

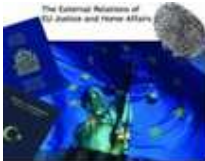


Malta-EU Steering & Action Committee

## JUSTICE AND HOME AFFAIRS

Sectoral Committee  
Weekly Update  
26.03.10

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**Malta-EU Steering & Action Committee**

**... Commission:**

## **Proposal for an EU Regulation on divorce in cross-border marriages**

There are around 300,000 international marriages per year in the EU.

This week the Commission adopted a proposal for a Regulation which will lessen the burden on children and protect weaker partners during divorce disputes. The proposal states that couples may choose which country's laws apply to their divorce; it will help couples of different nationalities, couples living apart in different countries or living together in a country other than their home country. This proposal has no effect on Member States' ability to define marriage.

This proposal follows a request from 10 Member States (Austria, Bulgaria, France, Greece, Hungary, Italy, Luxembourg, Romania, Slovenia and Spain). If adopted, it will be the first time that the "enhanced cooperation" mechanism is in EU history.

EU Member States must now vote on whether the 10 countries may proceed with enhanced cooperation. The European Parliament must also give its consent.

### **Background:**

The Commission first proposed helping international couples in 2006, but the plan (so-called "Rome III" Regulation") did not get the required unanimous support of EU governments. Since then, 10 EU countries (Austria, Bulgaria, France, Greece, Hungary, Italy, Luxembourg, Romania, Slovenia and Spain) said they would like to use so-called enhanced cooperation to advance the measure. Under the EU Treaties, enhanced cooperation allows nine or more countries to move forward on a measure that is important, but blocked by a small minority of Member States. Other EU countries keep the right to join when they want.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/347&format=HTML&aged=0&language=EN&guiLanguage=en>



## Malta-EU Steering & Action Committee

### ... Council of the EU:

#### **Free movement of third country nationals with a long stay visa within the Schengen area**

The Council adopted a regulation of the European Parliament and of the Council amending the convention implementing the Schengen agreement and regulation (EC No 562/2006) as regards movement of persons with long-stay visas. Long-stay visas, or so-called "D" visas, are visas issued to third country nationals for periods of stay longer than three months. The new provisions concern mainly three aspects: free movement, maximum validity of long-stay visas, and security aspects.

Concerning free movement, third country nationals with a long-stay visa are put on the same footing as third country nationals holding valid residence permits: They will be able to move freely for up to three months in any six-month period within the territories of the other Schengen states.

The new rules also stipulate that long-term visas shall have a period of validity of no more than one year. If a member state allows an alien to stay for more than one year, the long stay visa shall be replaced before the expiry of its period of validity by a residence permit. In other words, Schengen states will in these cases be obliged to replace the long-stay visa with a residence permit.

As far as security aspects of the Schengen area are concerned, the new provisions oblige member states considering the issuance of a long-stay visa to a third-country national to consult the Schengen Information System (SIS) in the same way as they need to do when considering the issuance of a residence permit. Thus, the free circulation of the holders of a long-stay visa will not constitute any additional security risk compared to the holders of Schengen residence permits and short-stay visas.

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/113463.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/113463.pdf)



**Malta-EU Steering & Action Committee**

**... Parliament:**

### **Migrants at sea: guidelines for EU border patrols**

On Thursday the European Parliament voted in favour of EU guidelines saying that border patrols have a moral duty to rescue migrants in distress at sea. The guidelines cover "search and rescue situations and for disembarkation" in the context of operations on the EU's sea borders. They state that Member States fleets operating under FRONTEX must render assistance to persons in distress at sea, regardless of their nationality or status, or the circumstances in which that person is found.

The guidelines stipulate that FRONTEX agents should also take into account any requests for assistance, the situation of the ship and the presence of children, pregnant women and passengers in need of medical assistance.

Disembarkation procedures should be carried out in line with international law and existing bilateral agreements between Member States and third countries.

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-71288-083-03-13-902-20100324IPR71287-24-03-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-71288-083-03-13-902-20100324IPR71287-24-03-2010-2010-false/default_en.htm)