Visas: third countries whose nationals must be in possession of a visa when the are crossing EC external borders

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OBJECTIVE: to draw up a list of third countries, common to all the Member States, whose nationals must be in possession of a visa to enter the territory of the Union. SUBSTANCE: this draft Council Regulation follows the Court of Justice judgment of 10 June 1997 in case C-392/95 European Parliament v Council annulling the previous regulation adopted on 25 September 1995 (see CNS0938: Council Regulation 2317 /95/EC determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States. This judgment explicitly required a new text on the same subject with appropriate consultation of Parliament. With regard to the substance, the new draft regulation includes all the provisions of the annulled regulation, i.e.: - a list of 100 third countries and one territorial entity not recognized as a State by all the Member States (Taiwan), common to all 15 Member States, whose nationals are required to be in possession of a visa when crossing the external borders of the Union; - an exception to the principle of the visa requirement: there are provisions allowing Member States to decide whether or not to impose a visa requirement for nationals of third countries from States or territorial entities not recognized as States by all the Member States and not on the common list. This derogation is also applicable to stateless persons and recognized refugees in the Member States and for certain categories of people such as civilian air and sea crew, flight crew and attendants on emergency or rescue flights and other helpers in the event of disaster or accident and holders of diplomatic passports, official duty passports and other official passports; - with a view to ensuring that the system is administered openly and that the persons concerned are informed, derogation measures must be notified to the other Member States and the Commission and published in the Official Journal of the European Communities; The draft states that the