Basic information

2013/0210(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, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories Repealing Decision No 895/2006/EC 2005/0158(COD) Repealing Decision No 582/2008/EC 2007/0185(COD) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Bulgaria Croatia Cyprus Romania	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	FAJON Tanja (S&D)	05/09/2013
	Shadow rapporteur GABRIEL Mariya (PPE) MICHEL Louis (ALDE) ŽDANOKA Tatjana (Verts/ALE) KIRKHOPE Timothy (ECR) TRIANTAPHYLLIDES Kyriacos (GUE/NGL)	

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
Economic and Financial Affairs ECOFIN	3310	2014-05-06
Justice and Home Affairs (JHA)	3298	2014-03-03

European Commission	

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
21/06/2013	Legislative proposal published	COM(2013)0441	Summary
01/07/2013	Committee referral announced in Parliament, 1st reading		
22/01/2014	Vote in committee, 1st reading		
03/02/2014	Committee report tabled for plenary, 1st reading	A7-0082/2014	Summary
27/02/2014	Decision by Parliament, 1st reading	T7-0168/2014	Summary
27/02/2014	Results of vote in Parliament		
06/05/2014	Act adopted by Council after Parliament's 1st reading		
15/05/2014	Final act signed		
15/05/2014	End of procedure in Parliament		
27/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0210(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealing Decision No 895/2006/EC 2005/0158(COD) Repealing Decision No 582/2008/EC 2007/0185(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/13108

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE521.825	12/11/2013	
Amendments tabled in committee		PE526.198	20/12/2013	

Committee report tabled for plenary, 1st reading/single reading		A7-0082/2014	03/02/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0168/2014	27/02/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00033/2014/LEX	15/05/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0441	21/06/2013	Summary
Commission response to text adopted in plenary	SP(2014)446	20/05/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2013)0441	24/07/2013	
Contribution	ES_PARLIAMENT	COM(2013)0441	15/09/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0565
OJ L 157 27.05.2014, p. 0023 Summary

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

2013/0210(COD) - 21/06/2013 - Legislative proposal

PURPOSE: to introduce a simplified regime for the control of persons at the external borders based on the **unilateral recognition** by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: according to the Act of Accession, the provisions of the Schengen *acquis* on the conditions and criteria for issuing uniform visas, as well as the provisions on mutual recognition of visas and on the equivalence between residence permits/long stay visas and short stay visas, apply in Croatia only pursuant to a Council decision to that effect.

Croatia is therefore required to issue national visas for entry into 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* as well as similar documents issued by Cyprus.

The holders of documents issued by those Member States as well as documents issued by Cyprus do not represent any risk for Croatia as they have been subjected to all necessary controls by those States. In order to avoid imposing unjustified additional administrative burdens on Croatia, common rules should be adopted **authorising Croatia to recognise unilaterally certain documents issued by those Member States as equivalent to its national visas and to establish a simplified regime for the control of persons at the external borders based on that unilateral equivalence**.

Common rules should also be adopted authorising Cyprus, like Croatia, to recognise unilaterally certain documents issued by Member States fully implementing the Schengen *acquis* as well as similar documents issued by Croatia, as equivalent to its national visas as a Member States not yet fully implementing the Schengen acquis.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 77 (2) (a) and (b) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal seeks to introduce a simplified regime for the control of persons at the external borders whereby **Croatia and Cyprus may recognise unilaterally as equivalent to their national visas for transit through or intended stays on their territory** a series of documents listed below :

- uniform short-stay visas,
- long-stay visas,
- visas with limited territorial validity **issued to citizens of Kosovo**,
- residence permits issued by Schengen Member States as well as similar documents issued by each other,
- residence permits issued by Member States not yet fully implementing the Schengen *acquis* (Croatia),
- visas and residence permits by the countries associated with the implementation, application and development of the Schengen *acquis,*
- short-term visas, long-term visas and residence permits issued by Croatia and Cyprus.

These documents shall be recognised as equivalent to their national visas for both transit through or intended stays on its territory **not exceeding 90 days in any 180-day period**.

The recognition of a document should be limited to the period of validity of the document.

Transitional and optional regime: the proposed simplified regime should apply for a **transitional period**, until the date to be determined in a Council decision as referred to in the Acts of Accession in respect of Cyprus and Croatia.

Croatia would have the possibility either to implement the proposed regime or to continue issuing national visas as required by the Accession Treaty.

Participation in the simplified regime should be optional, without imposing on the Member States obligations additional to those laid down by 2003 and 2012 Acts of Accession.

Unilateral recognition regime: this regime introduced by the current proposal must be limited to documents whose validity would cover the whole duration of the short stay in Croatia and Cyprus. In this context and having in mind the problems faced in the past by third country nationals, holders of one entry uniform visa when travelling back from their stay into the Schengen area with a visa which was not valid anymore, the **current proposal should limit the unilateral recognition regime to uniform visas authorising two or multiple entries into the Schengen area**.

Communication to the Commission: Croatia and Cyprus have to communicate their decision on the use of the authorisation to the Commission. The Commission will publish this information in the *Official Journal of the European Union* and ensure in this way that the whole system is transparent.

Repeal: the proposal repeals of Decision No 895/2006/EC and Decision No 582/2008/EC.

Territorial provisions: Denmark, the United Kingdom and Ireland are not taking part in its adoption, bound by it or subject to its application.

Because the proposed decision is addressed exclusively to Member States that are bound by the Schengen *acquis* without yet applying it, this proposal does not constitute a development of the provisions of the Schengen *acquis* within the meaning of the respective association agreements with Norway, Iceland, Switzerland and Liechtenstein. It therefore does not bind the aforementioned countries. However, for the coherence and proper functioning of the Schengen system, this Decision also covers visas and residence permits issued by the countries associated with the implementation, application and development of the Schengen *acquis*.

BUDGETARY IMPLICATION: the proposal has no budgetary implications.

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

2013/0210(COD) - 03/02/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs unanimously adopted the report by Tanja FAJON (S&D, SI) on the proposal for a decision 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 Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decision No 895/2006/EC and Decision No 582/2008/EC of the European Parliament and the Council.

The parliamentary committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should be to amend the Commission's proposal as follows:

Cyprus and the non-application of the Schengen acquis: Members stressed in a recital that Cyprus is not yet fully implementing the Schengen acquis.

Recognition of certain travel documents: Members considered that Croatia and Cyprus may also consider as equivalent to their national visas, for transit through or intended stays on their territory not exceeding 90 days in any 180-day period visas with limited territorial validity issued in accordance with Article 25(3) first sentence of the Visa Code, **affixed to the travel documents that they recognise**. This should include visas with limited territorial validity which are issued to the citizens of Kosovo and are valid in the Schengen area minus the countries that do not recognize Kosovo such as Cyprus.

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

2013/0210(COD) - 27/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 502 votes to 17, with 18 abstentions, a legislative resolution on the proposal for a decision 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 Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decision No 895/2006/EC and Decision No 582/2008/EC of the European Parliament and the Council.

Parliament adopted its positon at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They amended the Commission proposal as follows:

Aim: the aim of the proposed Decision is to introduce a simplified regime for the control of persons at the external borders whereby **Bulgaria**, Croatia, Cyprus and **Romania** may recognise unilaterally as equivalent to their national visas for transit through or intended stays on their territory not exceeding 90 days in any 180-day period the documents issued to third country nationals subject to a visa obligation pursuant to 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, to a visa obligation.

Types of documents recognised unilaterally: the common rules should apply to:

- short-term uniform visas,
- long-stay visas,
- **residence permits issued by Member States fully implementing the Schengen acquis**,
- visas with limited territorial validity issued in accordance with Article 25 (3) first sentence of the Visa Code,
- **short-term visas, long-term visas and residence permits issued by Bulgaria, Croatia, Cyprus and Romania**.

The recognition of a document should be limited to the period of validity of the document.

The documents issued by Croatia, Cyprus, Romania and Bulgaria that should be recognised are listed in the annexes to the Decision.

Application: the simplified scheme should be voluntary and should not impose additional obligations on the new Member States compared to those laid down in the Acts of Accession of 2003 (Cyprus), in 2005 (Romania - Bulgaria) and 2011 (Croatia). These countries should notify the Commission within 20 working days from the entry into force of this Decision, their decision whether to apply it or not.

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

2013/0210(COD) - 15/05/2014 - Final act

PURPOSE: to authorise Bulgaria, Cyprus and Romania, like Croatia, unilaterally to recognise certain documents issued by Member States.

LEGISLATIVE ACT: Decision No 565/2014/EU 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, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decisions No 895 /2006/EC and No 582/2008/EC.

CONTENT: this Decision introduces a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period.

Types of documents recognised unilaterally: the common rules should apply to:

- short-term uniform visas,
- long-stay visas,
- residence permits issued by Member States fully implementing the Schengen acquis,
- visas with limited territorial validity issued in accordance with Article 25 (3) first sentence of the Visa Code,
- **short-term visas, long-term visas and residence permits issued by Bulgaria, Croatia, Cyprus and Romania**.

The recognition of a document should be limited to the period of validity of the document.

The documents issued by Croatia, Cyprus, Romania and Bulgaria that should be recognised are listed in the annexes to the Decision.

Application: **the simplified scheme should be voluntary** and should not impose additional obligations on the new Member States compared to those laid down in the Acts of Accession of 2003 (Cyprus), in 2005 (Romania - Bulgaria) and 2011 (Croatia). These countries should notify the Commission within 20 working days from the entry into force of this Decision, their decision whether to apply it or not.

Those notifications shall, where relevant, specify the third countries with regard to which Bulgaria, Croatia, Cyprus and Romania do not, in the absence of diplomatic relations, apply this Decision.

Territorial provisions: Denmark, the United Kingdom and Ireland are not taking part in its adoption, bound by it or subject to its application.

This Decision is also applicable to non Member States of the EU associated with the implementation and application of the Schengen acquis (Iceland, Norway, Switzerland and Liechtenstein).

Repeal: Decisions No 895/2006/EC and No 582/2008/EC are repealed.

ENTRY INTO FORCE: 16.06.2014. The Decision is applicable for a limited duration depending on the date that the provisions of the Schengen acquis on common visa policy and movement of third-country nationals legally residing in the territory of the Member States apply to Cyprus, Croatia, Bulgaria and Romania respectively.

This Decision is addressed to Bulgaria, Croatia, Cyprus and Romania.