COMMISSION OF THE EUROPEAN COMMUNITIES

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2005/0169 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and /or Paralympic Winter Games in Torino

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. GENERAL CONSIDERATIONS

In 2004, Greece became the first Member State part of the Schengen area without internal borders, in whose territory took place the Olympic and Paralympic Games. To enable Greece to honour the undertaking it has been given by the International Olympic Committee and to promote the educational value of sport, the EU adopted specific measures to facilitate the issuing of Schengen visa to members of the Olympic family. Such measures were justified because of the exceptional character of the event and the need to respect the obligations taken by Greece under the Olympic Charter - 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 area.

To this end, the Council adopted on 15 July 2003 Regulation (EC) No 1295/2003[1] aimed at facilitating both the procedures for submitting visa applications and the issuing of Schengen visas to members of the Olympic family participating in the 2004 Olympic and Paralympic Games of Athens.

Although it maintained the visa obligation for members of the Olympic family who are subject to that requirement under Regulation (EC) No 539/2001 listing the third countries whose nationals fall under the visa duty when crossing the external borders, as well as exemptions from the latter[2], Regulation (EC) No 1295/2003 provided facilitating procedures for submitting a collective application for Members of the Olympic family via the Olympic accreditation system, for simplifying their supporting documents requirement and for allowing the visa to be issued in the format of special visa number to be included on the Olympic accreditation card. Furthermore, controls at the external borders for the Members of the Olympic family were limited to the strict necessary, taking into account the specific provisions on visas. The derogation system was in place only for the duration of the Athens 2004 Olympic and Paralympic Games.

Article 10 of Regulation (EC) No 1295/2003 stipulated that the derogation arrangements implemented by Greece must be evaluated after the closure of the Paralympic Games on the basis of a report to be submitted by Greece four months after that date and any information provided by other Member States within the same time limit. On the basis of the information received the Commission has drawn up an assessment of the functioning of the derogation system and reported to the European Parliament and the Council as to how these derogation arrangements had worked in practice. The objective of the evaluation is to ensure the effectiveness of the whole derogation regime in the perspective of the adoption of similar provisions for the 2006 Olympic and Paralympic Winter Games as well as for other Member States whose cities may select to host in the future the organisation of Olympic and Paralympic Games. The Council and the Commission declared that "in evaluating the derogation arrangements provided for in this Regulation for members of the Olympic family participating in the 2004 Olympic and/or Paralympic Games in Athens who are subject to the visa requirement, special attention will be paid to whether the level of security of the

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1 OJ L 183, 22.7.2003, p.1.

2 OJ L 81, 21.3.2001, p.1. Regulation as last amended by Regulation (EC) No 851/2005 (OJ L 141, 4.6.2005, p.3).

accreditation card issued to members of the Olympic family by the Organising Committee of the 2004 Olympic Games and in which the visa issued by the competent Greek authorities is incorporated affects the proper working of the derogation arrangements."

The Greek Authorities submitted in February 2005 to the Commission and to the Council a report on the implementation of Regulation (EC) No 1295/2003[3]. The report stressed the successful implementation of the derogation system and confirmed that the provisions of the Regulation offered an effective and flexible visa regime adequate for allowing Greece, as a Schengen Member State to respect its obligation under the Olympic Charter without diminishing the level of security in the common area without internal borders.

In particular, according to the information submitted by the Greek authorities, an Olympic Consulate was set up pursuant to the Greek Law No 3207/2003 as a special service under the Ministry of Foreign affairs to examine and approve visas for the Olympic family. The Olympic Consulate issued 13.077 uniform visas. Applications were received electronically from the Accreditation Department of the Athens 2004 Organising Committee following the procedures described in the Regulation in compliance with the "Athens 2004 Accreditation Card Manual". 298 and 321 responsible organisations have been involved in the selection of the Members for the Olympic family, which participated in the Athens 2004 Olympic and Paralympic Games respectively. The Olympic accreditation cards satisfied the highest security standards in compliance with the technical specification defined in the Joint Ministerial Decision 1016/114/125–a (concerning the non confidential part of the card). The Athens 2004 Olympic Accreditation Card's security standards have been considered as equivalent to those for the uniform format for visas, encompassing both visible and non-visible optical and physical security features, protecting the photograph and personal data fields in order to render falsification extremely difficult. Although the entire duration of the derogation period (Olympic and Paralympic Games) was 108 days and the fact that some Members of the Olympic family were accredited for both Games, no violation of the basic rule of maximum duration of 90 days has been observed. The network of contact points in the Embassies of Schengen States in Athens, the communication network and links in the Schengen States capitals, the 24-hour standby call centre, a special web-site with secure access code and a toll-free number were, among others, some of the basic initiatives taken by the Greek authorities to ensure effective communication with the Schengen partners for the duration of the derogation period.

All the comments submitted by Member States till the end of April 2005 confirmed the good functioning of the derogation system during the Athens 2004 Olympic and Paralympic Games as well as the effectiveness of the whole regime introduced by Regulation (EC) No 1295/2003.

Based on this successful experience, the Commission services' 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 Games in Athens recommends that the EU should adopt a nearly identical regime to enable Italy, host country for the Torino 2006 Winter Games, to honour the obligation taken in compliance with the Olympic Charter.

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[3] VISA 26, COMIX 71, (58621/2/05) REV 2

The introduction of a similar derogation system for the Torino 2006 Games is justified, even if the number of participants to the 2006 Olympic and Paralympic Winter Games is expected to be smaller than the one of the Athens 2004 Games. The estimated number of visa required for the participating in the 2006 Olympic and Paralympic Winter Games is 3.000 cases.

In this context, the present proposal follows the same principles as Regulation (EC) No 1295/2003: it maintains the visa requirement for members of the Olympic family who, because of their nationality, are subject to that requirement under Regulation (EC) No 539/2001; the arrangements proposed are aimed merely at facilitating both the procedures for submitting applications and the form in which visas are issued; the derogation will apply only for the duration of the 2006 Olympic and Paralympic Winter Games. This period runs — for the 2006 Olympic Winter Games — from 10 January 2006 (one month before the official opening on 10 February) to 26 March 2006 (one month after the closure of the Games on 26 February) and — for the 2006 Paralympic Winter Games — from 10 February 2006 (one month before the official opening on 10 March) to 19 April 2006 (one month after the closure of the Games on 19 March).

Because of the very satisfactory functioning of Regulation (EC) No 1295/2003, the proposal "copies" its provisions, solely adapting it to the 2006 Olympics and Paralympic Winter Games:

– By derogation to the rules of the Schengen *acquis*, individuals applying for a visa are not required to present themselves at the consular services neither to submit an application, nor to receive the visa, and the request does not have to be presented on the standard Schengen form available for this purpose. Furthermore, the requirements for documents to be produced in support of the application for a visa have been relaxed. Finally, the visa will not be issued in the form of the sticker, but will be formalised by means of a specific number in the 2006 Olympic and Paralympic Winter Games accreditation card. Nevertheless, the system proposed in no way affects the rules of the Schengen acquis as regards procedures and verifications required for the purposes of public order and public safety;

– The organisations responsible for proposing the Members of the Olympic family will submit to the 2006 Olympic and Paralympic Winter Games Organizing Committee, together with the request for accreditation, a list of persons subject to the visa requirement who are to participate in the 2006 Olympic and/or Paralympic Winter Games;

– Basic data of the persons concerned, such as their name, forename, sex, date and place of birth, as well as passport number and its type and expiry date, will be communicated on the accreditation card application form. For each person subject to the visa requirement, the Organising Committee of the 2006 Olympic and Paralympic Winter Games will send a copy of that form to the services responsible for issuing visas in Italy;

– After the services responsible have examined each visa application in accordance with the *acquis communautaire*, they will notify the Organising Committee of the 2006 Olympic and Paralympic Winter Games of the number of the visa issued. The visa issued will be a uniform, multiple-entry visa for a maximum period of only three months from the date of first entry. If the conditions governing the issue of a uniform visa are not met, the Italian authorities may issue visas with limited territorial

validity to members of the Olympic family. For cases where the duration of the stay of members of the Olympic family is expected to exceed the maximum period of three months, the Italian Authorities could issue specific temporary residence permits in compliance legislation;

– The visa issued to a member of the Olympic family will be marked on the accreditation card by a reference to the number of the visa and to the passport number of the person concerned;

– During the entire derogation period, the Italian authorities will inform the other Schengen States of any fact or event likely to have an impact on the level of security in the Schengen area and transmit any relevant data to them;

– The derogation procedure described above does not rule out the possibility of a member of the Olympic family submitting an individual visa application in accordance with the Schengen *acquis*;

– This proposal does not concern members of the Olympic family who are nationals of third countries subject to a visa requirement and holders of a residence permit or a provisional residence permit issued by one of the Member States implementing the Schengen *acquis*. The holders of such documents shall indicate their possession when they fill out the accreditation card application form;

– The proposal provides for an evaluation of the derogation arrangements after the Olympic and Paralympic Games. The Commission will report to the Council and Parliament, on the basis of a report drawn up by the Italian authorities and any information transmitted by the Member States concerned;

– Where no specific derogations are laid down in this proposal, the relevant provisions of the *acquis communautaire* on visas and controls at the external borders of Member States' will apply.

2. PROPORTIONALITY

Article 5 of the EC Treaty provides that “any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty”. The form of the action taken by the Community must be the simplest form allowing the proposal to attain its objective and to be implemented as efficiently as possible.

The proposal provides for derogation from the relevant Schengen *acquis* provisions on the procedures for applying for and issuing visas, for members of the Olympic family and limited to the duration of the 2006 Olympic and Paralympic Winter Games. The aim is to facilitate the access of these persons to the Italian territory, where the Games will take place and their transit through one or more Schengen Member States, while meeting the requirements of security in an area where internal border controls have been abolished.

By its very nature, this objective can be attained only by Community action, as no Member State would have the right to adopt purely national measures designed to achieve the desired effect and derogating from the Schengen *acquis*.

3. CONSEQUENCES IN RELATION TO THE VARIOUS PROTOCOLS ANNEXED TO THE TREATIES

The legal basis for the proposal concerns temporary derogations from Community legislation on visas adopted under Title IV of the EC Treaty and is therefore affected by the "variable geometry" arising from the Protocols on the positions of the United Kingdom, Ireland and Denmark. The proposal for a Regulation builds upon the Schengen *acquis*. Consideration must therefore be given to certain consequences arising from the various Protocols:

United Kingdom and Ireland

In accordance with Articles 4 and 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union, "Ireland and the United Kingdom of Great Britain and Northern Ireland, which are not bound by the Schengen *acquis*, may at any time request to take part in some or all of the provisions of the *acquis*".

The proposal for a Regulation constitutes a development of the Schengen *acquis*, in which the United Kingdom and Ireland do not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland and with the subsequent Council Decision 2004/926/EC on the putting into effect of parts of the Schengen *acquis*, and Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*. The United Kingdom and Ireland are therefore not taking part in its adoption and are not bound by it or subject to its application.

Denmark

Under the Protocol on the position of Denmark annexed to the EC Treaty, Denmark does not take part in the adoption by the Council of measures pursuant to Title IV of the EC Treaty, with the exception of "measures determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States" or "measures relating to a uniform format for visas" (former Article 100c).

Where however, as in this case, the proposals constitute a development of the Schengen *acquis*, Article 5 of the Protocol states that, "Denmark shall decide within a period of six months after the Council has decided on a proposal or initiative to build upon the Schengen *acquis* under the provisions of Title IV of the Treaty establishing the European Community, whether it will implement this decision in its national law".

Norway and Iceland

In accordance with the first paragraph of Article 6 of the Protocol integrating the Schengen *acquis*, an Agreement was signed on 18 May 1999 between the Council, Norway and Iceland in order to associate those two countries with the implementation, application and development of the Schengen *acquis*.[4]

Article 1 of that Agreement states that Norway and Iceland are associated with the activities of the EC and the EU in the fields covered by the provisions referred to in Annexes A (provisions of the Schengen *acquis*) and B (provisions of European Community acts which

[4] OJ L 176, 10.7.99, p. 35.

have replaced corresponding provisions of — or were adopted pursuant to — the Schengen Convention) to the Agreement, and their further development.

Under Article 2 of the Agreement, Norway and Iceland implement and apply the provisions of all acts or measures taken by the European Union amending or building upon the integrated Schengen *acquis* (Annexes A and B).

The present proposal builds upon the Schengen *acquis* as defined in Annex A to the Agreement.

The matter must therefore be discussed in the "Mixed Committee" provided for in Article 4 of the Agreement to allow Norway and Iceland "to explain the problems they encounter in respect of" the measure and "to express themselves on any questions concerning the development of provisions of concern to them or the implementation thereof".

Switzerland

As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen *acquis* which falls within the area referred to in Article 4(1) of Council Decision 2004/860/EC on the signing on behalf of the European Community, and on the provisional application of certain provisions of that Agreement.

The Agreement with Switzerland, signed on 26 October 2004, provides for provisional application of certain provisions upon signatures, in particular the participation of Switzerland in the Mixed Committee dealing with the development of the Schengen *acquis*.

4. CONSEQUENCES OF THE TWO-PHASE IMPLEMENTATION OF ACTS BUILDING UPON THE SCHENGEN ACQUIS

Article 3(1) of the 2003 Act of Accession of the 10 new Member States provides that the provisions of the Schengen *acquis*, the acts building upon it or otherwise related to it, listed in the annex referred to in that Article, shall be binding on and applicable in the new Member States as from their accession. The provisions and acts not referred to in that annex shall, while being binding on the new Member States as from accession, be applicable in the new Member States following a special Council Decision to that effect, taken in accordance with Article 3(2) of the Act of Accession.

The Schengen provisions on the uniform visa are not listed in the annex and therefore, while being binding upon accession, will be applicable in the new Member States only following the Council Decision referred to above[5].

[5] With the exception of Annexes 1-3, 7, 8 and 15 of the Common Consular Instructions adopted under SCH/Com-ex (99) 13 Decision of the Executive Committee of the Schengen Convention in April 1999, which are both building upon and applicable by the new Member States as from their accession.

As regards the Schengen provisions on external borders, they are listed in that annex and are thus binding and applicable in the new Member States as from accession [6]. Therefore only Article 9 of the current proposal is applicable to the new Member States.

5. ARTICLE-BY-ARTICLE COMMENTARY

Article 1

Article 1 defines the purpose of the Regulation, i.e. to grant a derogation with regard to visas for members of the Olympic family for the duration of the 2006 Olympic and Paralympic Winter Games: this is a derogation limited to those provisions of the acquis, which concern procedures for requesting a visa, issuing it and the format this visa would take.

Article 2

Article 2 defines the various terms used:

Article 2(1) refers to the "responsible organisations" entrusted with proposing which persons may participate in the 2006 Olympic and/or Paralympic Winter Games. These organisations are responsible for submitting the application for an accreditation card for participants, receiving accreditation cards and, where appropriate, amending the selection of participants.

The definition of persons eligible to be selected as members of the Olympic family (Article 2(2)) is indicative, listing those categories of persons, which are usually invited to participate in the Olympic and/or Paralympic Games.

Article 2(3) provides for two accreditation cards to be issued, one for the Olympic Games and the other for the Paralympic Games. The technical features of these identity documents for each member of the Olympic family are defined by the Organising Committee of the 2006 Olympic and Paralympic Winter Games in accordance with international security standards.

The proposed definition of the duration of the derogation (Article 2(4)) is necessary in order to comply with the visa rules laid down by the *acquis* (stay of no more than three months in any six-month period), taking into account the indicative duration of the 2006 Olympic and Paralympic Winter Games as set out in the Olympic Charter.

This Article (paragraphs 5 and 6) also defines the Organising Committee of the Olympic Games and the services responsible for issuing visas.

Article 3

The conditions to be met by members of the Olympic family in order to qualify for the proposed derogation are inspired by the conditions of entry laid down by Article 5(1) of the Schengen Convention but made more flexible to take account of the specific characteristics of participation in the Olympic and Paralympic Games (no need to demonstrate compliance with the conditions of the stay or to have sufficient means of subsistence).

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[6] With the exception of Article 5(1)(d) of the Schengen Convention, related to the consultation of the Schengen Information System.

Article 4

This Article provides that the responsible organisations may, together with the application to the Organising Committee of the 2006 Olympic and Paralympic Winter Games for an accreditation card, submit a collective application for visas for the members of the Olympic family who are required to have a visa in accordance with Regulation (EC) No 539/2001.

A single application per person is possible for the entire duration of the Olympic and Paralympic Games.

It is the Organising Committee of the 2006 Olympic and Paralympic Winter Games that forwards the collective application for visas as well as the documents relative to accreditation to the authorities responsible for examining visa applications.

Article 5

This Article defines the issuing procedure, stipulating that the visa is issued following verification of whether the conditions mentioned in Article 3 have been met (paragraph 1). The visa issued is a uniform short-stay, multiple-entry visa valid for three months. Within this period of validity, the visa allows the holder to remain in Italy and the other Schengen countries. It also authorises the holders to transit through other Schengen countries on their way to Italy to participate in the 2006 Olympic and/or Paralympic Winter Games or from Italy after participating in them.

The Italian authorities may issue a visa with limited territorial validity to members of the Olympic family who do not fall into the categories set out in Article 3 points c) and d) for instance those identified for the purposes of refusing entry or those posing a threat to public policy, the national security or the international relations of one of the Member States.

This possibility of issuing a visa with limited territorial validity is foreseen in Article 5, paragraph 2 of the Schengen Convention, which envisages in a general manner that a visa with limited territorial validity can be issued to the third country national who does not fulfil all entry conditions, where necessary on humanitarian grounds, on grounds of national interest or because of international obligations.

Article 6

The competent authorities must transmit the numbers of the visas issued to the Organising Committee of the 2006 Olympic and Paralympic Winter Games, which then inserts the visa and passport number of the person concerned on the accreditation card.

Article 7

In view of the exceptional nature of this event and its purpose, the visa is to be issued free of charge to members of the Olympic family.

Article 8

This Article defines the procedure to be followed in the event that the selection made by the responsible organisation is changed at the last minute. Since this is a fairly common, albeit limited, practice, it is proposed that visas issued for persons who are no longer members of the Olympic family should be cancelled.

The visa issued should also be cancelled in case of loss or replacement of the passport of one of the participants. The Italian authorities must transmit information concerning cancellations to the competent authorities of the other Member States responsible for border checks.

Having a visa cancelled in this way will not preclude the person concerned from being able to apply for a visa in accordance with the usual procedures.

Article 9

This provision lays down the scope of border checks to be carried out on members of the Olympic family. These will be limited to verification of compliance with the conditions set out in Article 3 of this Regulation, which are less rigid than the normal rules applicable to checks at the external borders.

Systematic indication of the way that entry and exit stamp must be affixed on the same page in the passport of the participants would enable the identification of the duration of the stay within the common area.

All members of the Olympic Family participating in the 2006 Olympic and Paralympic Winter Games will benefit from the facilitated conditions regarding checks at external borders whether or not they have submitted a visa obligation or are exempt from it.

Article 10

The derogation arrangements will be assessed after the closure of the 2006 Paralympic Winter Games. On the basis of the report submitted by Italy four months after that date and any information provided by other Member States within the same time limit, the Commission will inform the European Parliament and the Council on how these derogation arrangements worked.

Article 11

This is the standard final provision on the application of the Regulation by Member States fully implementing the Schengen acquis.

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relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and /or Paralympic Winter Games in Torino

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2) points a) and b) ii) thereof,

Having regard to the proposal from the Commission[7],

Acting in accordance with the procedure referred to in Article 251[8],

Whereas:

(1) Council Regulation (EC) No 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[9] set up a specific temporary system derogating from the normal visa issuing procedures for the members of the Olympic family participating in the Athens 2004 Olympic Games, to enable Greece to host the first Olympic and Paralympic Games organised by a Member State being part of the Schengen area without internal borders and in order to allow Greece to respect its obligation under the Olympic Charter.

(2) Regulation (EC) No 1295/2003 foresaw specific provisions facilitating the procedures for submitting applications for uniform visas and the form in which visas are issued for the members of the Olympic family, as well as simplification of external border controls for this category of persons. It included an evaluation clause and the transmission by the Commission of a report to this purpose to the European Parliament and Council.

(3) In its evaluation, the Commission concluded that the implementation of Regulation (EC) No 1295/2003 was successful, and the derogation system has been considered effective, flexible and adequate for regulating the entry and short stay of the members of the Olympic family participating in the Games, within the Schengen area without internal borders.

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7 OJ C […] […], p.[…]
8 OJ C […] […], p.[…]
9 OJ L 183, 22.7.2003, p.1.

(4) Therefore the European Union should adopt a similar derogation system for the 2006 Olympic and Paralympic Winter Games to allow Italy to honour as hosting country its Olympic Chapter obligations, while ensuring a high level of security in the Schengen area without internal borders.

(5) Although the visa obligation is maintained for members of the Olympic family who are nationals of third countries subject to the visa requirement under 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 those whose nationals are exempt from that requirement[10], a temporary derogation should be established for the duration of the 2006 Olympic and Paralympic Winter Games.

(6) The scope of this derogation should be limited to the provisions of the *acquis* concerning the submission of visa applications, the issuing of visas and their format. Equally, the methods of controlling the external borders should be adapted within the limits necessary to take into account changes in the visa system.

(7) Visa applications for members of the Olympic family taking part in the 2006 Olympic and Paralympic Winter Games, should be submitted to the Organizing Committee of the 2006 Olympic and Paralympic Winter Games via the organisations responsible at the same time as the application for accreditation. The accreditation application form shall contain basic data relating to the persons concerned, such as their name, sex, date and place of birth, passport number, its type and expiry date, as well as indication of possession of a residence permit issued by a Schengen State, type and expiry date of such document. These applications should be forwarded to the Italian services responsible for issuing visas.

(8) The Organizing Committee of the 2006 Olympic and Paralympic Winter Games issues accreditation cards to members of the Olympic family, in conformity with the specific rules defined by Italian law. The accreditation card is a highly secure document, which gives access to the specific sites where competitions are held and to other events planned during the Olympic and Paralympic Games, in view of the fact that the Games may be the target of terrorist attacks. The visa issued is affixed by means of entering a number in the accreditation card.

(9) Irrespective of the provisions of this Regulation, members of the Olympic family may still submit individual applications for visas in accordance with the relevant Schengen *acquis*.

(10) Where no specific provisions are laid down in this Regulation, the relevant provisions of the Schengen *acquis* on visas and controls at Member States' external borders will apply. This Regulation does not apply to members of the Olympic family who are nationals of third countries subject to a visa requirement and holders of a residence permit or a provisional residence permit issued by one of the Member States fully implementing the Schengen *acquis*. For any stay within the common area whose duration is envisage to exceed 90 days, a temporary residence permit can be issued to the Member of the Olympic family in compliance with the Italian law.

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[10] OJ L 81, 21.3.2001, p.1. Regulation as last amended by Regulation (EC) No 851/2005 (OJ L 141, 4.6.2005, p.3).

(11) Provision should be made for an evaluation of the implementation of the derogation arrangements established by this Regulation after the closure of the 2006 Paralympic Winter Games.

(12) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the main objective of facilitating the issuing of visas to the members of the Olympic family and in accordance with the principle of proportionality, to adopt this temporary derogation from certain provisions of the Schengen *acquis*. This regulation does not go beyond what is necessary to achieve the envisaged objective, in conformity with Article 5 paragraph 3 of the EC Treaty. As regards the Republic of Iceland and the Kingdom of Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* and thus falls within the area defined in Article 1 (B) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*.[11]

(13) 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 taking part in the adoption by the Council of this Regulation and is therefore not bound by it or subject to its application. However, since this Regulation builds upon the Schengen *acquis* under Title IV of Part Three of the Treaty establishing the European Community, Denmark will, in accordance with Article 5 of that Protocol, decide within a period of six months after the Council has adopted this Regulation whether or not it will implement it in its national law.

(14) This Regulation constitutes a development of the Schengen *acquis*, in which the United Kingdom does not take part in accordance with Articles 4 and 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, so that the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(15) This Regulation constitutes a development of the Schengen *acquis*, in which Ireland does not take part in accordance with Articles 4 and 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, so that Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(16) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen *acquis* which falls within the area referred to in Article 4(1) of Council Decision 2004/860/EC of 25 October 2004 on the signing, on behalf of the European

[11] OJ L 176, 10.7.1999, p. 31.

Community, and on the provisional application of certain provisions, of this Agreement[12].

(17) All provisions of this Regulation, with the exception of Article 9, constitute provisions building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

HAVE ADOPTED THIS REGULATION:

Chapter I

PURPOSE AND DEFINITIONS

Article 1

Purpose

This Regulation establishes specific provisions introducing a temporary derogation from certain provisions of the Schengen acquis concerning the procedures for applying for and issuing visas as well as the uniform format of visas for members of the Olympic family for the duration of the 2006 Olympic and Paralympic Winter Games. Apart from these specific provisions, the relevant provisions of the Schengen acquis concerning procedures for applying for and issuing the uniform visa shall remain in force.

Article 2

Definitions

For the purposes of this Regulation:

1. "Responsible organisations" relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games means the official organisations, in terms of the Olympic Charter, which are entitled to submit lists of members of the Olympic family to the Organising Committee of the 2006 Olympic and Paralympic Winter Games with a view to the issue of accreditation cards for the Games;

2. "Member of the Olympic family" means any persons who are members 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

[12] OJ L 370, 17.12.2004, p. 78.

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 2006 Olympic and Paralympic Games as participants in the 2006 Olympics and/or Paralympic Games;

3. "Olympic accreditation cards" issued by the Organising Committee of the 2006 Olympic and Paralympic Winter Games, in accordance with Article… of the Italian Law…/… means one of two secure documents, one for the Olympic Games and one for the Paralympic Games, bearing a photograph of its holder, establishing the identity of the member of the Olympic family and authorising access to the facilities at which competitions are held and to other events scheduled during the period of the Games;

4. "Duration of the Olympic Games and Paralympic Games" means the period from 10 January 2006 to 26 March 2006 for the 2006 Winter Olympic Games and the period from 10 February 2006 to 19 April 2006 for the 2006 Winter Paralympic Games;

5. "Organising Committee of the 2006 Olympic and Paralympic Winter Games" means the Committee 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 Torino, which decides on accreditation of members of the Olympic family taking part in those Games;

6. "Services responsible for issuing visas" means the services designated in Italy to examine applications and issue visas to members of the Olympic family.

Chapter II

ISSUE OF VISAS

Article 3

Conditions

A visa may be issued pursuant to this Regulation only where the person concerned:

a) has been designated by one of the responsible organisations and accredited by the Organising Committee of the 2006 Olympic and Paralympic Winter Games as a participant in the 2006 Olympic and/or Paralympic Games;

b) holds a valid travel document authorising the crossing of the external borders, as referred to in Article 5 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux economic union, the Federal Republic of Germany and the French Republic

on the gradual abolition of checks at their common borders (hereinafter referred to as the "Schengen Convention")[13];

c) is not a person for whom an alert has been issued for the purposes of refusing entry;

d) is not considered to be a threat to public policy, national security or the international relations of one of the Member States.

Article 4

Filing of the application

1. Where a responsible organisation draws up a list of the persons selected to take part in the 2006 Olympic and/or Paralympic Winter Games, it may, together with the application for an Olympic accreditation card for the persons selected, file a collective application for visas for those persons selected who are required to be in possession of a visa in accordance with Regulation (EC) No 539/2001, except when those persons are holders of a residence permit issued by a Schengen Member State.

2. Collective applications for visas for the persons concerned shall be forwarded at the same time as applications for the issue of an Olympic accreditation card to the Organising Committee of the 2006 Olympic and Paralympic Winter Games in accordance with the procedure established by it.

3. A single visa application per person shall be filled for persons taking part in the 2006 Olympic and Paralympic Winter Games.

4. The Organising Committee of the 2006 Olympic and Paralympic Winter 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 full name, nationality, sex, date and place of birth, passport number, type and expiry date thereof.

Article 5

Examination of the collective application for visas and type of the visa issued

1. The visa shall be issued by the services responsible for the issue of visas following an examination designed to ensure that the conditions set out in Article 3 are met.

2. The visa issued shall be a uniform short-stay, multiple entry visa authorising a stay of not more than ninety (90) days for the duration of the 2006 Olympics and/or Paralympic Winter Games.

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[13] OJ L 239, 22.9.2000, p.19. Convention as last amended by Council Decision 2005/211/JHA (OJ L 68, 15.3.2005, p. 44).

3. Where the member of the Olympic family concerned does not meet the conditions set out in Article 3 c) or d), the services responsible for issuing visas may issue a visa with limited territorial validity in conformity with Article 16 of the Schengen Convention.

Article 6

Form of the visa

1. The visa shall take the form of two numbers being entered on the Olympic accreditation card. The first number shall be the visa number. In the case of a uniform visa, this number shall be made up of seven (7) characters comprising six (6) digits preceded by the letter "C". In the case of a visa with limited territorial validity, this number shall be made up of eight (8) characters comprising six (6) digits preceded by the letters "IT". The second number shall be the number of the passport of the person concerned.

2. The services responsible for issuing visas shall forward the visa numbers to the Organising Committee of the 2006 Olympic and Paralympic Winter Games for the purposes of issuing accreditation cards.

Article 7

Waiver of Fees

The processing of visa applications and the issue of visas shall not give rise to any fees being charged by the services responsible for issuing visas.

Chapter III

General and Final provisions

Article 8

Cancellation of a visa

Where the list of persons put forward as participants in the 2006 Olympic and/or Paralympic Winter Games is amended before the Games begin, the responsible organisations shall inform without any delay the Organising Committee of the 2006 Olympic and Paralympic Winter Games thereof so that the accreditation cards of the persons removed from the list can be revoked. The Organising Committee 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 delay forward this information to the competent authorities of the other Member States.

Article 9

External border checks

1. When crossing the external borders of the Member States the entry checks carried out on members of the Olympic family who have been issued visas in accordance with this Regulation shall be limited to verifying compliance with the conditions set out in Article 3.

2. For the duration of the Winter Olympic and/or Paralympic Games:

   a) entry and exit stamps shall be affixed to the first free page of the passport of those members of the Olympic family for whom it is necessary to affix such stamps in compliance with Regulation (EC)No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel document of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the common manual to this endUpon first entry the visa number shall be indicated on this same page;

   b) the conditions for entry provided in Article 5(1)(c) of the Schengen Convention shall be presumed to be fulfilled once a member of the Olympic family has been accredited.

3. The provisions of paragraph 2 shall apply to members of the Olympic family who are third-country nationals, whether or not they are subject to the visa requirement under Regulation (EC) No 539/2001.

Article 10

Information for the European Parliament and the Council

Not 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 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 issuing of visas to members of the Olympic family, as provided for by this Regulation, and shall inform the European Parliament and the Council thereof.

Article 11

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*