

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

2005/0006(COD) - 20/12/2006 - Final act

PURPOSE: to lay down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

LEGISLATIVE ACT: Regulation (EC) No 1931/2006 of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

CONTENT: this Regulation establishes a local border traffic regime at the external land borders of the Member States and introduces for that purpose a local border traffic permit. It authorises Member States to conclude or maintain bilateral Agreements with neighbouring third countries for the purpose of implementing the local border traffic regime established by this Regulation. The Regulation constitutes a derogation from the general rules governing the border control of persons crossing the external borders of the European Union which are set out in Regulation (EC) No 562/2006 establishing a Schengen Borders Code.

"Local border traffic" means the regular crossing of an external land border by border residents in order to stay in a border area, for example for social, cultural or substantiated economic reasons, or for family reasons, for a period not exceeding the time limit laid down in this Regulation.

The territorial validity of the local border traffic permit shall be limited to the border area of the issuing Member State. The permit shall be valid for a minimum of one year and a maximum of five years. It shall bear a photograph of the holder and shall contain at least the following information:

- the forename(s), surname(s), 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(s) of the valid travel document or documents entitling its holder to cross the external borders.

It shall clearly state that its holder is not authorised to move outside the border area and that any abuse shall be subject to penalties as provided for by law.

Member States shall keep a central register of local border traffic permits applied for, issued, extended and cancelled or revoked and shall designate a national contact point responsible for providing without delay, upon request from other Member States, information on the permits entered in that register. They shall also keep a record of all cases of abuse of the local border traffic regime and of penalties imposed. That information shall be forwarded every six months to the other Member States and to the Commission.

By 19 January 2009, the Commission shall submit a report to the European Parliament and the Council on the implementation and functioning of the local border traffic regime, as established by this Regulation and implemented by the bilateral Agreements concluded or maintained. That report shall be accompanied, where necessary, by appropriate legislative proposals.

ENTRY INTO FORCE: 19/01/2007.