Basic information

2006/0022(CNS) CNS - Consultation procedure Regulation	Procedure completed
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 Amending Regulation (EC) No 539/2001 2000/0030(CNS) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	VARVITSIOTIS Ioannis (PPE-DE)	13/09/2006

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2774	2006-12-19

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
13/07/2006	Legislative proposal published	COM(2006)0084	Summary
05/09/2006	Committee referral announced in Parliament		
27/11/2006	Vote in committee		
29/11/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0431/2006	
14/12/2006	Decision by Parliament	T6-0600/2006	Summary
14/12/2006	Results of vote in Parliament		
19/12/2006	Act adopted by Council after consultation of Parliament		
19/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2006/0022(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 539/2001 2000/0030(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 062-p2-ab-II
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/39481

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE382.238	24/11/2006	
Amendments tabled in committee		PE382.304	24/11/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0431/2006	29/11/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0600/2006	14/12/2006	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0084	13/07/2006	Summary
Commission response to text adopted in plenary	SP(2007)0303	24/01/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2006/1932
OJ L 405 30.12.2006, p. 0023 Summary

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.

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) - 13/07/2006 - Legislative proposal

PURPOSE: i) to amend the list of third country nationals who must be in possession of a visa when crossing the external borders of Member States and ii) to amend the list of those nationals who are exempt from this requirement.

PROPOSED ACT: Council Regulation

CONTENT: the European Commission is required to periodically and systematically examine the provisions spelt out in Regulation 539/2001/EC on third country nationals in need of a visa when entering the EU. Regulation 539/2001 sets up two lists of nationals: nationals listed under Annex I who

must be in possession of visas when crossing the external borders of Member States and those listed under Annex II who are exempt from this requirement. 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 three months). For a summary of the Regulation see CNS/2000/0030.

The purpose of this proposal is to:

- make Annex I and Annex II compatible with the requirements on illegal immigration and public policy concerns by transferring countries from one annex to another;
- determine exhaustively whether a third-country national is to be subject to, or exempt from, the visa requirement;
- make refugees and stateless persons eligible for a visa exemption if they reside in a third country listed in Annex II
- add new exemptions for holders of local border traffic cards;
- offer visa exemption for members of the armed forces travelling on NATO or Partnership for Peace business;
- clarify certain categories of passports other than ordinary passports.

Transferring a third country from one annex to another

The Commission is proposing a revision of the Annexes based on information received from the Member States; information which has been cross-checked against other information and statistics supplied through CIREFI. On the basis of this information the Commission proposes that:

- Bolivia be transferred from Annex II to Annex I (visa requirement).
- Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis, and the Seychelles be transferred from Annex I to Annex II (visa exemption). The visa exemption will be applied to nationals of those countries in parallel with, and at the same time as, the entry into force of a visa exemption agreement with them.
- British National (Overseas) persons be listed in Annex II (visa exemption). There is no evidence to suggest that they will constitute a migratory risk or a risk in terms of public policy. They will be placed under a special heading as they do not have the nationality of a third country and can not be regarded as nationals of the territory of Hong Kong from the point of view of the travel documents that they hold.
- British Overseas Territories Citizens (BOTC); British Overseas Citizens (BOC); and British Subjects and British Protected Persons (BPP) be listed under Annex I (visa requirement). These categories of people have tenuous links with the United Kingdom as they either must try and seek British citizenship (BOTC) or else have no right of abode and are subject to immigration controls (BOC and BPP). There is also considerable uncertainty as to the possible links to other States and the exact nature of such links. They too will be subject to a specific heading as they do not have the nationality of a third country.

Provisions on diplomatic, service and special passports

In a bid to avoid ambiguities regarding exemptions for persons holding either a diplomatic, service or special passport, the Commission is proposing that a more precise distinction be made between these three categories of passports. The distinction will apply to Annex 2 of the Common Consular Instructions and the Table of travel documents. At the same time the Commission is planning to clarify provisions applied to the passport holder of these special passports.

Harmonised exemption cases: Recognised refugees/stateless persons and pupils on school excursions

For the sake of harmonisation, the Commission is proposing an automatic visa exemption for two categories of people namely refugees/stateless persons and pupils on school excursions. The Commission proposes amending Article 1 of Regulation 539/2001 by stating that:

- recognised refugees and stateless persons residing in a Member State and who are holders of a travel document issued by that Member State; and
- school pupils who are nationals of a third country listed in Annex I but who reside in a Member State and are travelling on a school trip will be exempted from the visa requirement.

Local border traffic

Residents who will be holders of a “local border traffic card” but who are listed under Annex I will be exempted from the visa requirement. This proposed provision relates to a 2005 Commission proposal on this matter, which is yet to be finalised (See COD/2005/0006).

NATO armed forces and Partnership for Peace business

For reasons of legal certainty, the Commission is proposing that all arrangements governing exception to the visa requirement for nationals of third countries listed in Annex I but who are members of the armed forces travelling either on NATO or Partnership for Peace business, must be referred to in Regulation 539/2001.

The United Kingdom and Ireland are not bound by Regulation 539/2001 and so will not be participating in the adoption of this proposal. Iceland, Norway and Switzerland will.

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) - 14/12/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Ioannis **Varvitsiotis** (EPP-ED, Greece) and made the following amendments to the proposal:

- when Regulation 539/2001 is next reviewed, the case of other small island states should be examined;

- an amended recital clarified that Member States may exempt from the visa requirement recognised refugees, all stateless persons, both those falling within the scope of the 1954 Convention relating to the Status of Stateless Persons and those falling outside its scope, and school pupils travelling on school excursions who reside in a third country listed in Annex II. A full exemption from the visa requirement already exists for these three categories of persons residing within the Schengen area when they re-enter that area. A general exemption should be introduced for persons in those categories residing in a Member State which has not or not yet joined the Schengen area, as far as their re-entry into the territory of any other Member State bound by the Schengen acquis is concerned.