

# **External borders: simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory**

2007/0186(COD) - 11/09/2007 - Legislative proposal

**PURPOSE:** to enable Bulgaria and Romania to unilaterally recognise certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas.

**PROPOSED ACT:** Decision of the European Parliament and of the Council.

**BACKGROUND:** this proposal is linked to both the first and second wave of EU enlargement (in 2004 and 2007 respectively) and implementation of the Schengen acquis in the new Member States.

Prior to joining the European Union, it was agreed that the acceding countries would apply the so-called 'Schengen two phase process'. This process, set out in the Act of Accession (2004 and 2007), states that from the moment of accession, the new Member States shall apply [Regulation 539/2001](#) listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement - whilst simultaneously issuing their own national visas until such a time that an EU Council Decision authorising their full integration into the Schengen area has been agreed upon.

In practice the compromise solution gave rise to a number of legal uncertainties. It did not, for example, foresee the equivalence between residence permits and visas. The complexity of the situation was particularly pertinent to nationals of both Liechtenstein and Switzerland, who for geographic reasons, have been adversely affected by the need for transit visas. The regime forced Swiss and Liechtenstein nationals to apply for a visa when transiting the territories of the new EU Member States.

To address this problem, in 2006, two Decisions were adopted namely:

- Decision No 895/2006/EC introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent other national visas for the purposes of transit through their territories ([COD/2005/0158](#)).
- Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory ([COD/2005/0159](#)).

The main purpose of the two Decisions is the introduction of common rules in order to simplify the *transit* of certain categories of persons and to thereby eliminate any unjustified administrative burdens on consular offices. The scope of both Decisions is limited to “transit” purposes only. They will cease to apply once the new Member States participate fully in the area without internal borders.

CONTENT: the purpose of this proposal is to amend Decision No 896/2006/EC and is being presented alongside a proposal to extend a simplified regime to Bulgaria and Romania. (See [COD/2007/0185](#)). It is addressed to Bulgaria and Romania and, should they so wish, enables them to unilaterally recognise certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas. Should Bulgaria and Romania wish to apply the Decision they will have to notify the Commission within 10 working days of the Decision’s entry into force, which it will in turn publish in the Official Journal.