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NOTE

from : the Presidency

to : Steering Group I (Asylum and Immigration)

No. prev. doc. : 7737/94 ASIM 122, 8490/94 ASIM 145

Subject : Travel facilities for third country nationals resident in a Member State

The Visa Working Party has examined on 2 occasions the Presidency proposal concerning the above subject. The results of these discussions are set out below.

1. Facilities for travel by school groups

There was overall recognition of the fact that action is required to facilitate intra community travel of school groups comprising both EEC and third country nationals. This should apply to those involved in full time secondary/primary education and involved in an organized educational trip arranged through the school.

A number of delegations, including the Presidency, believe that a school list authenticated by the appropriate national authorities could serve a dual purpose, both as a substitute for a travel document (group or individual) and, in the case of third country nationals, constitute the necessary waiver for the visa requirement, such a list could consist of the names of the children and teachers involved and include photographs where appropriate. Student cards for the school children involved could also be appended.

There was a general view expressed by those delegations in favour of such a solution that the format of the list should be standardised within the Union.

Other delegations consider that the proposal should limit itself to a waiver for the visa requirement for school children who are third country nationals. These delegations take the view that Articles 7 and 8 of the External Frontiers Convention require the possession of a valid travel document authorizing the crossing of frontiers and that a list drawn up the school cannot be a substitute for this. Thus in particular the Irish and United Kingdom delegations cannot support the views held by the Presidency as they have no mandate to modify travel document arrangements currently in force; current legislation would have to be changed to facilitate a new form of travel document.

Certain delegations have indicated the danger of complicating a proposal whose original aim was to ease the travel of such groups.

In the circumstances the Presidency would welcome the views of the Steering Group on this issue bearing in mind the comments set out above.

2. Facilities for other groups or individuals

Discussions have shown that a number of difficulties arise if the visa waiver is applied, say to student groups or sports clubs, especially in relation to security aspects. The Presidency would welcome the views of the Steering Group on this issue, particularly in relation to the usefulness or otherwise taking these ideas forward.

The question of waiving the visa requirement for spouses of either EEC nationals or third country nationals having a long term permit to reside in a Member State which could constitute the equivalent of a visa has also been examined.

While the majority of delegations were generally in favour of relaxing the visa requirement for such persons, especially for spouses of Community nationals, including children, others (Greece, Ireland, Portugal, United Kingdom) felt that this question should be taken forward solely through the External Frontiers Convention.

In view of the lack of consensus on this issue, the Presidency requests the Steering Group to examine this question with a view to adopting a position on the usefulness or otherwise of taking this matter forward in the present circumstances.
