

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 586 final

Brussels, 19 October 1988

Communication from the Commission to the Council

on a Council Decision authorizing the Community to participate in
negotiations on a Convention on Tourism

COMMUNICATION TO THE COUNCIL

An International Convention to facilitate travel and tourist stays is currently being drafted within the World Tourism Organization (WTO). Given the increasing importance of tourism and the need for greater account to be taken of tourism in the Community's decision-making process, the Community has already participated in the preparatory work on this Convention of major significance for the development of international tourism, especially as regards the questions of passports, visas, health checks, customs and foreign exchange. Since some of the provisions on the matters covered by the draft Convention fall within the Community's sphere of responsibility and in certain cases - such as customs questions - are areas in which it has sole power, it would seem clear that the Community as such should be a party to the Convention.

As the Court of Justice confirmed in its judgment of 31 January 1984 (Joined Cases 286/82 and 26/83, *Luisi and Carbone*, [1984] ECR 377), Community nationals going abroad for the purpose of tourism are to be regarded as "recipients of services". Council Directive 73/148 of 21 May 1973 (OJ No L 172/73, p.14) laid down at Community level the rules on movement and residence within the Community for "recipients of services"; this Directive also covers members of the families of recipients of services, even if they are not nationals of a Member State.

In the fields in which the Community exercises its powers the Member States are no longer entitled to adopt provisions in an international convention.

The purpose of this communication is to request the Council to authorize the Commission to take part, on behalf of the Community, in the negotiations on the drawing-up of this WTO Convention, which will be open for accession by the Community and its Member States.

It should be noted that the Secretary-General of the WTO has no objection in principle to the opening of the Convention for signature by regional economic integration organizations and has therefore asked the Secretariat to pursue its contacts with the Commission of the European Communities in this connection.

CONCLUSION

The Commission consequently

(a) recommends that the Council decide:

- to authorize the Commission to participate on behalf of the Community in the negotiations to be conducted within the World Tourism organization with a view to drawing up a Convention to facilitate travel and tourist stays which will be open for accession by the Community and its Member States;
- to authorize the Commission to conduct these negotiations in accordance with the annexed directives and such other directives as may be given subsequently.

(b) proposes that the Council decide:

- that the Member States shall adopt a joint position on matters which do not fall within the competence of the Community.

ANNEX

DIRECTIVES FOR THE NEGOTIATIONS

The Commission will endeavour to ensure that the draft Convention:

- is consistent with the provisions adopted by the Community in the fields covered by the Convention, and more especially in the customs field;

- contains a provision to the effect that:

- "1. This Convention shall be open for signature, ratification, acceptance, approval and accession by all States and by regional economic integration organizations whose Member States have transferred to them powers in fields covered by this Convention.
2. The regional economic integration organizations referred to in paragraph 1 may, in the fields within their competence, exercise on their own behalf the rights conferred by this Convention. In exercising their right to vote, such regional economic integration organizations shall enjoy a number of votes equal to the number of their Member States which are Contracting Parties to this Convention. In such cases, the Member States of the said organizations shall not be entitled to exercise individually such rights, including the right to vote."

IMPACT ON COMPETITIVENESS AND EMPLOYMENT

Since the purpose of this proposal is to ask the Council for authorization to participate on behalf of the Community in the negotiations for the drawing-up of a WTO Convention to facilitate travel and tourist stays, there is no danger of a negative impact on SMEs.