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*****|** **REPORT**

on the proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions
(COM(2005)0056 – C6-0049/2005 – 2005/0006(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mihael Brejc

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 regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions (COM(2005)0056 – C6-0049/2005 – 2005/0006(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0056)¹,
 - having regard to Article 251(2) and Articles 62(2)(a) and 62(2)(b)(ii) and (iv) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0049/2005),
 - 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 and the opinion of the Committee on Foreign Affairs (A6-0406/2005),
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 TITLE

Proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention *and the Common Consular Instructions*

Proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention

¹ Not yet published in OJ.

Amendment 2
CITATION 1

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) *and Article 62(2)(b) (ii) and (iv)* thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) thereof,

Amendment 3
RECITAL 2 A (new)

(2a) The local border traffic regime constitutes a derogation from the general rules governing border control of persons crossing the external borders of the Member States of the European Union which are set out in Regulation xxx/xx of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Amendment 4
RECITAL 3 A (new)

(3a) As a general rule, in order to prevent abuses, a local border traffic permit should only be issued to people who have been lawfully resident in the border area for at least one year. Bilateral agreements may provide for a longer period of residence. In exceptional and duly justified cases, such as those relating to minors, changes in marital status or inheritance of land, those bilateral agreements may also provide for a shorter period of residence.

Amendment 5

RECITAL 4

(4) In order to address the situation of

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those border residents who require a visa pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement¹: a specific short-stay visa, to be issued on grounds of local border traffic, should be established.

Amendment 6

RECITAL 5(new)

(5) The Community should lay down rules on specific criteria and conditions for the issuing of *visas to* border residents for the purpose of local border traffic. These criteria and conditions should be consistent with the entry conditions imposed on border residents crossing the border for the purpose of local border traffic.

(5) The Community should lay down rules on specific criteria and conditions for the issuing of *a local border traffic permit for* border residents for the purpose of local border traffic. These criteria and conditions should be consistent with the entry conditions imposed on border residents crossing the border for the purpose of local border traffic.

Amendment 7

RECITAL 4 A (new)

(4a) The local border traffic permit should be issued to border residents whether or not they are subject to a visa requirement pursuant to Council Regulation (EC) No 539/2001. As a result, this Regulation should be read in conjunction with a modification of Council Regulation (EC) No 539/2001 provided for by Council Regulation [...], aiming at exempting border residents who benefit from the local border traffic regime set up in this Regulation from the visa obligation. As a

¹ OJ L 81, 21.3.2001, p.1. Regulation as last amended by Regulation (EC) No 453/2003 (OJ L 69, 13.3.2003, p.10).

consequence, this Regulation may only enter into force in parallel with the entry into force of Council Regulation [...] modifying Council Regulation (EC) No 539/2001 to exempt border residents benefiting from the local border traffic regime set up in this Regulation from the visa obligation.

Amendment 8

RECITAL 6

(6) Due to the two-step implementation mechanism of the Schengen acquis as laid down in Article 3 of the 2003 Act of Accession, the new Member States are bound to implement the Schengen external border regime at all their borders, including the borders with other Member States, until the Council authorises them to fully apply the Schengen acquis and thus to lift controls at their common borders with other Member States. The same reasons justifying the creation of a regime of local border traffic at the land borders between Member States and third countries also fully justify application of the same regime to the common land borders between Member States until controls at such borders are to be abolished.

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Amendment 9

RECITAL 8

(8) For the application of the regime of local border traffic, Member States should be allowed to maintain or conclude bilaterally, if necessary, agreements with neighbouring third countries provided that they comply with the rules laid down in this Regulation. *Member States may also negotiate local border traffic arrangements between themselves, at the land borders where the Schengen external border regime applies, provided that they*

(8) For the application of the regime of local border traffic, Member States should be allowed to maintain or conclude bilaterally, if necessary, agreements with neighbouring third countries provided that they comply with the rules laid down in this Regulation.

comply with the rules set out in this Regulation.

Amendment 10
RECITAL 15

(15) As regards Iceland and Norway, this Regulation constitutes a development of 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 association of those two States with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in **Article 1(B)** of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.

(15) As regards Iceland and Norway, this Regulation constitutes a development of 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 association of those two States with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in **Article 1(A)** of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.

Amendment 11
RECITAL 18

(18) As regards Switzerland, this Regulation constitutes a development of ***the*** provisions of the Schengen acquis within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation ***on the latter's association*** with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 4(1) of Council **Decision 2004/860/EC** on the signing, on behalf of the European **Community**, and on the provisional application of certain provisions, of that Agreement.

(18) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation ***concerning the association of the Swiss Confederation*** with the implementation, application and development of the Schengen acquis¹, which fall within the area referred to in **Article 1(A) of Council Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions of 25 October 2004** on the signing on behalf of the European Union, and on the provisional application of certain provisions of that Agreement.

¹ ***Council doc. 13054/04 accessible on <http://register.consilium.eu.int>***

Amendment 12
RECITAL 19

(19) *Articles 4(d) and 22*, as well as Chapter III of this Regulation, constitute provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.

(19) *Articles 4(b) and 9(c)* constitute provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.

Amendment 13
ARTICLE 1, PARAGRAPH 1

1. This Regulation establishes a regime of local border traffic at the external **land** borders of the Member States and introduces, for that purpose, a specific **visa ('L'), to be issued to border residents subject to a visa obligation pursuant to Regulation (EC) No 539/2001.**

1. This Regulation establishes a regime of local border traffic at the external borders of the Member States and introduces, for that purpose, a specific **document which authorises border residents to cross the border under the local border traffic regime. The document shall be entitled 'local border traffic permit' (LBTP).**

Amendment 14
ARTICLE 1, PARAGRAPH 2

2. This Regulation authorises Member States to conclude or maintain bilateral agreements with neighbouring countries for the purpose of implementing the regime of local border traffic hereby established.

2. This Regulation authorises Member States to conclude or maintain bilateral agreements with neighbouring **third** countries for the purpose of implementing the regime of local border traffic hereby established.

Amendment 15
ARTICLE 3, POINT (A)

(a) 'external land border' means:
(i) the common land border between a Member State and a neighbouring third country;
(ii) the common land border between a Member State fully implementing the Schengen acquis and a Member State

(a) 'external land border' means the common land border between a Member State and a neighbouring third country;

*bound to apply such **acquis in full**, in conformity with its Act of Accession, but for which the Council decision authorising it to fully apply that **acquis** has not entered into force;*
*(iii) the common land border between two Member States bound to apply the Schengen **acquis in full**, in conformity with their Acts of Accession, but for which the Council decision authorising them to fully apply that **acquis** has not entered into force;*

Amendment 16
ARTICLE 3, POINT (B)

(b) “border area” means an area which, *as **the crow flies***, does not extend more than 30 kilometres from the *frontier*. Within this area, the local administrative districts which are to be considered as *part of the* border area *can* be *further* specified by the concerned States. If part of any such district is situated at more than 30 kilometres from the *frontier* line, but not more than **35**, it shall nevertheless be considered as part of the border area ;

(b) “border area” means an area which does not extend more than 30 kilometres from the *border*. Within this area, the local administrative districts which are to be considered as *the* border area *shall* be specified by the concerned States *in their bilateral agreements*. If part of any such district is situated at more than 30 kilometres from the *border* line, but not more than **50**, it shall nevertheless be considered as part of the border area;

Amendment 17
ARTICLE 3, POINT (C)

(c) “local border traffic” means the regular crossing of the external land border of a Member State by border residents *in order to* stay in the border area *of that Member State* for a period not exceeding the time limits laid down in this Regulation

(c) “local border traffic” means the regular crossing of the external land border of a Member State by border residents, *for a* stay in the border area, *based on for example social, cultural or substantiated economic grounds, or on family links, and* for a period not exceeding the time limits laid down in this Regulation;

Amendment 18
ARTICLE 3, POINT (D)

(d) *'third-country nationals* enjoying the Community right *to* free movement' means:

(i) *third-country nationals* who are members of the family of a Union citizen exercising his or her right *to* free movement to whom Directive 2004/38/EC of 29 April 2004 applies;

(ii) *third-country nationals* and their family members, whatever their nationality, who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy *a right to* free movement equivalent to *that* of citizens of the Union.

(d) *'persons* enjoying the Community right *of* free movement' means:

(i) *Union citizens within the meaning of Article 17(1) of the Treaty, and nationals of third countries* who are members of the family of a Union citizen exercising his or her right *of* free movement to whom Directive 2004/38/EC of 29 April 2004 applies;

(ii) *nationals of third countries* and their family members, whatever their nationality, who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy *rights of* free movement equivalent to *those* of citizens of the Union;

Amendment 19
ARTICLE 3, POINT (D A) (new)

(da) 'third-country national' means any person who is not a Union citizen within the meaning of Article 17(1) of the Treaty and who is not covered by point (d);

Amendment 20
ARTICLE 3, POINT (E)

(e) "border residents" means third-country nationals who have been lawfully resident in the border area of a country neighbouring a Member State for *at least one year, with the exception of the categories covered under point (d);*

(e) "border residents" means third-country nationals who have been lawfully resident in the border area of a country neighbouring a Member State for *a period specified in the bilateral agreements referred to in Article 14, which shall be at least one year. In exceptional and duly justified cases specified in the bilateral agreements, a period of residence of less than one year would be appropriate;*

Amendment 21
ARTICLE 3, POINT (F)

(f) *'visa' means:* *deleted*
*- for the Member States fully
implementing the Schengen acquis, the
visa established by Article 8;
- for the Member States not fully
implementing the Schengen acquis, a
national short-stay visa, issued according
to national procedures*

Amendment 22
ARTICLE 3, POINT (G)

(g) *'the Schengen acquis' means the
acquis defined in Annex A to Council
Decision 435/1999/EC;* *(g) 'local border traffic permit' means the
document introduced by Article 5 which
authorises its holder to cross the external
land border for the purpose of local
border traffic in accordance with the
provisions of this Regulation.*

Amendment 23
ARTICLE 3, POINT (H)

(h) *'the Schengen Convention' means the
Convention implementing the Schengen
agreement of 14 June 1985.* *(h) 'the Schengen Convention' means the
Convention, signed in Schengen on 19
June 1990, between the Kingdom of
Belgium, the Federal Republic of
Germany, the French Republic, the
Grand Duchy of Luxembourg and the
Kingdom of the Netherlands,
implementing the Agreement on the
gradual abolition of checks at their
common borders, signed in Schengen on
14 June 1985.*

Amendment 24
ARTICLE 4

By way of derogation to Article 5(1) of the Border residents may cross the external

Schengen Convention, border residents may cross the external land border of a neighbouring Member State for the *purpose* of local border traffic, *provided* they:

land border of a neighbouring Member State for the *purposes* of local border traffic *on condition that* they:

Amendment 25
ARTICLE 4, POINT (A)

(a) *possess a valid document or documents, authorising them to do so, as referred to in Article 5;*

(a) *are in possession of a local border traffic permit (LBTP) and, if required by the bilateral agreements referred to in Article 14, a valid travel document or documents;*

Amendment 26
ARTICLE 4, POINT (B)

(b) *are in possession of a visa, if required;*

deleted

Amendment 27
ARTICLE 4, POINT (C)

(c) *produce, if necessary, documents proving their status as border residents, the existence of legitimate reasons to frequently cross the border on grounds of local border traffic, such as family links, social, cultural or economic motives, as well as, where appropriate, the possession of sufficient means of subsistence in relation to the purpose of their stay;*

deleted

Amendment 28
ARTICLE 4, POINT (E)

(e) are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States.

(e) are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, *and in particular where no alert is issued in Member States' national databases for the purposes of*

refusing entry on the same grounds.

Amendment 29
ARTICLE 5, HEADING AND INTRODUCTORY PART

Documents

Documents authorising border residents to cross the external land border of a neighbouring Member State for the purpose of local border traffic shall be:

Local border traffic permit

1. A local border traffic permit for crossing the border is hereby established.

Amendment 30
ARTICLE 5, POINT (A)

(a) for border residents subject to a visa obligation pursuant to Regulation (EC) No 539/2001, a passport or any other valid document authorising them to cross the external borders as defined in Article 17(3)(a) of the Schengen Convention;

2. The territorial validity of the permit referred to in paragraph 1 is limited to the border area of the issuing Member State.

Amendment 31
ARTICLE 5, POINT (B)

(b) for border residents not subject to a visa obligation pursuant to Regulation No 539/2001:

*(i) the documents referred to in point (a), or
(ii) a specific border crossing permit, issued by the State of residence and countersigned by the competent authorities of the Member State whose border is crossed.*

3. The local border traffic permit shall bear the photograph of the holder of the permit and shall contain at least the following information:

*(a) the forename, surname, date of birth, nationality and place of residence of the holder of the permit;
(b) the issuing authority, date of issue and period of validity;
(c) the border area within which the holder of the permit is authorised to move;
(d) the number of the valid travel document or documents authorising its holder to cross the external borders, as provided for in Article 9a.*

It shall clearly state that its holder is not authorised to move outside the border area, and that any misuse shall be subject to penalties as provided for in Article 19.

Amendment 32
ARTICLE 6

For the purposes of this Regulation, border residents may stay in the border area of a neighbouring Member State for up to seven consecutive days. The total duration of their successive visits to that Member State shall not exceed three months within any half-year period.

The bilateral agreements referred to in Article 14 shall specify the maximum permissible duration of each uninterrupted stay under the local border traffic regime, which shall not exceed three months.

The time-limits may be extended in exceptional circumstances.

Amendment 33
ARTICLE 7, HEADING AND INTRODUCTORY PART

Entry and exit *stamps*

Member States may derogate from the obligation to affix entry and exit stamps on the travel documents of border residents crossing the external land borders for the purpose of local border traffic, provided that the following conditions are fulfilled:

Entry and exit *checks*

1. Member States shall carry out entry and exit checks on border residents in order to ensure that they fulfil the conditions referred to in Article 4.

Amendment 34
ARTICLE 7, POINTS (A) AND (B)

(a) the holder of the travel document is not subject to a visa obligation pursuant to Regulation (EC) No 539/2001;

(b) compliance with the time-limits provided for in Article 6 is ensured by any other means, to be specified in the bilateral agreements referred to in Articles 14 and 16.

2. No entry and exit stamps shall be affixed to the local border traffic permit under the local border traffic regime.

3. Paragraph 1 shall be without prejudice to the provisions of Article 17.

Amendment 35
CHAPTER III, TITLE

Visa issued for the purpose of local border

Local border traffic permit issued for the

Amendment 36
ARTICLE 8

Visas issued for the purpose of local border traffic

1. *A specific visa to be issued to border residents for the purposes of local border traffic is established.*
2. *The territorial validity of the visas referred to in paragraph 1 issued to border residents subject to a visa obligation pursuant to Regulation (EC) No 539/2001 shall be limited to the border area of the issuing Member State.*
3. *The visa referred to in paragraph 1 shall entitle the holder to multiple crossings of the external land border of the issuing Member State and to a stay within the border area of that Member State for up to seven consecutive days.
The total duration of the successive visits to that Member State shall not exceed three months within any half-year period.*

Security features and technical specifications of the local border traffic permit.

1. *The local border traffic permit referred to in Article 5 shall contain security features and technical specifications which comply with the relevant provisions of Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.*
2. *Member States shall transmit to the Commission and to the other Member States the specimen of the local border permit they issue in accordance with paragraph 1.*

Amendment 37
ARTICLE 9

Format of the visa

The visas referred to in Article 8 shall be issued in the form of a uniform format (sticker) conforming to the rules and to the specifications of Council Regulation No 1683/95 laying down a uniform format for visas. The uniform format issued for this purpose shall contain the distinctive letter 'L' under heading 11 ('type of

Issuing conditions

The local border traffic permit referred to in Article 5 may be issued to border residents who:

visa’).

Amendment 38 ARTICLE 9, POINT (A) (new)

(a) are in possession of a valid travel document or documents authorising them to cross the external borders as defined in the provisions of Article 17(3)(a) of the Schengen Convention;

Amendment 39
ARTICLE 9, POINT (B) (new)

(b) produce documents proving their status as border residents, and the existence of legitimate reasons to frequently cross the border on grounds of local border traffic;

Amendment 40
ARTICLE 9, POINT (C) (new)

(c) are not persons for whom an alert has been issued for the purposes of refusing entry in the SIS;

Amendment 41
ARTICLE 9, POINT (D) (new)

(d) are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, in particular where no alert is issued in Member States' national data bases for purposes of refusing entry on the same grounds.

Amendment 42
ARTICLE 10

Article 10
Issuing conditions

deleted

1. The visas referred to in Article 8 may be issued to border residents who:

(a) are in possession of a valid document authorising them to cross the external borders as defined in Article 17(3)(a) of the Schengen Convention;

(b) produce, if necessary, documents proving their status of border residents, and the existence of legitimate reasons to frequently cross the border on grounds of local border traffic, such as family links, social, cultural or economic motives, as well as, where appropriate, the possession of sufficient means of subsistence in relation to the purpose of their stay;

(c) are not persons for whom an alert has been issued for the purposes of refusing entry in the SIS;

(d) are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States.

2. The visas referred to in Article 8 shall not be issued at the border.

Amendment 43
ARTICLE 10 A (new)

Article 10a

Validity

The local border traffic permit referred to in Article 5 shall be valid for a minimum period of one year and a maximum period of five years.

Amendment 44
ARTICLE 11

Article 11

deleted

Validity

The visas referred to in Article 8 shall be valid for a minimum period of one year and for a maximum period of five years.

Amendment 45
ARTICLE 11 A (new)

Article 11a

Issuing fees

The fees corresponding to the administrative costs of processing applications for the local border traffic permit referred to in Article 5 shall not exceed the fees charged for processing applications for short-term multiple-entry visas.

The local border traffic permit may be issued free of charge.

Amendment 46
ARTICLE 12

Article 12

deleted

Administrative costs

1. The fees corresponding to the administrative costs of processing the application for the visas referred to in Article 8 shall be equivalent to the fees charged for processing applications for short-term multiple-entry visas having an equivalent validity.

2. By way of derogation from paragraph 1, Member States may decide to reduce or waive the fees corresponding to the administrative costs of processing the application for the visas referred to in Article 8.

Amendment 47
ARTICLE 12 A (new)

Article 12a

Issuing arrangements

1. The local border traffic permit may be issued either by the consulates or by any administrative authority of the Member States designated within the bilateral agreements referred to in Article 14.

2. Member States shall keep a central register of permits applied for, issued, extended and withdrawn and shall designate a national contact point responsible for providing without delay, upon request from other Member States, information on permits held in that register.

Amendment 48
ARTICLE 13

Article 13

deleted

*Relation with the Common Consular
Instructions*

Save where this Regulation provides otherwise and without prejudice to Article 22, the conditions and procedures for the issuing of the visas referred to in Article 8 shall be regulated by the Common Consular Instructions.

Amendment 49
ARTICLE 14, PARAGRAPH 2, SUBPARAGRAPH 2

If the Commission considers the agreement to be incompatible with this Regulation, it shall notify the Member State concerned **and shall require it** to amend the agreement in such a way as to eliminate the incompatibilities established.

If the Commission considers the agreement to be incompatible with this Regulation, it shall notify the Member State concerned, **which shall take all appropriate steps** to amend the agreement **within a reasonable period**, in such a way as to eliminate the incompatibilities established.

Amendment 50
ARTICLE 14, PARAGRAPH 3

3. Member States shall transmit to the Commission a copy of the agreements referred to in paragraph 1, as well as any denunciation of, or amendments to, these agreements

3. Where the Community or the Member State concerned has not concluded a general readmission agreement with a third country, the bilateral agreements on local border traffic with that third country shall include provisions to facilitate the readmission of persons found to be misusing the regime set out by this Regulation.

Amendment 51
ARTICLE 15, TITLE

Reciprocity

Comparability of treatment

Amendment 52
ARTICLE 15

In their agreements with neighbouring third countries, Member States shall ensure that the third country grants comparable treatment for ***citizens of the Union***, as well as for third country nationals, lawfully resident in the border area of a Member State ***and wishing to travel to the border area of a neighbouring third country.***

In their agreements ***as referred to in Article 14*** with neighbouring third countries, Member States shall ensure that the third country grants ***at least*** comparable treatment for ***persons enjoying the Community right of free movement***, as well as for third country nationals, lawfully resident in the border area of a Member State.

Amendment 53
ARTICLE 16

Article 16

deleted

Agreements between Member States

1. Member States referred to in Article 3(a), points (ii) and (iii), are authorised to conclude agreements on local border traffic between themselves in conformity

with the rules set in this Regulation.

2. Those Member States referred to in paragraph 1 may maintain existing agreements on local border traffic between themselves, until the entry into force of the Council decision authorising the lifting of border controls at their common borders. To the extent that such agreements are not compatible with this Regulation, the Member States concerned shall amend the agreements in such a way as to eliminate the incompatibilities established.

3. Member States shall transmit to the Commission a copy of the agreements referred to in paragraphs 1 and 2, as well as any denunciation of, or amendments to, these agreements.

Amendment 54

ARTICLE 17, PARAGRAPH 1, INTRODUCTORY PART

1. The agreements referred to in Articles 14 *and* 16 may contain provisions for the facilitation of border crossing, whereby Member States:

1. The agreements referred to in Article 14 may contain provisions for the facilitation of border crossing, whereby Member States:

Amendment 55

ARTICLE 17, PARAGRAPH 1, POINT (C)

(c) where there is a requirement of a special nature, *taking into account the local circumstances*, authorise border residents *not subject to a visa obligation pursuant to Regulation (EC) No 539/2001* to cross their border at places other than authorised border crossing points and outside the fixed hours.

(c) *taking into account the local circumstances, and* where *exceptionally* there is a requirement of a special nature, authorise border residents to cross their border at *defined* places other than authorised border crossing points and outside the fixed hours.

Amendment 56

ARTICLE 17, PARAGRAPH 2

2. Where a Member States decides to facilitate border crossing to border residents in accordance with paragraph 1, such facilitation shall automatically be extended to any *citizen of the Union, as well as to third country nationals* enjoying the Community right to free movement, *including those subject to the visa obligation*, residing in the border area.

2. Where a Member State decides to facilitate border crossing to border residents in accordance with paragraph 1, such facilitation shall automatically be extended to any *person* enjoying the Community right of free movement residing in the border area.

Amendment 57
ARTICLE 17, PARAGRAPH 3

3. *By way of derogation to Article 6 of the Schengen Convention*, at the border crossing points referred to in paragraph 1, point (a), as well as at the lanes referred to in paragraph 1, point (b), persons who are known to the border guard by reason of their frequent crossing of the border shall be subject only to random checks.

3. At the border crossing points referred to in paragraph 1, point (a), as well as at the lanes referred to in paragraph 1, point (b), persons who *regularly cross the border and* are *well* known to the border guard by reason of their frequent crossing of the border shall *usually* be subject only to random checks.

Thorough checks shall be carried out on these persons from time to time, without warning and at irregular intervals.

Amendment 58
ARTICLE 17, PARAGRAPH 3 A (new)

3a. Where a Member State decides to facilitate border crossing to border residents in accordance with paragraph 1 (c):

(a) in addition to the information referred to in Article 5, the local border traffic permit referred to in Article 5 shall contain details of the location and circumstances in which the border may be crossed;

(b) the Member State in question shall carry out random checks and maintain regular surveillance in order to prevent

unauthorised border crossings.

Amendment 59

ARTICLE 19, PARAGRAPH 1, SUBPARAGRAPH 1

1. Member States shall ensure that any misuse of the local border traffic regime, as established by this Regulation and as implemented by the bilateral agreements referred to in Articles 14 *and 16*, shall be subject to penalties as provided for in national law.

1. Member States shall ensure that any misuse of the local border traffic regime, as established by this Regulation and as implemented by the bilateral agreements referred to in Article 14 shall be subject to penalties as provided for in national law.

Amendment 60

ARTICLE 19, PARAGRAPH 1, SUBPARAGRAPH 2

The penalties provided for shall be effective, proportionate and dissuasive and shall include the possibility of cancelling and revoking the specific border crossing permits referred to *in point (b) of Article 5, as well as the visas issued for the purpose of local border traffic*

2. The penalties provided for shall be effective, proportionate and dissuasive and shall include the possibility of cancelling and revoking the specific border crossing permits referred to in Article 5.

Amendment 61

ARTICLE 19, PARAGRAPH 2

2. Member States shall keep record of all *persons on whom* penalties *are* imposed in accordance with paragraph 1. This information shall be transmitted, *in respect of a six-month period*, to the other Member States and to the Commission.

3. Member States shall keep record of all *cases of misuse of the local border traffic regime and of* penalties imposed in accordance with paragraph 1. This information shall be transmitted *every six months* to the other Member States and to the Commission.

Amendment 62

ARTICLE 20 A (new)

Article 20a

1. Member States shall notify the Commission of all agreements referred to in paragraph 1 of Article 14 as well as any denunciation of, or amendments to, these agreements.

2. The Commission shall make the information notified in conformity with paragraph 1 available to the Member States and the public through publication in the Official Journal of the European Union and by any other appropriate means.

Amendment 63ARTICLE 21

Article 136(3) of the Schengen Convention is replaced by the following:

The provisions of Article 136(3) of the Schengen Convention *are* replaced by the following:

“3. Paragraph 2 shall not apply to agreements on local border traffic, for which the provisions of Article 14 of [Regulation No ... this Regulation] shall apply.”

“3. Paragraph 2 shall not apply to agreements on local border traffic, for which the provisions of Article 14 of [Regulation No ... this Regulation] shall apply.”

Amendment 64
ARTICLE 22

Article 22

deleted

Amendment of the Common Consular Instructions

The Common Consular Instructions are amended as follows:

1) In part I, point 2, the following point 2.3a is inserted:

‘2.3a Visas for the purpose of local border traffic

In the case of third-country nationals who frequently need to cross the border of a neighbouring Member State for the purpose of local border traffic, as defined

by Regulation (EC) No [...], a visa whose territorial validity is limited to the border area of the issuing Member State may be issued. Such visa shall entitle the holder to multiple crossings of the border of the issuing Member State, provided that the total length of the successive stays in the border area of that Member State does not exceed three months in any half year.*

In conformity with [Regulation (EC) No...this Regulation], such visa shall have a minimum validity of one year and a maximum validity of five years.

Visas issued for the purpose of local border traffic may not be issued at the border.

2) In part V, point 1.4, the following indent is added:

- 'Documents that may be required prior to the issuance of the 'L' visa:

- A certificate attesting residence in the border area ;

Any document justifying the need for frequent crossing of the border for local border traffic purposes such as certificates or attestations substantiating family ties, documents certifying ownership of a property over the border etc.'

3) In Part VI, point 1.1, the last indent is replaced by the following: 'limited territorial validity may not apply to just part of the territory of a [Member State], except in the case of visas type 'L', issued for the purpose of local border traffic';

4) Part VI, point 1.7 (TYPE OF VISA 'heading') is amended as follows:

- The first paragraph is replaced by the following:

'In order to facilitate matters for the control authorities, this heading shall specify the type of visa using the letters A,

B, C and, D and L as follows:’;

- After the indent ‘D+C [...]’, the following indent is added:

‘L: visa issued for the purpose of local border traffic

5) In Part VII, point 4, the following paragraph is added:

‘The fees to be charged corresponding to the administrative costs for the issuing of visas for the purpose of local border traffic may be reduced or waived, in accordance with [Regulation (EC) No...this Regulation].’

Amendment 65
ARTICLE 23

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the Treaty establishing the European Community.

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in *the* Member States in accordance with the Treaty establishing the European Community.

EXPLANATORY STATEMENT

1. Introduction

With the adoption of the *Plan for the management of the external borders of the Member States of the European Union* at a Council meeting on 13 June 2002, and subsequently at the Seville European Council of 21 and 22 June, it became apparent that the European Community needed common rules on local border traffic.

The Commission, too, in its 2003 report on 'wider Europe' (COM(2003)104, 11.3.2003), stressed that the EU and its neighbours were striving to ensure that the external border was not a barrier to trade, social and cultural interchange or regional cooperation.

The Commission subsequently drew up two proposals for regulations, but they were not adopted before the latest enlargement on 1 May 2004. As a result of the adoption of the 'Hague Programme' in November 2004 and the extension of the codecision procedure to certain areas covered by Title IV of the EC Treaty, including measures related to external borders, this year the Commission has drawn up a new proposal and submitted it to the Council and Parliament.

No common provisions regulating the question of local border traffic currently exist in the EU, although certain Member States have concluded bilateral agreements on local border traffic.

2. Content of the proposal for a regulation

The purpose of the regulation is to lay down common rules on the criteria and conditions for establishing a regime of local border traffic at the 'external land borders' of the Member States, i.e. the common land border between: a Member State and a neighbouring third country (e.g. the border between Poland and Ukraine); a Member State fully implementing the Schengen acquis and a Member State bound to apply such acquis in full but for which the Council decision authorising it to fully apply that acquis has not entered into force (e.g. the border between Austria and Hungary); or two Member States bound to apply the Schengen acquis in full but for which the Council decision authorising them to fully apply that acquis has not entered into force (e.g. the border between the Czech Republic and Poland).

Among the definitions laid down in Article 3, particular attention should be drawn to the definitions of 'border resident', 'border area' and 'local border traffic'.

Pursuant to the proposed resolution, border residents would be issued with a special 'L' visa allowing them to cross the border for the purpose of local border traffic. The 'L' visa would be stamped, although Member States could, in certain circumstances, derogate from the obligation to affix stamps. In certain cases, as laid down in Article 17, the border may be crossed at places other than authorised crossing points.

Existing bilateral agreements may be maintained provided they are compatible with the proposed regulation. Where such agreements are not compatible with the proposed regulation they must be amended in such a way as to eliminate the incompatibilities established.

2. Position of the rapporteur

The rapporteur believes that in regulating the issue of local border traffic at the external land borders of the European Union the following points need to be taken into account:

- The need to facilitate crossing for border residents having legitimate reasons to cross the external border of the Member States frequently, and the need to prevent illegal immigration as well as potential threats to security posed by criminal activities;
- The proposed regulation seeks to regulate the issue of local border traffic, which involves frequent, in some cases daily, crossing of the border, e.g. for school or work purposes or because of family ties, and therefore the question of daily migrants who generally return to their own country each day (students, schoolchildren, landowners, etc.) should also be taken into account;
- External borders vary depending on historical, geographic and social circumstances;
- There must be no worsening of the living conditions for border residents on both sides of the border;
- The actual conditions pertaining at the external borders need to be taken into account and Member States should be allowed as far as possible to maintain the good practices applied until now through bilateral agreements.

Taking into account the positions set out above and on the basis of the exchange of views with representatives of the Council and the Commission, the rapporteur, in general, supports the Council's position and is therefore proposing amendments which seek to ensure that effective controls are implemented at the external border while not disturbing the life of the people living on either side.

The gist of the amendments proposed by the rapporteur is as follows:

- Instead of an 'L' visa, border residents should be issued with a 'local border traffic permit' (LBTP), which would incorporate all the required security standards and would not need to be stamped on each daily crossing of the border;
- There is no need to differentiate between the different external land borders as the new Member States are expected to join the Schengen area in 2007 and it would be pointless therefore to undertake lengthy procedures to amend the existing agreements, which in all probability would drag on until beyond when the countries concerned are scheduled to join the Schengen area, as those agreements are between EU Member States;
- The border area should not extend further than 30 km. Increasing the size of the border area would make it difficult to ensure security control. In addition, the limits of a border area should not be equated with ethnic boundaries;
- 'Border residents' should mean third-country nationals who have been resident in the border area for at least one year;

- Member States should be allowed to lay down in bilateral agreements a maximum permitted length of stay, which may not exceed three months;
- Certain measures should also be permitted, where special circumstances apply, to facilitate crossing at places other than authorised border crossing points.

25.11.2005

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions
(COM(2005)0056 – C6-0049/2005 – 2005/0006(COD))

Draftsperson: Karl von Wogau

SHORT JUSTIFICATION

The main body of this regulation is of a technical nature, reaching beyond the terms of reference of the Committee on Foreign Affairs. However, the general issues of avoiding new dividing lines at the borders of the enlarged Union and guaranteeing the security of the external borders of the Union are matters at the heart of the European foreign policy.

Border management is a priority issue tackled in the Action Plans signed with the European Neighbourhood Policy countries. The EU and its neighbours have to make joint efforts to manage their common borders more efficiently in order to facilitate legitimate movements. In particular, the establishment of a local border regime allows the countries' border area populations to maintain traditional contacts without encountering excessive administrative obstacles¹.

Your draftsperson supports the aim of the proposal to enable cross-border residents to carry out their everyday life without facing an excessive administrative burden, as he considers extremely important the promotion of cross-border trade, social and cultural exchange and regional co-operation. At the same time, he believes that the Union's common external border should be as secure as possible on the borders of all its Member States.

It is also essential for him that the border authorities of the Member States and neighbouring countries co-operate in tackling illegal cross border activities. Thus, he supports the special focus that the Commission has given to border management in the ENP Action Plans. He backs strongly the aims of the Hague Programme to further develop an integrated management of

¹ European Neighbourhood Policy Strategy Paper COM(2004)0373.

external borders and wishes for the investigation of the possibilities to implement new technologies for the protection of the Union's borders, such as data based registration and satellite based observation systems.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
RECITAL 5 A (new)

(5a) The Union and its partners in the European Neighbourhood Policy need to work together to establish effective management and control systems for migration between themselves and between them and third countries with a view to ensuring that human rights are fully respected and immigration processes are safe. The European Neighbourhood action plans accordingly need to focus especially on this matter.

Justification

Immigration is a complex phenomenon with many facets, as well as a global phenomenon that not only affects the Union as a destination, but also demands practical steps in countries of origin and transit countries. The measures taken both within and outside the EU should therefore be consistent with required for human rights and the full cooperation require by partnership with the EU. The EU should do its utmost to assist its neighbours to that end so as to make cooperation fully effective.

Amendment 2
RECITAL 8 A (new)

(8a) Within the framework of the European Neighbourhood Policy action plans, the closest possible cooperation should be envisaged between the border police and

¹ Not yet published in OJ.

customs authorities of the Member States and the third countries concerned, including common building facilities and common patrols in the border areas.

Justification

The border authorities of the Member States and neighbouring countries should co-operate to effectively tackle illegal cross border activities.

Amendment 3
RECITAL 11

(11) The Commission **should** submit a report to the European Parliament and to the Council on the application of this Regulation accompanied, where necessary, by legislative proposals.

(11) The Commission **will be required to** submit a report to the European Parliament and to the Council on the application of this Regulation accompanied, where necessary, by legislative proposals.

Justification

Immigration is a complex phenomenon with many facets. The Commission will need to bring permanent scrutiny to bear on the implementation of all measures taken to improve immigration management at Union level. The transparency and effectiveness of those measures will depend largely on the involvement of every institution when specific proposals are considered and drawn up.

Amendment 4
ARTICLE 1, PARAGRAPH 2

2. This Regulation authorises Member States to conclude or maintain bilateral agreements with neighbouring countries for the purpose of implementing the regime of local border traffic hereby established.

2. This Regulation authorises Member States to conclude or maintain bilateral agreements with neighbouring countries for the purpose of implementing the regime of local border traffic hereby established. ***Such bilateral agreements require as precondition the legal and definitive establishment of the external land border of the EU with its neighbouring countries.***

Amendment 5
ARTICLE 2, PARAGRAPH 1, POINT (B)

(b) access to and exercise of economic activity;

deleted

Justification

Substantial numbers of the persons who need to cross the borders frequently are cross border work commuters. Thus, the scope of the Regulation should include access to and exercise of economic activities on the other side of the border.

Amendment 6
ARTICLE 3, POINT (B)

(b) 'border area' means an area which, ***as the crow flies***, does not extend more than 30 kilometres from the frontier. Within this area, the local administrative districts which are to be considered as ***part of*** the border area ***can be further*** specified by the concerned States. If part of any such district is situated at more than 30 kilometres from the frontier line, ***but not more than 35***, it shall nevertheless be considered as part of the border area;

(b) "border area" means an area which does not extend more than 30 kilometres from the frontier. Within this area, the local administrative districts which are to be considered as the border area ***shall be*** specified by the concerned States ***in their bilateral agreements***. If any part of such district is situated at more than 30 kilometres from the frontier line, it shall nevertheless be considered as part of the border area;

Amendment 68
ARTICLE 3, POINT (C)

(c) 'local border traffic' means the regular crossing of the external land border of a Member State by border residents ***in order to stay in the border area of that Member State*** for a period not exceeding the time limits laid down in this Regulation;

(c) "local border traffic" means the regular crossing of the external land border of a Member State by border residents ***for a stay in the border area, based on for example social, cultural or substantiated economic grounds, or on family links***, for a period not exceeding the time limits laid down in this Regulation;

Or. en

Justification

This broad wording allows for a row of substantiated grounds to be included.

Amendment 8
ARTICLE 4, POINT (C)

(c) produce, if necessary, documents proving their status as border residents, the existence of legitimate reasons to frequently cross the border on grounds of local border traffic, such as family links, social, cultural or economic motives, as well as, where appropriate, the possession of sufficient means of subsistence in relation to the purpose of their stay;

(c) produce, if necessary, documents proving their status as border residents, the existence of legitimate reasons to frequently cross the border on grounds of local border traffic, such as family links, social, cultural or ***substantiated*** economic motives, as well as, where appropriate, the possession of sufficient means of subsistence in relation to the purpose of their stay;

Amendment 9
ARTICLE 4, POINT (E)

(e) are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States.

(e) are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, ***and also where no alert is issued in Member States' national databases for the purpose of refusing entry on any of those grounds.***

Amendment 70
ARTICLE 5, POINT (B), POINT (II)

(ii) a specific border crossing permit, issued by ***the State of residence and countersigned by the competent authorities of*** the Member State whose border is crossed.

(ii) a specific border crossing permit, ***which includes minimum security features and is issued by the Member State whose border is crossed. The permit shall be in an electronically readable format, where applicable.***

Amendment 11
ARTICLE 6, PARAGRAPH 1

For the purposes of this Regulation, border residents may stay in the border area of a neighbouring Member State for up to ***seven*** consecutive days. The total duration of their successive visits to that Member State shall not exceed three months within any half-

For the purposes of this Regulation, border residents may stay in the border area of a neighbouring Member State for up to ***fourteen*** consecutive days. The total duration of their successive visits to that Member State shall not exceed three months

year period.

within any half-year period.

Justification

Keeping in mind the nature of family and cultural ties, it seems more realistic to extend the maximum stay in the border area for the purposes of this Regulation from seven to fourteen days. The limitation on the successive visits remains unchanged.

Amendment 12
Article 7

Member States may derogate from the obligation to affix entry and exit stamps on the travel documents of border residents crossing the external land borders for the purpose of local border traffic, provided that the following conditions are fulfilled:

Travel documents of border residents crossing the external land borders for the purpose of local border traffic shall be systematically stamped on entry and on exit. Alternatively, Member States may derogate from the stamping obligation by instead applying a system of data-based registration of entry and exit of persons, in connection with the specific border crossing permit.

- a) the holder of the travel document is not subject to a visa obligation pursuant to Regulation (EC) No 539/2001;***
- b) compliance with the time-limits provided for in Article 6 is ensured by any other means, to be specified in the bilateral agreements referred to in Articles 14 and 16.***

Justification

Although it might create inconvenience at some borders, the stamping of travel documents is an effective means to allow the border guards to register the entry and exit of the third country nationals and also calculate the stay of these persons in the border area. As the majority of the travel documents are machine-readable now, the Member States may opt for data based registration systems as an alternative to stamping.

Amendment 13
Article 7, paragraph 1 a (new)

1a. The Commission shall carry out a feasibility study to investigate the possible creation of a common European data-based system for the registration of the

entry, duration of stay and exit of third-country nationals crossing the common external border.

Justification

Feasibility of the creation of a common data based registration system of border crossings should be studied, in order to see whether modern technologies could contribute to more efficient and coherent controls on the Union's external borders.

Amendment 14
Article 17, paragraph 1, point (c)

(c) where there is a requirement of a special nature, taking into account the local circumstances, authorise border residents not subject to a visa obligation pursuant to Regulation (EC) No 539/2001 to cross their border at places other than authorised border crossing points and outside the fixed hours.

deleted

Justification

A possibility to cross the Union's external border outside authorised border-crossing points and outside fixed hours should not be allowed, in order for the borders of the Union to remain controllable by the border guards.

Amendment 15
Article 17, paragraph 3

3. By way of derogation *to* Article 6 of the Schengen Convention, at the border crossing points referred to in paragraph 1, point (a), as well as at the lanes referred to in paragraph 1, point (b), persons who are known to the border guard by reason of their frequent crossing of the border shall be subject **only** to random checks.

3. By way of derogation *from* Article 6 of the Schengen Convention, at the border crossing points referred to in paragraph 1, point (a), as well as at the lanes referred to in paragraph 1, point (b), persons who **regularly cross the border and** are **well** known to the border guard by reason of their frequent crossing of the border shall **as a rule** be subject to random **but thorough** checks, **to be carried out at irregular intervals and without warning.**

Justification

Despite a personal relationship between a border guard and a border resident, which can be created by frequent crossings, the border guards should carry out random thorough checks without warning, in order to be able to spot any illegal cross-border activities and guarantee the safety of the Union's external border.

Amendment 76
Article 20, paragraph 1 a (new)

1a. Particular attention shall be focused on the more sensitive land border points which account for a greater volume of traffic and where the number of persons moving is higher. The Commission shall submit a detailed report to the European Parliament and the Council on the more sensitive land border points in the Union, together with a proposal setting out specific support measures.

Justification

Immigration is a complex phenomenon with many facets. The Commission will need to bring permanent scrutiny to bear on the implementation of all measures taken to improve immigration management at Union level. The transparency and effectiveness of those measures will depend largely on the involvement of every institution when specific proposals are considered and drawn up. Attention should focus especially on land borders with greater traffic which, on account of their location, absorption capacity, or particular features such as small size or population density, require specific practical measures.

Amendment 77
Article 21 a (new)

Article 21a

The specific border crossing permits or the visas issued for local border crossing shall in no way exclude the possibility of obtaining other types of visa (Schengen or national), where applicable.

Amendment 18
Article 23 a (new)

Article 23a

By way of derogation from this Regulation, Member States referred in Article 3(a)(ii) and (iii) of this Regulation may maintain agreements between themselves in force at the time of the entry into force of this Regulation pending the entry into force of the Council decision authorising the lifting of internal border controls at their common borders.

Justification

Following the paragraph 1.7.1. of the 'Hague Programme: strengthening freedom, security and justice in the European Union' (OJ C 53 of 03.03.2005., p 001-0014) the internal border controls should be lifted at the earliest date possible i.e. the end of 2007 at the earliest. Following this, the internal border controls between 'old' and 'new' member States and between 'new' Member States themselves will be lifted within two years, which makes it impracticable, both in terms of control and resources, to start renegotiating these agreements instead of concentrating to creation of the necessary circumstances for the removal of internal border controls.

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions
References	COM(2005)0056 – C6-0049/2005 – 2005/0006(COD)
Committee responsible	LIBE
Committee asked for its opinion Date announced in plenary	AFET 12.4.2005
Enhanced cooperation	
Draftsman Date appointed	Karl von Wogau 30.3.2005
Discussed in committee	4.10.2005 22.11.2005
Date amendments adopted	23.11.2005
Result of final vote	for: 51 against: 5 abstentions: 4
Members present for the final vote	Vittorio Agnoletto, Angelika Beer, André Brie, Elmar Brok, Simon Coveney, Véronique De Keyser, Giorgos Dimitrakopoulos, Camiel Eurlings, Alfred Gomolka, Klaus Hänsch, Richard Howitt, Anna Ibrisagic, Toomas Hendrik Ilves, Jelko Kacin, Georgios Karatzaferis, Ioannis Kasoulides, Helmut Kuhne, Joost Lagendijk, Vytautas Landsbergis, Cecilia Malmström, Francisco José Millán Mon, Pierre Moscovici, Pasqualina Napoletano, Annemie Neyts-Uyttebroeck, Baroness Nicholson of Winterbourne, Vural Öger, Cem Özdemir, Alojz Peterle, Tobias Pflüger, João de Deus Pinheiro, Paweł Bartłomiej Piskorski, Poul Nyrup Rasmussen, Michel Rocard, Raül Romeva i Rueda, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Jacek Emil Saryusz-Wolski, György Schöpflin, Gitta Seeberg, Konrad Szymański, Antonio Tajani, Paavo Väyrynen, Inese Vaidere, Geoffrey Van Orden, Ari Vatanen, Josef Zieleniec
Substitutes present for the final vote	Árpád Duka-Zólyomi, Kinga Gál, Tunne Kelam, Jaromír Kohlíček, Alexander Lambsdorff, Janusz Onyszkiewicz, Doris Pack, Aloyzas Sakalas, Pierre Schapira, Inger Segelström, Csaba Sándor Tabajdi, María Elena Valenciano Martínez-Orozco, Marcello Vernola
Substitutes under Rule 178(2) present for the final vote	Thomas Wise

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions
References	COM(2005)0056 – C6-0049/2005 – 2005/0006(COD)
Date submitted to Parliament	23.2.2005
Committee responsible Date announced in plenary	LIBE 12.4.2005
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Not delivering opinion(s) Date of decision	
Enhanced cooperation Date announced in plenary	
Rapporteur(s) Date appointed	Michael Brejc 12.4.2005
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	13.10.2005 23.11.2005 1.12.2005
Date adopted	1.12.2005
Result of final vote	+: 31 -: 0 0: 0
Members present for the final vote	Alexander Nuno Alvaro, Edit Bauer, Mihael Brejc, Kathalijne Maria Buitenweg, Maria Carlshamre, Michael Cashman, Giusto Catania, Jean-Marie Cavada, Charlotte Cederschiöld, Carlos Coelho, Rosa Díez González, Patrick Gaubert, Livia Járóka, Timothy Kirkhope, Barbara Kudrycka, Stavros Lambrinidis, Romano Maria La Russa, Sarah Ludford, Edith Mastenbroek, Jaime Mayor Oreja, Martine Roure, Inger Segelström, Stefano Zappalà, Tatjana Ždanoka
Substitute(s) present for the final vote	Frederika Brepoels, Giovanni Claudio Fava, Jeanine Hennis-Plasschaert, Sylvia-Yvonne Kaufmann, Sophia in 't Veld, Jean Lambert
Substitute(s) under Rule 178(2) present for the final vote	Giulietto Chiesa
Date tabled	13.12.2005

Comments (available in one language only)	
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