

6306/2/99  
REV 2

LIMITE

VISA 13

**NOTE**

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from : Presidency

to : Visa Working Party

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Subject: Draft position of the Visa Working Party on the strategy paper on migration and asylum policy

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On 21 January 1999 the K.4 Committee decided, on the basis of a proposal from the Presidency (5337/99 CK4 4 ASIM 3), to discuss selected passages of the strategy paper on migration and asylum policy (9809/2/98 CK4 27 ASIM 170 REV 2) in the relevant Council working parties. To assist them in their deliberations, delegations will find attached the draft position of the Visa Working Party on the strategy paper on migration and asylum policy.

The outcome of the discussion, together with the results of the other working parties' proceedings, is to be summarised in one document. At a second stage, topics are to be extracted from that document and may form the basis of discussions in the Tampere European Council on 15 and 16 October 1999.

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## **SEMDOC**

Statewatch European Documentation &  
Monitoring Centre on justice and home  
affairs in the European Union

PO Box 1516, London N16 0EW, UK  
tel: 0181 802 1882 (00 44 181 802 1882)  
fax: 0181 880 1727 (00 44 181 880 1727)

## Draft

### Position of the Visa Working Party on the strategy paper on migration and asylum policy

The strategy paper on migration and asylum policy deals with the development of visa policy and practice, particularly in points 87 and 88. The text of these points will therefore be set out prior to the position:

"87. Management begins in the country of origin when a visa is granted. In recent years considerable progress has proved possible - initially in the Schengen context and subsequently at EU level: the lists of States whose nationals require visas and those which do not, the technical standardisation of visa stickers, a unified, Europe-wide communication system linking visa authorities within the framework of the SIS and a number of alignments in visa practice, particularly as regards the requirements for the grant of visas. There should be no going back on these achievements."

"88. Nonetheless, it must be admitted that even in these standardised areas certain questions of detail are still - or in the case of the visa list, once again - unresolved and require an urgent solution. However, the entire system suffers particularly from the fact that in practice the standardisation covers only certain types of short-stay visas and no efforts have yet been made to reduce the countless number of national visas to a few types affording the same privileges in all Member States. The issue to be tackled here is particularly the harmonisation of medium- and long-term residence permits. It must at least ensure that border-control bodies are in a position to carry out effective checks and that there is no incitement to secondary migration within an internal area where there are no controls."

Development of the European Union's common visa policy ensures proper handling of necessary and desirable passenger transport operations with certain third States. The common visa policy is a reliable and effective instrument for controlling migration.

The common visa policy can be effective if the following three factors are taken into account:

1. Common policy towards States whose nationals must be possession of a visa and those whose nationals are exempt from that requirement.
2. Uniform format for visas by means of security documents and further measures to guarantee the authenticity of the issuing of visas.
3. Visa practice: procedure and requirements for the grant of visas.

This leads to the following evaluation:

1. Common policy towards States whose nationals must be possession of a visa and those whose nationals are exempt from that requirement.

(a) Through the incorporation of the Schengen acquis and thereby the Schengen visa rules into the EU, the identification of those States requiring visas is largely complete.

Under a newly adopted and expanded regulation on visa lists, efforts should be made to compile a definitive inventory of countries in positive and negative lists.

(b) Furthermore, the harmonisation of visa requirements for holders of official duty passports and diplomatic passports is gradually being seen as desirable. (\*)

2. Uniform format for visas by means of security documents and further measures to guarantee the authenticity of the issuing of visas.

(a) Further development of the security features of the common visa must be guaranteed. To this end, regular adjustment of the visa sticker approach is necessary, in order to counter promptly any reproduction attempts.

(b) In addition, the use of new technical facilities should be considered. It should be possible for the authorities to investigate rapidly and effectively the lawfulness of residence, independently of the body issuing the visa.

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(\*) Reservation by P.

3. Visa practice: procedure and requirements for the granting of visas.

- (a) Visa practice must be examined in greater detail on the basis of the EU and Schengen acquis. The Common Consular Instruction of the Schengen States will take priority in this respect.
- (b) The procedures and requirements for granting and issuing visas should be brought further into line.
- (c) In this connection, the question of whether a standard procedure may be applied to longer-term visas - in addition to short-stay visas - needs to be examined.
- (d) Local consular cooperation must be intensified. In addition, consideration should be given to whether joint visa-issuing offices should be set up at certain diplomatic representations abroad.

