

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 15/03/2001 - Final act

PURPOSE : to adopt a Council Regulation on a list of third countries whose nationals must have a visa when entering the European Union and those countries whose nationals do not need a visa.

COMMUNITY MEASURE : Council Regulation 539/2001/EC 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** : visa policy is given a legal base by the Treaty of Amsterdam. The law as it stands is based on Council Regulations and the Schengen acquis. The regulation stipulates that the Member States will be precluded from unilaterally determining the visa rules for any third country at all. They do, however, have the possibility of providing for certain derogations and exceptions applicable to certain categories of persons, notably on the grounds of international law or custom. The regulation mentions the issue of variable geometry applying to Denmark, the United Kingdom and Ireland. The proposal refers to visas for no longer than three months. Moreover, the regulation does not apply, inter alia, to long-stay visas and airport transit visas; nor does it determine the procedures and conditions for issuing visas. There are special provisions relating to stateless persons. The countries subject to visa requirements are listed in Annex I and those exempt are listed in Annex II. It should be noted that Bulgaria has been placed in Annex II i.e. the visa requirement will be lifted once the Regulation comes into force. Similarly, the Hong Kong and Macao SARs are in Annex II. Romania has also been placed in Annex II, but with an asterisk, to specify that the lifting of the visa requirement will be decided on subsequently by the Council on the basis of a report to be drawn up by the Commission. To this end, the Commission will ask Romania to indicate which undertakings it is prepared to enter into on illegal immigration and illegal residence, including the repatriation of persons from that country who are illegally resident. The Commission will present a first report to the Council, accompanied by any useful recommendations, no later than 30 June 2001. **ENTRY INTO FORCE** : the Regulation shall enter into force on 27.03.2001.