EC/China agreement: authorised destination status ADS for Chinese tourists, readmission obligation, visas

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PURPOSE : on the signing and conclusion of the Memorandum of understanding between the EC and the National Tourism Administration of China on visa and related issues concerning tourist groups from China. PROPOSED ACT : Council Decision. CONTENT : China will become one of the biggest sources of global tourism within the next ten years. It is estimated that 100 million Chinese could be travelling abroad by 2020 and increased Chinese tourism to Europe will undoubtedly lead to substantial economic and cultural benefits. However, travel restrictions still apply for Chinese nationals. According to Chinese legislation, Chinese nationals can make tourist tours abroad only to tourist destinations which have been determined in bilateral tourism agreements with states of destination. Only after the Chinese State Council has granted Approved Destination Status (ADS) to a country, and thereby approved it as a destination for its citizens, can a bilateral ADS agreement be drawn up to allow Chinese tourist groups to travel to that country. On 16 September 2002, the Council authorised the Commission to negotiate an ADS accord between the Community and China. Once the ADS memorandum of understanding is signed, Chinese nationals will still need to be in possession of a visa to enter the Community, but will benefit under the memorandum of understanding from facilitated procedures to obtain tourism visas, thus fostering development of Chinese tourism in Europe and people to people contacts. However, the Commission and Member States deemed it essential to prevent abuse of the mechanism, notably by illegal overstayers. Consequently, the negotiation mandate given to the Commission included the requirement for a legally binding readmission clause in the agreement. The memorandum of understanding, which is legally binding, was initialled in Beijing on 30 October 2003 during the 6th EU-China Summit. The key clauses of the draft can be summarised as follows: - Article 4 describes the procedures to be followed for the granting of short-term Schengen visas which have to contain the 'ADS' reference. The procedures are based on the Council decision of 12 July 2002, which introduced into the Common Consular Instructions (CCI) specific and detailed rules concerning visa applications processed by private administrative agencies, travel agencies and package tour operators. The Chinese designated travel agencies will act as authorised representatives of the visa applicants and forward the visa applications of their tour group. Personal interviews may be provided for. Measures will be taken against designated Chinese travel agencies in breach of EU and/or Chinese regulations; - the readmission obligation for China is clearly spelled out in Article 5 of the Memorandum of Understanding. The latter sets out the obligation of the participating travel agencies to report to the Member State having issued the visa and to the CNTA, any ADS tourist missing from the group or not having returned to China. Travel agencies will work immediately with the competent departments of the Contracting Parties in the case of an illegal overstayer to help send back and receive the tourist. Documentary evidence must be provided to prove identity as a Chinese citizen; - the Approved Destination Status Committee will help implement the Memorandum of Understanding; - the joint declaration on implementation arrangements makes specific recommendations regarding travel agencies, protection of Chinese tourist rights, tour leaders and tour guides, information requirements and documentary evidence. The lists of travel agencies to be furnished to the CNTA by Member States are open lists, which have to be updated regularly. The proposals constitute the legal instrument for the signature and conclusion of the Memorandum of Understanding. The implementation of the Agreement will require cooperation between the consular authorities of the Member States applying the agreement. The Commission proposes that the Council should: - decide that the Memorandum of Understanding be signed on behalf of the Community and authorise the President of the Council to appoint the person duly empowered to sign on behalf of the Community; - approve, after consultation of the European Parliament, the Memorandum of Understanding between the EC and the National Tourism Administration of China.