

Free movement of persons: local border traffic at external borders of the Member States and establishment of a special "L" visa, amending the Schengen Conventions and the Common Consular Instructions

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The committee adopted the report by Mihael BREJC (EPP-ED, SI) amending the proposal under the 1st reading of the codecision procedure:

- instead of an 'L' visa as proposed by the Commission, border residents should be issued with a document, entitled 'local border traffic permit' (LBTP), authorising them to cross the border "for the purpose of local border traffic". The LBTP would bear the photograph of the holder and contain information such as his/her name, date of birth, nationality and place of residence, as well as details of the issuing authority, date of issue and period of validity and the border area in which the holder of the permit is authorised to move. It would also contain security features and technical specifications complying with the 2002 regulation laying down a uniform format for residence permits for third country nationals;
- whereas the Commission had proposed a system of entry and exit stamps on the travel documents used for local border traffic, MEPs said that no entry or exit stamps were needed for the LBTP, although entry and exit checks would be carried out on border residents;
- the committee clarified the type of stay in the border area which would justify the regular crossing of a Member State's external land border for the purpose of local border traffic: such stays would be "based on for example social, cultural or substantiated economic grounds, or on family links";
- under the bilateral agreements on local border traffic which may be concluded - or maintained - between Member States and neighbouring third countries, the maximum permissible duration of each uninterrupted stay under the local border traffic regime should not exceed three months;
- MEPs modified the definition of 'border residents', specifying that this should mean third-country nationals who have been lawfully resident in the border area of a country neighbouring a Member State "for a period specified in the bilateral agreements referred to in Article 14, which shall be at least one year". A period of residence of less than one year could be allowed "in exceptional and duly justified cases specified in the bilateral agreements";
- as regards the definition of 'border areas', the committee felt that the limit laid down by the Commission (not more than 35 km from the border line) was insufficiently flexible for some of the newer Member States whose main towns were further away from the border. It therefore proposed that a border area could extend up to a maximum of 50 km from the border line;
- MEPs deleted the provisions drawing a distinction between old and new Member States, since the EU10 was expected to fully join the Schengen area in 2007, before the new regulation came into force.

