

# EUROPEAN PARLIAMENT

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**A5-0056/2001**

8 February 2001

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## **REPORT**

on the Draft Council Regulation 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  
(14191/2000 – C5-0714/2000 – 2000/0030(CNS))

(Renewed consultation)

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Klaus-Heiner Lehne

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

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## PROCEDURAL PAGE

At the sitting of 5 July 2000 Parliament adopted its position on the proposal for a Council Regulation 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 (COM(2000) 27 - 2000/0030(CNS)).

The Council at its meeting of 30 November-1 December 2000 decided on a reconsultation of Parliament on the substantial modifications to the Commission proposal.

By letter of 11 December 2000 the Council consulted Parliament again, pursuant to Article 62(2)(b)(i) of the EC Treaty, on the Draft Council Regulation 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 (14191/2000 – 2000/0030(CNS)).

At the sitting of 15 January 2001 the President of Parliament announced that she had referred the Council's draft text to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible, to the Committee on Legal Affairs and the Internal Market and to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy for their opinions for (C5-0714/2000).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Klaus-Heiner Lehne rapporteur at its meeting of 11 April 2000.

It considered the Council's draft text and the draft report at its meetings of 24 January 2001 and 6 February 2001.

At the latter meeting it adopted the draft legislative resolution unanimously and decided to apply the procedure without debate according to Rule 114, paragraph 1 of its Rules of Procedure.

The following were present for the vote: Graham R. Watson, chairman; and Bernd Posselt, vice-chairman; Klaus-Heiner Lehne, rapporteur; Alima Boumediene-Thiery, Michael Cashman, Charlotte Cederschiöld, Carmen Cerdeira Morterero (for Adeline Hazan), Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Pernille Frahm, Jorge Salvador Hernández Mollar, Anna Karamanou, Timothy Kirkhope, Eva Klamt, Baroness Sarah Ludford, Elena Ornella Paciotti, Hubert Pirker, Patsy Sørensen, Joke Swiebel, Anna Terrón i Cusí, Anne E.M. Van Lancker (for Margot Keßler), Jan-Kees Wiebenga.

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the Committee on Legal Affairs and the Internal Market decided on 23 January 2001 and 25 May 2000 respectively not to deliver an opinion.

The report was tabled on 8 February 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## LEGISLATIVE PROPOSAL

### Draft Council Regulation 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 (14191/2000 – C5-0714/00 – 2000/0030(CNS))

The Council draft text is amended as follows:

Council draft text <sup>1</sup>	Amendments by Parliament
(Amendment 1) Recital 9	
(9) With a view to ensuring that the system is administered openly and that the persons concerned are informed, Member States should communicate to the other Member States and to the Commission the measures which they take pursuant to this Regulation. For the same reasons, that information should also be published in the Official Journal of the European Communities.	(9) With a view to ensuring that the system is administered openly and that the persons concerned are informed, Member States should communicate to the other Member States and to the Commission the measures which they take pursuant to this Regulation. <b><i>To minimise the restrictions of movement it is essential that the procedure and conditions for issuing visas by Member States are as smooth and simple as possible and do not cause unreasonable expenditure for the applicants.</i></b> For the same reasons, that information should also be published in the Official Journal of the European Communities.

#### *Justification:*

*The regulation should try to restrict as little as possible regional cross-border contacts (e.g. the contacts between the City of Narva and the Kaliningrad region). In order to avoid obstacles it is important to simplify visa procedures.*

#### (Amendment 2) Article 1(2)

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<sup>1</sup> Not yet published in OJ.

2. Without prejudice to Article 8(2), nationals of third countries on the list in Annex II shall be exempt from the requirement set out in paragraph 1, for stays of no more than three months *in all*.

2. Without prejudice to Article 8(2), nationals of third countries on the list in Annex II shall be exempt from the requirement set out in paragraph 1, for stays of no more than three months *within a period of 12 months*.

*Justification:*

*The Council text is ambiguous.*

(Amendment 3)

Article 1(4b)

b. in the case of such notification, **Member States'** obligation to subject the nationals of the third country concerned to the visa requirement shall be established provisionally 30 days after notification unless the Council, acting by qualified majority beforehand, decides otherwise;

b. in the case of such notification, **an** obligation **on the part of all the Member States covered by the Regulation** to subject the nationals of the third country concerned to the visa requirement shall be established provisionally 30 days after notification unless the Council, acting by qualified majority beforehand, decides otherwise; **the provisional application of the visa requirement shall be limited to six months**.

*Justification:*

*The provisional application of the visa requirement should be limited in time and it should be clear that the obligation should apply to all Member States covered by the Regulation.*

(Amendment 4)

Article 1(4d)

d. the Commission shall examine any request made by the Council or by a Member State that it submit a proposal to the Council amending the Annexes to this Regulation to include the third country concerned in Annex I and remove it from Annex II;

d. the Commission shall examine any request made by the Council or by a Member State that it submit a proposal to the Council, **to be adopted under the procedure laid down in the relevant provision of the Treaty** amending the Annexes to this Regulation to include the third country concerned in Annex I and remove it from Annex II;

*Justification:*

*It should be clear that the annexes can only be amended following the Treaty procedure including consultation of the Parliament.*

(Amendment 5)  
Article 2, introduction

For the purposes of this Regulation, "visa" shall mean an authorisation issued or a decision taken by a Member State ***which is required*** with a view to:

For the purposes of this Regulation, "visa" shall mean an authorisation issued or a decision taken by a Member State with a view to:

*Justification:*

*The aim here is to secure coherence with the existing Schengen rules.*

(Amendment 6)  
Article 2, second indent

– entry for transit through the territory of that Member State or several Member States, except for ***transit at an airport***.

– entry for transit through the territory of that Member State or several Member States, except for ***air transit visas***.

*Justification:*

*The aim here is to secure coherence with the existing Schengen rules.*

(Amendment 7)  
Article 3

1. Without prejudice to obligations under the European Agreement on the Abolition of Visas for Refugees, signed at Strasbourg on 20 April 1959, recognised refugees and stateless persons shall be subject to the visa requirement if the third country where they reside and which issued their travel document is one of the third countries listed in Annex I.

***Stateless persons within the meaning of the New York Convention of 28 September 1954 and recognised refugees within the meaning of the Geneva Convention of 28 July 1951 shall be subject to the visa requirement or exempted from it on the same terms as nationals of the non-member State in which they reside and which issued their travel document;***

2. However, stateless persons and recognised refugees may be exempted from the visa requirement if the third country where they reside

and which issued their travel document is one of the third countries listed in Annex II.

*Justification:*

*The Member States should not be permitted to include further exceptions concerning the treatment of refugees.*

(Amendment 8)  
Article 4(2a) (new)

**2a. A Member State may exempt from the visa requirement young people who take part in EU youth programmes.**

*Justification:*

*Organising common seminars and camps would be easier and it could improve the image of the EU. The EU should do everything to enhance these crossborder contacts.*

(Amendment 9)  
Article 5

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| <p>1. Within 10 working days of the entry into force of this Regulation, Member States shall communicate to the other Member States and the Commission the exception measures they have taken pursuant to Article 4. Any further changes to those measures shall be similarly communicated within five working days.</p> <p>2. The Commission shall publish the measures communicated pursuant to paragraph 1 and the notifications referred to in the last indent of Article 1(4) in the Official Journal of</p> | <p>1. Within 10 working days of the entry into force of this Regulation, Member States shall communicate to the other Member States and the Commission the exception measures they have taken pursuant to Article 4 <b>and the visa requirements imposed on stateless persons and recognised refugees pursuant to Article 3.</b> Any further changes to those measures shall be similarly communicated within five working days.</p> <p>2. The Commission shall publish the measures communicated pursuant to paragraph 1 and the notifications referred to in the last indent of Article 1(4) in the Official Journal of</p> |
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the European Communities for  
information.

the European Communities for  
information.

*Justification:*

*The visa requirements imposed on stateless persons and refugees must be published.*

(Amendment 10)  
Article 7(a) (new)

***Notwithstanding Article 7(2), this Regulation shall not affect Member States' obligations deriving from the Schengen agreements and related agreements or rules adopted on the basis of those agreements, as defined in Annex A to Council Decision 1999/435/EC concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis<sup>1</sup>.***

*Justification:*

*The areas not affected by this Regulation need to be defined.*

(Amendment 11)  
Article 8(2)

***2. However, for nationals of the country in Annex II marked with an asterisk, the date of entry into force of Article 1(2) shall be decided on subsequently by the Council, acting in accordance with Article 67(3) of the Treaty establishing the European Community, on the basis of the report referred to in the following***

***Deleted***

*subparagraph.*

***To this end, the Commission shall request the country concerned 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, and report thereon to the Council. The Commission shall submit to the Council a first report, accompanied by any useful recommendations, no later than 30 June 2001.***

***Pending adoption by the Council of the act embodying the abovementioned decision, the requirement laid down in Article 1(1) shall be applicable to nationals of that country. Articles 2 to 6 of this Regulation shall apply in full.***

*Justification:*

*This difference in treatment for Romania is not justified.*

(Amendment 12)  
Annex II

Romania \*

Romania

*Justification:*

*This difference in treatment for Romania is not justified.*

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the Draft Council Regulation 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 (14191/2000 – C5-0714/2000 – 2000/0030(CNS))**

**(Consultation procedure - renewed consultation)**

*The European Parliament,*

- having regard to the Council draft (14191/2000<sup>1</sup>),
  - having regard to the Commission proposal to the Council (COM(2000) 27<sup>2</sup>),
  - having regard to its position of 5 July 2000<sup>3</sup>
  - having regard to the amended Commission proposal to the Council (COM(2000) 577<sup>4</sup>),
  - having been consulted by the Council again pursuant to Article 62(2)(b)(i) of the EC Treaty (C5-0714/2000),
  - having regard to Rule 67 and 71(2) of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0056/2001),
1. Approves the Council draft as amended;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to amend the draft substantially or replace it with another text;
  4. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in OJ.

<sup>2</sup> OJ C 177E, 27.6.2000, P.66-69

<sup>3</sup> Not yet published in OJ.

<sup>4</sup> Not yet published in OJ.

## **EXPLANATORY STATEMENT**

The European Parliament should seek to maintain the position it took at the first reading (A5-0179/2000).