions and requirements set out in this Memorandum of Understanding.

Article 3
Tourist Groups

Participants in Chinese tourist groups shall enter and leave Denmark as a group. They shall travel within Denmark as a group according to the established travel programme. The minimum number of participants in a tourist group should be no less than five.

Section II: Visa Procedure and Readmission

Article 4
Visa Procedure

4.1. Chinese Designated Travel Agencies

(a) CNTA shall designate travel agencies in China (hereinafter referred to as “Chinese designated travel agencies”) which have been authorised by the CNTA to operate outbound travel of Chinese citizens to Denmark. The Embassy and consular offices of Denmark in China shall accredit these designated travel agencies to act as authorised representatives of the visa applicants. The CNTA will notify to the Danish Embassy the list of the Chinese designated travel agencies, including their addresses, telephone numbers, fax numbers, emails and contact persons.

(b) In case of any violation of Danish, EU and/or Chinese regulations by a Chinese designated travel agency in operating the outbound travel of the Chinese citizens, appropriate measures against such agency in accordance with the legislation in force will be taken. This includes, where appropriate, the withdrawal of the travel agency’s designation by CNTA, or of its accreditation with the Embassy or consular offices of Denmark in China.

4.2. Couriers

(a) Each Chinese designated travel agency may appoint up to two persons to act on their behalf and account as couriers in the necessary visa application process for

Chinese tourist groups wishing to visit Denmark. The couriers are entitled to submit visa applications for such groups to the Embassy or consular offices of Denmark in China.

(b) They shall be authorised to enter the Embassy or consular offices of Denmark with a badge issued by CNTA and a photo identity badge and certificate issued by the Embassy or consular offices of Denmark, to which the CNTA shall give relevant details of the persons acting as couriers of each travel agency. The certificate will contain at least the name and address of the travel agency and the name of the agent acting as courier.

(c) In case a designated travel agency is no longer accredited with the Embassy or consular offices of Denmark in China, the travel agency concerned is obliged to return the badges and certificates to the relevant Embassy or consular offices of Denmark for their subsequent invalidation. Furthermore, an accredited travel agency has the obligation to return the badge and certificate to the Embassy or consular offices of Denmark if the person who was acting as its courier is no longer employed in that capacity with that agency.

4.3. Visa Applications

(a) When lodging visa applications for a group of clients of an accredited Chinese travel agency with the Embassy or consular offices of Denmark in China, the travel agencies shall also submit the following documents: a communication signed by the representative of the said travel agency with information on the planned trip, payment of travel costs, adequate insurance, the names of the tour participants, together with each participant's passport and duly completed application forms signed by each traveller. Where necessary, further documents and/or information may be requested by the Embassy or consular offices of Denmark.

(b) The visa applications will be processed according to applicable legislation. Visas shall in principle be granted by the Embassy or consular offices of Denmark if Denmark is the sole or main destination of the foreseen visit to the Schengen area. Where it is impossible to determine if Denmark is the main destination, e.g. where visits of equal length are foreseen, the Embassy or consular offices of Denmark shall

be in charge of granting the visa, if Denmark is the country of first entry into the Schengen area. The Embassy or consular offices of Denmark may foresee personal or telephone interviews with applicants.

(c) The visa to be issued by the Embassy or consular offices of Denmark will be a Schengen visa, limited to a maximum of thirty days, issued in conformity with applicable legislation. It shall be an individual Schengen visa carrying the reference “ADS”.

(d) If the Embassy or consular offices of Denmark approves visa applications from travel agencies, other organisations or individuals that are not designated travel agencies by CNTA, CNTA shall not be responsible for any problems arising during the subsequent trip in Denmark.

Article 5

Illegal Overstay and Readmission

1. Chinese designated travel agencies and the participating Danish travel agencies are required to report, without delay, to their respective authorities, CNTA and the competent authority of the Kingdom of Denmark, any ADS tourist missing from the group as well as any ADS tourist not having returned to China.

2. In case of any illegal overstay of any ADS tourist, the related travel agencies of the Contracting Parties shall work immediately with the competent authorities of the Contracting Parties to help sending back and receiving the tourist, who shall be readmitted by the Government of the People’s Republic of China. Documentary evidence shall be provided to prove his or her identity as a Chinese citizen for the purpose of readmission. The airfare shall be borne by the tourist. If the tourist cannot afford it, the costs associated with his or her repatriation have to be borne by the competent authority of Denmark, which will then ask the relevant Chinese designated travel agency to pay back the airfare by receipt. In this case, the related Chinese travel agency shall repay the airfare cost to the competent authority of Denmark within 30 days after the readmission of the tourist and recover the costs from the tourist.

Section III: Implementation and Information Exchange

Article 6

Information Exchange

1. In order to ensure the sound operation of this Memorandum of Understanding, the Contracting Parties shall exchange information and data in good time, and work closely together. Representatives of the Contracting parties shall meet when necessary at the request of one of the Contracting Parties.
2. Denmark shall participate in the group of embassies which will be consulted by the EU-Commission in connection with meetings held in the Approved Destination Status Committee set up according to Article 6, paragraph 2, in the ADS Memorandum of Understanding between CNTA and the European Community.

Section IV: Final Provisions

Article 7

Entry into Force, Duration and Termination

1. This Memorandum of Understanding shall enter into force on the date of signature, but not prior to the entering into force of the Memorandum of Understanding between the CNTA and the European Community.
2. This Memorandum of Understanding shall remain in force indefinitely, unless terminated in accordance with paragraph 3 of this Article.
3. Each Contracting Party may terminate this Memorandum of Understanding by giving written notice to the other Contracting Party. This Memorandum of Understanding shall cease to apply three months after the date of such notification.
4. This Memorandum of Understanding 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. This Memorandum of Understanding shall be legally binding on the two Contracting Parties.

Done in Beijing on the 26th day of February in the year 2004, in duplicate in Chinese and English, each of these texts being equally authentic.

**For the
Ministry of Refugee, Immigration and Integration
Affairs of the Kingdom of Denmark**

**For the
National Tourism Administration
of the People's Republic of China**

Joint Declaration on Implementation Arrangements

1. Travel Agencies

The Ministry of Refugee, Immigration and Integration Affairs of the Kingdom of Denmark shall furnish to CNTA a list of the travel agencies in Denmark including their addresses, telephone numbers, fax numbers, emails and contact persons. This list should be updated regularly and transmitted to CNTA.

The Contracting Parties furthermore understand that both Contracting Parties' travel agencies shall be entitled to select their own business partners from the other Contracting Party and conclude contracts with them. The said travel agencies are responsible for all business arrangements covering the tour such as the tour programmes, costs, services, and payments in the tour contract with their respective business partners.

2. Protection of Chinese tourist rights

The legitimate rights and interests of the Chinese citizens travelling to Denmark in tourist groups shall be protected by the pertinent legislations of China and Denmark. In case of violation, those regulations shall be applied to the relevant agencies.

Denmark encourages its tourism service providers to set up hotlines for consultation and emergency assistance to Chinese tourists.

3. Tour Leaders and Tour Guides

The Contracting Parties agree that Chinese designated travel agencies shall appoint a tour leader or tour leaders for each group.

The tour leader shall ensure that Chinese tourist groups travelling to Denmark in

accordance with this Memorandum of Understanding enter and leave Denmark as a group. The tour leader will be required to carry copies of all tickets and passports throughout the trip.

The Contracting Parties take note that, in addition to the obligatory tour leader provided by the Chinese travel agencies, Danish travel agencies may provide tour guides for each Chinese tourist group for the duration of the stay in Denmark. These tour guides may accompany the group from the time it enters to the time it leaves Denmark, on the conditions provided by the law applicable in Denmark, and endeavour to solve any problems that may arise in consultation with the Chinese tour leader.

4. Information Requirements

Denmark encourages its tourism service providers to make relevant information available to the Chinese designated travel agencies, in particular regarding travel possibilities to and within Denmark, important travel services for Chinese travellers and their prices and information which serves to protect the travellers' legitimate rights.

5. Documentary Evidence

The Contracting Parties agree that documentary evidence referred to in Article 5, paragraph 2 of this Memorandum of Understanding, shall include passports, visa applications, immigration control records, travel agency documents, or photocopies thereof.