Convention on controls on persons crossing external frontiers

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OBJECTIVE: to establish, in accordance with Article K.3 of the Treaty on European Union, a new convention on the crossing of the external frontiers of the Member States, and to introduce a common policy on visas. REVIEW OF PROCEDURE: this draft convention largely reproduced the principles set out in a preliminary draft which was proposed and finalised in 1991, before the European Union was set up. The preliminary draft convention failed because of the lack of consensus on the bilateral dispute between the United Kingdom and Spain as to whether the convention's geographical scope included Gibraltar. Since then the Union had been given new powers under Title VI of the Maastricht Treaty, enabling the Commission to propose a new text on the basis of Article K.3 of the Treaty on European Union. This new proposed convention did not currently include provisions on its geographical scope (the article was 'to be inserted' pending the resolution of the dispute between Spain and the United Kingdom). CONTENT: the proposed decision recommended that the Member States should approve the convention by 31 December 1994. It mainly applied to those not covered by Community law, namely: - nationals of the Member States of the Union and members of their families with the nationality of a non-member State, - nationals of non-member States who enjoyed the same rights as those of citizens of the Member States regarding entry and right of residence, together with members of their families with the nationality of a non-member State who had right of entry and right of residence. The external frontiers of the Community were to be understood to mean: - any land border of a Member State which was not adjacent to the border of another Member State, together with the maritime borders; - airports and sea ports, except where these were regarded as an internal border. The draft convention: 1) defined general principles which were common to all Member States and which applied to the crossing of the external borders and the exercise of controls at those borders. On the subject of controls, the convention: - established that these were permanent and that they were to be carried out upon entering and leaving the territory of all the Member States; - established that they were to be carried out with respect to all persons arriving at a border, in order to distinguish those covered by Community law from all other travellers; - spelt out the nature of the controls; - established special arrangements for airports; - established the conditions to be met in order to enter and reside in the territory of a Member State. Provision was made for exemptions from a refusal to grant entry to a Member State and to issue a residence permit. 2) listed provisions relating to visas which were common to all the Member States: - introduction of a uniform visa for short stays (single uninterrupted stay or series of stays with a total duration of not more than 3 months in the territory of the Member States within a period of 6 months from the date of entry); - establishment of the conditions for issuing visas; - provision for a uniform, multiple entry visa; - provision for national visas with limited geographical validity. The convention also provided for the drawing up of a common list of 'non-admissible' persons: those to whom Member States refused access to their territory on the basis of national identification data. Finally the convention provided for a series of measures to be taken by the Member States against persons crossing the Union's external borders illegally (irrespective of whether they were resident in the territory of a Member State).