

Visas: Council implementing powers for examining visa applications, instrument Vision. Initiative Finland

2000/0805(CNS) - 26/05/2000 - Initial legislative proposal

PURPOSE: the adoption of a Regulation reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications. **CONTENT:** The Common Consular Instructions (CCI) on Visas for the Diplomatic Missions and Consular Posts have been established with a view to implementing the provisions of Title 11, Chapter 3 of the Convention, signed in Schengen in 1990, implementing the Schengen Agreement of 1985 between the governments of the Benelux, France and Federal Republic of Germany on the gradual abolition of checks at their common borders. Certain detailed provisions and practical procedures for examining visa applications in the diplomatic missions and consular posts of Member States participating in the closer cooperation referred to in Art. 1 of the Schengen Protocol, contained in the CCI and the Annexes thereto, are to be adopted and regularly amended and updated in order to meet the operational requirements of the relevant consular authorities. In addition, a manual of documents to which a visa may be affixed has been established pursuant to Annex 11 of the CCI. It is necessary that the provisions of this manual be adopted and regularly amended and updated in order to meet the operational requirements of the relevant consular authorities. Furthermore, a manual concerning the issuance of Schengen visas in third States where all the Schengen States are not represented has been established. It is also necessary that the provisions of this manual be adopted and regularly amended and updated. Various provisions of Title II, Chapter 3 of the Schengen Convention, and in particular Art. 17 thereof, and of the CCI, provide for implementing decisions to be taken by the Executive Committee, established by the Schengen agreements adopted before 1 May 1999, for which the Council has now been substituted, pursuant to Art. 2 of the Schengen Protocol. Pursuant to Art. 1 of that Protocol, cooperation in the context of the Schengen acquis is to be conducted within the institutional and legal framework of the EU and in compliance with the relevant provisions of the Treaty on EU and of the Treaty establishing the European Community. It is therefore appropriate to set out in a Community act the procedure by which such implementing decisions should be taken. Since the Member States have an enhanced role in respect of the development of visa policy, reflecting the sensitivity of this area, in particular involving the political relations with third countries, the Council reserves the right, during the transitional period of 5 years, to adopt, amend and update the detailed provisions and practical procedures referred to above by unanimity, pending a review by the Council of the conditions under which such implementing powers would be conferred on the Commission after the end of this transitional period. Some of those provisions and procedures require confidential treatment in order to prevent risk of abuse. It is also necessary to provide for a procedure whereby the members of the Council and the Commission are informed without delay of all amendments to the manual of documents to which a visa may be affixed, to the manual concerning the issuance of Schengen visas in third States where all the Schengen States are not represented, and to those Annexes of the CCI which consist, in whole or in part, of lists of factual information which must be provided by each Member States in accordance with the rules which it currently applies, and which therefore do not fall to be adopted, amended or updated by an act of the Council. Those elements of the CCI and the Annexes thereto which are not subject to amendment by either of the procedures (depending on the amendment, either direct communication of the amendment to the Secretary-General of the Council or the drafting of a proposal for consultation with other Member States) provided for in this Regulation should be amended in accordance with the provisions of Title IV of the Treaty establishing the European Community, and in particular Arts. 62(2), 62 (3) and 67 thereof.