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**COMMISSION STAFF WORKING DOCUMENT**

**Report on the functioning of the derogation system introduced by Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic or Paralympic Winter Games in Turin**

## 1. INTRODUCTION

The 2006 Turin Winter Games were the second Olympic and Paralympic Games organised by a Member State being part of the Schengen area without internal borders. Previously Greece hosted the first Olympic and Paralympic Games in 2004. In order to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the Games in Athens the Council adopted *Regulation 1295/2003*<sup>1</sup>, which established a specific temporary system derogating from the normal procedures for issuing visas for the members of the Olympic family<sup>2</sup>. In its report<sup>3</sup> on the functioning of the derogation regime during the 2004 Olympic Games in Athens, the Commission concluded that the implementation of the Regulation was successful and the derogation system has been considered effective, flexible and adequate for regulating the entry and short stay of members of the Olympic family participating in the Games, within the Schengen area without internal borders. Therefore the European Parliament and the Council of the European Union adopted a *similar derogation system for the 2006 Olympic and Paralympic Winter Games* in order to allow Italy to honour, as host country, its Olympic Charter obligations, while ensuring a high level of security in the Schengen area. These measures were justified by the exceptional character of the event and the need to respect the obligations of Italy under the Olympic Charter<sup>4</sup> – a right of access for members of the Olympic family to the territory of the organising state – without undermining the essential principles and the smooth functioning of the Schengen acquis.

Article 10 of Regulation 2046/2005 provides that "No later than four months after the closure of the 2006 Paralympic Winter Games, Italy shall transmit to the Commission a report on the various aspects of the implementation of this Regulation. On the basis of that 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 European Parliament and the Council thereof." The Commission received the Italian report on the implementation of Regulation 2046/2005 on 27 September 2006. The Commission has also sent letters to all Member States, Norway and Iceland requesting information on the functioning of the derogation system. Most of the replies were submitted

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<sup>1</sup> Council Regulation (EC) 1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the Olympic or Paralympic Games in Athens, OJ L 183/1 of 22.07.2003

<sup>2</sup> Member of the Olympic family: any person who is a member of the International Olympic Committee, the International Paralympic Committee, International Federations, the National Olympic and Paralympic Committees, the Organising Committees of the Olympic Games, and the national associations, such as athletes, judges/referees, coaches and other sports technicians, medical personnel attached to teams or individual sportsmen/women and media-accredited journalists, senior executives, donors, sponsors or other official invitees, who agree to be guided by the Olympic Charter, act under the control and supreme authority of the International Olympic Committee, are included on the lists of the responsible organisations and are accredited by the Organising Committee of the Olympic and Paralympic Games as participants in the Olympics and/or Paralympic Games (article 2 (2) of Regulation 1295/2003 and article 2 (2) of Regulation 2046/2005)

<sup>3</sup> Report on the functioning of the derogation system introduced by Regulation (EC) No 1295/2003 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Winter Games in Athens, COM doc. SEC(2005) 1051, 12121/2005 VISA 214 COMIX 557.

<sup>4</sup> Rule 55 of the Olympic Charter: the Olympic accreditation card together with the passport is to establish the holder's identity and allows the holder to enter and stay in the country hosting the games.

by the beginning of November 2006. The present report is based on the above mentioned contributions.

Commission services would like to thank all Member States for their cooperation in the implementation of this Regulation and in particular the Italian Authorities for the precise and exhaustive information transmitted regarding the functioning of the derogation system introduced for the second time by Regulation 2046/2005 for the members of the Olympic family.

## 2. A DEROGATION REGIME FOR THE MEMBERS OF THE OLYMPIC FAMILY

### Regulation (EC) No 2046/2005 – its main provisions

1. *Regulation 2046/2005* maintained the visa requirement for members of the Olympic family having the nationality of a third country subject to that requirement under Council Regulation 539/2001<sup>5</sup>. It aimed at facilitating the procedures by providing the submission of *collective visa applications* via the Olympic accreditation system, making it possible to submit the visa applications collectively together with the request for accreditation. This way, by derogation to the rules of the Schengen acquis, individuals applying for a visa were not required to present themselves at the consulates neither to submit an application, nor to receive the visa, and the request did not have to be presented on the standard Schengen visa application form for this purpose. The Regulation also provided the simplification of the supporting documents and allowed the visa to be issued in the form of a special number on the accreditation card. Article 3 of the Regulation set out the simplified conditions under which a visa could be issued to members of the Olympic family. The visa issued was a uniform short-stay, multiple entry visa authorising a stay of not more than 90 days for the duration of the Olympic and Paralympic Games. They were processed and issued free of charge.
2. Members of the Olympic family subject to the derogation regime were selected by various responsible organisations<sup>6</sup> in order to participate in the Winter Games. The International Olympic Committee (IOC) and the Organising Committee of the Olympic and Paralympic Winter Games<sup>7</sup> (TOROC) were responsible for issuing the accreditation cards (and the visa on it) to members of the Olympic family.
3. According to the relevant rules, holders of such accreditation cards (with a visa) could transit through the territories of other Schengen Member States on their way to and from Italy.

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<sup>5</sup> Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and the countries whose nationals are exempt from that requirement, OJ L 81, 21.03.2001

<sup>6</sup> Responsible organisation: official organisations, in terms of the Olympic Charter, which are entitled to submit lists of members of the Olympic family to the Organisation Committee of the 2006 Olympic and Paralympic Winter Games with a view to the issue of accreditation cards for the Games.

<sup>7</sup> Organising Committee (TOROC): set up on 27 December 1999 in accordance with Article 12 of the Italian Civil Code (RD 16/3/1942 n. 262) to organise the 2006 Olympic and Paralympic Winter Games in Turin, which decides on accreditation of members of the Olympic family taking part in those Games.

4. Article 5 allowed for the possibility of issuing visas with limited territorial validity (LTV) in compliance with the provisions of the Schengen Convention when a person did not meet the conditions of issuing the visa set out in this Regulation.
5. Article 9 of the Regulation also provided the limitation of border checks for the members of the Olympic family when crossing the external borders. Border guards had to check only the accreditation (and the visa on it, if needed) of the person, its valid travel document, affix the entry and exit stamps and make the SIS-check or other relevant national check<sup>8</sup>. Other conditions for entry provided in the Schengen Convention – such as the disposal of the means of subsistence – were presumed to be fulfilled once a member has been duly accredited.
6. Chapter III included provisions for cancelling a visa of a member of the Olympic family if the list of participants was amended prior to the Games.
7. According to the Community rules<sup>9</sup>, third country nationals holding a valid residence permit issued by a Schengen Member State can travel – for up to three months – within the Schengen area without a visa. Thus in order to avoid a double authorisation, this Regulation did not apply to members of the Olympic family that are nationals of a third country subject to visa requirement but who hold a residence permit issued by a Schengen Member State.

### **3. IMPLEMENTATION BY ITALY OF THE DEROGATION REGIME – THE REPORT (LEGAL AND ADMINISTRATIVE FRAMEWORK – PRACTICAL/OPERATIONAL MEASURES)**

On the basis of the report submitted by the Italian authorities on the implementation by Italy of the provisions of Regulation 2046/2005 and its annexes, the following topics can be set out as the most important elements of the derogation system.

#### **1. *Legal and institutional framework***

On the basis of a decree<sup>10</sup> an "Olympic consulate" was set up, which was a special unit within the Ministry of Foreign Affairs to handle the processing of applications and the issuing of visas for the members of the Olympic family. The Olympic consulate was staffed with permanent officials of the Ministry of Foreign Affairs and functioned from 3 November 2005 until 19 March 2006. The Organising Committee of the Olympic and Paralympic Winter Games (TOROC),<sup>11</sup> which was set up on 27 December 1999 to organise the 2006 Winter Games in Turin, was the body responsible for assessing the fulfilment of the conditions and deciding on accreditation of the members of the Olympic family taking part in the Games. The responsible organisations, which numbered 74 for the Olympic Games and 24 for the

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<sup>8</sup> That the member of the Olympic family is not a person for whom an alert has been issued for the purposes of refusing entry or is not considered to be a threat to public policy, national security or the international relations of any of the Member States.

<sup>9</sup> Article 21 of the Convention Implementing the Schengen Agreement of 14 June 1985

<sup>10</sup> Prime Ministerial Order No 3643 of 9 September 2005 of Italy provided for the simplification of procedures concerning the issue of visas to Olympic family members. By Decree No 1050A of 3 November 2005 a visa centre was designated in the Ministry of Foreign Affairs; this unit served the Olympic consulate.

<sup>11</sup> Article 12 of the Italian Civil Code (RD 16/3/1942 n. 262)

Paralympic Games, submitted the list of members of the Olympic family<sup>12</sup> and their application to TOROC.

## **2. *The accreditation procedure***

*Regulation 2046/2005* facilitated the visa issuing procedure by providing the submission of *collective visa applications* via the Olympic accreditation system: the organisations responsible for proposing the members of the Olympic family submitted the collective applications together with the request for accreditation to the Olympic and Paralympic Winter Games Organizing Committee (TOROC). The application form for accreditation contained the basic data relating to the person concerned. Visa applications were then forwarded to the Italian services responsible for issuing visas according to Article 4 of the Regulation (see above).

The Olympic consulate examined the applications forwarded in electronic form by the Organising Committee's accreditation office, and after the necessary security checks (SIS check, national check, required prior or selective consultations of other Member States) "issued the visas". This meant, that the application was assigned a visa number, which was forwarded electronically back to TOROC, where it was entered on the Olympic accreditation card. A special computer software program was used for these transmissions. The visa number was entered on the back of the Olympic accreditation card, together with the number of the holder's passport or other travel document in order to facilitate the border checks. The visa number comprised seven characters (the letter "C" followed by six digits) in case of a uniform Schengen visa and eight characters (the letter "IT" followed by six digits) in case of a visa with limited territorial validity (LTV). If the applicant did not fulfil the requirements necessary to admission and without prejudice to the possibility of issuing an LTV visa, no visa was issued to that person (no visa number delivered; see *infra*).

## **3. *The Games in numbers***

The total number of pre-accreditation applications submitted was 36323 (31041 for the Olympic Games and 5282 for the Paralympic Games). Out of this number 2710 were submitted by third country nationals subject to the visa obligation under Regulation 539/2001 (2384 for the Olympic Games and 326 for the Paralympic Games). During the period of the Games 26428 people were actually accredited as members of the Olympic family, 2425 of them requiring visas. Out of the total number 22441 people (from whom 2137 required visa) were accredited to the Olympic and 3987 (288 requiring visa) to the Paralympic Games. Thus approximately 9 % of the total number of accredited Olympic family members benefited from the visa facilitation procedure provided by Regulation 2046/2005.

Beside the numbers above there were around 70 000 accreditations issued to members of the workforce and about 20 000 for members of law enforcement agencies (not specified by the Italian report), who were not considered as Olympic family members. Members of the workforce subject to visa requirement obtained their visas from Italian consulates and did not come under the provisions of Regulation 2046/2005.

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<sup>12</sup> TOROC identified these members of the Olympic family from among members of the International Olympic and Paralympic Committees, International Federations, and National Olympic Committees accredited as athletes, judges, coaches, sport technicians and medical personnel, as well as representatives and observers from Beijing, the city staging the Olympic and Paralympic Games in 2008, media journalists and representatives of sponsors.

#### **4. Security aspects**

Concerning security aspects, the Olympic accreditation cards issued for the Winter Olympic Games in order to authorise access to the facilities where competitions were held, met high security standards, at least equivalent to those for the uniform format for visa. They were printed on special watermarked paper, identifiable by the inscription "torino 2006", including both visible and invisible optical features, and special security features protecting the photograph and the personal data from falsification. The card contained the official logo of the Games, a large category letter with background colour indicating the category of the accredited person, a recent, colour, digitally watermarked photograph, personal data of the cardholder, codes determining the venues, zones and transportation rights, seating access, a personal identity number on both sides, a security device etc.

The derogations from the Schengen rules for members of the Olympic family were valid for 76 days, from 10 January 2006 until 26 March 2006. For the Paralympic Games this period lasted for 69 days, from 10 February 2006 to 19 April 2006 as established in the Olympic Charter in order to allow the holder to stay in the host city's country from 30 days before the opening ceremony to 30 days after the closing ceremony.

During the Games no specific violations of this period were observed and after the Games no members of the Olympic family were found to have remained in the territory of Italy unlawfully upon expiry of their accreditation cards. However it could have happened, as stated by the Italian report and discussed below, that in some cases members accredited for both the Olympic and Paralympic Games stayed altogether longer than 90 days within the common area (see infra).

Article 2 (2) of the Schengen Convention provides for the possibility for the Schengen Member States to carry out border checks at the internal borders for a limited period where public policy or national security so requires, Italy did not reintroduce the checks at her borders for the period of the Olympic Games.

#### **5. Operational cooperation at the external air borders**

During the Olympic Games, for more than 3 weeks in February 2006, with the participation of FRONTEX, an operational cooperation was established at EU level to strengthen security at the external borders. 24 airports in 16 Member States were involved in the project, a contact point at FRONTEX was established and a FRONTEX liaison officer was assigned in Turin to help the Italian authorities in relation to border management. The FRONTEX Operational Coordination Centre received the daily reports sent by the 24 airports on the functioning of the project and on possible incidents and also solved communication troubles between the border control authorities. Five Italian liaison border guards were deployed at the airports in Amsterdam, Paris, Frankfurt, London and Madrid in order to provide the local border guards with relevant information concerning the accreditation cards, visas, security features of the documents etc.

During the operation, 13015 passengers on route to Turin were checked and 665 of them were subject to second line checks. No problems have been reported in relation to the crossing of the external borders of the Olympic family members, which also led to the conclusion that the necessary information to perform border checks according to the derogation regime was available at the external border crossing points.

## **6. *Members of the Olympic family participating in both the Olympic and the Paralympic Games***

Those qualifying for both the Olympic and the Paralympic Games, could obtain two different accreditation cards and two separate visas covering a total of 100 days. This would be a "further derogation" from the Schengen principle of the maximum length of stay of 90 days. Article 5 (2) of Regulation 1295/2003 and Regulation 2046/2005 do not allow this, fixing a maximum of 90 days "for the duration of the Olympic Games and/or Paralympic Games". According to the records of Italy there were 35 applications submitted for both Games. The Italian authorities even took into consideration the date on which the Olympic accreditation was checked and validated by an accreditation centre after arrival. According to their findings only three members of both families validated their accreditation and thus entered the Schengen area before 20 January. This way only 3 people (all from TOBO, the host broadcaster for the Turin Olympic Games) could have exceeded the 90-day limit of stay in the Schengen area, if they remained there throughout the Games until 19 April.

## **7. *Members of the Olympic family holding residence permits issued by Member States***

Regulation 2046/2005 did not apply to members of the Olympic family required to have a visa but holding a residence permit issued by a Schengen Member State in order to prevent the issuance of a further, unnecessary visa. Recital 10 of the Regulation states that where no specific provisions are laid down in this Regulation, the relevant provisions of the Schengen acquis on visas and checks at Member States' external borders should apply. Third country nationals holding a residence permit issued by a Schengen State do not need a visa to enter Italy. Based on the conclusions of the Commission Report on the problems encountered during the 2004 Athens Olympic Games, in order to avoid the issuance of visas to such persons, *TOROC* included two new fields on the application form for accreditation card (*city and country of residence*) not appearing in the form for the Athens 2004 Games. The system also generated a special report when an applicants' stated country of residence did not match its nationality, so all National Olympic Committees of countries, whose nationals required visas, received such reports (Residence report), if at least one of their representatives was recorded as resident in a Member State fully applying the Schengen acquis. The purpose of sending the report was to obtain more information about that applicant, particularly the type and period of validity of the residence permit. However in many cases, as the Italian authorities reported, replies from the national responsible organisations, if sent, were insufficient to establish whether the applicant was entitled to free movement under the Schengen Convention for the period of the Games. In case of doubt *TOROC* and the Olympic consulate rather issued the accreditation card also serving as a visa, because they considered the proper staging of the Games more important. So it could happen, that accreditation cards were issued to members of the Olympic family who at the same time held a valid residence permit issued by another Schengen Member State.

## **8. *Schengen visa refusal/possibility of issuing LTV visas***

The Italian authorities reported only one applicant, who failed to meet the conditions set by Regulation 2046/2005 for entering the Schengen Area. The National Olympic Committee of the country concerned was seeking to have a person accredited as administrative staff, but checks showed that an alert was issued against him in the Schengen Information System to be refused entry into the Schengen area (alert put by Italy). The Italian authorities considered that his presence was not of necessity to the staging of the Games, so the Olympic Consulate did

not use the option of issuing a visa with limited territorial validity. In this case the visa was refused.

## **9. Cancellation of an application**

If an accreditation was cancelled prior to the Games (e.g. if an athlete failed to qualify), TOROC notified the Olympic consulate immediately. In many of the registered cases the accreditation cards had not yet been sent out to the responsible organisations. Where the accreditation cards were already distributed, TOROC asked the responsible organisations to return those cards. In these cases TOROC destroyed the accreditation cards straight away and immediately updated Extranet 2006 (see below).

## **10. Issue of accreditation cards followed by changes in the personal particulars or the travel documents**

As the applications for accreditation were sent to TOROC by the organisations responsible in advance, in due time before the starting date of the event (the first pre-accreditation applications began to arrive already in September 2005), it also happened that at the operational phase, after checking the documents and putting the applicants' personal data into the special computer system, some particulars of the members were adjusted, making it necessary to resubmit the applications and in some cases to issue a new Olympic visa number. In case of such changes, the Extranet 2006 website was updated immediately by the Italian authorities showing all the time an accurate picture of the situation. The visas of members of the Olympic family which had not been confirmed by the responsible organisations were cancelled and removed from the valid visa list on Extranet. On the other hand, individuals whose accreditation data arrived after the deadline (24 October 2005) did not receive an accreditation card in advance. They had to follow the normal visa procedures to enter and stay in Italy.

There were also some cases reported, when the *travel document was replaced* meanwhile (because of theft or loss or expiry). In such cases TOROC destroyed the accreditation card bearing the invalid passport number and updated Extranet soon. Where the accreditation card was already sent out to the responsible organisations, its return was requested in order to destroy it. The Italian authorities provided no further information on how this process worked.

## **11. The dissemination of information**

The assessment of the Athens Olympic and Paralympic Games underlined the importance of widespread dissemination of the necessary information in order to support and ensure the effective implementation of the relevant Regulation. The strong cooperation of TOROC, the Ministry of Foreign Affairs (the Olympic consulate) and the Ministry of Interior was needed in order to ensure the extensive distribution of information to the organisations and the relevant authorities of the member and non-member countries. The main channels used for this purpose were the following:

- The visa issued by the Olympic Consulate was equivalent to a multiple-entry uniform Schengen visa for a stay not exceeding 90 days (valid for 76 and 69 days respectively) allowing the holder to enter the common area across any Schengen external border and transit to Italy. In order to facilitate checks at the external borders, TOROC set up a special website (<http://extranet.torino2006.it>) containing the personal data of the members of the Olympic family. This website, which for security reasons was protected by personalised



access, provided an up-to-date list of the visas issued arranged by nationality and surname. This system enabled TOROC to provide the Member States with the necessary details of the Olympic visas and the possible cancellations in due time. According to the Italian report the website was visited 1065 times, for obvious reasons mostly by the Italian border control authorities in order to check the validity and authenticity of the accreditation documents. Border checks included the examination of the accreditation cards and visas, the check of the travel documents and the fulfilment of the entry conditions in Article 5 (1) (a), (b) and (d) of the Schengen Convention, and the fixing of the entry and exit stamps into the travel documents accompanied by the visa number.

- The necessary information about the temporary derogations from the Schengen rules was supplied to the responsible organisations at special meetings held in Turin and by publishing and distributing the Accreditation Manual prepared by the Organising Committee for the Turin 2006 Olympic Winter Games (TOROC). Preparatory meetings were held for representatives of the responsible organisations.
- The Italian authorities have closely cooperated with the representatives of the relevant Council Working Groups (Visa, Frontiers).
- IATA (International Air Transport Association) via the website [www.timaticweb.com](http://www.timaticweb.com) and by the monthly Travel Information Manual (TIM) provided for information to airlines and ground staff at airports about passengers belonging to the Olympic family and about the admission criteria. It was an essential aid for both airlines and border control authorities.
- A summary of Regulation 2046/2005 was published together with the specimen of the Olympic and Paralympic identity and accreditation card.
- A training course for border-control officers has been organised in Rome, in December 2005 for which TOROC prepared a document on the procedure of applying for and issuing of the accreditation card and the full details of the security features required for the paper used for producing the accreditation card. This information was distributed in electronic form to all relevant authorities as well.
- Still in 2005 the Ministry of Foreign Affairs supplied all Italian diplomatic and consular missions with notices prepared to clarify the derogation arrangements and procedures for issuing visa to the members of the Olympic family. These notes contained information on measures under the Regulation to facilitate procedures for the members of the Olympic family to apply for and obtain accreditation cards. In particular, instructions were given to Italian diplomatic missions to contact the authorities of the host countries (especially the Ministry of Foreign Affairs and the border control authorities) in order to explain the scope of the exceptional arrangements under Regulation 2046/2005. In each Italian diplomatic mission a contact person was designated to keep contact with the local authorities and provide any further clarification and interpretation regarding the application of the provisions of the Regulation.

#### **4. SOME PROBLEMS ENCOUNTERED BEFORE AND DURING THE GAMES**

The Italian authorities did not encounter serious problems during the implementation of Regulation 2046/2005, some issues were nevertheless raised in their report. Italy pointed out that some aspects previously raised by Greece in its report after the 2004 Olympic Games in

Athens have not been solved and emerged again during the Italian Games and the implementation of Regulation 2046/2005. Other Member States, which submitted their comments, uniformly reported that their border guards have been informed in time before the beginning of the Winter Olympic Games and that the implementation of the Regulation caused no incidents in relation to border control – as also confirmed by FRONTEX – and they did not discover any problem concerning visa issues.

The problems raised in the Italian report were the following:

1. Especially during the period before the opening ceremony TOROC reported cases in which members of the Olympic family were initially prevented from departing by their own country's airport authorities because of some uncertainty as to the extent of measures under the Regulation (they held only the Olympic accreditation card and not the usual Schengen visa). Members of the Olympic family also reported cases of difficulties at transit airports within the Schengen area entering the common area and travelling on to Turin. Such cases were resolved directly by Italian officials from the missions.
2. Despite the preparatory meeting organised for the representatives of the responsible organisations in order to explain the significance of the derogation regime, cases arose in which Olympic accreditation card holders, not knowing that the card also served as a visa, applied for separate visas at Italian consulates. However once it had been ascertained from the Extranet 2006 website that they had been issued the accreditation card, such applicants were not granted another separate visa. However the Italian authorities have not always been able to avoid such duplications, especially when applications were lodged at the same time, in parallel with the accreditation applications.
3. Another important task of TOROC and the Ministry of Foreign Affairs was to ensure, by means of an appropriate computer system and by involving the National Olympic Committees, that accreditation cards also serving as a visa were not given to those already holding a valid Schengen visa or a residence permit issued by a Schengen Member State valid for the duration of the event. However - in order to avoid the issuance of visas to such persons - TOROC included two new fields on the application form for accreditation card (city and country of residence) and introduced the system of residence reports in order to obtain more information about the residence permit of that applicant. In many cases the double authorisation could not be avoided as already explained in III.6.

The above problems – lack or inadequacy of information – arose from the fact that despite the clarifications provided by TOROC, the national responsible organisations faced difficulties when checking the validity of documents entitling its holder to exercise the right of free movement within the Schengen area without a visa. Another reason could be – according to the Italian report – that National Olympic Committees favoured the issue of Olympic accreditation cards also serving as a visa, as those provided greater certainty in ensuring entry into the host state.

4. The Italians reported also many cases, in which after the application for accreditation was transmitted electronically or by fax by the organisations responsible, the applicants omitted to send to TOROC a photo to be affixed to the card. In such cases

the accreditation cards were not printed even if the Olympic consulate already sent the visa numbers to TOROC.

5. As already mentioned earlier, there were some cases reported when at the operational phase the applicants' personal data had changed making it necessary to resubmit the applications and in some cases to issue a new Olympic visa number. In other cases the travel document was replaced meanwhile. In such cases TOROC destroyed the accreditation card bearing the invalid passport number and updated Extranet soon. Where the accreditation card was already sent out to the organisations responsible, its return was requested in order to destroy it and issue a new one. However this process was not without any difficulty as the accreditation cards had to be replaced quite fast and in urgent cases the Olympic family member had to apply for a visa directly at the host country's consulate.
6. Furthermore, the report of the Italian authorities also signals that the lack of any database of people subject to visa bans under European Union common positions or United Nations Security Council resolutions is still an unsolved question (Italy supplied no specific examples).

## **5. CONCLUSION - ASSESSMENT**

On the basis of the information submitted by the Italian authorities and 13 Member States, Commission services are of the opinion that despite some smaller incidents the implementation of the specific provisions provided by Regulation 2046/2005 in order to facilitate the application for and the issue of visas for members of the Olympic family can be considered as successful. Those Member States which replied to the Commission's request to submit their comments and experiences on the implementation of the Regulation also confirmed the correct functioning of the derogation regime.

The Regulation succeeded in reconciling the visa requirement for members of the Olympic family according to Regulation 539/2001 and the right for members of the Olympic family to get access to the territory of the host country set by the Olympic Charter. The provisions of Regulation 2046/2005 offered an effective and flexible visa regime adequate for allowing Italy to respect its obligations under the Olympic Charter without diminishing the level of security in the common area without internal borders. The facilitated procedures introduced by the Regulation (as the collective application through the accreditation process, the visa in form of a number on the accreditation card, the waiver of supporting documents, visa fees, the simplified border check) were easily applicable by the competent authorities.

The accreditation process was adapted to the derogation regime for the issue of visas, which led to the smooth and successful functioning of the whole system. Further practical measures were also adopted to promote the effective implementation of the specific provisions (special computer program used for transmitting the applications, Extranet 2006 website, etc.). The diverse channels of communication used by the Italian authorities in order to ensure continuous exchange of information between the competent organisations also contributed to the transparency and proper application of the rules set out by the Regulation.

As regards the specific issues mentioned by the Italian report, in most of the cases the competent authorities could manage those incidents by applying practical measures (e.g. replacement of accreditation cards in certain cases). Moreover, some issues highlighted by the

Greeks in their report after the 2004 Athens Olympic Games have been solved by the time of the Italian Winter Games: e.g. the problem of double authorisation of those members holding already a valid residence permit issued by a Schengen Member State, by completing the application form for accreditation with two additional fields.

However, a general issue still has to be dealt with: the question of new pieces of legislation for each Olympic Games. For the 2004 Athens Olympic Games a Regulation was adopted providing the derogation regime. In 2005, for the 2006 Turin Olympic Games another Regulation was adopted with similar content. The introduction of similar derogation regimes for each further Olympic Games with identical content seems to be time-consuming and superfluous. Therefore the Commission has already proposed – in the framework of the proposal for a Regulation establishing a Community Code on Visas (Visa Code)<sup>13</sup>, which will replace the Common Consular Instructions<sup>14</sup> – to provide permanent provisions in view of facilitating the procedures for applying for and issuing visas for members of the Olympic family taking part in future Olympic Games to be organised by a Member State fully applying the Schengen acquis, The Report on the Turin Olympic Games submitted by Italy also confirms the appropriateness of this Commission proposal.

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<sup>13</sup> Proposal for a Regulation of the European Parliament and of the Council establishing a Community Code on Visas (11752/1/06 VISA 190 CODEC 771 COMIX 662)

<sup>14</sup> Common Consular Instructions on visas for the diplomatic missions and consular posts (OJ C 326, 22.12.2005)