

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 European Parliament adopted a resolution drafted by Mihael **BREJC** (EPP-ED, SI) and made some amendments to the Commission's proposal:

- Whereas the Commission's proposal created a special 'L' visa, Parliament has deleted this idea in favour of a 'local border traffic permit'. The territorial validity of the permit is limited to the border area of the issuing Member State.

- The local border traffic permit will contain security features and technical specifications which comply with the relevant provisions of Council Regulation 1030/2002/EC laying down a uniform format for residence permits for third-country nationals.

- The local border traffic permit must bear the photograph of the holder of the permit and contain at least the following information: the forename, surname, date of birth, nationality and place of residence of the holder of the permit; the issuing authority, date of issue and period of validity; the border area within which the holder of the permit is authorised to move; the number of the valid travel document or documents authorising its holder to cross the external borders. It must clearly state that its holder is not authorised to move outside the border area, and that any misuse shall be subject to penalties as provided for in the legislation.

- While the Commission only applied the regime to third country nationals who need a visa to enter the EU, Parliament applies it to all non-EU nationals.

- Parliament 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";

- Permits would be valid for between one and five years.

- Member States shall keep a central register of permits applied for, issued, extended and withdrawn and shall designate a national contact point responsible for providing without delay, upon request from other Member States, information on permits held in that register.

- The bilateral agreements referred to in Article 14 must specify the maximum permissible duration of each uninterrupted stay under the local border traffic regime, which shall not exceed three months. The Commission proposed seven days.

- Member States shall carry out entry and exit checks on border residents in order to ensure that they fulfil the relevant conditions. However, no entry and exit stamps shall be affixed to the local border traffic permit under the local border traffic regime. This is in contrast to the Commission proposal, which allowed passports to be stamped.

- Parliament 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.

- As regards the definition of 'border areas', Parliament 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.