External borders: list of travel documents (with or without visa) for crossing the external borders; setting up a mechanism for establishing this list

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The European Parliament adopted by 594 votes to 16, with 44 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list.

Parliament adopted its position at first reading, under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council.

They amend the Commission proposal as follows:

1) List of travel documents: Members state that the purpose of the list of travel documents is twofold: on the one hand, it allows border control authorities to verify whether a given travel document is recognised for the purpose of crossing the external borders as set out in the Schengen Borders Code. On the other hand, it allows consular staff to verify whether Member States recognise a given travel document for the purpose of affixing a visa sticker. In this context and to ensure information that is as complete as possible on the subject for Member States, **a measure guaranteeing an ongoing updating of the list of travel documents would appear to be necessary**.

This is why a technical assessment of the security of travel documents is called for, as well as a mechanism enabling Member States to take a position on a given travel document.

2) Mechanism on recognition: since a Member State's failure to notify its position with regard to a travel document may cause problems to holders of this travel document, a mechanism should be established to place an obligation on Member States to express their position on the recognition and non-recognition of these documents. This mechanism does not preclude Member States to notify a change of their position in any given moment. Within three months Member States shall notify to the Commission their position on recognition or non-recognition of the travel documents. If a Member State fails to notify within the deadline referred to in the proposed Decision, the travel document concerned is deemed to be recognised until the Member State’s notification on its non-recognition.

Other provisions include:

- **technical assessment**: considering the relevance of the security of the travel documents with regard to their possible recognition, Members want the Commission, assisted by experts of the Member States to provide a technical assessment;
- **database:** an online database containing specimens of all travel documents should be established in the long term to facilitate the examination of a given travel document by border control authorities and consular staff. That database should be kept up to date in line with any changes;
- **new travel documents**: the Commission shall, in cooperation with the Member States, endeavour to collect specimens of new travel documents in order to share them;
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- **fantasy passports:** for information purposes, the Commission should draw up a non-exhaustive list of known fantasy and camouflage passports brought to its attention by the Member States. The fantasy and camouflage passports which are on the list are not subject to recognition or non recognition. They do not entitle their holder to cross the external borders and may not be endorsed with a visa.

3) Implementing powers: in order to ensure uniform conditions for compiling and updating of the list of travel documents, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers. The advisory procedure should be used for drawing-up and updating the list of travel documents, given that those acts merely constitute the compilation of issued travel documents.

It should be noted that the Decision does not affect member States' competence for the recognition of travel documents.