Basic information

2003/0299(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/China agreement: authorised destination status ADS for Chinese tourists, readmission obligation, visas **Subject** 6.40.08 Relations with Asian countries 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy **Geographical area** China	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	SOUSA PINTO Sérgio (PSE)	21/01/2004

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2568	2004-03-08

European Commission

Commission DG	Commissioner
External Relations	

Key events

Date	Event	Reference	Summary
15/12/2003	Legislative proposal published	COM(2003)0790	Summary
15/01/2004	Committee referral announced in Parliament		
19/02/2004	Vote in committee		Summary
19/02/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0101/2004	
26/02/2004	Decision by Parliament	T5-0107/2004	Summary
08/03/2004	Act adopted by Council after consultation of Parliament		
08/03/2004	End of procedure in Parliament		
20/03/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0299(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 062-p2 EC Treaty (after Amsterdam) EC 063-p3 EC Treaty (after Amsterdam) EC 300-p2-a1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/20527

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0101/2004	19/02/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0107/2004 OJ C 098 23.04.2004, p. 0018-0124 E	26/02/2004	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0790	15/12/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EU	Implementing legislative act	32004H0645 OJ L 296 21.09.2004, p. 0023-0026	16/09/2004	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2004/0265
OJ L 083 20.03.2004, p. 0012-0013

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

2003/0299(CNS) - 08/03/2004 - Final act

PURPOSE : to conclude the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS). LEGISLATIVE ACT : Council Decision 2004/265/EC. CONTENT : this Decision aims to approve a Memorandum of Understanding between the Community and China's National Tourism Administration on visa and related issues concerning tourist groups from China. The main measures of the Agreement can be summarised as follows: - provide definitions and set out the purpose and scope of the Memorandum of Understanding : participants in Chinese tourist groups shall enter and leave the territory of the Community as a group. They shall travel within the territory of the Community as a group according to the established travel programme. The minimum number of participants in a tourist group should be no less than five; - visa procedures and readmission : the procedures to be followed for the granting of short-term Schengen visas which have to contain the 'ADS' reference are defined. 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. The visa applications will be processed in accordance with applicable legislation. Measures will be taken against designated Chinese travel agencies in breach of EU and/or Chinese regulations; - the readmission obligation of the Government of the People's Republic of China is clearly spelled out. The obligation of the participating travel agencies to report without delay 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. The related 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, "who shall be readmitted by the Government of the People's Republic of China". Documentary evidence must be provided to prove identity as a Chinese citizen. Moreover, the joint declaration on implementation arrangements states that the documentary evidence must include passports, visas applications, EU immigration control records, travel agency documents, or photocopies thereof; - the Approved Destination Status Committee is created to help implement the Memorandum of Understanding. The Committee must establish its own rules of procedure and will meet whenever necessary at the request of one of the Contracting Parties. The Community will be represented by the Commission; - necessary rules on entry into force, duration and termination of the Memorandum of Understanding : It is stated that similar ADS MoUs between a Member State and China will no longer apply as of the entry into force of this MoU. Paragraph 6 of Article 8 states that the MoU will be legally binding on the two Contracting Parties under public international law; - the Annex contains a protocol on the New Member States stating that the Member States acceding to the European Union on 1 May 2004 will issue national visas limited to their own territory until the Council Decision of the Act of Accession takes effect; - 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. It is important to note that the lists of travel agencies to be furnished to the CNTA by Member States are open lists, which have to be updated regularly. Lastly, the specific situation of Denmark, the United Kingdom and Ireland is reflected in the 5th and 6th recital and in two joint declarations attached to the Memorandum of Understanding. The close association of Norway and Iceland to the implementation, application and development of the Schengen Acquis is likewise reflected in a joint declaration attached to the Memorandum of Understanding. ENTRY INTO FORCE : the Agreement shall enter into force as soon as all the parties have notified each other that the necessary procedures have been completed.

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

2003/0299(CNS) - 15/12/2003 - Legislative proposal

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.

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

2003/0299(CNS) - 16/09/2004 - Implementing legislative act

LEGISLATIVE ACT : Commission Recommendation 2004/645/EC on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China.

CONTENT : The Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (PRC) provides a specific application process, derogating from the common rules on visas as established in the Common Consular Instructions (CCI), to facilitate issuing of short term visas to groups of Chinese citizens who wish to travel to the territory of the Community. The Memorandum of Understanding (ADS MoU) has entered into force on 1 May 2004 . With a view to ensure a high level of security, particularly as regards the prevention of clandestine immigration and avoid any risk of visa shopping between the Member States Consular offices in the PRC, a harmonised implementation by all Member States of the ADS MoU is appropriate. This Recommendation sets up common implementing procedures for the consular offices of the Member States in the PRC. The main points are as follows:

-Member States must follow a common approach for the accreditation of the travel agencies designated by the PRC and the establishment of the list of couriers appointed by the Chinese travel agencies;

-Member States must apply common harmonised sanctions in case of violation by the Chinese accredited travel agency of the Community rules, in compliance with the rules of the CCI on visa applications processed by private administrative agencies, travel agencies and package tour operators.

-Member States must apply a common list of supporting documents and information needed for lodging a visa application, clarifying where necessary the content of the required documentation. Additional information may be requested, based on a case-by-case verification of each individual visa application.

-Member States involved with the implementation of the ADS MoU should reinforce their cooperation in the PRC and develop exchange of information mechanisms for irregularities and other detected suspect behaviour committed by appointed couriers or accredited travel agencies and facilitate the processing of information.

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

2003/0299(CNS) - 26/02/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by SΘrgio SOUSA PINTO (PES, P) and approved the Commission's proposal.