Basic information

2007/0185(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
External borders: simplified regime for the control of persons based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories Repealed by 2013/0210(COD) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Bulgaria Cyprus Romania	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CASHMAN Michael (PSE)	05/11/2007

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2783	2008-06-05

European Commission

Commission DG	Commissioner
Justice and Consumers	BARROT Jacques

Key events

Date	Event	Reference	Summary
11/09/2007	Legislative proposal published	COM(2007)0508	Summary
24/09/2007	Committee referral announced in Parliament, 1st reading		

18/12/2007	Vote in committee, 1st reading		Summary
20/12/2007	Committee report tabled for plenary, 1st reading	A6-0511/2007	
31/01/2008	Decision by Parliament, 1st reading	T6-0025/2008	Summary
31/01/2008	Results of vote in Parliament		
05/06/2008	Act adopted by Council after Parliament's 1st reading		
17/06/2008	Final act signed		
17/06/2008	End of procedure in Parliament		
20/06/2008	Final act published in Official Journal		

Technical information

Procedure reference	2007/0185(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2013/0210(COD)
Legal basis	EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/53057

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE398.385	27/11/2007	
Amendments tabled in committee		PE398.473	04/12/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0511/2007	20/12/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0025/2008	31/01/2008	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03607/2008/LEX	17/06/2008	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2007)0508	11/09/2007	Summary

Commission response to text adopted in plenary	SP(2008)1176	27/02/2008	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2008/0582 OJ L 161 20.06.2008, p. 0030	Summary

External borders: simplified regime for the control of persons based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories

2007/0185(COD) - 31/01/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report drafted by Michael CASHMAN (PES, UK) by 558 votes for, 22 against, and 19 abstentions, and amended the proposal introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, the Czech Republic, Cyprus, Latvia, Hungary, Malta, Poland, Romania, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories. Parliament adopted a series of technical amendments aiming to take into account the new situation in the Schengen zone and also the fact that, as of 21 December 2007, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia are members of the Schengen zone.

The new system will enable Bulgaria and Romania to recognise unilaterally certain documents issued by Schengen zone countries for individuals making visits of less than five days. The report states that Bulgaria and Romania are required to issue national visas for entry or transit through their territory to third country nationals holding a uniform visa or long stay visa or residence permit issued by a Member State fully implementing the Schengen acquis or similar document issued by the Member State not yet fully implementing the Schengen acquis (Cyprus). Cyprus may also recognise the national short-term visas, long-stay visas and residence permits issued by Bulgaria and Romania listed in the Annex as equivalent to its national visas for the purpose of transit.

Parliament specified that the implementation of the Decision shall not affect the checks to be carried out on persons at the external borders in compliance with Articles 5 to 13 and Articles 18 to 19 of Regulation (EC) No 562/2006.

It also specified that the Decision will apply to Bulgaria, Cyprus and Romania until the date determined by the respective Council decisions adopted pursuant to Article 3(2) of the 2003 Act of Accession and to Article 4(2) of the 2005 Act of Accession, on which all the provisions of the Schengen acquis in the field of the common visa policy and the movement of third-country nationals legally residing within the territory of the Member States will apply to that Member State. After the date determined by the relevant Council decision in relation to a Member State, that Member State shall recognise, during their period of validity, national short-term visas issued before that date until the last day of the sixth month from that date, for the purpose of transit through its territory, provided that that Member State has notified the Commission. During that period, the conditions set out in the Decision shall apply. Lastly, amendments have been made to the annexes to take account of a certain number of changes in Romanian and Bulgarian national legislation as regards visas.

External borders: simplified regime for the control of persons based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories

2007/0185(COD) - 17/06/2008 - Final act

PURPOSE: to introduce a simplified regime for the control of persons at the external borders of the EU to Bulgaria Romania and Cyprus.

LEGISLATIVE ACT: Decision No 582/2008/EC of the European Parliament and of the Council introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories.

BACKGROUND: on June 14, 2006, the European Parliament and the Council adopted two Decisions establishing a simplified regime for the control at the external borders of the Union of third country nationals who are subject to a visa obligation according to Council Regulation (EC) 539/2001

- Decision N° 895/2006/EC introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (see COD/2005/0158);
- Decision N° 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (see COD/2005/0159).

This was the first time that basic common rules on unilateral recognition of visas and residence permits were introduced into the Community acquis on visas. More specifically, Decision N° 895/2006/EC takes into consideration the specific needs in the area of visa policy of Member States that acceded to the European Union in 2004, in particular their visa requirements during the transitory period till their full integration into the Schengen area.

This unilateral recognition regime is limited to the purpose of transit, the duration of which can not exceed **5 days**.

Based on the positive results of Decision No 895/2006/EC, the EU should extend the simplified regime to Bulgaria and Romania and to establish unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories.

CONTENT: the Council adopted a decision introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories. The Decision is aimed at introducing a simplified regime for the control of persons at the external borders of the EU in order to avoid imposing unjustified administrative burdens on Bulgaria and Romania. Those burdens stem from the enlargement of the EU in 2004 and in 2007 and from the implementation of the Schengen aquis in the last Member States acceding.

This Decision introduces a simplified regime for the control of persons at the external borders whereby:

- Bulgaria and Romania may recognise unilaterally as equivalent to their national visas for the **purpose of transit** the documents issued by those two Member States and by Cyprus to third country nationals subject to a visa obligation pursuant to Regulation (EC) No 539/2001;
- Cyprus may recognise unilaterally as equivalent to its national visas for the purpose of transit the documents issued by Bulgaria and Romania to third country nationals subject to a visa obligation pursuant to Regulation (EC) No 539/2001.

The proposed regime will be implemented on an optional basis: the Member States concerned may either implement the new instrument or continue issuing national visas as required by the Accession Treaties. If adopted, Bulgaria and Romania will be allowed unilaterally to recognise, as equivalent to their national visas, visas and residence permits issued by Schengen states as well as similar documents issued by these two countries and by Member States which acceded to the Union in 2004 but which are not yet fully integrated into the Schengen area.

The list of documents selected for the recognition regime are:

- uniform visas issued by a Schengen State;
- national long stay visas issued by a Schengen State according to their national legislation;
- residence permits issued by a Schengen State listed in Annex IV of the Common Consular Instructions;
- national short term and long term visas as well as residence permits issued by Member States that join the EU in 2004;
- national short-term and long term visas as well as residence permits issued by Bulgaria and Romania.

Should Bulgaria and Romania decided to implement the common regime, they will have to accept all documents issued by Member States fully implementing the Schengen acquis, thus avoiding any distinction as regards the issuing authority.

It should be noted that Bulgaria, Cyprus and Romania may recognise documents as equivalent to their national visas for the purpose of transit only if the duration of the transit by the third country national through their territory does not exceed 5 days.

Bulgaria, Cyprus and Romania shall notify the Commission within 10 working days of the entry into force of the Decision, if they decide to apply this Decision. The Commission shall publish the information communicated by those Member States in the Official Journal of the European Union.

Territorial application: the Decision is only addressed to Bulgaria, Cyprus and Romania (the other Member States of the 2004 enlargement already participate in the Schengen acquis since December 2007, see CNS/2007/0810). The Decision shall not apply to the United Kingdom, Ireland and Denmark. It does not constitute a development of the Schengen acquis within the meaning of the Agreement signed on 18 May 1999, between the Council, Norway and Iceland in order to associate these two countries with the implementation, application and development of the Schengen acquis.

This Decision is linked to a parallel decision which aims to introduce a simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory (see COD/2007/0186).

ENTRY INTO FORCE: 10/07/2008.

External borders: simplified regime for the control of persons based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories

2007/0185(COD) - 11/09/2007 - Legislative proposal

PURPOSE: to introduce a simplified regime for the control of persons at the external borders of the EU to Bulgaria and Romania.

PROPOSED ACT: Decision of the European Parliament and of the Council.

BACKGROUND: this proposal is linked to both the first and second wave of EU enlargement (in 2004 and 2007 respectively) and implementation of the Schengen acquis in the new Member States.

Prior to joining the European Union, it was agreed that the acceding countries would apply the so-called 'Schengen two phase process'. This process, set out in the Act of Accession (2004 and 2007), states that from the moment of accession, the new Member States shall apply Regulation 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 - whilst simultaneously issuing their own national visas until such a time that an EU Council Decision authorising their full integration into the Schengen area has been agreed upon.

In practice the compromise solution gave rise to a number of legal uncertainties. It did not, for example, foresee the equivalence between residence permits and visas. The result was that new Member States were obliged to issue national visas for entry into and transit through their territory to third country national, even if the persons concerned were holders of a Schengen residence permit or visa – or else were holders of national long term visas issued by a Schengen state. For many new Member States, this placed a considerable administrative burden on their embassies and consular services.

The complexity of the situation was particularly pertinent to nationals of both Liechtenstein and Switzerland, who for geographic reasons, have been adversely affected by the need for transit visas. The regime forced Swiss and Liechtenstein nationals to apply for a visa when transiting the territories of the new EU Member States.

To address this problem, in 2006, two Decisions were adopted namely:

- Decision No 895/2006/ECintroducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent other national visas for the purposes of transit through their territories (see COD/2005/0158).

- Decision No 896/2006/ECestablishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (see COD/2005/0159).

The main purpose of the two Decisions is the introduction of common rules in order to simplify the *transit* of certain categories of persons and to thereby eliminate any unjustified administrative burdens on consular offices. The scope of both Decisions is limited to "transit" purposes only. They will cease to apply once the new Member States participate fully in the area without internal borders.

CONTENT: the purpose of this proposal is to extend the simplified regime, outlined above, to Bulgaria and Romania based on the success of the 2006 Decisions. This proposal is being presented alongside a proposal to amend Decision No 896/2006/EC affecting Switzerland and Liechtenstein (See COD/2007/0186).

The proposed Decision is addressed to Bulgaria and Romania as well as to the Member States that decided to implement the 2006 Decision. Again it is limited in scope to transit through the territory of the Member State concerned and the duration of **the transit period may not exceed five days**. It is not the aim of the proposal to replace the issuing of national visas for short stay purposes.

The proposed regime will be implemented on an optional basis: the Member States concerned have the possibility either to implement the new instrument or to continue issuing national visas as required by the Accession Treaty. If adopted, Bulgaria and Romania will be allowed to unilaterally recognise, as equivalent to their national visas, visas and residence permits issued by Schengen states as well as similar documents issued by these two countries and by Member States which acceded to the Union in 2004 but which are not yet fully integrated into the Schengen area.

In return Member States who decided to implement the 2006 Decision will be allowed to unilaterally recognise visa and residence permits issued by Bulgaria and Romania. The list of documents selected for the recognition regime are:

- uniform visas issued by a Schengen State;
- national long stay visas issued by a Schengen State according to their national legislation;
- residence permits issued by a Schengen State listed in Annex IV of the Common Consular Instructions;
- national short term and long term visas as well as residence permits issued by Member States that join the EU in 2004; and

- national short-term and long term visas as well as residence permits issued by Bulgaria and Romania.

Should Bulgaria and Romania decided to implement the common regime, Bulgaria and Romania will have to accept all documents issued by Member States fully implementing the Schengen acquis, thus avoiding any distinction as regards the issuing authority.

Territorial measures: the proposal is addressed exclusively to Bulgaria, Czech Republic, Cyprus, Hungary, Latvia, Malta, Poland, Romania, Slovenia and Slovakia. By its own nature, the regime established by this proposal can not imply the variable situation as laid down by the protocols on the position of the United Kingdom, Ireland and Denmark.

It does not constitute a development of the Schengen acquis within the meaning of the Agreement signed on 18 May 1999, between the Council, Norway and Iceland in order to associate these two countries with the implementation, application and development of the Schengen acquis.