

JHA
7A-3

10043/95

LIMITE

ASIM 253

"A" ITEM NOTE

to : Council

No. prev. doc.: 8459/95 ASIM 201

Subject: Proposal for a Council Regulation determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States

1. At its meeting on 20 and 21 June 1995, the JHA Council agreed in principle to the proposal for a Regulation and to a number of Statements for the Council minutes.

In view of the Italian delegation's reservation on the inclusion of the Federal Republic of Yugoslavia (Serbia-Montenegro) in part II of the list of countries annexed to the Regulation and the linguistic scrutiny reservations of the Finnish and Swedish delegations, the JHA Council concluded by referring the matter to a forthcoming Council meeting.

2. The Italian delegation withdrew its reservation at the General Affairs Council meeting on 17 July 1995.

it was concluded that the Regulation would be adopted as an "A" item at a forthcoming Council meeting, following finalization of the text by the Working Party of Legal/Linguistic Experts and the withdrawal of the Finnish and Swedish linguistic reservations.

3. At the meeting of the Permanent Representatives Committee on 20 September 1995, the Greek, Austrian, Finnish, Swedish and United Kingdom delegations entered provisional or linguistic reservations, but are not opposed to inclusion as an "A" item since they hope to be able to withdraw their reservations at the Council meeting.

4. Subject to the previous paragraph, the Permanent Representatives Committee recommends to the Council that it:

- adopt the text of the Regulation as finalized by the Working Party of Legal/Linguistic Experts and set out in **9632/95 ASIM 240**;
- enter the annexed statements in the Council minutes.

STATEMENTS

to be entered in the minutes of the Council
which adopts the Regulation
and to be published

Re Article 2(3)

The Council states that for the purposes of Article 2(3):

- due account will be taken of United Nations Security Council Resolutions, particularly where it has condemned the entities or authorities in question, has called on all States not to recognize them and has declared their actions legally null and void;
- it will have to be determined which passports and travel documents are to be recognized as valid, in accordance with those Resolutions, under the provisions of Title VI of the Treaty on European Union, with regard to the harmonization of the conditions governing the issue of visas.

The Council states that, where it proposed to amend part II of the Annex to this Regulation as regards the inclusion of entities and territorial authorities not recognized by all the Member States, the Council will consider the specific foreign policy aspects involved before taking its decision; in any event the recognition of passports and travel documents issued by non-recognized entities and territorial authorities is a matter for the Member States and could be the subject of a decision under Title VI.

The Council states that, in view of the special situation there, the treatment of Chinese nationals with right of abode in Hong Kong and Macao will be determined later.