Contents

Preface Acknowledgements Executive summary i Introduction 1 Framework for analysis 3 1 | EU rules and practices on borders and visas examined 7 Group 1 | EU citizens vis-à-vis the nationals of Member States and third-country nationals 8 Distinctions between EU citizens and third-country nationals 12 Groups 2, 3 and 4 | Third-country nationals 13 EU external border checks: EU citizens and third-country nationals 15 Groups 2 and 3 | Non-visa and visa nationals 20 The visa lists 21 Conditions for issuing a visa 27 Group 4 | Airport transit visa nationals 35 Group 5 | Third-country nationals of one nationality singled out for different treatment on the basis of race, ethnic origin or religion 37 2 | The Community non-discrimination principle and its potential application to the EU rules on borders and visas 39 Article 12 EC 40 Article 13 EC 42 Racial Equality Directive 43 3 | The international human rights framework 51 International Covenant on Civil and Political Rights 52 International Convention on the Elimination of All Forms of Racial Discrimination European Convention on Human Rights 58 Conclusion and recommendations 65 Annex I | The principle of equality and non-discrimination in international human rights law: selected provisions 69 Annex II | Status of ratifications by EU, EEA and EU candidate countries of

the ICCPR and the ICERD and acceptance of individual complaints mechanisms 72 Select bibliography 73

54