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REPORT

on the Initiative of the Hellenic Republic with a view to adopting a Council Decision determining the minimum indications to be used on signs at external border crossing points
(8830/2003 – C5-0253/2003 – 2003/0815(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Gérard M.J. Deprez

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 26 May 2003 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the Initiative of the Hellenic Republic with a view to adopting a Council Decision determining the minimum indications to be used on signs at external border crossing points (8830/2003 – 2003/0815(CNS)).

At the sitting of 5 June 2003 the President of Parliament announced that he had referred the Initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible (C5-0253/2003).

The committee appointed Gérard M.J. Deprez rapporteur at its meeting of 9 July 2003.

It considered the Initiative of the Hellenic Republic and draft report at its meetings of 7 October and 4 November 2003.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Jorge Salvador Hernández Mollar, chairman; Robert J.E. Evans, vice-chairman; Johanna L.A. Boogerd-Quaak, vice-chairwoman; Giacomo Santini, vice-chairman; Gérard M.J. Deprez, rapporteur; Alima Boumediene-Thiery, Giuseppe Brienza, Kathalijne Maria Buitenweg (for Patsy Sörensen), Carmen Cerdeira Morterero, Giuseppe Di Lello Finuoli, Bárbara Dührkop Dührkop (for Martin Schulz pursuant to Rule 153(2)), Margot Keßler, Timothy Kirkhope, Eva Klamt, Alain Krivine (for Ole Krarup), Baroness Ludford, Lucio Manisco (for Fodé Sylla), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Wilhelm Ernst Piecyk (for Michael Cashman pursuant to Rule 153(2)), Hubert Pirker, Martine Roure, Heide Rühle, Francesco Rutelli, Miet Smet (for Bernd Posselt), Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco and Christian Ulrik von Boetticher.

The report was tabled on 4 November 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Initiative of the Hellenic Republic with a view to adopting a Council Decision determining the minimum indications to be used on signs at external border crossing points

(8830/2003 – C5-0253/2003 – 2003/0815(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Initiative of the Hellenic Republic (8830/2003)¹,
 - having regard to Article 62(2)(a) of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0253/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0366/2003),
1. Approves the Initiative of the Hellenic Republic as amended;
 2. Calls on the Council to alter the text accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Initiative of the Hellenic Republic substantially;
 5. Instructs the President to forward its position to the Council and Commission, and to the Government of the Hellenic Republic.

Text proposed by the Hellenic Republic

Amendments by Parliament

Amendment 1
Article 2, indent 1

– The emblem of the European Union with the letters "EU", ***"EEA" and "CH"*** within the circle of stars ***and the word "CITIZENS" beneath the circle of stars, as shown in Annex I.***

– The emblem of the European Union with the letters "EU" within the circle of stars.

¹ OJ C 125 (E), 27.5.2003, p. 6.

Justification

The reasons for the changes made in this amendment are made perfectly clear in the explanatory statement.

Amendment 2
Article 2, indent 2

- The words "***ALL NATIONALITIES***", as shown in *Annex II*.
- The words "***NON-EU***".

Justification

See Amendment 1.

Amendment 3
Article 2, indent 2 a (new)

- ***In all romance-language countries the letters or words shall be "EU" and "NON-EU".***

Justification

See Amendment 1.

Amendment 4
Article 2, indent 2 b (new)

- ***In addition, in cases where the Member States deem it appropriate, the letters or words may appear in the characters of other alphabets.***

Justification

See Amendment 1.

Amendment 5
Article 3, paragraph 1

Citizens of the EU, nationals of States parties to the Agreement on the European Economic Area and nationals of the Swiss Confederation shall, as a general rule, use the lane indicated by the sign *in Annex I*. All other third-country nationals shall use the lane indicated by the sign *in Annex II*.

Citizens of the EU, nationals of States parties to the Agreement on the European Economic Area and nationals of the Swiss Confederation shall, as a general rule, use the lane indicated by the sign “EU”. ***They may also use the lane indicated by the sign “NON-EU”.*** All other third-country nationals shall use the lane indicated by the sign “NON-EU”.

Justification

Application of the principle of keeping things as simple as possible.

Amendment 6
Article 4, paragraph 1

At land border crossing points, Member States may separate vehicle traffic into different lanes for light and heavy vehicles, by using signs as shown in Annex III.

At land ***and sea*** border crossing points, Member States may separate vehicle traffic into different lanes for light and heavy vehicles, by using signs as shown in Annex III.

Justification

The purpose of this legislative act is to harmonise the signs used at external land, air and sea borders. There is no reason for excluding sea borders from the scope of the provisions.

Amendment 7
Article 4, paragraph 1 a (new)

Member States may vary the indications on these signs where appropriate in the

on these signs where appropriate in the light of local circumstances.

Justification

There should be a degree of flexibility in the rules on signing, in order to enable local circumstances to be accommodated.

EXPLANATORY STATEMENT

1. Introduction

The Initiative of the Hellenic Republic is based on Article 62(2)(a) of the Treaty establishing the European Community, pursuant to which the Council is empowered to adopt measures relating to the crossing of the Member States' external borders by establishing, in particular, 'standards and procedures to be followed by Member States in carrying out checks on persons at [external] borders'. Specifically, the purpose of the Initiative is to secure the adoption of a Council Decision determining the minimum indications to be used on signs at external border crossing points.

2. Background

In actual fact the decision to determine the indications to be used on signs at external border crossing points is not a recent one.

On 22 December 1994 the Schengen Executive Committee adopted a decision [SCH/COM-ex(94)17, rev. 4] introducing and applying the Schengen arrangements in airports and aerodromes (secondary airports). What follows are extracts from that decision.

'The Schengen arrangements introduce an important new feature: irrespective of their nationality, domestic flight passengers will no longer be subject to any checks whereas international flight passengers will undergo checks on entry and departure, the thoroughness of which will vary depending on their nationality. To fulfil both objectives simultaneously, these two categories of passenger have to be separated. Steps must be taken to prevent checks from being carried out on domestic flight passengers, on the one hand, and international flight passengers from entering the territory of the Schengen States without undergoing checks, on the other.

Total separation can only be achieved by physical measures, mainly by putting in place the necessary infrastructure. [...]

In this context, one solution would be to provide checkpoints specifically for persons covered by Community law, so that these travellers, who are generally subject only to minimal checks, are not delayed on account of having to go to the same counter as third-country nationals who must undergo thorough and lengthy checks. [...]

For persons covered by Community law, provision will be made for separate checkpoints bearing uniform minimal markings in all the Schengen States, the European Union emblem with the letters 'EU' in a circle of stars. The checkpoints intended for third-country nationals will indicate 'Non-EU nationals.' Checkpoints in Romance-language countries will use the abbreviations 'UE' and 'Non-UE.'

Since that date, however, two major changes have occurred.

First of all, an agreement was concluded between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis

(OJ L176 of 10 July 1999). Subsequently, an agreement was concluded between the European Community and its Member States of the one part and the Swiss Confederation of the other on the free movement of persons (OJ L144, 30.04.2002, p. 6). Under the terms of those agreements, nationals of the countries concerned are treated as EU nationals (and vice versa) for the purpose of crossing external borders.

In order to accommodate the above changes the Hellenic Republic has proposed an amendment to the 1994 decision.

3. Substance of the Initiative

The Hellenic Republic's Initiative begins by confirming that separate lanes will be provided at the Member States' authorised external air-border crossing points for, on the one hand, persons entitled under Community law and, on the other, all other persons.

It then confirms that the lanes must be indicated by means of signs (which may be displayed electronically) which take the following form:

- the emblem of the European Union with the letters 'EU', 'EEA' and 'CH' within the circle of stars and the word 'CITIZENS' beneath the circle.
- the words 'ALL NATIONALITIES'.

The Hellenic Republic's Initiative also stipulates that:

- the same signs shall be used if Member States provide separate lanes at the crossing points on their external land and sea borders;
- the Member States may separate vehicle traffic into different lanes for light and heavy vehicles indicated by the authorised signs.

4. The rapporteur's views

Your rapporteur considers that:

1. for obvious reasons stemming from the differences in the requirements relating to the carrying out of checks, the system of separate lanes at authorised crossing points on external borders is fully justified;
2. the signs (which may be displayed electronically) designed to direct travellers towards one or other lane must be as simple and as clear as possible;
3. in this connection the minimum uniform indication provided for in the Schengen Committee's 1994 decision should be adopted by virtue of its simplicity and its clarity: namely, the letters 'EU' in a circle of stars and the words 'NON-EU';
4. it is the responsibility of the public authorities in the countries whose nationals are treated as EU nationals for the purpose of crossing external borders to make their nationals aware of this fact; that this obligation already lies with the Icelandic and

Norwegian authorities, who are required to explain to their nationals that the abbreviation EEA applies to them (even though it is one which nobody really understands); that the number of Icelandic or Norwegian nationals labelled EEA who will cross the EU's external borders from, for example, Slovenia or Slovakia does not really justify the inclusion of an additional and perfectly incomprehensible abbreviation on signs; and that, furthermore, it is somewhat incongruous that the circle of stars which clearly designates the European Union should contain the extremely unfamiliar abbreviations of at least two countries which have refused to join the European Union;

5. the utmost effort must be made to avoid any use of words on signs in cases where universally recognised symbols or initials appear in explicit form and are therefore more than sufficient; furthermore, the use of words distinguishing between, on the one hand, 'citizens' and on the other, 'nationalities' or 'passport' is pointlessly irritating;
6. the Member States' authorities should be explicitly authorised to put up signs written in other languages or using other characters, particularly in multilingual countries, in ones which use an alphabet with special characters or in ones which receive a large number of visitors who use languages with special characters.

It is on the basis of the above factors that the rapporteur has submitted a number of amendments for his colleagues' consideration.