EUROPEAN UNION
THE COUNCIL

Brussels, 15 September 1994

9206/94

RESTREINT

ASIM 171

OUTCOME OF PROCEEDINGS

from : Visa Working Party

dated: 9 September 1994

1. Adoption of the Agenda

The agenda set out in Telex n° 2976 of 26 July 1994 was adopted.

2. Travel facilities for 3rd country nationals residing in a Member State

[Docs 7737/94 ASIM 122, 8494 ASIM 145]

The Working Party, following its discussions on the Presidency proposal at its previous meeting, examined in depth the question of easing travel arrangements among Member States for 3rd country nationals (school children in full time education) travelling in school groups. It also examined the possibility of anticipating the provisions of Articles 7 and 8 of the Draft External Frontiers Convention for other categories, in particular spouses of long term residents and those of EEC nationals. The report of these discussions is set out in doc. 9207/94 ASIM 172 addressed to Steering Group I.

2. **Regulation concerning 3rd country nationals who must be in possession of a visa**

[Docs 11287/93 ASIM 32, 8490/94 ASIM 145]

(i) It was agreed that the main principles which will form the basis to the legal text should be submitted to the Steering Committee for approval (see annex). These are based on the elements considered fundamental to the regulation which are set out in doc. 8490/94 ASIM 145 P 3.

The Chair would also examine the possibility of a compromise proposal concerning the drawing up of the list of nationals of third countries required to be in possession of a visa. This could involve harmonisation throughout the Community by stages. The list might be reviewed on a regular basis, with the aim of full harmonisation clearly recognized from the outset.

(ii) In conformity with the decision taken by the Working Party at its previous meeting, a start was made on the examination of the visa requirement on a country by country basis for nationals of 3rd countries as set out in the annex to the Commission's proposal.

It was decided that, in order to facilitate this task, work should concentrate on those countries where differences prevailed between the 'Schengen countries' which can agree to the visa requirement being applied to all the 126 countries proposed by the Commission and the remainder which have no visa requirements for a number of countries included on the list.

This exercise would be undertaken in writing on the basis of a form to be circulated by the Secretariat.

4. <u>Proposed Council Regulation laying down a uniform format for visa</u>

[Doc. 9100/94 ASIM 168]

Following the formal transmission the Commission's proposal to the Council, the Working Party proceeded to a first reading of the text. The Working Party will continue its detailed examination of the proposal at its next meeting.

(Commission proposal for a Regulation determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States – ASIM 32 Annex 5)

Referring to previous discussions and the outcome of proceedings of the last meeting (ASIM 145), the Chairman summed up Member States' agreement on the enacting terms of the draft Regulation as follows:

1. Article 100c must be interpreted literally and therefore narrowly. It is the appropriate legal basis only for laying down a list of third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States (negative list).

2. Member States can at their own discretion decide whether to impose a visa requirement for States other than those on the list of those subject to a visa requirement in accordance with Article 100c.

3. Mutual recognition of visas is not a concern of this Regulation. That and the criteria for granting visas should be covered by the External Frontiers Convention.

4. Nationals of new States must initially be subject to a visa requirement.

5. There should be an exception clause for holders of diplomatic and service passports, specific groups of individuals (e.g. aircrew and ships' crew) and for transit and re-entry visas.

6. The Regulation must contain a general definition of visas.

7. The Regulation must include provisions on the visa requirement for stateless persons.