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(Acts whose publication is obligatory)

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 2004 Olympic or Paralympic Games in Athens

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Whereas:

(1) The Olympic Charter envisages for members of the Olympic family a 'right of entry' to the country of the city hosting the Olympic Games, on presentation of the Olympic accreditation card and their passport or other official travel document, without having to go through any procedures and formalities other than those relating to the accreditation card.

(2) The organisations responsible select and propose the persons who may participate in the Olympic or Paralympic Games as members of the Olympic family, in accordance with the accreditation procedure laid down by the Organising Committee of the Olympic Games.

(3) The Organising Committee of the Olympic Games issues accreditation cards to members of the Olympic family in view of the fact that the Games may be the target of terrorist attacks. 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.

(4) Greece is organising the 2004 Olympic and Paralympic Games in Athens, this being the first time that such an event has been organised by a Member State applying in full the provisions of the Schengen *acquis*.

(5) To enable Greece to organise the 2004 Olympic and Paralympic Games and in view of the obligations arising from the Olympic Charter, the Community should establish legislation facilitating the issue of visas to members of the Olympic family.

(6) There is therefore a need to provide for a temporary derogation for the duration of the 2004 Olympic and Paralympic Games 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 [3].

(7) 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.

(8) Visa applications for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games should be submitted to the Organising Committee of the Olympic 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 full name, sex, date and place of birth and passport number, type and expiry date thereof. These applications shall be forwarded to the Greek services responsible for issuing visas.

[1] Proposal of 8 April 2003 (not yet published in the Official Journal).
[2] Opinion of 19 June 2003 (not yet published in the Official Journal).
[3] OJ L 81, 21.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 453/2003 (OJ L 69, 13.3.2003, p. 10).

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

(10) Where no specific provisions are laid down in this Regulation, the relevant provisions of the *acquis communautaire* on visas and controls at Member States' external borders should apply. In particular, the provisions of this Regulation relating to the issuing of visas are not applicable to members of the Olympic family who are nationals of third countries subject to a visa requirement but who hold a residence permit or a provisional residence permit issued by one of the Member States applying in full the provisions of the Schengen *acquis*.

(11) The derogation arrangements established by this Regulation should be evaluated in the light of the experience of putting them into practice. Provision should therefore be made for an evaluation after the 2004 Olympic and Paralympic Games in order to assess how well these arrangements have worked in the perspective of the possible organisation of the Olympic Games by other Member States also applying in full the provisions of the Schengen *acquis*.

(12) In accordance with the principle of proportionality, it is necessary and appropriate in order to give effect to the main objective of facilitating the issue of visas to the members of the Olympic family to adopt the temporary derogation established by this Regulation from certain Community provisions. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty.

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

(14) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded on 18 May 1999 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* [1], which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement [2].

(15) This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does 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 to take part in some of the provisions of the Schengen *acquis* [3]; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

(16) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with 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* [4]; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

(17) This Regulation constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

HAS 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 for the uniform format for visas for members of the Olympic family for the duration of the 2004 Olympic and Paralympic 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.

[1] OJ L 176, 10.7.1999, p. 36.
[2] OJ L 176, 10.7.1999, p. 31.
[3] OJ L 131, 1.6.2000, p. 43.
[4] OJ L 64, 7.3.2002, p. 20.