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

2010/0325(COD) - 25/10/2011 - Final act

PURPOSE: to establish a list of travel documents entitling the holder to cross the external borders which may be endorsed with a visa and setting up a mechanism for establishing this list.

LEGISLATIVE ACT: Decision No 1105/2011/EU of the European Parliament and of the Council on the list of travel documents which entitle 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.

CONTENT: the Council adopted this Decision on the list of travel documents entitling the holder to cross the external borders which may be endorsed with a visa and setting up a mechanism for establishing this list.

The purpose of the list is:

- to allow border control authorities to verify whether a given travel document such as a national passport (ordinary, diplomatic, service/official or special passport), an emergency travel document, a refugee or stateless person's travel document, a travel document issued by international organisations, or a laissez-passer) is recognised for the purpose of crossing the external borders, and

- to allow consular staff to verify whether Member States recognise a given travel document.

The Decision does not affect Member States' competence for the recognition of travel documents.

Compilation of the list of travel documents: the Commission will draw up the list of travel documents with the assistance of Member States on the basis of information gathered within local Schengen cooperation.

Structure of the list of travel documents: the list of travel documents is divided into three parts:

- Part I shall consist of travel documents issued by the third countries and territorial entities listed in Annexes I and II to Council Regulation (EC) No 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.

- Part II shall consist of the following travel documents issued by Member States, including those issued by the Member States of the EU which are not taking part in the adoption of this Decision and by the Member States of the EU which do not yet apply the provisions of the Schengen acquis in full: (a) travel documents issued to third-country nationals; (b) travel documents issued to refugees under the United Nations Convention Relating to the Status of Refugees of 28 July 1951; (c) travel documents issued to stateless persons under the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954; (d) travel documents issued to persons who

do not hold the nationality of any country and who reside in a Member State; (e) travel documents issued by the United Kingdom to British citizens who are not nationals of the UK for the purposes of Union law.

- Part III shall consist of travel documents issued by international organisations.

Notification of recognition or non-recognition of listed travel documents: Member States shall notify to the Commission their position on recognition or non-recognition of the listed travel documents within 3 months after the communication of the list of travel documents.

New travel documents issued: Member States shall notify the Commission of new travel documents as well as new travel documents issued by third countries, Member States and international organisations and the Commission shall, in cooperation with Member States, endeavour to collect specimens of new travel documents in order to share them.

Information concerning known fantasy and camouflage passports: the Commission shall also draw up and update a non-exhaustive list of known fantasy and camouflage passports on the basis of information received from the Member States.

Implementing measures: in order to ensure uniform conditions for compiling and updating 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 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by 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.

ENTRY INTO FORCE: 24/11/2011.