



SG1 WP6
053

**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 23 March 2000 (28.03)
(OR. fr)**

**5905/1/00
REV 1**

LIMITE

**VISA 26
COMIX 134**

Subject: Draft initiative by the Portuguese Republic for the adoption of a Council Regulation on the period for which third-country nationals exempt from visa requirements are free to travel within the territory of the Member States

Delegations will find attached the above draft initiative.

DRAFT
COUNCIL REGULATION (EC) No /2000
of

on the period for which third-country nationals exempt from visa requirements
are free to travel within the territory of the Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(3) thereof,

Having regard to the initiative by the Portuguese Republic ¹,

Having regard to the Opinion of the European Parliament ²,

Whereas:

- (1) Community immigration policy in the field referred to in Article 62(3) of the Treaty includes measures setting out the conditions under which nationals of third countries are to have the freedom to travel within the territory of the Member States during a period of no more than three months;
- (2) Provision should be made, however, for measures enabling a further three-month period to be granted, on a reciprocal basis, for nationals of countries exempt from visa requirements for the purposes of crossing the external borders of the Member States;
- (3) This Regulation is based upon the Schengen acquis, in accordance with the Protocol integrating the Schengen acquis into the framework of the European Union,

¹ O J C

² Opinion delivered on (not yet published in the Official Journal).

HAS ADOPTED THIS REGULATION:

Article 1

Nationals of third countries who are exempt from visa requirements shall have the freedom to travel within the territory of the Member States for a period of not more than three months, during the six months following the date on which they first crossed the external border of a Member State, provided that they fulfil the conditions set out below:

- (a) they possess a valid document or documents authorising them to cross the border of the Member State;
- (b) they produce, if necessary, documents establishing the purpose and conditions of the intended stay and they have sufficient means of subsistence, both for the period of the intended stay and for the return to their country of origin or transit to a third State into which they are certain to be admitted, or are in a position to acquire such means lawfully;
- (c) they are not persons for whom an alert has been issued for the purposes of refusing entry;
- (d) they are not considered to be a threat to the public policy, national security or international relations of any of the Member States.

Article 2

International agreements may be negotiated, on a reciprocal basis, between the Community and third countries whose nationals do not require visas, in order to determine the conditions under which **the period of free movement referred to in Article 1 may be extended for a maximum period of three months, for** nationals of those countries, during the twelve months following the date on which they first crossed the external border of a Member State.

Article 3

Entry into force

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Communities.

This Regulation shall apply to those Member States which have signed protocols of accession to the Schengen agreements as from the dates set by the Council, acting unanimously among its members referred to in Article 1 of the Protocol integrating the Schengen acquis into the framework of the European Union, unless the conditions for the accession of any of those States to the Schengen acquis are fulfilled before the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels,

For the Council
The President