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**COMMISSION STAFF WORKING PAPER**

**Report on the functioning of the derogation system introduced by Regulation 1295/2003 regarding 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**

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### **Report on the functioning of the derogation system introduced by Regulation 1295/2003 regarding 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**

#### **I. INTRODUCTION**

1. On 15 July 2003, the Council adopted Regulation 1295/2003 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<sup>1</sup>. Article 10 of this Regulation provides that “ no later than four months after the close of the Paralympic Games, Greece shall transmit to the Commission a report on the various aspects of the implementation of this Regulation. On the basis of this report and any information supplied by other Member States within the same time limit, the Commission shall draw up an assessment of the functioning of the derogation in respect of the issue of visas to members of the Olympic family, as provided for by this Regulation, and shall inform the European Parliament and the Council thereof. The Commission shall draw up this evaluation report early enough for the experience made during the Olympic and Paralympic Games of Athens to be taken into account by the Italian authorities for the organisation of the Winter Olympic games which will be held in Turin in 2006”. At the moment of adoption of Regulation 1295/2003, “The Council and the Commission declared that in evaluating the derogation arrangements provided for in this Regulation for members of the Olympic family participating in the 2004 Olympic and/or Paralympic Games in Athens who are subject to the visa requirement, special attention will be paid to whether the level of security of the accreditation card issued to members of the Olympic family by the Organising Committee of the 2004 Olympic Games and in which the visa issued by the competent Greek authorities is incorporated affects the proper working of the derogation arrangements.”
2. Commission services would like to thank all Member States for their cooperation in the implementation of this Regulation and in particular the Greek Authorities for the precise and exhaustive information transmitted on time regarding the functioning of the derogation system introduced for the first time by Regulation 1295/2003 for the members of the Olympic family.

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<sup>1</sup> Council Regulation (EC) N° 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 Olympic or Paralympic Games in Athens, OJ L 183/1 of 22.7.2003

## II. A DEROGATION REGIME FOR THE MEMBERS OF THE OLYMPIC FAMILY

### Council Regulation (EC) No 1295/2003- Main provisions

3. The 2004 Athens Games were the first Olympic and Paralympic Games organised by a Member State being part of the Schengen area without internal borders. To enable Greece, as hosting country, to honour the obligation it has under the Olympic Charter -to give a right of access for members of the Olympic family to the territory of the organising state- the EU adopted specific measures to facilitate the issuing of Schengen visa to the members of the Olympic family participating in the Olympic and Paralympic Games, which took place in Athens in 2004, without undermining the essential principles and the smooth functioning of the Schengen *acquis*.

Without abolishing the visa requirement for members of the Olympic family who are subject to that requirement under Regulation 539/2001<sup>2</sup> and without affecting the basic principles and proper organisation and security of the Schengen area, Regulation 1295/2003 aimed at facilitating the procedures by providing the submission of a collective application for Members of the Olympic family via the Olympic accreditation system: the simplification of the supporting documents requirement and allowing the visa to be issued in the format of special visa number to be included on the Olympic accreditation card. Furthermore, controls at the external borders for the Members of the Olympic family were limited to the strict necessary, taking into account the specific provisions on visas. The derogation system was in place only for the duration of the Athens 2004 Olympic and Paralympic Games.

Exploring the facilitation possibilities for bona fide persons, the derogation regime was based on the selection of the participants to the Games, that are Members of the Olympic Family. The International Olympic Committee (IOC) and the Organising Committee of the Olympic Games (ATHOC-ATHENS) were responsible for issuing accreditation cards to members of the Olympic family<sup>3</sup> who had been selected by various responsible organisations<sup>4</sup> to participate in the Games. According to the IOC Olympic Charter Rule 65<sup>5</sup>, the Olympic accreditation card, a highly secure document, allows for participation in the Olympic Games and together with a passport or travel document authorises entry into the country where the Olympic

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<sup>2</sup> Council Regulation (EC) N° 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and the countries whose nationals are exempt from that requirement, OJ L 81, 21.3.2001, p.1 -as last modified by Regulation (EC) N° 453/2003, O J L69, 13.3.2003, p.10.

<sup>3</sup> Any persons who are members of the International Olympic/Paralympic Committee, International Federations and National Olympic Committees, of the next Olympic Games and of the cities which are candidates to host the 2012 Olympic Games, executives of the Organising Committee of the Olympic Games of Athens, holders of radio and television broadcasting rights and legally-accredited journalists, senior executives, sponsors, athletes, coaches and their assistants, referees, medical personnel of athletes, or other official invitees who agree to be guided by the Olympic Charter, and act under the control of the IOC.

<sup>4</sup> Official organisations, in terms of the Olympic Charter, which are entitled to submit lists of members of the Olympic family to the Organising Committee of the 2004 Olympic Games with a view to the issue of accreditation cards for the Games

<sup>5</sup> Following the amendment of the Olympic Charter which came into force on 1 September 2004, the relevant provision is now Article 55 of the Charter.

Games will take place for a period from one month before the opening of the Games till one month after the official closure of them.

In particular, Article 3 of the Regulation set out the simplified conditions under which a visa may be issued to members of the Olympic family, as regards the requirements related to the purpose of stay and sufficient means of subsistence. Article 4 provides procedures on filing the application for an Olympic accreditation card, and enables the responsible organisations to submit a collective application for a visa for those members of the Olympic family who required visas in accordance with the Regulation 539/2001.

Articles 5 to 7 deal with the individual examination of each visa request, the issuing of visa, the form in which the visa is entered on the accreditation card, as well as the type of visa issued, a multiple entry Schengen visa valid for the duration of the Olympic or Paralympic Games. Holders of such an accreditation card can transit through other Schengen countries on their way to and/or from Greece. It is possible to issue Limited Territorial Validity (LTV) visas for persons who are considered as a potential threat to public policy, national security or international relations of any Member States. The visa is to be issued free of charge to members of the Olympic family.

Chapter III includes provisions for cancelling a visa of an Olympic family member if the list of participants was amended prior to the Games and introduces simplifications of the entry checks at the external Schengen border of holders of the Athens 2004 Olympic or Paralympic Games accreditation card.

The derogation was in place only for the duration of the Olympic (from 13 July 2004 to 29 September 2004) and Paralympic Games (from 18 August 2004 to 29 October 2004).

By specific statement, the Council and the Commission declared that during the evaluation of the derogation arrangements they would pay special attention to the level of security of the accreditation card issued by the Organising Committee for the members of the Olympic family participating in the 2004 Olympic and Paralympic Games in Athens<sup>6</sup>.

## **II.2. IMPLEMENTATION BY GREECE OF THE DEROGATION REGIME – THE REPORT (LEGAL AND ADMINISTRATIVE FRAMEWORK-PRACTICAL/OPERATIONAL MEASURES)**

4. On the basis of Regulation 1295/2003, the Greek Ministry of Foreign Affairs decided to set up an **“Olympic Consulate (Article 12 of the Greek Law 3207/2003)** as a special service under the MFA to examine the applications and approve visas for Olympic family members. The “Olympic Consulate” functioned from first January to 30 October 2004. It was staffed with permanent officials of the MFA and located in the building of the ATHOC-ATHENS. Its task consisted in the reception of the visa application in electronic form from the Accreditation Department of the ATHOC-ATHENS. A specific computer software program was used for the transmission of

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<sup>6</sup> 10036/1/03, VISA 99, COMIX 350, REV.I

the application forms to the competent authorities for controlling records in the SIS and, where necessary, the consultation of central authorities of other Member States in conformity with the Common Consular Instructions rules. Visas were granted to persons confirmed as members of the Olympic family and who fulfilled the conditions set out in Article 3 or Regulation 1295/2003.

As concerns the type of visa, the Olympic Consulate issued multi-entry Schengen visas whose duration of stay could not exceed 90 days within the period of duration of the 2004 Athens Games.

At the end of the process, a number attributed to each visa issued was transmitted electronically to the Accreditation Department of the ATHOC-ATHENS. In case of counter-indication and refusal of visa, no number was transmitted making it impossible to complete the procedure for printing the accreditation card.

5. A key element of the implementation of Regulation 1295/2003 was the functioning of the Accreditation System. According to the Greek Law 2598/1998 the ATHOC-ATHENS was responsible for introducing a special procedure for applying for, issuing and granting accreditation cards to Olympic family members. This procedure was set out in an Accreditation Handbook drawn up by ATHOC-ATHENS. The ATHOC-ATHENS cooperated with the 298 Olympic and the 321 Paralympic 'responsible organisations' (as defined in Article 2 of Regulation 1295/2003) that identified and sent the lists of Olympic family members selected for participating in the 2004 Athens Olympic and Paralympic Games respectively. The responsible organisations received the "Accreditation Card Manual" in advance of submitting the lists. The procedure for forwarding visa applications together with the request for an accreditation card was outlined in the Accreditation Card Manual and was strictly followed.

Concerning document security aspects, the Olympic accreditation cards issued for the 2004 Athens Games in order to authorise the access to the facilities in which the competitions were held, met the highest security standards, "at least equivalent to those for the uniform format for visas", encompassing both visible and non-visible optical and physical security features, protecting the photograph and personal data fields to render falsification extremely difficult. The Joint Ministerial Decision N° 1016/114/125- provided non-confidential information on the technical security standards of the accreditation card for the members of the Olympic family participating in the 2004 Athens Games.

6. The total number of applications received from Members of the Olympic/Paralympic family was 77,230. Ultimately, the number of those accredited and who used their accreditation card were 53,168. Of these, 13,077 were visa-requiring third country nationals, so approximately 25% of the total accredited Olympic family members benefited from the visa facilitation procedure foreseen by Regulation 1295/2003, 10.660 for the Olympic and 2.417 for the Paralympic Games.

For Olympic family members, the derogation was valid for 78 days (13.07.04 – 29.09.04) and for Paralympic family members, for 72 days (18.08.04 - 29.10.04). Although some members of the Olympic family (in particular journalists and other media related persons) were accredited for both Games, no 'violations' of the 90-day

rule were observed (despite the fact that the duration of the entire period for both Games was 108 days).

In case where a member of the Olympic family did not fulfil the conditions set up in Article 3 (c) and (d) or if another Schengen State voiced objections during the consultation procedure, the Greek authorities refused the issuing of a uniform Schengen visa for the person concerned. Following the special appeal procedure foreseen in Article 7 of Law 3254/2004, this person could make a written request to the ATHOC-ATHENS. In such case the Olympic Consulate re-examined the file weighing all the factors (status, interest to the IOC or to ATHOC-ATHENS) and granted a visa of limited territorial validity (VTL) in compliance with Article 5(3) of the Regulation 1295/2003.

In particular, the Greek Authorities mentioned 14 and 19 cases of refusals during the whole derogation period (Olympic and Paralympic Games), due to SIS registration and following the consultation of other Schengen States respectively. In only three cases they decided to issue VTL visas after re-assessment of the files based on the criteria mentioned above.

In addition, 577 VTL visas have been issued (441 for the Olympic and 136 for the Paralympic Games) to members of the Olympic family holders of passports issued by FYROM, Taiwan and Somalia as these travel documents are not recognised by all Schengen Member States.

The Greek Authorities reported a limited number of VTL visas (no exact figure was provided in the report) for some Members of the Olympic family which, although exempted from the visa obligation due to the possession of a travel document issued by a country of Annex II of Regulation 539/2001, were recorded in the SIS.

The Olympic Consulate issued VTL visas to all holders of British Overseas Territory passports (Anguilla, Bermuda, British Indian Ocean Territory, British Virgin Islands, Falkland Islands, Montserrat, Pitcairn, Henderson, Ducie and Oeno, Saint Helena and dependencies, Turks and Caicos Islands).

7. If an accreditation was cancelled prior to the Games, ATHOC-ATHENS notified the Olympic Consulate immediately so that they were aware of each change to the composition of the list of members of the Olympic family. The MFA forwarded all relevant data to the Schengen partners providing them with a constant flow of information on each change to the composition of the participants to the 2004 Athens Games. To this purpose concrete measures taken included:
  - forming a network of contacts with Schengen partner Embassies in Athens (coordinating meetings, exchanging information);
  - establishing a communication network with links to Schengen partner capitals, representatives of the MFAs, police and border authorities;
  - creating a 24-hour call centre available from 12 July 2004, lasting throughout the entire derogation period of the 2004 Athens Games to allow other Schengen MS services to call and obtain information about the issuance of visas for the members of the Olympic family. In particular, in order to ensure

continuous and effective communication between the border control posts and the Olympic Consulate toll-free and local rate charge numbers were available;

- creating a website on the Internet providing real-time access to Schengen partner services that were able to enter a special code to obtain further information on visa applications and any cancellations<sup>7</sup>.
8. On external border checks and stamping obligations, the Greek authorities followed the provisions of Article 9 of Regulation 1295/2003 and in their report mentioned the good functioning of the whole system.
  9. Another measure taken outside of the provisions of Regulation 1295/2003 included informing airline staff, IATA Netherlands Data Publications and TIMATIC<sup>8</sup> on the temporary derogation system for the members of the Olympic family participating in the Athens 2004 Games. Furthermore, information visits and exchanges were organised with relevant representatives responsible for security, visa and passport controls, and airline representatives in various transit country airports.<sup>9</sup>
  10. Last but not least, it should be mentioned that after the adoption of the Regulation, the Greek authorities provided several times to the Commission and other Member States information on the preparative measures taken for the implementation of the Regulation. In particular, they disclosed specific information to the appropriate Council Working groups<sup>10</sup> enabling other delegations and the Commission to follow the whole implementation process. In addition, officials of the European Commission services made a short visit to the Olympic Consulate in Athens on July 23, 2004 and had the opportunity to meet the competent Greek Authorities and discuss with them the functioning of the entire derogation system.

### **II.3. PROBLEMS ENCOUNTERED WITH THE IMPLEMENTATION:**

#### The Greek authorities:

11. By letter dated January 24, 2005 the Commission invited the Greek Authorities to submit the report on the implementation of the Regulation as requested by Article 10. The Commission has also sent letters to all Member States, Norway and Island requesting information on the functioning of the derogation system.

In February 2005 the Greek Authorities submitted to the Commission and the Council their report on the implementation of Regulation 1295/2003<sup>11</sup>. The information for the report submitted by the Greek authorities was obtained from the services of the Ministry of Foreign Affairs (MFA) responsible for implementing the

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<sup>7</sup> [https://eacr.athens2004.com/ECR\\_REG/registrations](https://eacr.athens2004.com/ECR_REG/registrations); little use was made of the website, it was accessed only 379 times.

<sup>8</sup> TIMATIC is a private company providing information to travel agents, airline staff, etc. on entry requirements to every country in the world. Approximately 95% of all work airlines use this source to obtain information on entry requirements for each state.

<sup>9</sup> Frankfurt, Paris, Milan, Amsterdam, Madrid, Brussels, London, Istanbul and Cairo – these cities were identified as the most common transit points for travellers on their way to/from Athens

<sup>10</sup> VISA ROOM DOC 02/04 of 13.2.2004 and SCIFA DOC 7/04 of 1 June 2004.

<sup>11</sup> 5862/2/05 VISA 26, COMIX 71 REV2.

Regulation as well as from a questionnaire sent to Greek bodies such as the Olympic Consulate, the Ministry of Public Order and the Schengen Cooperation Partners.

In their oral presentation of the main issues raised in the report at the meeting of the VISA Working Party held in Brussels on February 10, 2005, the Greek authorities noted the successful functioning of the derogation system that had proved to be an effective and flexible instrument allowing for a smooth application of the Olympic Chapter without compromising the security of the Schengen area.

Overall, the Greek authorities did not encounter serious problems during the implementation of Regulation 1295/2003. Nevertheless, a certain number of issues were raised in their report.

12. Some of the issues are linked to the specific context of the derogation system for facilitating the issuing of visas for the Olympic and Paralympic Games; however, most of them are more horizontal questions of visa policy, even if they occurred also during the specific period of the 2004 Athens Games.
  - Participants from countries of non-autonomous passport: as in previous Olympic Games some athletes participated in the Games with a country flag (code representing the country in the Olympic and Paralympic Games) that was different from the country which issued their passport. In the 2004 Athens Games this situation concerned Netherlands Antilles, Aruba, American Samoa, Cook Islands, Faeroe Islands, Guam, Virgin Islands and British Virgin Islands. In such cases, the Greek Authorities took into account during the procedure for examination of the visa application, the country that issued the passport held by the participant and not the code representing the country with which the athlete participated in the Olympic and Paralympic Games. However, in the accreditation card only the code representing the country in the Games was indicated. The Greek Authorities did not give further information (figures).
  - Participants holders of Residence permits issued by a Schengen State: Recital 10 of Regulation 1295/2003 states that where no specific provisions are laid down by Regulation 1295/2003, the relevant provision of the EC acquis applies. It is explicitly recalled that third country nationals holding a residence permit issued by a Schengen State do not need a visa to enter Greece as members of the Olympic family. However, when members submitted their application for accreditation for the 2004 Athens Games, it was impossible to identify which persons were holders of such residence permits as no reference was made to this in the application form. It is therefore likely that such persons were in fact granted visas. In this context, the Greek Authorities noted an additional problem due to the fact that some Schengen MS<sup>12</sup> require visas along with their residence permits when entering their territory.

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<sup>12</sup> i.e. Germany's *Aufenthaltsbefugnis für die Bundesrepublik Deutschland* only entitles the holder to entry when it is inserted in a passport or issued in connection with a passport as an authorisation replacing a visa. Similarly, Austria's *Lichtbildausweis für Fremde gemäß §85 Fremdengesetz 1997* is an identity card but is not considered a residence permit and therefore does not permit entry into Austria without a visa.



- Double accreditation: As mentioned previously some members of the Olympic family who were doubly accredited (i.e. media) for both the Olympic and Paralympic Games were issued two different accreditation cards with two different visa numbers covering partially the same period (18.8.2004 to 29.9 2004) within the Olympic derogation period.
- Validity of passports: Some flexibility was exercised in cases where a passport of a member of the Olympic family was found not to be valid for more than three months after the validity period of the visa. Although a clear reference to this requirement was made in the Accreditation Card Manual, a small number of visas were issued subject to the condition that the passport did not expire before the end of the Olympic Games.
- Replacement of passports: Problems arose in cases where members of the Olympic family had replaced, on account of theft or loss, their passports and the old number was entered on the accreditation card in addition to the visa number. In such cases, Greek Consular Authorities granted Schengen one-entry visas valid for 30 days only, making reference to the Olympic Games on the visa sticker.
- Extension of the duration of the stay in the common area: The report mentions a problem regarding the entry of several members of the Olympic family (particularly athletes) into the common area on the basis of short-stay visas during the period prior to the Games. In certain cases the authorised period of stay was used up even before the start of the derogation period foreseen in the Regulation 1295/2003. However, although they refer to this situation the Greek authorities did not provide specific information on the approach followed by them during the 2004 Athens Games for solving the problem.
- VTL for persons listed in the SIS: One simple case was mentioned in the report of a member of the Olympic family who, although listed since 12.10.2000 in the SIS by a Schengen State, received after this date several Schengen visas from different Schengen States. In this concrete case, the person concerned appealed against the refusal of the Olympic Consulate to issue him a visa and finally after second assessment of his file he was granted a VTL visa.
- Visa ban lists: A similar problem was the request for issuing of visas/accreditation cards to government officials who were found on the visa ban list,<sup>13</sup> when these persons were not listed in the SIS or in national lists. For the 2004 Athens Games all accreditations/visas for government officials from these states were eventually cancelled, and Schengen MS and the IOC were informed of these cancellations. The Greek authorities gave in their report specific information on persons and countries concerned. They also mentioned that after request of the IOC they informed it about the refusal of the MFA to grant visas to these persons, in detail, explaining the reasons and the legal basis.

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<sup>13</sup> i.e. government officials from Zimbabwe, Burma/Myanmar, Belarus

### Authorities of other Member States:

13. The five Member States<sup>14</sup> which replied to the Commission's invitation to submit comments and information on the implementation of Regulation 1295/2003 did not mention any problem at all confirming the successful functioning of the whole derogation system.

### **III. ASSESSMENT BY THE COMMISSION SERVICES OF THE DEROGATION REGIME:**

14. On the basis of the information submitted by the Greek authorities and other Member States, Commission services are of the opinion that despite certain minor issues, the introduction for the first time of a derogation system for the issuing of visa by a Member State being part of the Schengen area and organising the Olympic Games, the members of the Olympic family can be considered as successful. The temporary derogation regime set up by Regulation 1295/2003 offered an effective and flexible framework for issuing Schengen visas to the members of the Olympic family without having to derogate from the basic principles of the "acquis" and without compromising the security level of the Schengen area.

In particular, the Regulation succeeded in reconciling the visa requirement for members of the Olympic family holders of passports issued by third countries listed in Annex I of Regulation 539/2003 and the principle right for Members of the Olympic family to access to the territory of the hosting country required by the Olympic Charter. The facilitation provisions introduced for the members of the Olympic family (such as the collective application via the accreditation process, the absence or relaxation of requirements regarding supporting documentation, the dispensation from the personal interview or the form in which visas were issued) were easily applicable by the competent authorities which, nevertheless, followed for each individual request of visa the usual controls and verifications required by the "acquis" for ensuring the high level of security and safety within the common area.

The cohesion between the visa issuing procedures provided by the Regulation and the Olympic accreditation procedures set up and implemented by the ATHOC-ATHENS was without any doubt a key element of the effectiveness of the whole derogation system. Indeed some basic elements of the derogation system were directly linked with the whole accreditation process whose details are laid down by the Organising Committee of the Olympic Games. As regards the 2004 Athens Games, the accreditation procedures have taken into account the provisions of the Regulation 1295/2003 and practical measures have been adopted (such as a secured electronic application for the transmission for data) for the effective implementation of specific provisions.

As regards in particular the document security aspects of the accreditation card, the Greek authorities and ATHOC-ATHENS informed the Schengen partners before the Games on the technical security standards followed. A Joint Ministerial Decision adopted in March 2004 referred to this security standards (non-confidential information). The report transmitted by Greece as well as the absence of any incident

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<sup>14</sup> Spain, Italy, Germany, Czech Republic and Luxembourg

during the Athens 2004 Olympic and Paralympic Games period, confirms that the accreditation cards used for the 2004 Olympic and Paralympic Games met the highest security standards as requested by the Member States at the moment of adoption of Regulation 1295/2003 and did in no way affect the proper working of the derogation arrangements.

All practical communication measures taken by Greece for ensuring continuous exchange of information between the Schengen Member States (at different levels, central authorities, Athens network, border authorities) as well as additional measures for informing other organisations implicated in the process (like IATA/TIMATIC/Airlines) contributed to the transparency and the effective implementation of the Regulation.

15. Regarding the specific issues highlighted by the Greek authorities in their report, Commission services consider that most of them are not specifically linked to the derogation system and its implementation but are “horizontal” issues related to the common visa policy.

Therefore, these issues should be further examined in another framework and solved, where appropriate, via amendments of other visa policy instruments such as Regulation 539/2001 or the Common Consular Instructions. These issues do not require adaptation of the derogation regime provided by Regulation 1295/2003.

This is true in particular for:

- the issuing of VTL for persons listed in the SIS,
- the non registration in SIS if persons included in a second pillar Common Position on Visa Ban,
- the issuing of VTL to holders of British Overseas Territory passports.

Other issues highlighted by the Greek authorities have found a practical solution and are so anecdotic that they do not require an amendment of the derogation regime. This is the case for the question of Members of the Olympic family whose passport is replaced and of participants from countries of non – autonomous passports.

The integration of specific provisions on these issues risks adding unjustified complexity to the temporary derogation system for the members of the Olympic family.

However, there is one problem highlighted by the Greek authorities that merits further consideration, specifically in the context of the derogation system for members of the Olympic family: the issuing of visa to participants who are holder of a residence permit issued by a Schengen Member State.

As stated above, third country nationals who are holder of a residence permit issued by a Schengen Member State do not require a visa to travel to other Schengen Member States. This was explicitly stated in Recital n°10 of Regulation 1295/2003. However, because there is no information available in the accreditation procedure about the residence permit held by a member of the Olympic family, the holders of such a residence permit, issued by a Schengen Member State, received a –

superfluous- Schengen visa. Therefore, Commission services intend to propose that the Commission amend the derogation regime in order to better ensure that this category of persons holders of a residence permit issued by a Schengen Member State do not apply for a visa in view of participation in the Olympic and Paralympic Games in Torino.

Commission services also take note of the question regarding the extension beyond 90 days of the stay within the common area of some athletes. Taking into account the purpose of Regulation 1295/2003 and the legal basis used, the issuing of a temporary residence permit by the hosting country on the basis of its national legislation seems the most adequate instrument for solving this problem. This clarification is included in the Commission's new proposal for a EP and Council Regulation on a temporary derogation regime for the Members of the Olympic family participating in the Olympic and Paralympic Winter Games, Torino 2006.

Finally, the Commission services believe that the Greek practise of issuing VTL to members of the Olympic family who are holder of a passport that is not recognised by all Schengen Member States, is incompatible with Regulation 1295/2003. Indeed, according to Article 5(2) of this Regulation, the visa issued to a member of the Olympic family shall in principle be a uniform short-stay, multiple entry visa: According to Article 5(3), a visa with limited territorial validity shall only be issued where the member of the Olympic family does not meet the conditions set out in Article 3(c) – not being a person for whom an alert has been issued for the purpose of refusing entry – and (d) – not being considered to be a threat to public policy -. The fact that a person does not meet the conditions set out in Article 3(b) – holding a valid travel document – should not lead to issuing only a VTL, as indeed, the visa is issued as a number in the accreditation card.

However, the Schengen acquis on the issuance of visa with a limited territorial validity is not clear as regards the position of persons holding a passport that is not recognised by all the Schengen Member States. Therefore, the Commission services believe that the derogation regime should not be amended. This problem will be examined in an in-depth way in the framework of the recast of the Common Consular Instructions.