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REPORT

on the Commission proposal for adoption of a Council regulation relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic and/or Paralympic Games in Athens
(COM(2003) 172 – C5-0181/2003 – 2003/0061(CNS))

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

Rapporteur: Marjo Matikainen-Kallström

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)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 22 April 2003 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the Commission proposal for adoption of a Council regulation relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic and/or Paralympic Games in Athens (COM(2003) 172 – 2003/0061(CNS)).

At the sitting of 12 May 2003 the President of Parliament announced that he had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Culture, Youth, Education, the Media and Sport for its opinion (C5-0181/2003).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Marjo Matikainen-Kallström rapporteur at its meeting of 19 May 2003.

The committee considered the Commission proposal and draft report at its meetings of 2 June and 11 June 2003.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote Giacomo Santini (acting chairman), Johanna L.A. Boogerd-Quaak (vice-chairman), Marjo Matikainen-Kallström (rapporteur), Alexandros Alavanos (for Ole Krarup pursuant to Rule 153(2)), Alima Boumediene-Thiery, Mogens N.J. Camre (for Niall Andrews), Marco Cappato (for Mario Borghezio), Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Lissy Gröner (for Gerhard Schmid pursuant to Rule 153(2)), Ewa Hedkvist Petersen (for Adeline Hazan), Margot Keßler, Timothy Kirkhope, Eva Klamt, Alain Krivine (for Fodé Sylla), Lucio Manisco (for Ilka Schröder), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Hubert Pirker, Martine Roure, Heide Rühle, Olle Schmidt (for Baroness Sarah Ludford), Patsy Sörensen, Anna Terrón i Cusí, Maurizio Turco and Christian Ulrik von Boetticher.

The Committee on Culture, Youth, Education, the Media and Sport decided on 12 June 2003 not to deliver an opinion.

The report was tabled on 13 June 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Commission proposal for adoption of a Council regulation relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic and/or Paralympic Games in Athens

(COM(2003) 172 – C5-0181/2003 – 2003/0061(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2003) 172)¹,
 - having regard to Article 62(2) points a) and b)ii of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0181/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0211/2003),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Article 4, paragraph 4

4. The Organising Committee of the 2004

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¹ Not yet published in OJ.

Olympic Games shall forward to the services responsible for issuing visas collective applications for visas as quickly as possible, together with copies of applications for the issue of an Olympic accreditation card for the persons concerned, bearing their name, forename, sex, date and place of birth and passport number, type and expiry date.

Olympic Games shall forward to the services responsible for issuing visas collective applications for visas as quickly as possible, together with copies of applications for the issue of an Olympic accreditation card for the persons concerned, bearing their name, forename, sex, ***nationality***, date and place of birth and passport number, type and expiry date.

Justification

It is clear and consistent to include the participant's nationality in the list of essential personal particulars required.

Amendment 2 Article 8, paragraph 1

Where the list of persons put forward as participants in the Olympic and/or Paralympic Games is amended before the Games begin, the responsible organisations shall inform the Organising Committee of the 2004 Olympic Games thereof so that the accreditation cards of the persons removed from the list can be revoked. The Organising Committee of the Olympic Games shall then inform the services responsible for issuing visas thereof, notifying the numbers of the visas in question.

The services responsible for issuing visas shall cancel the visas of the persons concerned. They shall inform the authorities responsible for border checks thereof, and the latter shall forward this information to the competent authorities of the other Member States.

Where the list of persons put forward as participants in the Olympic and/or Paralympic Games is amended before the Games begin, the responsible organisations shall, ***without any delay***, inform the Organising Committee of the 2004 Olympic Games thereof so that the accreditation cards of the persons removed from the list can be revoked. The Organising Committee of the Olympic Games shall then inform the services responsible for issuing visas thereof, notifying the numbers of the visas in question.

The services responsible for issuing visas shall cancel the visas of the persons concerned. They shall ***immediately*** inform the authorities responsible for border checks thereof, and the latter shall, ***without any delay***, forward this information to the competent authorities of the other Member States.

Justification

Account should be taken of the fact that the derogations provided for in the present regulation should in no way have a negative effect on the security level in the Schengen area.

Amendment 3
Article 10

Not later than **six** months after the close of the Paralympic Games, Greece shall transmit to the Commission a report on the various aspects of the implementation of the provisions of this Regulation.

On the basis of this report and any information supplied by other Member States within the same time limit, the Commission shall draw up an assessment of the functioning of the derogation in respect of the issue of visas to members of the Olympic family, as provided for by this Regulation, and shall inform the the European Parliament and the Council thereof

Not later than **four** months after the close of the Paralympic Games, Greece shall transmit to the Commission a report on the various aspects of the implementation of the provisions of this Regulation.

On the basis of this report and any information supplied by other Member States within the same time limit, the Commission shall draw up an assessment of the functioning of the derogation in respect of the issue of visas to members of the Olympic family, as provided for by this Regulation, and shall inform the the European Parliament and the Council thereof

The Commission shall draw up this evaluation report early enough for the experience made during the Olympic and Paralympic Games of Athens to be taken into account by the Italian authorities for the organisation of the Olympic Winter Games which will be held in Turin in 2006.

Justification

The Greek authorities should do their utmost to provide an evaluation of the implementation of the derogations to the procedure of issuance of visas to the members of the Olympic Family in a period of four months after the closing date of the Games. This would be particularly useful in order to leave the Commission with sufficient time for drawing up its assessment of the functioning of the derogation procedure and to enable the Italian authorities to adapt the system according to the conclusions drawn from the experience made during the Games of Athens.

EXPLANATORY STATEMENT

I. BACKGROUND

The Olympic and Paralympic Games which take place every four years represent not only a major sports festival, but also the putting into practice of basic values promoted by the Olympic Movement, such as the establishment of a peaceful society, the preservation of human dignity¹ and the education of youth through sport, practised without discrimination of any kind and in a spirit of mutual understanding, friendship, solidarity and fair play².

The educational value of sports and its impact on society were once again recognised at European level, when the European parliament and the Council decided, on 6 February 2003, to proclaim the year 2004 as the European Year of Education through Sport. More generally, the importance of sport was officially underlined at the European Council of Nice, which acknowledged the social function of sport in Europe and asked for it to be taken into account in the implementation of common policies³.

In this context, it seems logical that specific measures should be taken at Union level in order to facilitate the task of the Union Member State entrusted with the organisation of the next Olympic games, and to enable it to meet its obligations set out under the Olympic Charter.

It should be recalled that Athens was chosen on 5 September 1997 as host city for the 2004 Olympic and Paralympic games. Accordingly, Greece will become the first Member State on whose territory the Olympic games will be held since the frontier-free Schengen area was integrated into the Union framework.

The conditions under which the participants of the Games are granted access to the territory of the host country and allowed to move around within it determine, to a large extent, the choice of the city selected to organise the games. It appears therefore all the more necessary - in order not to hamper the prospects of other EU cities that would want to apply for hosting the games in the future - to adopt measures designed to facilitate the compliance with some provisions of the Olympic Charter concerning the access to the territory of the State where the Games are to be held.

These provisions can be found in article 65 of the Charter concerning the Olympic Identity and Accreditation Card, which provides that this Card constitutes a document which, together with the passport or official travel document of its holder, authorises entry into the country in which the city organising the Olympic Games is situated. Thus the members of the Olympic Family must be able to enter the territory of the State where the Games are held without having to go through any other procedures or formalities. The aim of the present regulation consists precisely in making that requirement possible.

¹ Olympic Charter, Fundamental Principles, article 3.

² Olympic Charter, Fundamental Principles, article 6.

³ Nice European Council, Presidency Conclusions, Annex IV.

II. MAIN PROVISIONS OF THE PROPOSAL

In order to achieve that goal, the regulation provides for temporary derogation from certain provisions of the *acquis communautaire* on visas, which includes Regulation No 539/2001¹ as well as the procedures and conditions for issuing visas as defined by the Schengen Convention and the measures taken to implement it, in particular the Common Consular Instructions, which lay down *inter alia* the type of visa to be issued, the Member State responsible for examining applications and the conditions governing the receipt and examination of applications and the decision on issuing a visa.

It should be noted that the proposal does not set out to abolish the visa requirement for "members of the Olympic Family" - composed *inter alia* of members of the International Olympic Committee, the national Olympic Committees, the Organising Committee of Olympic Games, athletes, coaches, judges, medical team, accredited journalists² - who, because of their nationality, are subject to that requirement under Regulation No 539/2001. The arrangements proposed are merely aiming at facilitating both the procedures for submitting applications, and the form in which visas are issued. Neither does the system proposed affect, in any way, the rules of the Schengen *acquis* regarding procedures and verifications required for the purposes of public order and public safety.

In concrete terms, the simplification of procedure means that individuals applying for a visa do not have to go personally to the consular services to apply for, or to receive a visa. Nor has the request to be presented on the standard form available for this purpose. Instead, the organisations responsible for proposing the members of the Olympic Family will send a list of participants in the 2004 Olympic and/or Paralympic Games in Athens to the Organising Committee of the Olympic Games. The Organising Committee will then forward a copy of the lists to the services responsible for issuing visas in Greece. There will be no need for the applicants to provide proof of sufficient means of subsistence in order to obtain a visa.

A visa may be issued only where the person concerned:

- a). has been designated by one of the responsible organisations and accredited by the Organising Committee of the 2004 Olympic Games as a participant in the Olympic and/or Paralympic Games
- b) holds a valid travel document authorising the crossing of the external borders
- c) has not been identified for non-admission,
- d) is not deemed liable to undermine public order, national security or the international relations of one of the Member States.

The visa issued will be a uniform short-stay, multiple entry visa authorising a stay of up to 90 days for the duration of the Games, in accordance with Rule 65 of the Olympic Charter which states that the holder of the accreditation card is allowed to stay in the organising country for a period not exceeding one month before and one month after the Olympic Games.

¹ Listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States and those whose nationals are exempt from that requirement.

² As defined in Chapter I, article 2 (2) of the proposed Regulation.

Within this period of validity, the visa allows the holder to remain in Greece and the other Schengen countries, and to transit through these countries on his/her way to or from Greece before and after participating in the Games. The Greek authorities may nevertheless issue a visa with limited territorial validity in cases where the applicant does not fulfil the conditions mentioned above under c) and d).

The visa takes the form of two numbers entered on the Olympic accreditation card and the issuing procedure does not give rise to any fees.

As far as the territorial scope of application of the regulation is concerned, it appears, in the light of agreements concluded with the United Kingdom and Ireland concerning their participation in the implementation of the Schengen *acquis*¹, that these two countries will not be bound by the present regulation. Denmark will for its part have six months after the adoption of the regulation to decide on its participation in the implementation thereof, whereas Iceland and Norway will be associated to the development of the measures, which they will have to apply.

III. EVALUATION OF THE PROPOSAL

First of all, it should be stressed that the derogations provided for by the proposed regulation are of a limited scope, essentially of technical nature and fully justified by the exceptional character of the event. In no way do they undermine the basic principles or infringe the security standards of the Schengen area, given that the Greek authorities are bound to check that all the necessary requirements are fulfilled before issuing a visa and entitled to issue visas with limited territorial validity in case one of the conditions is not met. Also, the duration of the derogation proposed is strictly limited by article 2 (4) to a period of three months, in full compliance with the *acquis communautaire* on visas.

The issuing of the visa is closely linked to the deliverance of the accreditation card, as the visa takes the form of a number entered on this card. Here also high security standards are met: these cards, which establish the identity of their holders and allow them to enter the territory of the State where the Games are held, are delivered by the Organising Committee according to a strictly regulated accreditation procedure. They are highly secure documents giving access to the specific sites where competitions take place. Only the members of the Olympic Family have the right to obtain a visa through the transmission of an accreditation card to the Greek authorities. All other persons have to follow the normal procedures to obtain a visa for attending the games.

The measures provided for by the present regulation are aiming to facilitate procedures for the organisations involved in the preparation of the Games. In exchange, these organisations should be aware of the necessity to inform the Organising Committee without any delay when the list of participants to the Games is modified, in order to enable the Committee to immediately revoke the accreditation card and to inform the services responsible for issuing visas. The services concerned will then cancel the relevant visas and inform the authorities

¹ See Council Decision 2000/365/EC of 29 May 2000 and Council Decision of 2002/192/EC of 28 February 2002.

responsible for border checks hereof, who will forward this information to the competent authorities of the other Member States.

Given the level of cooperation required for these facilitating measures to be effective and the security requirements to be met, it appears necessary to adopt the relevant provisions at Community level. In this sense, the regulation proposed is in full compliance with the principle of subsidiarity. Also, the measures envisaged do not go beyond what is required to achieve the objective pursued by the proposal, so that it can be said that the action taken is, by its nature and scope, in perfect compliance with the principle of proportionality.

Finally, it should be noted that even as Greece is the first Member State on whose territory Olympic Games will take place since the Schengen area was established, a similar situation will arise again in a relatively short period of time with the Winter Olympic Games which are due to take place in Turin, in February 2006. That is the reason why it might be useful to reduce the time limit foreseen for the evaluation of the implementation of the present regulation to four months, instead of six, in order to enable the Italian authorities to draw all the necessary lessons from the experience made during the Olympic Games of Athens and to adapt the derogation procedure accordingly.