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Eingelangt am 06/06/11

**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 February 2011 (18.02)  
(OR. fr)**

**7866/10  
ADD 1**

**PV/CONS 18  
RELEX 248**

**ADDENDUM TO DRAFT MINUTES**

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Subject: **3005th** meeting of the Council of the European Union (**FOREIGN AFFAIRS**),  
held in Brussels on 22 March 2010

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## PUBLIC DELIBERATION ITEMS<sup>1</sup>

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### "A" ITEMS (7735/10 PTS A 30)

1. Regulation of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 concerning the movement of persons in possession of a long-stay visa .....3

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<sup>1</sup> Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

**1. Regulation of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 concerning the movement of persons in possession of a long-stay visa**

PE-CONS 5/10 VISA 46 COMIX 124 CODEC 108

+ COR 1 (sv)

+ COR 2 (lv)

+ COR 3 (sl)

+ REV 1 (sk)

+ REV 2 (de)

The Council approved the amendments set out in the European Parliament's position at first reading and adopted - with the Greek, Maltese and Polish delegations abstaining - the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 77(2)(b) and (c), and Article 79(2)(a) of the TFEU).

**(i) Joint Statement by the European Parliament and the Council**

"The European Parliament and the Council recognise the importance of the existence of a comprehensive and coherent set of rules, at the level of the European Union, providing for a high level of protection of personal data in the framework of the second generation Schengen Information System (SIS II).

If there would be further, important delays in implementing the SIS II, that will go beyond 2012, the European Parliament and the Council invite the Commission to present the necessary legislative proposals amending the relevant provisions of the Convention Implementing the Schengen Agreement in order to ensure a level of protection of the personal data entered into the Schengen Information System equivalent to the standards established for SIS II."

**(ii) Statement by the Council**

"As it was highlighted by the European Council in Thessaloniki on 19-20 June 2003, "a coherent approach is needed in the EU on biometric identifiers or biometric data, which would result in harmonised solutions for documents for third country nationals, EU citizens' passports and information systems". Therefore, it is desirable that such a harmonised solution would in the future also cover long-stay visas.

The Council invites the Commission to study the possible use of biometric identifiers with respect to long-stay visas and to present the results of this study to the European Parliament and the Council by 31 July 2011."

**(iii) Statement by the German delegation**

"The German delegation endorses the compromise text and agrees to it. However, from Germany's point of view, laying down an obligation to consult central authorities for all nationals for whom such a consultation is required for C-visas would also have been desirable for those for whom a D-visa is to be issued."

**(iv) Statement by the Greek delegation**

"Greece regards the necessity of finding a practical solution to the present situation concerning national visas as important, in order to cover the legislative void created by the hasty repeal of Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa.

We share, in principle, with the proposed solution, allowing third-country nationals holding valid long-stay visas to travel more freely than presently within the Schengen area, and thus enhancing people-to-people contacts and contributing to economic growth. However, we are of the view that attention should be paid to avoiding the creation of new problems when trying to remedy existing ones.

In this vein, Greece has consistently expressed the opinion that, in certain cases, Member States should have the right to limit the possibility of the holder of a national visa to be allowed to circulate freely and should have the right to issue national visas with limited territorial validity (D-LTV).

We pointed out that there is a high risk of abusing the right of free movement and, thus, the potential of increased illegal migration pressure that certain categories of third-country nationals present. Every year certain Greek consular authorities issue considerable numbers of such national visas, but Greece should not be held accountable if holders of them, by abusing their right to travel freely, have travelled to another Member State [even if they do not fulfil the requirements in terms of means of subsistence (cf. Article 5, paragraph 1, point (c), of the Schengen Borders Code)].

Furthermore, Greece wishes to draw attention to the fact that applicants may encounter delays in the issuance of long-stay visas due to the provisions of Article 1, point (4), of the Regulation. Greece is of the opinion that Member States should have the option to issue national visas valid only for their territory, in the event of a negative or delayed reply in the consultation procedure under Article 25 of the Convention Implementing the Schengen Agreement (CIS).

In the light of the above, Greece is asking the Commission to accelerate the assessment of the newly adopted provisions and submit the report provided for in Article 2b as soon as possible, in order to amend the Regulation so as to enhance its effectiveness and added value by eliminating the possible weaknesses or loopholes described above."

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