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EUROPEAN UNION
THE COUNCIL

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RESTREINT

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NOTE

from : the Presidency

to : Visa Working Party

No. prev. doc. : 9480/94 ASIM 182
7737/94 ASIM 122

Subject : Travel facilities for third country nationals (school pupils) resident in a Member State

Members of the Working Party will find attached the Presidency text for a joint action concerning travel facilities for school pupils.

The text will be discussed at the next meeting of the Visa Working party scheduled to take place on 27 October 1994.

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)

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DRAFT PROPOSAL
FOR A COUNCIL DECISION
ON A JOINT ACTION ADOPTED BY THE COUNCIL
ON THE BASIS OF ARTICLE K.3 § 2(b)
OF THE TREATY ON EUROPEAN UNION CONCERNING
TRAVEL FACILITIES FOR SCHOOL PUPILS FROM THIRD COUNTRIES
RESIDENT IN A MEMBER STATE

(Presidency Text)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Union and, in particular Article K.3 § 2(b); thereof.

Having regard to the initiative by the Federal Republic of Germany;

Whereas under Article K.1 of the Treaty establishing the European Union, policy regarding nationals of third countries is considered as a matter of common interest for the Member States ;

Whereas this policy includes in particular the determination of conditions of entry and movement by nationals of third country on the territory of Member States in accordance with Article K.1 § 3(a);

Whereas the granting of travel facilities for school pupils who are legal residents in the European Union is an expression of a policy pursued by the Member States with a view to improved integration of third country nationals and shall take place without prejudice to the competence of the European Community in this area;

DECIDES :

Article 1

(1) A Member State shall not require a visa of a school pupil who is not a national of a Member State and who seeks to enter its territory either for a short stay or transit if :

a) in the framework of a school excursion, he/she is travelling as a member of a group of school pupils from a general education school;

b) the group is accompanied by a teacher from the school in question who is able to present a list of the schoolchildren he/she is accompanying, issued by the school in question on the common form contained in the Annex :

- identifying the school pupils being accompanied;
- documenting the purpose and circumstances of the intended stay of transit;

c) he/she presents a travel document valid for crossing the border in question;

(2) A member state may refuse entry of a school pupil if he/she does not fulfil the relevant national immigration conditions.

Article 2

The Member States shall agree to take back without restriction school pupils who are third country nationals admitted on the basis of this action.

Article 3

The list of pupils which must be carried on crossing the border in question as required by Article 1(b), shall be recognized as a valid travel document in all Member States within the framework of this action only where :

- a current photograph is included for any of the school children unable to identify themselves with an ID card bearing a photograph;
- the responsible authority of the Member State in question confirms residence status of the third country nationals as well as his/her right to reentry and ensures that the document is authenticated accordingly;
- the Member State in question notifies other Member States that it wishes this article to apply in respect of its own lists.