

# Procedure file

Basic information		
CNS - Consultation procedure Regulation	<a href="#">1997/0922(CNS)</a>	Procedure completed
Visas: third countries whose nationals must be in possession of a visa when the are crossing EC external borders		
Repealed by <a href="#">2000/0030(CNS)</a>		
Subject 7.10.04 External borders crossing and controls, visas		

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	<b>LIBE</b> Civil Liberties and Internal Affairs		27/01/1998	
		PPE <a href="#">LEHNE Klaus-Heiner</a>		
	Committee for opinion	Rapporteur for opinion	Appointed	
	<b>AFET</b> Foreign Affairs, Security and Defense Policy		03/06/1998	
		V <a href="#">AELVOET Magda G.H.</a>		
	<b>JURI</b> Legal Affairs, Citizens' Rights		22/01/1998	
		V <a href="#">LINDHOLM MaLou</a>		
Council of the European Union	Council configuration	Meeting	Date	
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2166</a>	12/03/1999	

Key events			
10/12/1993	Legislative proposal published	COM(1993)0684	Summary
18/12/1997	Committee referral announced in Parliament		
20/01/1999	Vote in committee		Summary
20/01/1999	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0043/1999</a>	
09/02/1999	Debate in Parliament		
10/02/1999	Decision by Parliament	T4-0097/1999	Summary
12/03/1999	Act adopted by Council after consultation of Parliament		
12/03/1999	End of procedure in Parliament		
18/03/1999	Final act published in Official Journal		

Technical information	
Procedure reference	1997/0922(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by <a href="#">2000/0030(CNS)</a>
Legal basis	EC before Amsterdam E 100C
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/09400

Documentation gateway					
Legislative proposal		COM(1993)0684	10/12/1993	EC	Summary
Document attached to the procedure		<a href="#">11323/1997</a>	13/10/1997	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0043/1999</a> <a href="#">OJ C 150 28.05.1999, p. 0005</a>	20/01/1999	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0097/1999 <a href="#">OJ C 150 28.05.1999, p. 0155-0202</a>	10/02/1999	EP	Summary

Final act
<a href="#">Regulation 1999/574</a> <a href="#">OJ L 072 18.03.1999, p. 0002</a> Summary

## Visas: third countries whose nationals must be in possession of a visa when the are crossing EC external borders

**OBJECTIVE:** to draw up a list of third countries, common to all the Member States, whose nationals are required to obtain a visa to enter the territory of the Union. **SUBSTANCE:** this proposal should not be considered in isolation, but together with the revised draft convention on the crossing of the external frontiers of the Community (see CNS0947). The objective of the proposal is to determine, pursuant to Article 100C of the TEU, the third countries whose nationals must be in possession of a visa when crossing the external borders of the Community. Its annex lists 127 third countries, drawn up on the basis of work already carried out by nine countries in the context of the Schengen Agreement, whose nationals are required to obtain a visa to enter the territory of the Union. It is planned that at a later stage the Council will complete harmonization in this area by drawing up an exhaustive and binding list of countries whose nationals are exempt from the visa requirement. The proposal also establishes the principle of mutual recognition by the Member States of visas granted by each of them and provides, with a view to ensuring transparency and public information, that measures taken pursuant to the derogation regime (people who are exempted from the visa requirement) must be notified to the other Member States and to the Commission. ?

## Visas: third countries whose nationals must be in possession of a visa when the are crossing EC external borders

**OBJECTIVE:** to draw up a list of third countries, common to all the Member States, whose nationals must be in possession of a visa to enter the territory of the Union. **SUBSTANCE:** this draft Council Regulation follows the Court of Justice judgment of 10 June 1997 in case C-392/95 European Parliament v Council annulling the previous regulation adopted on 25 September 1995 (see CNS0938: Council Regulation 2317/95/EC determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States. This judgment explicitly required a new text on the same subject with appropriate consultation of Parliament. With regard to the substance, the new draft regulation includes all the provisions of the annulled regulation, i.e.: - a list of 100 third countries and one territorial entity not recognized as a State by all the Member States (Taiwan), common to all 15 Member States, whose nationals are required to be in possession of a visa when crossing the external borders of the Union; - an exception to the principle of the visa requirement: there are provisions allowing Member States to decide whether or not to impose a visa requirement for nationals of third countries from States or territorial entities not recognized as States by all the Member States and not on the common list. This derogation is also applicable to stateless persons and recognized refugees in the Member States and for certain categories of people such as civilian air and sea crew, flight crew and

attendants on emergency or rescue flights and other helpers in the event of disaster or accident and holders of diplomatic passports, official duty passports and other official passports; - with a view to ensuring that the system is administered openly and that the persons concerned are informed, derogation measures must be notified to the other Member States and the Commission and published in the Official Journal of the European Communities; The draft states that the

## Visas: third countries whose nationals must be in possession of a visa when they are crossing EC external borders

---

The Committee has unanimously adopted the report by Klaus-Heiner LEHNE (EPP, D) on the proposal for a Council regulation determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States. The aim of the regulation is to help bring about freedom of movement for people within the single market, as provided for in Article 7a of the Treaty, something which will require harmonisation of the Member States' visa policies. The Committee believes that Member States should not be allowed to impose visa requirements on countries which are not on the "negative list" annexed to the regulation (i.e. the list of countries whose nationals are obliged to obtain visas under this Regulation). Moreover, no third country whose nationals do not at present require a visa for entry to a Member State should be on the negative list. However, the committee argues that the proposed regulation does not fully meet the need for a greater degree of harmonisation of visa policy and therefore believes that a new regulation will have to be introduced after the Treaty of Amsterdam comes into force. The report also maintains that more precise definitions need to be given of the terms "visa", "stay" and "transit" as used in the regulation. A uniform visa should, says the report, be issued by the diplomatic and consular authorities of the Member States on the basis of the following common conditions and criteria: - travel documents presented upon application for a visa must be checked to ensure that they are in order and authentic; - the expiry date of the travel document must be at least three months later than the final date for stays stated on the visa, account being taken of the time within which the visa must be used; - the travel document must be recognized by all Member States; - the travel document must be valid in all Member States; - the travel document must allow for the return of the traveller to his country of origin or his entry into a third country; - the existence and validity of an authorization or a re-entry visa for the traveller to return to the country of departure must be checked if such formalities are required by the authorities of that country; the same shall apply to any authorization required for entry to a third country. The committee says there should be a right of appeal to the competent authorities of the Member State concerned against a refusal to grant a uniform visa. Lastly, the committee wants to have Bulgaria and Romania removed from the negative list annexed to the regulation.

## Visas: third countries whose nationals must be in possession of a visa when they are crossing EC external borders

---

Under consultation procedure, the European Parliament approved the proposal for a Council Regulation, based on Article 100c of the Treaty establishing the European Community, determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States and Draft Council Regulation determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States. The report by Klaus-Heiner Lehne (PPE,DE) makes a number of amendments to the proposal relating to the following areas: - defining "visa" for the purposes of the proposed regulation; - allowing Member States to decide whether to require visas of nationals of third countries not listed in the proposed regulation's Annex until 30/06/99; - requiring regular updating of the list of third countries in the Annex; - requiring submission to the European Parliament of the reports on the situation in Bulgaria and Romania with a view to visa requirements; - clarifying the requirements as regards the scope of the validity and recognition from one Member State to another of uniform visas; - requiring stateless persons and refugees resident in certain States to possess a valid visa before crossing the external frontiers; - establishing common conditions and criteria for the issuing of uniform visas and requiring that they be issued by the diplomatic and consular authorities of the Member State; - providing for a right of appeal against a refusal to grant a uniform visa; - requiring the Commission, in the first half of 1999, to draw up a report on progress made and measures still needed in harmonising Member States' visa policies with regard to third countries not included in the Community list; - detailing the process for the Commission to propose the necessary implementing provisions; - requiring that the proposed "provisional" regulation be replaced within one year following the entry into force of the Amsterdam Treaty.?

## Visas: third countries whose nationals must be in possession of a visa when they are crossing EC external borders

---

**PURPOSE :** to determine those third countries whose nationals must have a visa at the time of crossing Member States' external borders.  
**COMMUNITY MEASURE :** Council Regulation 574/1999/EC. **CONTENT :** the Regulation establishes a list of 100 third countries (including Taiwan) whose nationals must have a visa when crossing the external borders of the Member States. Within the Directive, the word "visa" is defined as an authorisation issued by a Member State, requested in order to enter its territory in view of: a stay in one or several Member States for a period not exceeding three months; a transit across the territory of one or more of the Member States, excluding transit through the international airport zone and of transfers between airports in the Member States. Some measures allow Member States to decide whether to impose a visa: for third country nationals who are not mentioned on the common list; for stateless persons and statutory refugees; for people showing a passport or a document issued by a body or a territorial authority not recognised as a state by all the Member States and not present on the list. A Member State may allow exceptions to the obligation to have a visa for certain categories of people (air crews or ship crews, crew and members of flight assistance or safety teams, emergency workers in case of disasters or accidents, holders of diplomatic passports, service passports or other official passports). In the first semester of the year 2001, the Commission will prepare a report on the state of policy harmonisation of visas regarding third countries not mentioned on the common list, and will present, if the case arises, other necessary measures in order to harmonise the objectives. **ENTRY INTO FORCE :** 19/03/1999.?