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REPORT

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 Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories
(COM(2005)0381 – C6-0253/2005 – 2005/0158(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Michael Cashman

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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DRAFT EUROPEAN PARLIAMENT 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 Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (COM(2005)0381 – C6-0253/2005 – 2005/0158(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0381)¹,
 - having regard to Article 251(2) and Article 62(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0253/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0062/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 8

(8) The entry conditions laid down in Article 5(1) *of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the governments of the States of the Benelux economic union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (hereinafter referred to*

(8) The entry conditions laid down in Article 5(1) *of Regulation (EC) No .../2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) have to be fulfilled, with the exception of the*

¹ Not yet published in OJ.

as the “Schengen Convention”), have to be fulfilled, with the exemption of 5(1)(b), insofar as this Decision sets up a unilateral recognition regime between national transit visas issued by a new Member State and certain documents issued by Member States fully implementing the Schengen acquis as well as similar documents issued by other new Member States.

condition laid down in Article 5(1)(b), insofar as this Decision sets up a regime of unilateral recognition by new Member States of certain documents issued by Member States fully implementing the Schengen acquis and similar documents issued by other new Member States for the purpose of transit.

Amendment 2
Recital 9 a (new)

(9a) This Decision does not constitute a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, as it is only addressed to Member States that do not yet fully implement the Schengen acquis. However, for the coherence and proper functioning of the Schengen system, this Decision also covers visas and residence permits issued by third countries associated with the implementation, application and development of the Schengen acquis and fully implementing the Schengen acquis, such as the Republic of Iceland and the Kingdom of Norway.

Amendment 3
Recital 9 a (new)

(9a) In accordance with Articles 1 and 2 of the protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European

Community, those Member States are not taking part in the adoption of this Decision.

Amendment 4
Recital 9 b (new)

(9b) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European community, Denmark is not taking part in the adoption of this Decision.

Amendment 5
Article 1, paragraph 1

This Decision introduces a simplified regime for the control of persons at the external borders based on allowing the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia, (hereinafter new Member States) to recognise unilaterally as equivalent to their national visas for the purpose of transit, ***certain documents issued by the Member States fully implementing the Schengen acquis and documents*** issued by other new Member States to third country nationals subject to a visa obligation pursuant to Regulation (EC) 539/2001.

1. This Decision introduces a simplified regime for the control of persons at the external borders based on allowing the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia ***and*** Slovakia, (hereinafter ***referred to as the*** new Member States) to recognise unilaterally as equivalent to their national visas for the purpose of transit ***the documents referred to in Article 2(1) and those referred to in Article 3*** issued by other new Member States to third country nationals subject to a visa obligation pursuant to Regulation (EC) No 539/2001.

Justification

It has been suggested by the Legal Service to use the model wording for the reference to the Member States which fully implement the Schengen Acquis and to Iceland and Norway which are associated with the implementation, application and development of the Schengen acquis.

Amendment 6
Article 1, paragraph 1 a (new)

1a. The implementation of this Decision shall not affect the checks

to be carried out on persons at the external borders in compliance with Articles 5 to 13 and 18 to 19 of Regulation (EC) No .../2006 [establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)].

Amendment 7

Article 2, paragraph 1, introductory wording and points (a) and (b)

1. A new Member State may consider as equivalent to its national visa for the purpose of transit the following documents **issued by the Member States fully implementing the Schengen acquis**, irrespective of the nationality of the holders:

(i) a “uniform visa” as referred to in Article 10 of the Convention implementing the Schengen Agreement ;

(ii) a “long stay visa” as referred to in Article 18 of the Convention implementing the Schengen Agreement ;

1. A new Member State may consider as equivalent to its national visa for the purpose of transit the following documents, irrespective of the nationality of the holders:

(i) a “uniform visa” as referred to in **the provisions of** Article 10 of the Convention implementing the Schengen Agreement ;

(ii) a “long stay visa” as referred to in **the provisions of** Article 18 of the Convention implementing the Schengen Agreement ;

Amendment 8

Article 2, paragraph 2

2. If a new Member State decides to apply this Decision, it shall recognise all documents referred to in **paragraph 2 issued by the Member States fully implementing the Schengen acquis** independently of the State issuing the document.

2. If a new Member State decides to apply this Decision, it shall recognise all **the** documents referred to in **paragraph 1** independently of the State issuing the document.

Amendment 9

Article 4, paragraph 1

Member States may only recognise documents as equivalent to their national visas for the purpose of transit if the duration of the transit by the third country national

New Member States may only recognise documents as equivalent to their national visas for the purpose of transit if the duration of the transit by the third country national

through the territory of the new Member State(s) shall not exceed five days.

through the territory of the new Member State(s) shall not exceed five days *per transit*.

Amendment 10
Article 4, paragraph 3

A uniform visa allowing one entry which has been used for entry into a Member State fully implementing the Schengen acquis shall be valid on the holder's return trip for transit back through the territory of a same one new Member State. *deleted*

Justification

This amendment aims at allowing the single entry visa holder, after leaving the Schengen Area, to transit through any new Member State that has decided to apply this Decision.

Amendment 11
Article 5, paragraph 2

The Commission shall publish the **publication** communicated by new Member States in the Official Journal of the European Union.

The Commission shall publish the **information** communicated by **the** new Member States in the Official Journal of the European Union.

Amendment 12
Annex, point 1 (Czech Republic)

Visas

Visas

- Vízum k pobytu do 90 dnů – (*Short-stay visa*)

- Vízum k pobytu do 90 dnů – (*Short-stay visa*)

- ***Vízum za účelem převzetí povolení k pobytu VR – (visa with the aim of collecting a residence permit)***

- Vízum k pobytu nad 90 dnů – (*Long-stay visa*)

- Vízum k pobytu nad 90 dnů – (*Long-stay visa*)

- Diplomatické vízum – (*diplomatic visa*)

- Diplomatické vízum – (*diplomatic visa*)

- Zvláštní vízum – (*special visa*)
- *Vízum za účelem strpění VS – (Visa to allow exceptional leave to remain)*
- *Vstupní vízum VV – (entry visa)*

- *Vízum za účelem dočasné ochrany VG – (Visa for the purpose of temporary protection)*

Resident Permits

- *Průkaz o povolení k pobytu pro statniko prislusnika (residence permit for foreigners)*

- *Long-term residence permit (valid – till the expiration day – maximum 1 year, extension is possible)*

- *Permanent residence permit (Issued to foreigners staying on the territory of the Czech Republic for more than 10 years. The time condition is not applicable if the foreigner is a close family member of the Czech citizen (family unification), or if the foreigner stayed on the territory of the Czech Republic for more than 8 years and additional conditions stipulated by law are fulfilled (par. 66 of the Czech Alien act-no. 326/1999 Col.)*

- Zvláštní vízum – (*special visa*)

Residence Permits

- *Průkaz o povolení k přechodnému pobytu (temporary residence permit card)*

- *Průkaz o povolení k trvalému pobytu (permanent residence permit card)*

Justification

This amendment aims at taking into account the last version of the list of documents of the Czech Republic to be recognised.

Amendment 13
Annex, point 2 (Cyprus)

Visas

- Airport transit visas
- Transit visas

Θεωρήσεις (Visas)

- **Θεώρηση διέλευσης από αερολιμένα – Κατηγορία A (Airport transit visa – Type A)**
- **Θεώρηση διέλευσης – Κατηγορία B (Transit visa – Type B)**

- *Travel visas (single entry, double entry, multiple entry)*

Residence permits

- Temporary residence permit (employment, visitor, student)

- Entry permit (employment, student)

- Immigration permit (permanent permit)

- *Θεώρηση για παραμονή βραχείας διάρκειας – Κατηγορία Γ (Short-Stay visa – Type C)*

- *Ομαδική θεώρηση – Κατηγορία Α, Β και Γ (Group Visa – Type A, B and C)*

Άδειες παραμονής (Residence Permits)

- *Προσωρινή άδεια παραμονής (απασχόληση, επισκέπτης, φοιτητής)*
Temporary residence permit (employment, visitor, student)

- *Άδεια εισόδου (απασχόληση, φοιτητής)*
Entry permit (employment, student)

- *Άδεια μετανάστευσης (μόνιμη άδεια)*
Immigration permit (permanent permit)

Justification

This amendment aims at taking into account the very last version of the list of documents of Cyprus to be recognised.

Amendment 14 Annex, point 2 a (Estonia) (new)

ESTONIA

Visas

- ***Lennujaama transiitviisa, liik A (Airport transit visa, type A)***

- ***Transiitviisa, liik B (Transit visa, type B)***

- ***Lühiajaline viisa, liik C (Short-term visa, type C)***

- ***Pikaajaline viisa, liik D (Long-term visa, type D)***

Residence permits

- ***Tähtajaline elamisluba (temporary residence permit - up to 5 years)***

- ***Alaline elamisluba (permanent residence permit)***

Justification

This amendment aims at taking into account the very last version of the list of documents of Estonia to be recognised.

Amendment 15
Annex, point 3 (Latvia)

Visas

- Latvijas vīza - Kategorija C (short-stay visa)
- Latvijas vīza - Kategorija D (long-stay visa)

Residence permits

- *Pastāvīgās uzturēšanās atļauja* (permanent residence permit)
- *Terminu uzturēšanās atļauja (temporary residence permit; validity ranging from six months to ten years)*

- *Uzturēšanās atļauja (residence permit)*

Termiņa (temporary residence permit; validity ranging from six months to ten years)

Atļaujas veids – pastāvīgās (permanent residence permit)

Visas

- *Latvijas vīza - Kategorija B (transit visa)*
- Latvijas vīza - Kategorija C (short-stay visa)
- Latvijas vīza - Kategorija D (long-stay visa)

Residence permits

- *Pastāvīgās uzturēšanās atļauja (issued before 1 May 2004)* (permanent residence permit)
- *Uzturēšanās atļauja (issued since 1 May 2004) (residence permit; either for temporary or permanent residence)*
- *Nepilsoņa pase (alien's passport)*

Justification

This amendment aims at taking into account the very last version of the list of documents of Latvia to be recognised.

Amendment 16
Annex, point 4 (Lithuania)

Visas

- Trumpalaikė viza (*Short-stay visa*)
- Ilgalaikė viza (*Long-stay visa*)

Residence Permits

Leidimas laikinai gyventi Lietuvos Respublikoje (temporary residence permit; validity ranging from one to five years)

Leidimas nuolat gyventi Lietuvos Respublikoje (permanent residence permit)

Visas

- *Oro uosto tranzitinė (A) (Airport transit (A))*
- *Tranzitinė (B) (Transit (B))*
- Trumpalaikė viza (*Short-stay visa*)
- Ilgalaikė viza (*Long-stay visa*)

Residence Permits

- Europos Bendrijų valstybės narės piliečio leidimas gyventi – (Residence permit for a national of an EC Member State)

Leidimas nuolat gyventi Lietuvos Respublikoje (permanent residence permit)

Leidimas laikinai gyventi Lietuvos Respublikoje (temporary residence permit; validity ranging from one to five years)

Justification

This amendment aims at taking into account the very last version of the list of documents of Lithuania to be recognised.

Amendment 17

Annex, point 5 (Hungary), residence permits

- *Tartózkodási engedély (Residence permit; validity ranging from one to four years, extension is possible)*

- *Letelepedési engedély (Settlement permit;*

- Humanitárius tartózkodási engedély (humanitarian residence permit (card form) – accompanied by a national passport)

- Tartózkodási engedély (residence permit (card form) – accompanied by a national passport with the entry of the competent authority in it entitling its holder for multiple entry and stay, valid for a maximum period of four years)

- Tartózkodási engedély (Residence permit (sticker form) - affixed to a national passport, valid for a maximum period of four years)

- Bevándoroltak részére kiadott személyazonosító igazolvány (identity card issued for immigrants – accompanied by a national passport which indicates the issue of the identity card)

- Letelepedési engedély (permanent

Entitles the holder to reside in Hungary for an indefinite period, the validity of the document is 5 years)

- Bevándorlási engedély (Immigration permit)

residence permit (card form) – accompanied by a national passport which indicates the right of permanent residence, issued for an indefinite period of time, validity of the document is 5 years)
- Letelepedettek részére kiadott tartózkodási engedély (residence permit issued for permanently residing people (sticker form) – affixed to a national passport, valid for a maximum period of five years)

Documents issued for members of diplomatic missions and consular posts, equivalent to residence permits

- Igazolvány diplomáciai képviselők és családtagjaik részére (special certificate for diplomats and their family members (diplomat's identity card)

- Igazolvány konzuli képviselet tagjai és családtagjaik részére (special certificate for members of consular posts and their family members (consular identity card)

- Igazolvány diplomáciai képviselet igazgatási és műszaki személyzete és családtagjaik részére (special certificate for the members of the administrative and technical staff of diplomatic missions and their family members)

- Igazolvány diplomáciai képviselet kíséret személyzete, háztartási alkalmazottak és családtagjaik részére (special certificate for the service staff of the diplomatic missions, private servants and their family members)

Justification

This amendment aims at taking into account the very last version of the list of documents of Hungary to be recognised.

Amendment 18 Annex, point 7 (Poland)

Visas
- Wiza wjazdowa (Entry visa, *stay till two weeks usually*, valid for up to one year)

Visas
- Wiza wjazdowa *W* (Entry visa, valid for up to one year)

- Wiza pobytowa krótkoterminowa (Short-stay visa, stay up *till* three months, valid for up to five year, but usually for *one*)
- Wiza pobytowa długoterminowa (Long-stay visa, stay *till* one year, valid *up till five year*, but usually for one year)
- Wiza dyplomatyczna (Diplomatic visa, stay up *till* three months within *six months*, valid *up till* five years, but usually for six months)
- Wiza służbowa (Service visa, stay up *till* three months within *six months*, valid *up till* five years, but usually for six months)
- Wiza kurierska (Diplomatic Courier visa, valid up *till* six months)

Residence permits

- Karta pobytu (*Permanent* residence card, 'PL' series, issued *since first July 2001*, valid up to ten years, for an alien who has obtained a *temporary* residence permit, a *permanent residence permit*, a refugee status, a *consent* for tolerated stay)
- Karta stałego pobytu (*Permanent residence card*, 'XS' series, issued before 30 June 2001, for an alien who has obtained a *permanent residence permit* ; *valid for ten years* ; the last card of this edition *is valid until* 29 June 2011)
- *Legitymacja dyplomatyczna (Diplomatic card- beige, issued to accredited ambassadors and members of the diplomatic staff of the missions)*
- *Legitymacja konsularna (zielona) (Consular card – green, issued to heads of consular posts and members of consular staff)*
- *Legitymacja służbowa (Service card, issued to members of the administrative, technical and service staff of the missions)*

- Wiza pobytowa krótkoterminowa *C* (Short-stay visa, stay up *to* three months, valid for up to five years, but usually for *one year*)
- Wiza pobytowa długoterminowa *D* (Long-stay visa, stay *up to* one year, valid *for up to five years*, but usually for one year)
- Wiza dyplomatyczna *D/8* (Diplomatic visa, stay up *to* three months within a *six-month period*, valid *for up to* five years, but usually for six months)
- Wiza służbowa *D/9* (Service visa, stay up to three months within a *six-month period*, valid *for up to* five years, but usually for six months)
- Wiza kurierska *D/10* (Diplomatic Courier visa, *stay up to ten days unless regulated otherwise by international agreements*; valid up *to* six months)

Residence permits

- Karta pobytu (residence card, "*KP*" series issued *from 1 July 2001 to 30 April 2004 and "PL" series issued as from 1 May 2004*; valid up to ten years, *issued* for an alien who has obtained a residence permit *for a fixed period, a permit to settle*, a refugee status, a *permit* for tolerated stay; "*PL*" series is also issued to an alien who has obtained a long-term residence permit)
- Karta stałego pobytu (*permit to settle*, "XS" series issued before 30 June 2001; *valid for up to ten years, issued* for an alien who has obtained a *permit to settle*; the last card of this edition *will expire on* 29 June 2011)

Justification

This amendment aims at taking into account the very last version of the list of documents of Poland to be recognised.

Amendment 19

Annex, point 8 (Slovenia), indents 3 a to 3 d (new)

- ***Diplomatska izkaznica (Diplomatic Identity Card)***
- ***Konzularna izkaznica (Consular Identity Card)***
- ***Konzularna izkaznica za častne konzularne funkcionarje (Consular Identity Card for Honorary Consuls)***
- ***Službena izkaznica (Official Identity Card)***

Justification

This amendment aims at taking into account the very last version of the list of documents of Slovenia to be recognised.

Amendment 20

Annex, point 9 (Slovak Republic)

Visas

- Krátkodobé vízum (*short-stay visa*)
- Dlhodobé vízum (*long-stay visa*)

Visas

- Krátkodobé vízum (*short-stay visa*)
- Dlhodobé vízum (*long-stay visa*)
- ***Diplomatické vízum (diplomatic visa)***
- ***Osobitné vízum (special visa)***

Residence permits

- Prechodný pobyt (temporary residence permit; ***issued to foreigners staying in the Slovak Republic, valid for maximum one year and possible to renew for up to maximum five years***)
- Trvalý pobyt (permanent residence permit; ***initially valid for three years and then permanently***)

Residence permits

- ***Povolenie na*** prechodný pobyt (temporary residence permit)
- ***Povolenie na*** trvalý pobyt (permanent residence permit)

Cestovné doklady – Travel documents

- Cudzinecký pas (Alien 's passport)***
- Cestovný doklad podľa Dohovoru z 28. júla 1951 (Travel document Convention of 28 July 1951)***
- Cestovný doklad podľa Dohovoru z 28. septembra 1954 (Travel document Convention of 28 September 1954)***

Justification

This amendment aims at taking into account the very last version of the list of documents of the Slovak Republic to be recognised.

EXPLANATORY STATEMENT

1. Context of the proposal

The current Schengen *acquis*¹ establishes the principle of mutual recognition of visas and residence permits issued by the Schengen States for transit and short stay purposes. This enables a third country national holder of certain documents issued by a Schengen State to enter and/or circulate freely within the common space without being subject to any additional visa requirement.

As regards the new Member States, according to the Act of Accession, they implement the Schengen *acquis* in two phases: they apply the category I provisions as from accession, while the category II provisions will only be applied from a date to be determined by the Council. As a result, the new Member States currently have to apply the EC Regulation 539/2001² (category I provision) and must issue a national visa for the third country nationals listed in the Annex 1 of the Regulation who intend to transit or stay in their territory, while they do not apply yet the part of the Schengen *acquis* establishing a regime of mutual recognition of visas, residence permits (category II provisions). These countries cannot recognise as equivalent to their national visas the documents issued by Schengen States or by other new Member States. They are obliged to require their own national visas even if the persons concerned already hold a Schengen residence permit or visa.

However, some of the new Member States do recognise in practice the documents issued by the Schengen States for transit and short-stay purposes, through bilateral agreements or unilateral national decisions. Such recognition is incompatible with EU law and thus the situation must be regulated as soon as possible.

Practical examples:

- A citizen of a country listed in the Annex 1 of the Regulation 539/2001 (e.g. Bosnia and Herzegovina, Serbia-Montenegro, Russia, Turkey, Ukraine, Moldova, etc) holds a French residence permit. He intends to travel by land to his country of origin, which entails transit through several countries. He does not need any visa for the Schengen Countries since these countries recognise his French residence permit but he needs a national visa for each one of the new Member States he goes through.

- A citizen of a country listed in the Annex 1 of the Regulation 539/2001 would like to visit Germany by car, which entails transit through several countries. As he obtained a German visa, he does not need another visa for the Schengen countries, but he needs a national visa for each one of the new Member States he transits.

2. Content of the proposal

The present proposal will allow new Member States to simplify the control at the external

¹ Art. 10, 18 and 21 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 confirmed by Article 2 of Regulation (EC) No 539/2001.

² Council Regulation 539/2001 of 15 March 2001 listing the countries whose nationals must be in possession of visas when crossing the external borders and whose nationals are exempt from that requirement, OJ L 81, 21.3.2001, page 1, Regulation as last amended by Regulation (EC) No 851/2005 (OJ L 141, 04.06.2005, p 3).

borders by unilaterally recognising certain documents issued by:

- Schengen Member States, including Norway, Iceland and Denmark, that are associated to the Schengen *acquis* and fully implementing this *acquis*,
- other new Member States

as equivalent to their national visa.

This simplified regime should apply to the following documents:

- the uniform visas issued by a Schengen State in compliance with the Common Consular instructions (transit, short-stay or travel, group visa);
- the national long stay visas issued by a Schengen State according to its national legislation;
- the residence permits issued by a Schengen State;
- the national short term, long term visas and residence permits issued by another new Member State.

In order to avoid a fragmentary approach, it is deemed impossible to recognise some documents whilst not recognising others. Thus, all the abovementioned documents will be recognised as equivalent to the national visas of those new Member States which choose to implement this Decision.

The recognition of a document should be limited to the purpose of transit, without affecting the possibility of new Member States to issue national visas for short term stay. Such a limitation is necessary in order to avoid any risk of confusion of the current Schengen rules on the state responsible for a visa application.

The duration of the transit period may not exceed five days - this takes into account the existing rules on transit visas of the Common Consular Instructions and the geographical situation of new Member States.

This regime should only apply for a transitional period, until such a time as the new Member States will fully implement the Schengen *acquis*. Once a country decides to apply the decision, there will not be any possibility to suspend it, in order not to complicate the regime.

The proposed decision is addressed to the new Member States but their participation in this regime is optional, in order not to impose upon them additional obligations to those as defined by the 2003 Act of Accession. New Member States have the possibility either to implement the new instrument or to continue issuing national visas. Should they opt for the simplified regime, new Member States will have to accept documents issued by all the

Member States fully implementing the Schengen *acquis*, without any distinction between them. Once these documents are recognised, the new Member States also have the possibility to recognise the documents issued by the other new Member States.

The new Member States shall notify the Commission within 10 working days of the entry into force of this Decision if they decide to opt in. There will not be any possibility to opt in at a later stage.

3. Consequences in relation to the various protocols annexed to the Treaty and to the associated states

The proposed Decision is addressed exclusively to new Member States and therefore does not affect the position of the **United Kingdom, Ireland and Denmark**.

As regards **Norway and Iceland**, although this Decision is not addressed to them and does not constitute a development of the provisions of the Schengen *acquis* within the meaning of the agreement these countries signed with the Council, it is necessary to include visas and residence permits delivered by these countries in the present decision. The new Member States will then have the possibility to unilaterally recognise these documents.

4. Opinion of the Rapporteur

The EU *acquis* relating to the internal and external borders is currently being extensively developed. The present proposal is the latest contribution in an on-going development of the *acquis*. Other developments include: the Directive of 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, the Schengen Borders Control Code approved by the Parliament and the Council in June 2005, the External Border Agency formally inaugurated in June 2005, the very recent Regulation concerning the local border traffic at the external land borders of the Member States.

This proposal is an example of the EU's desire to have a simpler, uniform visa policy. In this context, the Rapporteur encourages the Commission to look into further ways of enhancing simplification of procedures and reciprocity as part of its relations with third countries and of its general visa policy.

The Rapporteur welcomes the present proposal which brings a response to the very acute issues which have arisen from the situation whereby the new Member States cannot recognise visas and residence permits issued by the other Member States and have to issue national visas to some third countries citizens for transit purposes.

On one hand, this situation implies a huge administrative burden for the new Member States' Consular offices in the Schengen States and in the new Member States. Before the holiday periods, these Consulates have to deal with thousands of applications for visas that they have to treat in a timely manner. This implies huge costs, modern services and a lot of personnel, which is particularly demanding for geographically small countries of transit.

On the other hand, the current regime is questionable because of the unjustified bureaucratic procedures and costs they imply for third countries citizens. When they intend to travel by land, for each one of the new Member States they pass through, these citizens need a transit visa. This means a lengthy, dissuasive and sometimes humiliating process: several dossiers of application, with forms to fill in, photographs, supporting documents such as medical and car insurance, hotel reservation, proofs of subsistence, bank statements, etc. They have to pay for the visas, travel to the city where the consulates are located and they have to queue in front of them.

This regime has also a negative effect on family and cultural ties, since in the case of third country nationals residing in Schengen states it can restrict the access to their homeland.

All this situation is even more difficult to tolerate since the persons concerned do not represent any risk of illegal immigration or any threat to public policy as they have been submitted to several controls and screening either by a Schengen State or by another new Member State before the issuing of the Schengen visa, residence permit or the national visa. Moreover, the checks at the external borders are still to be carried out in compliance with Articles 6 to 13 and 18 to 19 of the European Parliament and Council Regulation (...) establishing a Community Code on the rules governing the movement of persons and according to the art 5 (1) of same regulation the following entry conditions still have to be fulfilled:

- possession of valid travel documents allowing to cross the border,
- documents justifying the purpose and conditions of the intended stay and the sufficiency of the means of subsistence,
- absence of an alert in the SIS for the purposes of refusing entry,
- lack of being considered to be a threat to public policy, internal security, public health or the international relations of any of the Schengen Member States.

For all these reasons, it is now crucial and urgent to adopt this Decision allowing the new Member States to opt in for the unilateral recognition of the visas and residence permits issued by the Member States fully implementing the Schengen *acquis* including Norway, Iceland and Denmark and by other new Member States. This Decision will not only be useful for the ten new Member States, but it will also operate when Romania and Bulgaria join EU.

PROCEDURE

Title	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 Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories		
References	COM(2005)0381 – C6-0253/2005 – 2005/0158(COD)		
Date submitted to Parliament	22.8.2005		
Committee responsible Date announced in plenary	LIBE 6.9.2005		
Committee(s) asked for opinion(s) Date announced in plenary	AFET 6.9.2005		
Not delivering opinion(s) Date of decision	AFET 16.11.2005		
Enhanced cooperation Date announced in plenary			
Rapporteur(s) Date appointed	Michael Cashman, 4.10.2005		
Previous rapporteur(s)			
Simplified procedure – date of decision			
Legal basis disputed Date of JURI opinion			
Financial endowment amended Date of BUDG opinion			
European Economic and Social Committee consulted – date of decision in plenary			
Committee of the Regions consulted – date of decision in plenary			
Discussed in committee	1.12.2005	24.1.2006	6.3.2006
Date adopted	6.3.2006		
Result of final vote	+: 8	–: 0	0: 0
Members present for the final vote	Mihael Brejc, Jean-Marie Cavada, Agustín Díaz de Mera García Consuegra, Barbara Kudrycka, Inger Segelström		
Substitute(s) present for the final vote	Bill Newton Dunn, Vincent Peillon		
Substitute(s) under Rule 178(2) present for the final vote	Rodi Kratsa-Tsagaropoulou		
Date tabled	10.3.2006		
Comments (available in one language only)	...		