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►B ►C1 **COUNCIL REGULATION (EC) No 1932/2006**

of 21 December 2006

amending Regulation (EC) No 539/2001 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 ◄

(OJ L 405, 30.12.2006, p. 23)

Corrected by:

►C1 Corrigendum, OJ L 29, 3.2.2007, p. 10 (1932/2006)

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COUNCIL REGULATION (EC) No 1932/2006

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amending Regulation (EC) No 539/2001 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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The composition of the lists of third countries in Annexes I and II to Council Regulation (EC) No 539/2001 of 15 March 2001 ([1]) should be, and should remain, consistent with the criteria laid down in recital (5) thereto. Some third countries should be transferred from one Annex to the other, particularly with regard to illegal immigration and public policy.

(2) Bolivia should be transferred to Annex I to Regulation (EC) No 539/2001. The date of application of the visa requirement for Bolivian nationals should be such as to allow Member States to rescind in good time the bilateral agreements with Bolivia and to take all the necessary administrative and organisational measures for introducing the visa requirement in question.

(3) Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis, and the Seychelles should be transferred to Annex II to Regulation (EC) No 539/2001.

Exemption from the visa requirement for nationals of those countries should not come into force before a bilateral agreement on exemption from the visa requirement between the European Community and the country in question has been concluded.

(4) The two Annexes to Regulation (EC) No 539/2001 should be exhaustive. To that end, a heading making it possible to determine the visa arrangements to be applied by the Member States to categories of persons made subject to the visa requirement by certain Member States and exempted therefrom by others should be added to each of the Annexes to Regulation (EC) No 539/2001. Various categories of 'British' persons who are not nationals of the United Kingdom within the meaning of Community law should be added to Annex I to Regulation (EC) No 539/2001 and British Nationals (Overseas) should be added to Annex II thereto.

([1]) 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).

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(5) Member States may provide for exemptions from the visa requirement for holders of certain passports other than ordinary passports. The designations of these passports require clarification. Reference needs also to be made in Regulation (EC) No 539/2001 to the procedures applicable where recourse is had to such exemptions.

(6) Member States may exempt from the visa requirement recognised refugees, all stateless persons, both those under the Convention relating to the Status of Stateless Persons of 28 September 1954 and those outside of the scope of that Convention, and school pupils travelling on school excursions where the persons of these categories reside in a third country listed in Annex II to Regulation (EC) No 539/2001.

A full exemption from the visa requirement exists already for these three categories of persons residing within the Schengen area when they enter or re-enter that area; a general exemption should be introduced for persons of those categories residing in a Member State which has not or not yet joined the Schengen area, as far as their entry or re-entry into the territory of any other Member State bound by the Schengen *acquis* is concerned.

(7) Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention [1] makes it necessary to provide for a new exemption from the visa requirement for holders of a local border traffic card.

(8) The arrangements governing exemptions from the visa requirement should fully reflect actual practices. Certain Member States grant exemption from the visa requirement for nationals of third countries listed in Annex I to Regulation (EC) No 539/2001 who are members of the armed forces travelling on NATO or Partnership for Peace business. For reasons of legal certainty, these exemptions, which are based on international obligations external to Community law, should nevertheless be referred to in that Regulation.

(9) Because of the successive amendments to Regulation (EC) No 539/2001, it is necessary to improve its structure and make it easier to read, to which end it should be recast at a later date.

(10) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis*, within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* [2], which falls within the area referred to in Article 1(B) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement [3].

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[1] See page 3 of this Official Journal.
[2] OJ L 176, 10.7.1999, p. 31.
[3] OJ L 368, 15.12.2004, p. 26.

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(11) The United Kingdom and Ireland are not bound by Regulation (EC) No 539/2001. They are therefore not taking part in the adoption of this Regulation and are not bound by or subject to the application thereof.

(12) 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 association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which falls within the area referred to in Article 1(B) of Council Decision 1999/437/EC, read in conjunction with Article 4(1) of Council Decision 2004/860/EC of 25 October 2004 on the signing, on behalf of the European Community, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation, concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ([1]),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 539/2001 is hereby amended as follows:

(1) Article 1 shall be amended as follows:

(a) the following subparagraph shall be added to paragraph 1:

'Without prejudice to the requirements stemming from the European Agreement on the Abolition of Visas for Refugees signed at Strasbourg on 20 April 1959, recognised refugees and stateless persons shall be required to be in possession of a visa when crossing the external borders of the Member States if the third country in which they are resident and which has issued them with their travel document is a third country listed in Annex I to this Regulation.';

(b) the following subparagraph is added to paragraph 2:

'The following shall also be exempt from the visa requirement:

— the nationals of third countries listed in Annex I to this Regulation who are holders of a local border traffic card issued by the Member States pursuant to Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (*) when these holders exercise their right within the context of the Local Border Traffic regime;

([1]) OJ L 370, 17.12.2004, p. 78.

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— school pupils who are nationals of a third country listed in Annex I and who reside in a Member State applying Council Decision 94/795/JHA of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (**) and are travelling in the context of a school excursion as members of a group of school pupils accompanied by a teacher from the school in question;

— recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in a Member State and are holders of a travel document issued by that Member State.

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(*) OJ L 405, 20.12.2006, p. 1.
(**) OJ L 327, 19.12.1994, p. 1.';

(2) Article 3 of Regulation (EC) No 539/2001 shall be repealed;

(3) Article 4 shall be amended as follows:

(a) paragraph (1)(a) shall be replaced by the following:

'(a) holders of diplomatic passports, service/official passports or special passports in accordance with one of the procedures laid down in Articles 1(1) and 2(1) of Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (*).

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(*) OJ L 116, 26.4.2001, p. 2. Regulation as amended by Decision 2004/927/EC (OJ L 396, 31.12.2004, p. 45).';

(b) paragraph 2 shall be replaced by the following:

'2. A Member State may exempt from the visa requirement:

(a) a school pupil having the nationality of a third country listed in Annex I who resides in a third country listed in Annex II or in Switzerland and Liechtenstein and is travelling in the context of a school excursion as a member of a group of school pupils accompanied by a teacher from the school in question;

(b) recognised refugees and stateless persons if the third country where they reside and which issued their travel document is one of the third countries listed in Annex II;

(c) members of the armed forces travelling on NATO or Partnership for Peace business and holders of identification and movement orders provided for by the Agreement of 19 June 1951 between the Parties to the North Atlantic Treaty Organisation regarding the status of their forces.';

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(4) Annex I shall be amended as follows:

(a) in Part 1:

(i) a reference to Bolivia shall be inserted;

(ii) the references to Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis, and the Seychelles shall be deleted;

(iii) the reference to 'East Timor' shall be replaced by a reference to 'Timor-Leste';

(iv) the reference to 'Federal Republic of Yugoslavia (Serbia-Montenegro)' shall be replaced by references to 'Serbia' and to 'Montenegro';

(v) the reference to 'Western Samoa' shall be replaced by a reference to 'Samoa';

(b) the following Part shall be added:

'3. BRITISH CITIZENS WHO ARE NOT NATIONALS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE PURPOSES OF COMMUNITY LAW:

British overseas territories citizens who do not have the right of abode in the United Kingdom

British overseas citizens

British subjects who do not have the right of abode in the United Kingdom

British protected persons';

(5) Annex II shall be amended as follows:

(a) in Part 1:

(i) the reference to Bolivia shall be deleted;

(ii) the following references shall be inserted:

'Antigua and Barbuda (*)

Bahamas (*)

Barbados (*)

Mauritius (*)

Saint Kitts and Nevis (*)

Seychelles (*)';

(iii) the following footnote shall be inserted:

'(*) The exemption from the visa requirement will apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Community.';

(iv) the reference to 'Brunei' shall be replaced by a reference to 'Brunei Darussalam';

(b) the following Part shall be added:

'3. BRITISH CITIZENS WHO ARE NOT NATIONALS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE PURPOSES OF COMMUNITY LAW:

British nationals (overseas)'.

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Article 2

Member States shall apply the visa requirement for Bolivian nationals with effect from 1 April 2007.

Member States shall apply the exemption from the visa requirement for nationals of Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis and the Seychelles from the date of entry into force of an agreement on visa exemptions to be concluded by the European Community with the third country in question.

Article 3

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 the Member States in accordance with the Treaty establishing the European Community.