



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 6 July 1999 (14.07)
(OR. f)**

9858/99

LIMITE

**VISA 45
COMIX 125**

OUTCOME OF PROCEEDINGS

from : Mixed Committee on Visas (Norway and Iceland)
dated : 18 June 1999

1. Adoption of the agenda

The agenda in telex No 2698 of 8 June 1999 was adopted, with the addition of sub-items (a) to (d) under "Other business).

2. Discussion on the proceedings of the Visa Working Party after the entry into force of the Amsterdam Treaty

The Presidency pointed out that three main questions arose following the entry into force of the Amsterdam Treaty:

- adoption of rules governing third-country nationals required to have visas and third-country nationals exempt from the visa requirement. In this matter:
 - (a) the right of initiative lies with the Commission;
 - (b) two lists currently co-exist (EU and Schengen);
 - (c) Denmark, Ireland and the United Kingdom have the possibility of opting out;
- the Council Regulation on the visa sticker: the same questions arise in this matter.

- procedures and conditions for awarding visas: in this instance the right of initiative is shared for five years between the Commission and the Member States.

The Commission representative gave his views on the matter. He stated that:

- (a) all aspects relating to visa policy had been *communitarised* by the Treaty;
- (b) the institutional procedure had been clarified (right of initiative, relations with the European Parliament, position of DK, IRL, UK, Schengen breakdown);
- (c) the Treaty itself laid down a timetable which had been clarified at the Vienna European Council.

Furthermore, the Commission representative stated that in the very near future a proposal would be submitted for the Regulation setting out the list of third countries. Lastly, he stated that the Commission wanted, in agreement with the Finnish Presidency, to place before the Working Party a discussion and working paper on all the above issues.

The Portuguese delegation wondered about extending the Working Party's mandate. In its opinion that mandate was not wide enough to deal with all questions relating to the free movement of aliens which had previously been dealt with in the Schengen Visa Working Party.

In that connection:

- (a) the Presidency stated that it saw the mandate differently, namely as covering all such questions;
- (b) the Commission representative stated that the proposal on the list of third countries should take into account Article 62(3) of the Treaty.

This last question was challenged by the Portuguese and Belgian delegations, which felt that the proposal should be confined to a positive and negative list, with conditions governing entry and residence being dealt with separately. That viewpoint was shared by other delegations.

The United Kingdom delegation stated that the current period was a period for consideration and expressed its wish that in future any new instrument be preceded by an informal policy debate.

The Netherlands delegation felt that the proceedings of the Vision Group should continue in the Visa Group framework.

3. Extension of the Common Consular Instruction
8698/99 VISA 33 COMIX 9

The Presidency presented the changes made to the CCI by decision of the Executive Committee of 28 April 1999.

The French delegation raised the question of updating the CCI.

All delegations expressed their views on this subject, as did the representative of the Council Legal Service and the Commission representative.

In view of the divergence of delegations' positions, the Council Legal Service was asked to prepare a position on the matter with a view to its discussion at the meeting on 20 July 1999.

4. Issue of visas to nationals of the Republic of Yugoslavia

The German delegation stated that the conditions governing the issue of visas contained in the CCI should also be complied with in the case of visas issued to Kosovo nationals (financial cover, detailed analysis of the invitation, monitoring of the right to return). However, in view of the situation in that region (absence of documents), stringent application of the CCI becomes very difficult, as humanitarian cases are involved.

For the above reason the German delegation was of the opinion that the CCI standards should be applied flexibly in the case of Kosovar refugees wishing to visit their families in a Schengen State.

All the delegations shared that point of view.

5. **Other business**

(a) **Letter from the US Embassy in Bonn and letter from the Japanese Mission in Brussels**

These letters raise the question of the compatibility of the visa exemption agreements prior to or post 1993 with the new provisions of the Treaty.

The Portuguese delegation took the view that the question of the compatibility of those agreements with the Treaty should not be discussed until the Council adopted the instruments implementing Article 62(3).

The Belgian delegation took the view that the question should not be discussed in the framework of Title IV but under the Protocol integrating the Schengen *acquis* into the framework of the European Union.

The Spanish delegation felt that any reply on this matter should be in writing, to be dealt with ultimately by Coreper.

At the delegations' request, the Legal Service will produce an opinion on the subject, so that it can be discussed at the meeting on 20 July 1999.

(b) **The year 2000 effect in the Vision system**

The French delegation called for this item to be placed on the agenda for the next meeting; a safeguard procedure needed to be established for any country subject to consultation in case of a breakdown in the system.

(c) Rule governing the issue of LTVVs

The French delegation emphasised to the other delegations that the Consulates of the Schengen States should apply very stringently the rules governing the issue of LTVVs in countries subject to consultation.

(d) Issue of visas in Taiwan

The French delegation stated that in the case of persons bearing Taiwanese documents the seal affixed to the visas was that of the Manila Embassy in Taipei. A *tour de table* on this question was conducted, in the course of which the delegations explained the procedure followed in this instance.
