Visas: listing of the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement

2006/0022(CNS) - 21/12/2006 - Final act

PURPOSE: to amend Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

LEGISLATIVE ACT: Council Regulation (EC) No 1932/2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

CONTENT: the Council adopted a regulation aimed at amending the lists of third countries whose nationals must be in possession of a visa when entering the EU and of those who are exempt from this requirement.

To recall, Regulation 539/2001 sets up two lists of third countries:

1. countries whose nationals must be in **possession of visas** when crossing the external borders of the EU (**Annex I**);
2. countries whose nationals are **exempt** from the visa requirement (**Annex II**).

The regulation is based on the principle of reciprocity and takes account of illegal immigration and public policy criteria. It applies to short-stay visas only (no longer than 3 months).

In this context, Regulation 539/2001 will be amended so that:

- **Bolivia** is transferred to the visa requirement list with effect from 1 April 2007;
- **Antigua** and **Barbuda, the Bahamas**, **Barbados**, **Mauritius**, **Saint Kitts** and **Nevis** and **the Seychelles** are transferred to the visa exemption list from the date of entry into force of agreements concluded with them.

The amending Regulation also stipulates that various categories of **"British" persons** who are not nationals of the United Kingdom within the meaning of Community law should be added to Annex I to Regulation (EC) No 539/2001 (British Overseas Territories Citizens who do not have the right of abode in the United Kingdom; British Overseas Citizens; British Subjects who do not have the right of abode in the United Kingdom; British Protected Persons).

On the other hand, British Nationals (Overseas) (those who are attached to the territory of Hong Kong and hold a Hong Kong SAR passport) should be added to Annex II and therefore exempt from the visa requirement in the Member States.

The regulation also includes, subject to certain conditions, a visa **exemption** for:

- holders of a "EU local border traffic card" see COD/2005/0006),
- recognised refugees,
- stateless persons,
- pupils on school excursions.

Territorial application: the Regulation shall apply to Iceland, Norway and Switzerland (in that it constitutes a development of the provisions of the Schengen acquis, within the meaning of the Agreement signed by the European Union). On the other hand, it shall not apply to the United Kingdom and Ireland.

ENTRY INTO FORCE: 19 January 2007.