

Towards and Area of Freedom, Security and Justice

V i s a p o l i c y

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Unit B.1 – Borders and visas

The visa lists - Council Regulation (EC) No 539/2001

- The significance of the regulation
- The implementing Member States and associated countries
- The amendments of the regulation
- The obligation to align visa policy with the annexes (strategy, timing, method)
- The consequences of the exclusive competence of the Community in the visa policy

Council Regulation (EC) No 539/2001- the details

- The criteria for determining visa exemption or visa obligation (illegal immigration, public policy and security, EU's external relations with third countries, regional coherence and reciprocity)
- The visas covered by the regulation (short stay, transit)
- The rules concerning refugees and stateless persons

The possible exceptions from the common policy – Article 4

- Diplomatic and service passports, laissez-passer
- Civilian air and sea crew
- Emergency situations
- civilian crew of ships navigating in international waters

Transparency

- Member States are obliged to communicate their measures taken concerning the exceptions from the common policy (Article 5)
- Commission to publish the communicated measures

The reciprocity mechanism

- Member States had to notify by 24 July 2005 all existing non reciprocity situations.
- Notifications were published in the Official Journal.
- The Commission had to take steps with the authorities of the notified third countries in order to restore visa-free travel.
- Within three months Commission to present a report to the Council, possibly accompanied by a proposal providing for the temporary restoration of the visa requirement for the nationals of the third countries concerned.
- The Council and Commission joint declaration (OJ C 172, 12.7.2005, p. 1) refers to the possibility to apply to the third countries concerned other provisional measures, particularly in political, economic and commercial fields.
- New Commission report on persisting non-reciprocity situations.