

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2002/0810(CNS)	Procedure completed
Schengen: issue of visas at the border, seamen in transit. Initiative Spain		
Repealed by 2006/0142(COD)		
Subject 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		09/07/2002
		PSE KARAMANOU Anna	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2489	27/02/2003
	Justice and Home Affairs (JHA)	2477	19/12/2002

Key events			
14/05/2002	Legislative proposal published	08372/2002	Summary
01/07/2002	Committee referral announced in Parliament		
19/12/2002	Debate in Council	2477	
21/01/2003	Vote in committee		Summary
21/01/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0006/2003	
11/02/2003	Decision by Parliament	T5-0038/2003	Summary
27/02/2003	Act adopted by Council after consultation of Parliament		
27/02/2003	End of procedure in Parliament		
07/03/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0810(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by 2006/0142(COD)
Legal basis	EC before Amsterdam E 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16401

Documentation gateway

Legislative proposal		08372/2002 OJ C 139 12.06.2002, p. 0006-0012	14/05/2002	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0006/2003	21/01/2003	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0038/2003 OJ C 043 19.02.2004, p. 0016-0036 E	11/02/2003	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

Regulation 2003/415 OJ L 640 07.03.2003, p. 0001-0008 Summary
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Schengen: issue of visas at the border, seamen in transit. Initiative Spain

PURPOSE : to present a Council Regulation on the issue of visas at the border, including the issue of such visas to seamen in transit.

CONTENT : the rules for issuing visas at the border to seamen in transit need to be clarified and updated, in particular to allow group transit visas to be issued at the border to seamen who are of the same nationality and are travelling in a group, as long as the period of transit is limited. It is therefore necessary to replace the rules contained in the Schengen Executive Committee Decision of 19 December 1996 on issuing visas to seamen in transit by the rules set out in the present Regulation. In the interests of clarity, these rules should be amalgamated with the general rules contained in Schengen Executive Committee Decision of 26 April 1994 on the issue of visas at the border, which also corresponds to Annex XIV of the Common Manual. The said Decisions and Annex should therefore be repealed. When deciding on the format of the separate sheet mentioned in Annex I to which the group transit visa should be affixed, Member States should take into account the uniform format, as set out in Council Regulation 333/2002/EC of 18 February 2002 on uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form. The Council reserves the right, during the transitional period of five years referred to in Article 67(1) of the Treaty, and pending a review by the Council of the conditions under which such implementing powers would be conferred on the Commission after the end of that transitional period, to amend the Annexes of this Regulation as necessary. The reservation of such implementing powers to the Council is necessary in order to have a flexible procedure in place for an initial period after the adoption of the proposed Regulation. This allows the Member States or the Commission to propose urgent amendments to the operational instructions contained in Annex I, as well as to the form contained in Annex II, in the light of the experience gained in their use. 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 participating in the adoption of this Regulation, and is not bound by it or subject to its application. As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen acquis. Moreover, Ireland and the United Kingdom are not participating in the adoption of this proposed Regulation. The proposed Regulation stipulates that in exceptional circumstances, a third-country national who is required to be in possession of a visa when crossing the external borders of the Member States, may be issued with a short-stay visa at the border where the following conditions are satisfied: a) he shall fulfil the conditions laid down by the Convention implementing the Schengen Agreement of 1985; b) he shall submit supporting documents substantiating 'unforeseeable and imperative' reasons for entry; and c) return to his country of origin or transit to a third Stateshall be assured. A visa issued at the border when the conditions described above are satisfied may, as appropriate, be either: a uniform visa or a visa with limited territorial validity within the meaning of the provisions of Article 10(3) of the Schengen Convention. In both cases, the visa issued shall not be valid for more than one entry. The validity of such short-stay visas shall not exceed 15 days. A third-country national who applies for a transit visa at the border shall be in possession of the visas required to continue his journey to States of transit other than Member States, and for the State of destination. The transit visa issued shall allow for direct transit through the territory of the Member State or Member States concerned. The validity of such a transit visa shall not exceed five days. Lastly, a third-country national falling within a category of persons for which it is obligatory to consult one or more of the central authorities of other Member States shall not, in principle, be issued with a visa at the border.?

Schengen: issue of visas at the border, seamen in transit. Initiative Spain

The committee adopted the report by Anna KARAMANOU (PES, GR) broadly approving the Spanish initiative, subject to a number of amendments (consultation procedure). It deleted the provision requiring all seamen in a group to have the same nationality in order to obtain a group transit visa. It also said that a visa should only be issued at the external border of the Schengen area (as an exception to the general rule under which visas should be issued by diplomatic and consular authorities) if the applicant was unable to apply for a visa at an earlier date. Lastly, the committee stressed that the rules governing the protection of personal data must always be followed.?

Schengen: issue of visas at the border, seamen in transit. Initiative Spain

The European Parliament adopted a resolution by 428 votes in favour, 14 against with 32 abstentions, slightly amending the Spanish initiative. (Please refer to the document dated 21/01/03.) The rapporteur was Anna KARAMANOU (PES, Greece). Parliament also deleted the provision giving the Council powers to amend Annexes I and II and stated that this should be conferred on a Commission committee.

Schengen: issue of visas at the border, seamen in transit. Initiative Spain

PURPOSE : to clarify and update rules for issuing visas at the border to seamen in transit. COMMUNITY MEASURE : Council Regulation 415/2003/EC on the issue of visas at the border to seamen in transit. CONTENT : By way of derogation from the general rule that visas shall be issued by diplomatic and consular authorities, in accordance with the provisions of the Schengen Convention, a third-country national who needs to have a visa when crossing the external borders of the EU may exceptionally be issued with a visa at the border if certain conditions are fulfilled. One of these is that he had not been in a position to apply for a visa in advance. A visa issued at the border may either be a transit or travel visa. In both cases, the visa should not be valid for more than one entry. The validity of travel visas must not exceed 15 days and the validity of transit visas must not exceed 5 days. A seaman who must have a visa when crossing external borders may be issued with a transit visa if he fulfils the conditions and is crossing the border to embark or re-embark on a ship on which he will work. Seamen who are of the same nationality and travelling in a group of between 5 and 50 may be issued with a group transit visa at the border. Before issuing a visa to seamen in transit, competent national authorities must comply with certain operational instructions set out in Annex I to the Regulation. They must exchange the necessary information by means of a duly completed form for seamen in transit as set out in Annex II. A Committee will assist the Commission, if amendments to the Annexes are necessary. ENTRY INTO FORCE : 01/05/03.?