

AMENDMENT FORM

Suggestion for amendment of Article : III-161

By Mr Hain

Status : Member

1. The Union shall develop a policy on the movement of persons with a view to:

- (a) *Okay*
- (b) *Okay.*
- (c) *Okay..*

2 For this purpose, a European law or framework shall establish measures concerning :

- (a) ~~the common policy on visas and other short stay residence permits. conditions of entry for a short stay for nationals of third States, including: the visa requirement and exemption from this requirement; the rules, procedures and conditions of issue of visas and permits for crossing external borders; and the uniform format and minimum security features for such visas and permits~~
- (b) *Okay.*
- (c) *Okay.*
- (d) *Okay.*
- (e) *Okay.*

~~3. — This Article shall not affect the competence of the Member States concerning the geographical demarcation of their borders, in accordance with international law.~~

Explanation (if any) :

We include 'on the movement of persons' in paragraph 1 to make it clear that this article on checks at borders is concerned with persons rather than for instance goods. Otherwise, provisions such as 2(d) - (integrated management system for external borders) are potentially ambiguous.

Our amendment is designed to highlight the free-standing nature of document security measures, the importance of which has become ever more apparent over the past few years.

It is important that the absence of controls on person when crossing internal borders is subject to a limited restriction for the purposes of national security.

Paragraph 3 is unnecessary. We do not see how the Treaty could or should affect deliniation of international borders.

This article and Chapter will remain subject to arrangements preserving the United Kingdom's position on frontiers. The United Kingdom does not intend to give up its right under the Treaties to exercise at its frontiers with other Member States such controls on persons seeking to enter the United Kingdom as it considers necessary. As a consequence of its position on frontiers, the United Kingdom has not participated in certain measures relating to external borders, visas and immigration. A provision corresponding to Article 69 TEC will need to be added in due course.

Finally, the UK supports the principle behind the amendment tabled in the Convention that paragraph 2(e) should provide an explicit ability to allow Member States to temporarily re-establish controls when public order or national security so requires.