

Initiative of the French Republic with a view to the adoption of a Council Regulation on freedom of movement with a long-stay visa

(2000/C 200/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 62(2)(b)(ii) and 63(3)(a) thereof,

Having regard to the initiative of the French Republic⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas:

- (1) This Regulation constitutes a development of the Schengen acquis within the meaning of the Protocol integrating the Schengen acquis into the framework of the European Union.
- (2) There may be a time lag between the arrival on a Member State's territory of a person holding a national long-stay visa issued by that Member State and the moment when the person receives a residence permit enabling him or her to move freely in the other Member States' territories.
- (3) Steps should be taken to facilitate the free movement of holders of national long-stay visas pending the issue of their residence permits, by stipulating that such visas, which currently enable their holders to transit only once through the territories of the other Member States in order to reach the territory of the State which issued the visa, are concurrently valid as uniform short-stay visas, provided that the applicants fulfil the conditions of entry and residence laid down in the Convention implementing the Schengen Agreement of 14 June 1990.
- (4) This measure is a first step in the harmonisation of the conditions for the issue of national long-stay visas.

- (5) As a result the Convention implementing the Schengen Agreement at the Common Consular Instructions on Visas for the Diplomatic Missions and Consular Posts⁽³⁾ should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 18 of the Convention implementing the Schengen Agreement shall be replaced by the following:

'Article 18

Visas for stays exceeding three months shall be national visas issued by one of the Member States in accordance with its national law. For three months as from their initial date of validity such visas shall be valid concurrently as uniform short-stay visas, provided that their holders fulfil the entry conditions referred to in Article 5(1)(a), (c), (d) and (e). Otherwise, such visas shall merely enable their holders to transit through the territories of the other Member States in order to reach the territory of the Member State which issued the visa, unless the holders do not fulfil the entry conditions referred to in Article 5(1)(a), (d) and (e) or are on the national list of alerts of the Member State through territory they seek to transit.'

Article 2

Section 2.2 of Part I of the Common Consular Instructions on Visas shall be replaced by the following:

'2.2. Long-stay visas

Visas for visits exceeding three months shall be national visas issued by one of the Member States in accordance with its national legislation.

⁽¹⁾ OJ C 200, 13.7.2000, p. 4.

⁽²⁾ OJ C ...

⁽³⁾ OJ L 176, 10.7.1999, p. 1.

However, such visas shall, for three months from their initial date of validity, be valid concurrently as uniform short-stay visas, provided that their holders fulfil the entry conditions referred to in Article 5(1)(a), (c), (d) and (e) of the Convention and reproduced in Part IV of these Instructions. Otherwise, such visas shall merely enable their holders to transit through the territories of the other Contracting Parties in order to reach the territory of the Member State which issued the visa, unless the holders do not fulfil the entry conditions referred to in

Article 5(1)(a), (d) and (e) or are on the national list of alerts of the Member State through whose territory they seek to transit.'

Article 3

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

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the Treaty establishing the European Community.

Done at ...

For the Council

The President

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