



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from :	Presidency
to :	Working Party on Frontiers/Mixed Committee (EU/Iceland and Norway)
Subject :	Andorra and San Marino

At the Scifa meeting of 15 September the French delegation raised the question on the possibility of Andorra nationals using EU corridors at external border crossing points. This point was also raised at the Working Party on Frontiers on 3 September 2004 by the Spanish delegation, where the Italian delegation referred to San Marino in this matter.

The Presidency is aware of the remarks of the Commission that there is no legal basis for the use of these corridors but, given the very small number of persons concerned, asks delegations to consider the possibility of taking a **pragmatic** approach that would satisfy the countries concerned.

The Presidency would suggest the following text to be adopted by the Scifa meeting of October 6 and send the outcome of this discussion to representatives of Andorra and San Marino. Member States are invited to inform their boarder guards accordingly.

- 1) Member States agree that citizens of Andorra and of San Marino may use “EU” corridors at external borders of the Member States applying the relevant provisions of the Schengen acquis. This is without prejudice to the application of the regime of external border controls of third country nationals to the citizens of these countries.

- 2) When a thorough control of a citizen of Andorra or of San Marino is likely to give rise to delays for citizens of the European Union and other persons who benefit from the provisions of Community law on the free movement of citizens of the European Union, this thorough control will be carried out outside the “EU” corridor.
- [3) Member States underline the fact that any relaxation of border checks going beyond the pragmatic approach set out in point 1) is subject to the conclusion with Andorra and San Marino of an agreement on the free movement of citizens, as is the case for the EEA countries and Switzerland.]
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