Third-country nationals: uniform format for residence permits

2001/0082(CNS) - 07/09/2007 - Follow-up document

BACKGROUND : to recall, when first adopted in June 2002, Regulation (EC) No 1030 laying down a uniform format for residence permits for third country nationals, required the United Kingdom and Ireland to specify whether they wanted to participate in the adoption of this Regulation or not. This is because both countries are subject to the « Protocol on the Position of the United Kingdom and Ireland », which states that, in principle, these two Member States do not participate in the adoption of, and are not bound by, measures based on Title IV of the TEU. The Protocol allows both countries to opt in before the adoption of a measure based on Title IV or afterwards.

In accordance with Article 3 of the Protocol, the UK gave notice of its wish to take part in the adoption of Regulation No 1030/2002. Ireland notified the Council and the Commission in December 2003 of its wish to apply the Regulation – but it did so under Article 4, which legally speaking, is a procedural error. Despite this, all of the institutions and the Member States have acted as if Ireland fully participates in the application of the Regulation on a uniform format for residence permits of third country nationals. In June 2007 Ireland notified its intention of wishing to correct this error and apply the Regulation under the correct legal procedure. The Commission is therefore obliged to give an opinion on this matter.

CONTENT: the purpose of this Communication, therefore, is to offer the Commission's favourable opinion on the notification of Ireland to participate in Regulation No 1030/2002. It does so based on the following reasoning :

- Harmonised formats and common security standards for residence permits throughout the EU firstly, facilitates border crossings and secondly, contributes to the good functioning of an area of freedom, security and justice. Further, Ireland participates in Council Joint Action 97/11/JHA, which has been replaced by the said Regulation.
- Ireland takes parte in Regulation (EC) 1683/95 laying down a uniform format for visas.
- Ireland has *de facto* participated in Regulation No 1030/2002 without any problems having arisen.

For the reasons set out above the Commission takes a positive decision on the notification by Ireland of its intention to participate in the Regulation. There is no need to provide for specific arrangements. The opinion is addressed to the Council and forwarded to the European Parliament for information.