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**Note**

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from: Presidency

to : External Frontiers Working Party

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Subject: Definition of persons entitled under Community law in Article 1(a) of the draft  
External Frontiers Convention

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## PRESIDENCY NOTE

Subject : Definition of persons entitled under Community law in Article 1(a) of the draft External Frontiers Convention

Article 1(a) of the draft Convention on controls on persons crossing external frontiers lays down a definition of "persons entitled under Community law" in accordance with Article 1(a) of the draft should be defined with reference to :

- Community law,

and

- the agreed view of all Member States regarding those third countries whose nationals (including members of their families) are to be treated in the same way as EU citizens for the purposes of crossing external frontiers, together with an open-ended clause allowing for countries to be included in that list in future.

The following definition of persons entitled under Community law in Article 1(a) of the draft Convention is proposed:

- (a) "Persons entitled under Community law" means :
- (i) Citizens of the Union within the meaning of Article 8(1) of the Treaty establishing the European Community ;
  - (ii) members of the family of such citizens who are nationals of a third State and have the right of entry and residence in a Member State by virtue of an instrument enacted under the Treaty establishing the European Community;

- (iii) nationals of States listed in the Annex to this Convention as well as members of their families who come within the scope of Community legal provisions on entry and residence".

In addition, the following joint declaration should be included in the Annex to the Convention:

" The Member States declare that nationals of Iceland, Liechtenstein, Norway and such States as may subsequently be included in this Annex by unanimous decision of the Council are persons entitled under Community law within the meaning of Article 1(a)(iii) of the Convention.

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