

Schengen: issue of visas at the border, seamen in transit. Initiative Spain

2002/0810(CNS) - 14/05/2002 - Legislative proposal

PURPOSE : to present a Council Regulation on the issue of visas at the border, including the issue of such visas to seamen in transit. **CONTENT** : the rules for issuing visas at the border to seamen in transit need to be clarified and updated, in particular to allow group transit visas to be issued at the border to seamen who are of the same nationality and are travelling in a group, as long as the period of transit is limited. It is therefore necessary to replace the rules contained in the Schengen Executive Committee Decision of 19 December 1996 on issuing visas to seamen in transit by the rules set out in the present Regulation. In the interests of clarity, these rules should be amalgamated with the general rules contained in Schengen Executive Committee Decision of 26 April 1994 on the issue of visas at the border, which also corresponds to Annex XIV of the Common Manual. The said Decisions and Annex should therefore be repealed. When deciding on the format of the separate sheet mentioned in Annex I to which the group transit visa should be affixed, Member States should take into account the uniform format, as set out in Council Regulation 333/2002/EC of 18 February 2002 on uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form. The Council reserves the right, during the transitional period of five years referred to in Article 67(1) of the Treaty, and pending a review by the Council of the conditions under which such implementing powers would be conferred on the Commission after the end of that transitional period, to amend the Annexes of this Regulation as necessary. The reservation of such implementing powers to the Council is necessary in order to have a flexible procedure in place for an initial period after the adoption of the proposed Regulation. This allows the Member States or the Commission to propose urgent amendments to the operational instructions contained in Annex I, as well as to the form contained in Annex II, in the light of the experience gained in their use. In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Regulation, and is not bound by it or subject to its application. As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen acquis. Moreover, Ireland and the United Kingdom are not participating in the adoption of this proposed Regulation. The proposed Regulation stipulates that in exceptional circumstances, a third-country national who is required to be in possession of a visa when crossing the external borders of the Member States, may be issued with a short-stay visa at the border where the following conditions are satisfied: a) he shall fulfil the conditions laid down by the Convention implementing the Schengen Agreement of 1985; b) he shall submit supporting documents substantiating 'unforeseeable and imperative' reasons for entry; and c) return to his country of origin or transit to a third State shall be assured. A visa issued at the border when the conditions described above are satisfied may, as appropriate, be either: a uniform visa or a visa with limited territorial validity within the meaning of the provisions of Article 10(3) of the Schengen Convention. In both cases, the visa issued shall not be valid for more than one entry. The validity of such short-stay visas shall not exceed 15 days. A third-country national who applies for a transit visa at the border shall be in possession of the visas required to continue his journey to States of transit other than Member States, and for the State of destination. The transit visa issued shall allow for direct transit through the territory of the Member State or Member States concerned. The validity of such a transit visa shall not exceed five days. Lastly, a third-country national falling within a category of persons for which it is obligatory to consult one or more of the central authorities of other Member States shall not, in principle, be issued with a visa at the border.