



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 June 2003

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LIMITE

**VISA 91
FRONT 67
COMIX 326**

NOTE

from : Presidency

to: Visa Working Party

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Subject : Draft Council Decision on the amendment of Part V, point 1.4, of the Common
Consular Instructions as regards inclusion of the requirement to be in possession
of travel insurance as one of the supporting documents for the grant of a uniform
entry visa

Delegations will find attached the draft text of the above decision taking account of comments made by delegations at the meeting of the Visa Working Party on 15-16 May 2003.

DRAFT
COUNCIL DECISION
of

on the amendment of Part V, point 1.4, of the Common Consular Instructions as regards inclusion of the requirement to be in possession of travel insurance as one of the supporting documents for the grant of a uniform entry visa

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to:

Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications¹,

Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance²,

the initiative of the Hellenic Republic,

Whereas:

Point 22 of the Tampere European Council conclusions stressed that "*a common active policy on visas and false documents should be further developed, including closer cooperation between EU consulates in third countries...*".

¹ OJ L 116, 26.4.2001, p. 2.

² OJ L 116, 26.4.2001, p. 5.

In point 26 of the conclusions reached at its extraordinary meeting on 20 September 2002, the Council on Justice, Home Affairs and Civil Protection requested the Member States "*to apply procedures for the issue of visas with maximum rigour and to this end step up local consular cooperation*".

An essential condition for the application of a common policy on the granting of visas is the greatest possible, if not full, harmonisation of the conditions for the grant of visas, in particular as regards the supporting documents relating to means of subsistence which are submitted in support of applications.

It is necessary for all visa applicants to be in possession, among the supporting documents they are required to produce, of evidence of individual or group travel insurance to cover any expenses relating to repatriation and/or emergency hospital treatment.

It is advisable to provide for exceptions to the requirement to be in possession of travel insurance in the case of holders of diplomatic or service passports and in special cases of persons granted short-stay travel visas, and to provide for the possibility of establishing, in the framework of local consular cooperation, that this measure does not apply to certain third countries.

In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark will, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law.

As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis³, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement⁴.

This Decision constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis⁵; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

This Decision constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis⁶; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

This Decision constitutes an act building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the Act of Accession,

³ OJ L 176, 10.7.1999, p. 36.

⁴ OJ L 176, 10.7.1999, p. 31.

⁵ OJ L 131, 1.6.2000, p. 43.

⁶ OJ L 64, 7.3.2002, p. 20.

HAS ADOPTED THIS DECISION:

Article 1

The following is added to Part V, point 1.4, second paragraph, third indent of the Common Consular Instructions:

"In addition, in support of an application for a short-term or travel visa, applicants must show that they are in possession of valid individual or group travel insurance to cover any expenses which might arise in connection with repatriation, urgent medical attention or emergency hospital treatment. The insurance must be valid throughout the territory of the Member States and cover the entire period of the person's stay in the single area. The minimum coverage shall be 30 000 €.

The diplomatic mission or consular post competent to examine a visa application may, depending on the case, decide to make an exception from the requirement in question for holders of diplomatic, service or other official, as well as in cases where it is established that a full guarantee of cover or a bilateral agreement on social security exist.

In cases where the applicant does not have the possibility of underwriting an insurance in his/her country of residence, he/she shall be able to obtain an insurance in the country of destination.

Exceptions from the general requirement may also be made when, in the framework of local consular cooperation, it is established that local conditions are such that it is impossible to acquire such insurance.

The forum for the travel insurance must be in a Member State of the European Economic Area or Switzerland.

Article 2

In point 4.1.2 of the Common Manual, the following paragraph is added:

"In cases where third country nationals subject to visa requirements, a reference may have been made on visa sticker indicating that the person in question is exempt from requirements of holding a travel insurance."

Article 3

This Decision shall apply from 1 January 2004.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels,

For the Council
The President
