

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0445/2001

4 December 2001

REPORT

1. on the proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas
(COM(2001) 577 – C5-0511/2001 – 2001/0232(CNS))

2. on the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form
(COM(2001) 157 – C5-0216/2001 – 2001/0081(CNS))

3. on the proposal for a Council regulation laying down a uniform format for residence permits for third-country nationals
(COM(2001) 157 – C5-0217/2001 – 2001/0082(CNS))

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

Rapporteur: Sérgio Sousa Pinto

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 29 May 2001 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on:

1. the proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 157 – 2001/0080(CNS));
2. the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157 – 2001/0081(CNS));
3. the proposal for a Council regulation laying down a uniform format for residence permits for third-country nationals (COM(2001) 157 – 2001/0082(CNS)).

At the sitting of 31 May 2001 the President of Parliament announced that she had referred these proposals to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible, and to the Committee on Petitions for its opinion (C5-0215/2001 – C5-0216/2001 – C5-0217/2001).

By letter of 23 October 2001 the Council consulted the European Parliament again, pursuant to Article 67 of the EC Treaty, on the proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 577 – 2001/0232(CNS)). This new proposal for a Council regulation substantially modified the Council's earlier proposal of 29 May 2001 amending Regulation 1683/95 (COM(2001) 157 – 2001/0080(CNS)) and presented a consolidated version of the proposed set of modifications abrogating and rendering null and void the earlier proposal for a Council regulation.

At the sitting of 25 October 2001 the President of Parliament announced that she had referred this proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible, and to the Committee on Petitions for its opinion (C5-0511/2001).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Sérgio Sousa Pinto rapporteur at its meetings of 29 May 2001 and 13 November 2001.

The committee considered the Commission proposal and the draft report at its meetings of 11 September 2001, 9 October 2001, 20 November 2001 and 4 December 2001.

At the last meeting it adopted:

1. the draft legislative resolution on the proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 577 – C5 - 0511/2001 – 2001/0232(CNS) by 20 votes to 2, with 0 abstentions.
2. the draft legislative resolution on the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157 – C5-0216/2001 – 2001/0081 (CNS) by 20 votes in favour, with 2 abstentions.

3. the draft legislative resolution on the proposal for a Council regulation laying down a uniform format for residence permits for third-country nationals (COM(2001) 157 – C5-0217/2001 – 2001/0082 (CNS) by 19 votes in favour, with 2 abstentions.

The following were present for the vote on the first draft legislative resolution: Graham R. Watson, chairman; Sérgio Sousa Pinto, rapporteur; Mary Elizabeth Banotti, Mogens N.J. Camre, Marco Cappato, Charlotte Cederschiöld, Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Anne Ferreira (for Adeline Hazan, pursuant to Rule 153(2)), Jorge Salvador Hernández Mollar, Margot Keßler, Timothy Kirkhope, Alain Krivine (for Pernille Frahm), Baroness Sarah Ludford, Elena Ornella Paciotti, Paolo Pastorelli, Hubert Pirker, Ilka Schröder (for Alima Boumediene-Thiery, pursuant to Rule 153(2)), Joke Swiebel, Anna Terrón i Cusí and Maurizio Turco (for Frank Vanhecke).

The following were present for the vote on the second draft legislative resolution: Graham R. Watson, chairman; Sérgio Sousa Pinto, rapporteur; Mary Elizabeth Banotti, Mogens N.J. Camre, Marco Cappato, Charlotte Cederschiöld, Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Anne Ferreira (for Adeline Hazan, pursuant to Rule 153(2)), Jorge Salvador Hernández Mollar, Margot Keßler, Timothy Kirkhope, Alain Krivine (for Pernille Frahm), Baroness Sarah Ludford, Elena Ornella Paciotti, Paolo Pastorelli, Hubert Pirker, Ilka Schröder (for Alima Boumediene-Thiery, pursuant to Rule 153(2)), Joke Swiebel, Anna Terrón i Cusí and Maurizio Turco (for Frank Vanhecke).

The following were present for the vote on the third draft legislative resolution: Graham R. Watson, chairman; Sérgio Sousa Pinto, rapporteur; Mary Elizabeth Banotti, Marco Cappato, Charlotte Cederschiöld, Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Anne Ferreira (for Adeline Hazan, pursuant to Rule 153(2)), Jorge Salvador Hernández Mollar, Margot Keßler, Timothy Kirkhope, Alain Krivine, (for Pernille Frahm), Baroness Sarah Ludford, Elena Ornella Paciotti, Paolo Pastorelli, Hubert Pirker, Ilka Schröder (for Alima Boumediene-Thiery, pursuant to Rule 153(2)), Joke Swiebel, Anna Terrón i Cusí and Maurizio Turco (for Frank Vanhecke).

The opinion of the Committee on Petitions is attached.

The report was tabled on 4 December 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

1. Proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 577 – C5-0511/2001 – 2001/0232(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Recital –1 (new)

(-1) Article 62(2)(b)(iii) of the EC Treaty states that the Council, within a period of five years after the entry into force of the Treaty of Amsterdam, shall adopt rules on visas for intended stays of no more than three months, including a uniform format for visas;

Justification

It is important to emphasise that this regulation corresponds to the execution and implementation of Article 62 of the EC Treaty.

Amendment 2 Recital –1a (new)

(-1a) Measure No 38 of the Vienna Action Plan, adopted by the Justice and Home Affairs Council on 3 December 1998, states that attention must be given to new technical developments in order to ensure – where appropriate – greater security in the uniform format for visas;

¹ Pending publication in the OJ

Justification

Measure 38 of the Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, known as the Vienna Action Plan, clearly states that for reasons of security the format for visas must be constantly updated in line with new technical developments.

Amendment 3
Recital –1b (new)

(-1b) Conclusion No 22 of the European Council meeting held in Tampere on 15 and 16 October 1999 states that a common active policy on visas and false documents should be further developed;

Justification

The European Council in Tampere also assigned priority to achieving an integrated policy regarding visas and the possible falsification thereof.

Amendment 4
Recital –1c (new)

(-1c) The establishment of a uniform visa format is an essential element in the harmonisation of visa policy.

Justification

The EU's desire to establish an internal area without frontiers for the free movement of persons requires a legal system of accompanying measures to regulate, in a harmonised manner, entry and departure via the external borders of this area. One of the essential measures is, without any doubt, an integrated policy on visas.

Amendment 5
Recital 2

(2) It is necessary to make provision for the establishment of common standards relating to the implementation of the format in particular common rules on the technical methods and standards to be used for filling in the form.

(2) It is necessary to make provision for the establishment of common standards relating to the implementation of the format, in particular common rules on the technical methods and standards to be used for filling in the form ***and security standards for the forms' storage.***

Justification

It is important to lay down common rules with a view to ensuring high security standards, not only for the production of the forms but also for their storage.

Amendment 6
Recital 4

(4) Common standards relating to the implementation of the uniform format of visas are essential to achieve a ***high*** technical standard ***and to facilitate detection of forged or falsified visa stickers.***

(4) Common standards relating to the implementation of the uniform format of visas are essential to achieve a ***technical standard which must be highly developed in order to prevent falsification and alteration of the uniform visa formats and their misuse, and also make it possible to detect forgeries.***

Justification

The uniform visa format must at all times meet the highest technical standards of production which should be effective in both protecting it against falsification and detecting fraudulent copies.

Amendment 7
Recital 4a (new)

(4a) Since the measures necessary for the implementation of the Regulation are measures of general scope and their objective is to apply essential elements of their legal basis, they should be adopted by use of the regulatory procedure provided for in Article 5 of Council Decision 1999/468/EC of 28 June 1999.

Justification

Council Decision 1999/468/EC of 28 June 1999 stipulates that the regulatory procedure must be applied to measures of general scope designed to apply essential provisions of basic instruments.

Amendment 8
Recital 6

(6) Regulation (EC) No 1683/95 should therefore be amended ***accordingly***.

(6) Regulation (EC) No 1683/95 should therefore be amended.

Justification

The word 'accordingly' is repetitive and superfluous in the sentence.

Amendment 9
Recital 9

(9) This Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis in the sense of the Protocol integrating the Schengen acquis into the framework of the European Union;

(9) This Regulation constitutes in relation to the implementation of the Agreement ***concluded by the Council of the European Union*** on the association of Norway and Iceland ***on 17 May 1999*** a development of the Schengen acquis, ***in accordance with Articles 2 and 6*** of the Protocol ***annexed to the Amsterdam Treaty*** integrating the Schengen acquis into the framework of the European Union;

Justification

It is extremely important to specify what entities concluded the association agreement, the date of the agreement, and the legal bases facilitating the application of the content of the amendments to Regulation 1683/95 to the Republic of Iceland and the Kingdom of Norway.

Amendment 10
Article –1 (new)
Article 1 (Regulation (EC) No 1683/95

(-1) Article 1 is replaced by the following:

'Article 1

1. Visas issued by the Member States in accordance with Article 5 shall correspond to a uniform format.

2. The uniform format may consist of a sticker or a separate document, the specifications of which are shown in the Annex together with the space for information.

3. The uniform format shall contain a space reserved for a photograph identifying the person concerned.'

Justification

For obvious reasons of security and in order to prevent falsification and alterations, it is essential that the uniform visa format should make provision for a space to insert a photograph of the person to whom the visa has been granted.

It is also important that the visa should be issued in the form of a separate document, instead of merely a sticker on the travel document or equivalent. This would avoid unnecessary problems, such as when a state does not recognise the travel document issued by a third country and yet the visa must be affixed in the form of a sticker. Furthermore, the greater complexity of the technical specifications of a separate document also make it appropriate as a means of preventing falsification or alteration.

Amendment 11
ARTICLE 1(1)
Article 2(a), Regulation (EC) No 1683/95

Further technical specifications for the uniform format for visas relating to the following shall be established in compliance with the procedure referred to in Article 6(2):
(a) further security requirements including **enhanced** anti-forgery, counterfeiting and falsification standards;

Complementary technical specifications for the uniform format for visas relating to the following shall be established in compliance with the procedure referred to in Article 6(2):
(a) further security requirements including **high** anti-forgery, counterfeiting and falsification standards.

Justification

Complementary technical specifications for producing the uniform visa format must comply with high security requirements, with the objective, inter alia, of preventing falsification.

Amendment 12
ARTICLE 1(1)
Article 2(ba) (new), Regulation (EC) No 1683/95

(ba) conditions of storage

Justification

General common criteria must be laid down to protect the uniform visa format.

Amendment 13
ARTICLE 1(1)
Article 2(bb) (new), Regulation (EC) No 1683/95

(bb) Detailed rules and conditions for inserting the photograph of the person concerned in the uniform format for visas.

Justification

From the point of view of democratic control, it is necessary to indicate clearly the complementary specifications where their adoption is to be secret and they are not to be published. On the other hand, the committee must be authorised to find common criteria for defining the technical specification concerning the insertion of the photograph of the person concerned in the uniform format for visas.

Amendment 14

ARTICLE 1(1)a (new)

Article 3a (new), Regulation (EC) No 1683/95

Article 3a

This Regulation shall not affect Member States' competences in the area of recognition of states and territories or concerning passports and identity or travel documents issued by the authorities concerned.

Justification

Self-explanatory.

Amendment 15

ARTICLE 1(2)

Article 8, Regulation (EC) No 1683/95

In Article 8 the following paragraph is added:

"The integration of the photograph provided for in point (2a) of the Annex shall be implemented at the latest **five** years after the adoption of the measures referred to in Article 2."

In Article 8 the following paragraph is added:

"The integration of the photograph provided for in point (2a) of the Annex shall be implemented at the latest **two** years after the adoption of the measures referred to in Article 2."

Justification

The incorporation of the bearer's photograph in the uniform visa form is a vital element in combating visa falsification and effectively countering illegal immigration. The Commission's deadline of five years for the addition of the photograph following approval of the requirements of Article 2 is too long. It is therefore proposed to cut it down to two years: this should be more than enough time for resolving the various technical and legislative problems relating to the introduction of the rule in the Community.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 577 – C5-0511/2001 – 2001/0232 (CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council on the proposal for a Council regulation amending Regulation 1683/95 laying down a uniform format for visas (COM(2001) 577 – C5-0511/2001 – 2001/0232 (CNS)),
 - whereas this proposal is a consolidated version of the modifications to be introduced and constitutes a modification of the initial proposal of 29 May 2001 (COM(2001) 157 – C5-0215/2001 – 2001/0080(CNS)) which abrogates that proposal and renders it null and void,
 - having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0215/2001),
 - 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 and the opinion of the Committee on Petitions (A5-0445/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

LEGISLATIVE PROPOSAL

2. On the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157 – C5-0216/2001 – 2001/0081(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 16
Recital –1 (new)

(-1) Article 62(2)(b)(iii) of the EC Treaty states that the Council, within a period of five years after the entry into force of the Treaty of Amsterdam, shall adopt rules on visas for intended stays of no more than three months, including a uniform format for visas;

Justification

It is important to emphasise that this regulation corresponds to the execution and implementation of Article 62 of the EC Treaty.

Amendment 17
Recital –1a (new)

(-1a) Measure No 38 of the Vienna Action Plan, adopted by the Justice and Home Affairs Council on 3 December 1998, states that attention must be given to new technical developments in order to ensure – where appropriate – greater security in the uniform format for visas;

¹ OJ C 180, 26.6.2001, p. 301.

Justification

The arguments put forward in Amendment 2 concerning the format for forms for affixing the visa also justify this amendment.

Amendment 18
Recital –1b (new)

(-1b) Conclusion No 22 of the European Council meeting held in Tampere on 15 and 16 October 1999 states that a common active policy on visas and false documents should be further developed;

Justification

The European Council in Tampere gave priority to achieving an integrated policy on visas and their possible falsification, and hence all documents connected with them.

Amendment 19
Recital 1

(1) The harmonisation of visa policy is an ***important*** measure in relation to establishing progressively an area of freedom, security and justice, specifically as regards border crossing.

(1) The harmonisation of visa policy is an ***essential*** measure in relation to establishing progressively an area of freedom, security and justice, specifically as regards border crossing.

Justification

The harmonisation of visa policy is not only important, but essential in order to enable the European Union to guarantee its citizens an area of freedom and security.

Amendment 20
Recital 7

(7) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis *in the sense* of the Protocol integrating the Schengen acquis into the framework of the European Union;

(7) The present Regulation constitutes in relation to the implementation of the *Association Agreement concluded by the Council of the European Union with Norway and Iceland on 17 May 1999* a development of the Schengen acquis, *in accordance with Articles 2 and 6* of the Protocol *annexed to the Amsterdam Treaty* integrating the Schengen acquis into the framework of the European Union;

Justification

It is extremely important to specify what entities concluded the association agreement, the date of the agreement and the legal bases facilitating the application of the content of the amendments to Regulation 1683/95 to the Republic of Iceland and the Kingdom of Norway

Amendment 21
Article 1(3)

3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), *it shall be for* each Member State *to decide whether* separate visa *sheets should be issued* to the principal and each of their dependant(s).

3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), each Member State *shall issue* separate *sheets for affixing the* visa to the principal and each of their dependant(s).

Justification

For fundamental reasons, and taking into account the fact that the decision of one Member State may affect the security of all European citizens, it is essential that for each person issued a visa, including his or her photograph, the visa must be affixed on a separate sheet.

Amendment 22
Article 2(a)

(a) security requirements including **enhanced** anti-forgery, counterfeiting and falsification standards

(a) **new** security requirements including **high** anti-forgery, counterfeiting and falsification standards

Justification

The reasons set out in Amendment 11 concerning the form for affixing the visa also justify this amendment.

Amendment 23
Article 2(b)

(b) conditions of storage **to prevent theft;**

(b) conditions of storage;

Justification

The reasons set out in Amendment 12 concerning the format for the form for affixing the visa also justify this amendment.

Amendment 24
Article 2(d)

(d) *other* conditions necessary **for the implementation of the** uniform format.

(d) **the** conditions necessary **to ensure the insertion of the photograph of the person concerned on the form of** uniform format.

Justification

The reasons set out in Amendment 13 concerning the form for affixing the visa also justify this amendment.

Amendment 25
Article 5(3)

The period provided for in Article 5(6) of Decision 1999/468/EC shall be **one month**.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be **two months**.

Justification

The reasons set out in Amendment 14 concerning the format of the form for affixing the visa also justify this amendment mutatis mutandis.

Amendment 26
Article 6

The uniform format for the form for affixing a visa set out in Article 1 shall be used by the Member States no later than **2 years** after the adoption of the measures referred to in Article 2(a). **However, the validity of authorisations granted already and issued on another format shall not be affected by the introduction of the uniform format for affixing the visas, unless the Member State concerned decides otherwise.**

The uniform format for the form for affixing a visa set out in Article 1 shall be used by the Member States no later than **1 year** after the adoption of the measures referred to in Article 2(a) **and shall apply the specifications contained in (b) and (c) six months after their adoption.**

Justification

For obvious reasons of security for Union citizens, the deadline for introducing the uniform format for forms and the application of the other accompanying measures must be as short as possible. Similarly, the measure laid down in Article 2(a) must apply to authorisations already granted.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form (COM(2001) 157– C5-0216/2001 – 2001/0081(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council ((COM(2001)¹ 157 – C5-0216/2001 – 2001/0081(CNS)),
 - having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0216/2001),
 - 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 and the opinion of the Committee on Petitions (A5-0445/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

¹ OJ C .

LEGISLATIVE PROPOSAL

3. Proposal for a Council regulation laying down a uniform format for residence permits for third-country nationals (COM(2001) 157 – C5-0217/2001 – 2001/0082(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 27
Recital -1 (new)

(-1) The maintaining and development of the European Union as an area of freedom, security and justice, in which the free movement of persons is guaranteed, absolutely requires the harmonisation of rules referring to documents proving the personal identity, nationality and residence of both citizens of the European Union and of third countries;

Justification

Both Article 2, fourth indent of the EU Treaty and Article 14(2) of the EC Treaty guarantee the free movement of persons. However, this freedom cannot be enjoyed unless it is accompanied by appropriate security conditions. It is obvious that the harmonisation of the issue of documents proving the identity, nationality or legal place of residence of European citizens in any part of the Union will be both an extremely important element in identifying people in any part of the world and also make such documents more secure and difficult to falsify, forge or alter.

Similarly, the documents issued by Member States to citizens of third countries crossing the Union's external borders or residing legally in the Union, must be issued in accordance with harmonised standards, for obvious reasons of security.

¹ OJ C

Amendment 28
Recital -1a (new)

(-1a) The Vienna Action Plan adopted by the Justice and Home Affairs Council on 3 December 1999 states, in measure 38(b)(ii), that rules must be drawn up on the procedures for the issue by Member States of visas and residence permits;

Justification

The Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice points out the importance of regulating, at EU level, the procedures for the issuing by Member States of residence permits to nationals of third countries.

Amendment 29
Recital 5, first sentence

(5) It is essential that the uniform format for residence permits should contain all the necessary information and meet ***very high*** technical standards, ***in particular as regards safeguards against counterfeiting and falsification;***

(5) It is essential that the uniform format for residence permits should contain all the necessary information and meet technical standards ***which must constantly reach the highest level of development, with the purpose of preventing falsification, counterfeiting or alteration and making it possible to detect fraudulent formats;***

Justification

This amendment is justified by the same reasons as Amendment 6, mutatis mutandis.

Amendment 30
Recital 10

(10) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis *in the sense* of the Protocol integrating the Schengen acquis into the framework of the European Union;

(10) The present Regulation constitutes in relation to the implementation of the *Association Agreement concluded by the Council of the European Union with Norway and Iceland on 17 May 1999* a development of the Schengen acquis, *in accordance with Articles 2 and 6* of the Protocol *annexed to the Amsterdam Treaty* integrating the Schengen acquis into the framework of the European Union;

Justification

This amendment is justified by the same reasons as Amendment 9, mutatis mutandis.

Amendment 31
Article 1, paragraph 1, second sentence

1. The uniform format *can be used as a sticker or* a stand-alone document.

1. The uniform format *shall be* a stand-alone document *in which a photograph of the person concerned shall be inserted in an indelible manner.*

Justification

For reasons of security, the uniform format for residence permits for third-country nationals must exclusively be a stand-alone document, since it is more difficult to falsify, alter or counterfeit.

It is essential to mention, in the provisions of the rule, the need to insert a photograph of the person concerned in the document.

Amendment 32
Article 2(a)

Additional technical specifications for the uniform format for residence permits relating to the following shall be established in compliance with the procedure referred to in Article 6 (2):
- a) further security requirements including anti-forgery, counterfeiting and falsification standards

Complementary technical specifications for the uniform format for residence permits relating to the following shall be established in compliance with the procedure referred to in Article 6 (2):
- a) further security requirements including **high** anti-forgery, counterfeiting and falsification standards

Justification

This amendment is justified by the same reasons as Amendment 11, mutatis mutandis.

Amendment 33
Article 2(b)

b) conditions of storage **to prevent theft**;

b) conditions of storage;

Justification

This amendment is justified by the same reasons as Amendment 12, mutatis mutandis.

Amendment 34
Article 2(d)

(d) other conditions necessary for the implementation of the uniform format.

Delete

Justification

The principle of democratic control rules out this provision.

Amendment 35
Article 6, paragraph 3

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be **one month**.

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be **two months**.

Justification

The reasons put forward in Amendment 15 with reference to the format for the residence permit also apply to this amendment mutatis mutandis.

Amendment 36
Article 7, first paragraph

Member States shall issue the uniform form for residence permits set out in Article 1 no later than one year after the adoption of the measures referred to in Article 2(a).

Member States shall issue the uniform form for residence permits set out in Article 1 no later than one year after the adoption of the measures referred to in Article 2(a), **and shall apply the specifications referred to in Article 2(b) and (c) six months after their adoption.**

Justification

The specifications contained in (b) and (c) must also be applied by all the Member States, as soon as possible after their adoption.

Amendment 37
Article 7, third paragraph

However, the validity of authorisations granted in documents already issued shall not be affected by the introduction of the uniform format for residence permits, unless the Member State concerned decides otherwise.

Delete

Justification

For obvious reasons of security, the provision must apply without distinction in time, since it does not contain any penalising or restrictive elements.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation laying down a uniform format for residence permits for third-country nationals (COM(2001) 157 – C5-0217/2001 – 2001/0082(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2001) 157 – C5-0217/2001 – 2001/0082(CNS)),
 - having been consulted by the Council pursuant to Article 67 of the EC Treaty (C5-0217/2001),
 - 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 and the opinion of the Committee on Petitions (A5-0445/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for the conciliation procedure to be initiated should the Council intend to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

EXPLANATORY STATEMENT

I - INTRODUCTION

From the late eighteenth century and, above all, the nineteenth century, the massive rise in communications generated by the large-scale use of the steam engine and the development process arising from the industrial revolution in a number of European countries, brought about significant population movements, thanks to which the countries of Europe were obliged to introduce legislation on foreign nationals.

This marked the start of the process of regularisation of the procedures followed by national consulates for issuing visas attached to foreign passports, with a view to controlling the entry of foreign nationals into their countries.

After the First World War attempts were made to abolish visas, under the auspices of the League of Nations and by means of international agreements. These attempts were cut short by the tragic political developments which culminated in the Second World War.

The post-war period saw the creation of a wide-ranging network of international treaties regulating and facilitating the movements of citizens of different countries.

Within the legal framework of the EU, which provides for checks on third-country citizens at the Union's external frontiers in order to combat illegal immigration and crime, visas play a dual role. Firstly, issue of a visa represents an additional formality, which has to be accomplished outside the territory of the Community since only visa holders are entitled to enter; secondly, a visa is a form of guarantee for the individual, since the third-country visa holder can be sure that his documents will be accepted by the authorities of the country of entry and that he will not be turned back at the frontier.

If there is to be a single area of freedom, security and justice in which the free movement of persons is a reality, a harmonised immigration policy is an absolute necessity.

A harmonised immigration policy calls for a wide range of measures. Particularly important among these are those concerning policy on the visa requirements for third-country nationals crossing the external frontiers and, in addition, those concerning policy on the residence permits issued to third-country nationals, in their aspect as suitable instruments for combating illegal immigration and residence.

II. THE EVOLUTION OF POLICY ON THE ENTRY INTO AND RESIDENCE IN EU TERRITORY OF THIRD-COUNTRY NATIONALS

Before the coming into force of the Schengen agreements, each country carried out its own controls over entry into its territory.

As things stand, entry controls on third-country nationals into the territory of a Schengen signatory state are carried out by the country whose frontiers coincide with those of the 'Schengen area'. These frontiers are known as the 'external frontiers' to distinguish them from the 'internal frontiers' existing between the signatory states.

The Schengen agreements were signed in 1985 by France, Germany and the Benelux countries, under the framework based on intergovernmental cooperation: at the time, not all the EC Member States shared the objective of opening up the Community's territory to the free movement of persons, whether Community citizens or third-country nationals. The implementing convention was signed in 1990 and came into force on 26 March 1995. Since then, all the other EU Member States except for the UK and Ireland have joined the Schengen group. In addition to the EU thirteen, Iceland and Norway now also participate as associate members.

The Schengen agreement specifies the possession of a visa as one of the conditions for entry into the territory of the states party, which have therefore been obliged to adopt a common visa policy, with a system of uniform visas, as a compensatory measure balancing the free movement of persons. The agreement also contains provisions concerning the different types of visa which fall within its scope (airport transit visa, transit visa, short-stay visa, travel visa, multi-entry visa, group visa) and those which do not, the authorities which may issue visas, the conditions of issue and the supporting documents which may be requested.

Before the Treaty of Maastricht, signed on 7 February 1992, the Communities' competences as regards the external frontiers were all but non-existent. Since Maastricht came into force and in implementation of its Article 100c(1), a common list of third countries whose nationals require a visa to enter Union territory has existed at EU level.

However, over and above this list each Member State is free to determine the conditions for the movement of nationals of third countries not included on the list.

In addition, pursuant to Article 100c(3) of the Treaty of Maastricht, a uniform format for visas has been introduced by Council Regulation (EC) 1683/95 of 29 May 1995.

It is essential to stress the definition of the term 'visa' set out in Article 5 of Council Regulation (EC) 1683/95 for the purposes of that regulation:

'an authorisation given by or a decision taken by a Member State which is required for entry into its territory with a view to:

- an intended stay in that Member State or in several Member States of no more than three months in all,
- transit through the territory or airport transit zone of that Member State or several Member States'.

The Treaty of Maastricht also took the revolutionary step of introducing cooperation in the area of justice and home affairs, notably with reference to the conditions of entry, movement and residence for third-country nationals and to action against illegal immigration, residence and labour.

This legislation on visas and residence permits was diverse in nature, with the legal status of the provisions varying considerably: some provisions were based on Community law, while others were grounded in the Schengen intergovernmental cooperation system.

One of the many new developments introduced by the Treaty of Amsterdam, which came into force in May 1999, was that it ushered in a much more radical policy on visas and residence permits: it incorporated the Schengen acquis into the EU framework, and, through the new Title IV of the EC Treaty, communitarised policy on 'visas, asylum, immigration and other policies related to free movement of persons'.

The key elements here are the following:

- Article 62(2)(b) of the EC Treaty refers to the adoption of a series of legislative measures encompassing the various aspects of a harmonised policy on short-stay visas (i.e. for visas for stays of no more than three months); this is the subject of the present proposal for a regulation and, therefore, of this report;
- Article 63(3) of the same Treaty sets out, in the context of immigration policy, the package of measures required to regulate the 'conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion'.

III - THE THREE PROPOSALS FOR COUNCIL REGULATIONS

The three proposals with which this report is concerned have been submitted by the Commission to the Council with a view to the adoption of three regulations, within the new political and legal context arising from the Treaty of Amsterdam and relating to the free movement of citizens within the EU. They represent the logical consequence of the adoption of a common policy on visa, immigration and residence to that end. Implementation of such measures was, be it recalled, urged by the Vienna Action Plan of 1998 and then again by the Tampere European Council of 1999. Your rapporteur will now comment briefly on the three proposals:

1. The purpose of the first proposal for a regulation is to amend certain articles of Regulation (EC) 1683/95, which lays down a uniform format for visas in implementation of Article 100c of the Treaty of Maastricht.

Your rapporteur believes it necessary to recall that since the first consultation on the matter between the Council and Parliament and while this draft report was being prepared, the tragic events of the 11 September occurred in the United States.

In the draft report as introduced on 9 October 2001, your rapporteur tabled a number of amendments aimed at preventing visa falsification, and called, among other measures, for the inclusion in visas of the bearer's photograph.

The correctness of this proposal has been sadly confirmed by circumstances. On 23 October 2001 the Council reconsulted Parliament on a fresh proposal for a regulation amending certain

articles of Regulation 1683/95, which included the new requirement that all visas issued by the Member States should include the bearer's photograph, in order to guarantee maximum security.

The earlier consultation was accordingly abrogated and rendered null and void.

Your rapporteur welcomes the new proposal as a whole, despite a number of reservations which will be indicated below in the section on the amendments, and merely regrets the fact that it was not put forward earlier. In an frontier-free internal area, it is absolutely essential to adopt a common visa policy, and one of the most important elements of such a policy is the adoption of a uniform format which will offer guarantees of the highest possible standard as regards the production, issue and storage of the documents while preventing their falsification or fraudulent use. It is all the more true today that each Member State is responsible for the security of every one of the citizens of the Union, and this must be achieved through the stringent management of a realistic and coherent visa policy, applying to both short-stay and long-stay visas.

2. The second proposal for a Council regulation concerns a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form.

This proposal relates to special cases only, and at first sight one might wonder why such a provision should need to exist and what cases it might apply to.

The fact is that certain Member States do not recognise certain third countries, and, therefore, do not recognise travel documents issued by those countries. Nonetheless, for humanitarian reasons alone it would be unacceptable if no national of such a third country were able to enter the territory of a Member State which does not recognise that country. For these cases, accordingly, provision has been made for the visa to be affixed to a uniform-format form.

Your rapporteur, in this case too, welcomes the Commission's proposal, stressing that, while the various proposals put forward in this sense since 1997 have suffered successive rejections, it now appears that this proposal is likely to be accepted by all the Member States.

3. The third proposal for a regulation concerns the adoption of a uniform format for residence permits for third-country nationals.

With this proposal, the Commission aims to communitarise (under the appropriate legal basis, i.e. Article 63(3) of the EC Treaty) the earlier joint action adopted by the Council on 16 December 1996 under the former Article K.3 of the Treaty of Maastricht and in the legal framework of the third pillar.

This committee is, of course, fully aware of the continuing legal uncertainties raised by joint actions: the possibility that they may not come into force in certain Member States, the absence of juridical controls, etc.

Your rapporteur accordingly welcomes this Commission proposal unreservedly, with the sole comment that it should surely have been submitted earlier. At all events, it is to be applauded

since it will have extremely positive consequences for the security of the citizens of Europe: it establishes a uniform format for residence permits whatever their duration, and should thus provide the necessary guarantees in the fight against fraud and illegal immigration.

IV - THE AMENDMENTS

Your rapporteur has included a total of 36 amendments in the draft report. They may be broken down as follows:

- 14 amendments to the proposal for a regulation amending Regulation 1683/95 laying down a uniform format for visas (Amendments 1 to 13 inclusive and Amendment 15);
- 11 amendments to the proposal for a regulation on a uniform format for forms for affixing the visa (Amendments 16 to 26);
- 11 amendments to the proposal for a regulation laying down a uniform format for residence permits for third-country nationals (Amendments 27 to 37).

The area of reference of each of the proposals is very different, but formally they are quite similar to each other. It is therefore permissible to describe the amendments in broad and general terms.

The amendments to the recitals are intended either to provide a more solid grounding for other amendments or to do the same for the Commission text itself (Amendments 1, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 27, 28, 29 and 30).

Other amendments are intended to strengthen the security requirements as regards the production, issue and storage of the three types of uniform-format forms, so as to prevent the falsification or fraudulent use of those documents and ensure higher security standards for the citizens of Europe (Amendments 10, 11, 12, 13, 21, 22, 23, 24, 31, 32 and 33).

A small group of amendments have been tabled on the grounds that the Commission proposal does not offer the scope for clearly-defined juridical controls over the Commission's exercise of its powers of implementation (former Amendment 13 and Amendments 24 and 34).

Another group is intended to speed up the implementation of the proposals (former amendment 14 - recognised by the Commission in its new proposal - new amendment 15 and amendments 25, 26, 35 and 36).

Your rapporteur further wishes, with all due modesty, to draw attention to certain amendments which he believes to be particularly important: those concerning the requirement, for imperative security reasons, that all documents should carry the bearer's photograph (Amendments 10, 13, 24 and 31), and those putting forward the alternative of issuing visas and residence permits as stand-alone documents rather than as stickers affixed to other documents. The real necessity of these measures has, he believes, been regrettably underlined by recent events.

V - OVERALL EVALUATION OF THE PROPOSALS SUBMITTED AND NOT SUBMITTED BY THE COMMISSION

In conclusion, your rapporteur wishes to stress his highly positive evaluation - as made clear throughout this explanatory statement - of the Commission's proposals, which he believes to be suitably courageous while also recognising the complexity of the problems. The proposals already introduce a large proportion of the wide-ranging and complex set of measures which need to be adopted to ensure the free movement of persons within the EU. The three texts have the common characteristic of harmonising the rules concerning documents that authorise the entry and residence of third-country nationals, with the aim of preventing their falsification and fraudulent use and thus ensuring the highest possible standards of security for the Union's citizens.

Nonetheless, your rapporteur believes it necessary to mention in this report - given its subject of the day-to-day security of each and every one of the Union's 370 m citizens - other proposals which the Commission should also have made but which it has omitted to make.

I am referring, obviously, to the proposals for regulations which need to be submitted as soon as possible in order to bring about the formal and technical harmonisation of documents carried by the citizens of the Union in the following spheres: national identity cards, the issuing of a European passport, and residence permits for EU citizens and members of their family living in a Member State which is not their country of origin.

There is little point in adopting measures, however stringent and praiseworthy, to control documents issued to third-country nationals such as those discussed in this report, or measures to make it difficult or impossible to use false documents for fraudulent purposes, if it remains much easier and much more profitable to falsify documents issued by any of the Union's own Member States. The measures proposed do not suffice to meet the demands of our citizens, who wish to live in freedom and security in our single, frontier-free area which has, for years now, also been an operating ground for organised crime.

Much more needs to be done, and fast, by the Member States, by the Council, by the Commission and by the European Parliament itself.

13 September 2001

OPINION OF THE COMMITTEE ON PETITIONS

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

on the proposal for a Council regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas

(COM(2001) 157 – C5-0215/01 – 2001/0080 (CNS))

on the proposal for a Council regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form

(COM(2001) 157 – C5-0216/01 – 2001/0081 (CNS))

on the proposal for a Council Regulation laying down a uniform format for residence permits for third-country nationals

(COM(2001) 157 – C5-0217/01 – 2001/0082 (CNS))

Draftsman: Janelly Fourtou

PROCEDURE

The Committee on Petitions appointed Janelly Fourtou draftsman at its meeting of 10 July 2001.

It considered the draft opinion at its meeting of 12 and 13 September 2001.

At that meeting it adopted the following conclusions unanimously.

The following were present for the vote: Roy Perry, first vice-chairman and acting chairman; Proinsias De Rossa, second vice-chairman; Janelly Fourtou, draftsman; Glyn Ford (for Mark Francis Watts), Laura González Álvarez, Margot Keßler, Jean Lambert, Véronique Mathieu and Hans-Peter Mayer.

CONCLUSIONS

The Committee on Petitions considers that the committee responsible would be better able to submit any amendments to the three legislative texts; it has therefore preferred to present its opinion in the form of conclusions, which the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs could usefully include as a recital in its report.

1. The Committee on Petitions welcomes these three Council regulations which aim to achieve complete harmonisation of the format of European documents and their security features, without leaving any leeway for the Member States. The aim of these measures is to facilitate border crossing for third country nationals who are legally resident on EU territory and at the same time to control illegal immigration. They form part of the Community immigration policy measures on entry and residence conditions for third country nationals, with the overall objective of *progressively establishing an area of freedom, security and justice*.
2. The committee welcomes the fact that these measures, although technical, take account of the need to protect the private life and personal data of third country nationals, in line with Directive 95/46/EEC. Community-level management of residence permits and visas will ensure that the fundamental rights of third country nationals crossing Community borders are uniformly respected, particularly as they will be able to check the personal data on the residence permit and have it corrected or deleted if necessary.
3. The Committee on Petitions notes that the United Kingdom, Ireland and Denmark will not participate in adopting these measures. Norway and Iceland will participate, however, under the association agreement linking them to the EU, as the measures are a further development of the Schengen *acquis* with which they are associated.
4. The Committee on Petitions welcomes the fact that these regulations take account of and facilitate reuniting the families of EU citizens (who have exercised their right to free movement) when family members are third country nationals. They will not be subject to visa requirements, which fulfils a wish that has often been expressed in petitions to Parliament.