



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 3 June 2003 (06.06)
(OR. fr)**

10072/03

LIMITE

**VISA 100
COMIX 357**

NOTE

from : French delegation
to : Visa Working Party

Subject : Draft Council Decision amending point 1.2 of Part II of the Common Consular Instructions

Delegations will find attached the aforementioned draft Decision.

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 applications,

Having regard to the initiative of the French Republic,

Whereas:

- (1) The possibility of a Contracting Party being represented by another Contracting Party in a third State, as provided for in point 1.2 of Part II of the Common Consular Instructions, is currently restricted to situations where the Contracting Party asking to be represented has no representation in that third State.
- (2) Owing to the large increase in applications for entry visas into the Schengen area there is now a need for synergy in the means deployed by the Member States for the issue of uniform visas in third countries and for a rationalisation of the location of services whose task it is to examine visa applications. It would thus appear necessary to provide for the possibility of a Member State being represented in a third State by another Member State even when it already has representation in that third State, subject to fair distribution between the Member States.
- (3) 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. As this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether or not it will transpose it in into its national law.

- (4) 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 acquis ¹, 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 Agreement ².
- (5) 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 19 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 acquis ³; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (6) 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 acquis ⁴; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (7) This Decision constitutes an act building upon the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

¹ OJ L 176, 10.7.1999, p. 36.

² OJ L 176, 10.7.1999, p. 31.

³ OJ L 131, 1.6.2000, p. 43.

⁴ OJ L 64, 7.3.2002, p. 20.

HAS ADOPTED THIS DECISION:

Article 1

The wording of point 1.2 of Part II of the Common Consular Instructions shall be amended as follows:

"If the State responsible has no diplomatic mission or consular post in a given State or if a Member State with a mission or post in that State asks another Member State to represent it, the uniform visa may be issued by the mission or post of the Member State representing the interests of the State responsible. The visa is issued on behalf of the Member State that is being represented, subject to its prior authorisation, and where necessary, to consultation between the central authorities. If one of the Benelux States has a mission or post, it shall automatically represent the other Benelux States."

Article 2

In point 1.2(b) (State representing the State responsible), the words "in exceptional cases and only in countries which are geographically very large" shall be deleted.

Article 3

In point 1.2(e) (State representing the State responsible), the words "in third States in which not all Schengen States are represented" shall be replaced by the words "In the event of representation pursuant to (a) above".

Article 4

This Decision shall apply as from the date of its publication in the Official Journal of the European Communities.

Article 5

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