



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 18 April 2011**

**8595/11**

---

**Interinstitutional File:  
2010/0325 (COD)**

---

**LIMITE**

**VISA        67  
CODEC     579  
COMIX     201**

**NOTE**

---

from:            Presidency  
to:                Visa Working Party/Mixed Committee  
                      (EU-Iceland/Liechtenstein/Norway/Switzerland)

---

No. Cion prop.: 15498/10 VISA 252 CODEC 1130 COMIX 702 (COM(2010) 662 final)

---

Subject:         Draft Decision of the European Parliament and of the Council on the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list

---

On 12 April 2011 the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament (LIBE) had an orientation vote on the above proposal. The amendments endorsed by the LIBE during this orientation vote are set out in the third column of the Annex (the LIBE's amendments are in *italic*). The original proposal from the Commission is set out in the first column of the Annex, while the second column of the Annex contains the text which is being discussed by the Visa Working Party. The amendments to the text in this second column as agreed by the Working Party appear in **bold**, whereas the underlined ones need further discussions. It is noted that some of the underlined provisions, namely recital (4), (4a), Article 3(3) and 6(2), have been slightly changed as compared with the previous version of the document.

With a view to the meeting of the Visa Working Party/Mixed Committee on 19 April 2011, and for the purpose of starting negotiations with the European Parliament, the Presidency invites delegations to examine the amendments proposed in the draft report, as set out in the third column of the Annex. The Presidency also envisages further discussions concerning the underlined suggestions in the second column.

---

**Draft Decision of the European Parliament and of the Council on the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list**

<b>COMMISSION PROPOSAL</b>	<b>CURRENT COUNCIL DRAFT TEXT</b>	<b>EP DRAFT AMENDMENTS</b>
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national Parliaments,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national Parliaments,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p>	

<p>(1) On the basis of Article 17(3) (a) of the Convention implementing the Schengen Agreement of 14 June 1985<sup>1</sup>, Decisions SCH/Com-ex (98)56<sup>2</sup> and SCH/Com-ex (99)14<sup>3</sup> established the Manual of travel documents entitling the holder to cross the external borders and which may be endorsed with at visa. These Decisions should be adapted to the institutional and legal framework of the European Union.</p>	<p>(1) On the basis of Article 17(3) (a) of the Convention implementing the Schengen Agreement of 14 June 1985<sup>4</sup>, Decisions SCH/Com-ex (98)56<sup>5</sup> and SCH/Com-ex (99)14<sup>6</sup> established the Manual of travel documents entitling the holder to cross the external borders and which may be endorsed with at visa. These Decisions should be adapted to the institutional and legal framework of the European Union.</p>	
<p>(2) The lists of travel documents issued by third states should be monitored systematically to ensure Member States' authorities dealing with the processing of visa applications and border control have accurate information at their disposal about the travel documents presented by third country nationals. Exchanges of information between Member States on the travel documents issued and on Member States' recognition of these travel documents and making available of the entire compilation to the public should be modernised and made more efficient.</p>	<p>(2) The lists of travel documents issued by third states should be monitored systematically to ensure Member States' authorities dealing with the processing of visa applications and border control have accurate information at their disposal about the travel documents presented by third country nationals. Exchanges of information between Member States on the travel documents issued and on Member States' recognition of these travel documents and making available of the entire compilation to the public should be modernised and made more efficient.</p>	

<sup>1</sup> OJ L 239, 22.9.2000, p. 19.  
<sup>2</sup> OJ L 239, 22.9.2000, p. 207.  
<sup>3</sup> OJ L 239, 22.9.2000, p. 298.  
<sup>4</sup> OJ L 239, 22.9.2000, p. 19.  
<sup>5</sup> OJ L 239, 22.9.2000, p. 207.  
<sup>6</sup> OJ L 239, 22.9.2000, p. 298.

	<p><b>(2a) The purpose of the list of travel documents is twofold: on the one hand it allows border control authorities to verify whether a given travel document is recognised for the purpose of crossing the external borders as set out in Article 5 (1)(a) of Regulation(EC) No 562/2006 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); on the other hand it allows consular staff to verify whether Member States recognise a given travel document for the purpose of affixing the visa sticker.<sup>1</sup></b></p>	
<p>(3) Under Article 48 (1) (c) of Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas<sup>2</sup> an exhaustive list of travel documents issued by the host country should be drawn up within local Schengen cooperation.</p>	<p>(3) Under Article 48 (1) (c) of Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas<sup>3</sup> an exhaustive list of travel documents issued by the host country should be drawn up within local Schengen cooperation.</p>	

<sup>1</sup> **COM** indicated that the list of travel documents to be set up by this Decision would be a part of the common borders policy and would therefore be mandatory for the Member States. The question on how and when the notification on recognition by the Member States would be made public was of a different nature since it concerned the implementation of the said Decision. **DE**, supported by **AT**, maintained its general reservation and said they would comment in writing concerning the legally binding nature of that list.

<sup>2</sup> OJ L 243, 15.9.2009, p.1.

<sup>3</sup> OJ L 243, 15.9.2009, p.1.

<p>(4) A mechanism should be established to ensure that the list of travel documents is constantly updated and to allow for a common technical assessment, where appropriate, of the listed travel documents and place an obligation on Member States to express their position on the recognition and non-recognition of these documents.</p>	<p>(4) A mechanism should be established to ensure that the list of travel documents is constantly updated (...).</p>	
	<p><u>(4a) Considering the relevance of the security of the travel documents with regard to their possible recognition, where appropriate, the Commission, assisted by experts of the Member States, should provide a technical assessment.</u></p>	
<p>(5) Member States are and should remain responsible for the recognition of travel documents for the purpose of allowing the holder to cross the external borders and affixing a visa.</p>	<p>(5) Member States are and should remain <b>competent</b> for the recognition of travel documents for the purpose of allowing the holder to cross the external borders and affixing a visa.</p>	<p>(5) Member States are and should remain <i>competent</i> for the recognition of travel documents for the purpose of allowing the holder to cross the external borders and affixing a visa.</p>

<p>(6) Member States should notify their position in relation to all travel documents and endeavour to harmonise their positions on the different types of travel documents.</p>	<p>(6) Member States should notify their position in relation to all travel documents and endeavour to harmonise their positions on the different types of travel documents. <b>Since a Member State's failure to notify its position with regard to a travel document may cause problems to holders of this travel document, a mechanism should be established to place an obligation on Member States to express their position on the recognition and non-recognition of these documents. <u>This mechanism does not preclude Member States to notify a change of their position in any given moment.</u></b></p>	
		<p><i>(6a) An online database containing specimens of all travel documents should be established in the long term to facilitate the examination of a given travel document by border control authorities and consular staff. This database should be kept up to date in line with any changes as referred to in Article 4(3) of this Decision.</i></p>

	<p><b>(7a) For information purposes, the Commission should draw up a non-exhaustive list of known fantasy and camouflage passports, brought to its attention by the Member States. The fantasy and camouflage passports which are on the list are not subject to recognition or non recognition. They do not entitle their holder to cross the external borders and may not be endorsed with a visa.</b></p>	
<p>(7) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.</p>	<p><b>(7b) In order to ensure the compiling and updating of the list of travel documents, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>2</sup>.</b></p>	<p><i>(7) In order to ensure uniform conditions for compiling and updating of the list of travel documents, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>3</sup>.</i></p>

<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

<sup>2</sup> OJ L 55, 28.2.2011, p. 13.

<sup>3</sup> OJ L 55, 28.2.2011, p. 13.

	<b>(7c) The advisory procedure should be used for the drawing-up and updating of the list of travel documents, given that those acts merely constitute the compilation of issued travel documents.</b>	<i>(7a) The advisory procedure should be used for the drawing-up and updating of the list of travel documents, given that those acts merely constitute the compilation of issued travel documents.</i>
(8) As regards Iceland and Norway, this Decision constitutes 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 <sup>1</sup> , which falls within the area referred to in Article 1, points (A), (B) and (C) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>2</sup> .	(8) As regards Iceland and Norway, this Decision constitutes 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 <sup>3</sup> , which falls within the area referred to in Article 1, points (A), (B) and (C) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>4</sup> .	

<sup>1</sup> OJ L 176, 10.7.1999, p. 36.

<sup>2</sup> OJ L176, 10.7.1999, p. 31.

<sup>3</sup> OJ L 176, 10.7.1999, p. 36.

<sup>4</sup> OJ L176, 10.7.1999, p. 31.

<p>(9) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis<sup>1</sup>, which fall within the area referred to in Article 1, points (A), (B) and (C), of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC<sup>2</sup>.</p>	<p>(9) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis<sup>3</sup>, which fall within the area referred to in Article 1, points (A), (B) and (C), of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC<sup>4</sup>.</p>	
--	--	--

<sup>1</sup> OJ L 53, 27.2.2008, p.52.

<sup>2</sup> OJ L 53, 27.2.2008, p. 1.

<sup>3</sup> OJ L 53, 27.2.2008, p.52.

<sup>4</sup> OJ L 53, 27.2.2008, p. 1.

<p>(10) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, points (A), (B) and (C) of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/261/EC<sup>1</sup>.</p>	<p>(10) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, points (A), (B) and (C) of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/261/EC<sup>2</sup>.</p>	
---	---	--

<sup>1</sup> OJ L 83, 26.3.2008, p. 3.

<sup>2</sup> OJ L 83, 26.3.2008, p. 3.

<p>(11) As provided for in Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on the Functioning of the European Union, Denmark is not participating in the adoption of this instrument and, accordingly, is neither bound by it nor subject to its application. Given that the present instrument is intended to build upon the Schengen acquis under the provisions of Title V of the Treaty on the Functioning of the European Union, Denmark shall, in accordance with Article 5 of the Protocol, decide within a period of six months after the Council has adopted this instrument whether it will implement this decision in its national law.</p>	<p>(11) As provided for in Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on the Functioning of the European Union, Denmark is not participating in the adoption of this instrument and, accordingly, is neither bound by it nor subject to its application. Given that the present instrument is intended to build upon the Schengen acquis under the provisions of Title V of the Treaty on the Functioning of the European Union, Denmark shall, in accordance with Article 5 of the Protocol, decide within a period of six months after the Council has adopted this instrument whether it will implement this decision in its national law.</p>	
<p>(12) This Decision constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis<sup>1</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	<p>(12) This Decision constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis<sup>2</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	

<sup>1</sup> OJ L 131, 1.6.2000, p. 43.

<sup>2</sup> OJ L 131, 1.6.2000, p. 43.

<p>(13) This Decision constitutes a development of provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen <i>acquis</i><sup>1</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	<p>(13) This Decision constitutes a development of provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen <i>acquis</i><sup>2</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.</p>	
<p>(14) As regards Cyprus, this Decision constitutes an act building upon the Schengen <i>acquis</i> or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.</p>	<p>(14) As regards Cyprus, this Decision constitutes an act building upon the Schengen <i>acquis</i> or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.</p>	
<p>(15) This Decision constitutes an act building upon the Schengen <i>acquis</i> or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession,</p>	<p>(15) This Decision constitutes an act building upon the Schengen <i>acquis</i> or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession,</p>	

<sup>1</sup> OJ L 64, 7.3.2002, p. 20.

<sup>2</sup> OJ L 64, 7.3.2002, p. 20.

HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
<i>Article 1 Subject matter and Scope</i>	<i>Article 1 Subject matter and Scope</i>	<i>Article 1 Subject matter and Scope</i>
1. This Decision establishes the list of Travel Documents entitling the holder to cross the external borders and which may be endorsed with at visa (hereinafter referred to as "the list of travel documents") and a mechanism for compiling this list.	1. This Decision establishes the list of Travel Documents entitling the holder to cross the external borders and which may be endorsed with at visa (hereinafter referred to as "the list of travel documents") and a mechanism for compiling this list.	
2. This Decision applies to travel documents such as national passport (ordinary, diplomatic or service/official or special passport), an emergency travel document, a refugee or stateless persons travel document, a travel document issued by international organisations or a laissez-passer.	2. This Decision applies to travel documents such as national passport (ordinary, diplomatic or service/official or special passport), an emergency travel document, a refugee or stateless persons travel document, a travel document issued by international organisations or a laissez-passer.	
	<b>3. This Decision does not affect Member States' competence for the recognition of travel documents.</b>	<i>2a. This Decision does not affect Member States' competence for the recognition of travel documents.</i>

<i>Article 2</i> <i>Compilation of the list of travel documents</i>	<i>Article 2</i> <i>Compilation of the list of travel documents</i>	<i>Article 2</i> <i>Compilation of the list of travel documents</i>
1. The Commission shall draw up the list of travel documents with the assistance of Member States and on the basis of information gathered within local Schengen cooperation, as referred to in Article 48(1)(c) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas.	1. The Commission shall draw up the list of travel documents with the assistance of Member States and on the basis of information gathered within local Schengen cooperation, as referred to in Article 48(1)(c) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas.	
2. The list of travel documents shall be drawn up in accordance with the procedure referred to in Article 7(2).	2. The list of travel documents shall be drawn up in accordance with the <b>advisory</b> procedure referred to in Article 7(2).	2. The list of travel documents shall be drawn up in accordance with the <i>advisory</i> procedure referred to in Article 7(2).
<i>Article 3</i> <i>Structure of the list</i>	<i>Article 3</i> <i>Structure of the list</i>	<i>Article 3</i> <i>Structure of the list</i>
1. The list shall be divided into three parts.	1. The list shall be divided into three parts.	
2. Part I shall consist of travel documents issued by the third countries and territorial entities as listed in Annexes I and II 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 requirement <sup>1</sup> .	2. Part I shall consist of travel documents issued by the third countries and territorial entities as listed in Annexes I and II 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 requirement <sup>2</sup>	

<sup>1</sup> OJ L 81, 21.3.2001, p. 1.

<sup>2</sup> OJ L 81, 21.3.2001, p. 1.

3. Part II shall consist of the following travel documents issued by Member States of the European Union:	3. Part II shall consist of the following travel documents issued by Member States <b>including those issued by the Member States of the European Union which are not taking part in the adoption of the present Decision and by the Member States of the European Union which do not yet apply the provisions of the Schengen acquis in full:</b>	
(a) travel documents issued to third country nationals,	(a) travel documents issued to third country nationals,	
(b) travel documents issued to refugees under the United Nations Convention Relating to the Status of Refugees of 28 July 1951,	(b) travel documents issued to refugees under the United Nations Convention Relating to the Status of Refugees of 28 July 1951,	
(c) travel documents issued to stateless persons under the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954	(c) travel documents issued to stateless persons under the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954	
	<b>(ca) travel documents issued to persons who do not hold the nationality of any country and who reside in a Member State (...),</b>	
(d) travel documents issued by the United Kingdom to British citizens who are not nationals of the United Kingdom of Great Britain and Northern Ireland for the purposes of Union law.	(d) travel documents issued by the United Kingdom to British citizens who are not nationals of the United Kingdom of Great Britain and Northern Ireland for the purposes of Union law.	

4. Part III shall consist of travel documents issued by international organisations.	4. Part III shall consist of travel documents issued by international organisations.	
5. As a general rule, the listing of a given travel document applies to all series of that travel document that are still valid.	5. As a general rule, the listing of a given travel document applies to all series of that travel document that are still valid.	
6. If a third country does not issue a particular type of travel document, this shall be indicated by entering "not issued" in the list.	6. If a third country does not issue a particular type of travel document, this shall be indicated by entering "not issued" in the list.	
<i>Article 4</i> <i>Notification of recognition or non recognition of listed travel documents</i>	<i>Article 4</i> <i>Notification of recognition or non recognition of listed travel documents</i>	<i>Article 4</i> <i>Notification of recognition or non recognition of listed travel documents</i>
1. Within one month after the communication of the list referred to in Article 2(1), Member States shall notify to the Commission their position on recognition or non-recognition of the travel documents.	1. Within <u>three months</u> <sup>1</sup> after the communication of the list referred to in Article 2(1), Member States shall notify to the Commission their position on recognition or non-recognition of the travel documents.	

<sup>1</sup> CZ stressed that the 3- month delay was too short. DE said it would later comment in writing. CY indicated that no definitive position could be taken before the German comments had been tabled.

	<u>If a Member State fails to notify within the deadline referred to in paragraph 1, the travel document concerned is deemed to be recognised until the Member State's notification on its non-recognition<sup>1</sup>.</u>	<i>1a. If a Member State fails to notify its position within the deadline referred to in paragraph 1, the travel document concerned shall be deemed to be recognised until the Member State notifies to the Commission its position on non-recognition.</i>
2. In the framework of the Committee referred to in Article 7(1), Member States shall exchange information on the grounds for the recognition or non-recognition of specific travel documents with a view to reaching a harmonised position.	2. In the framework of the Committee referred to in Article 7(1), Member States shall exchange information on the grounds for the recognition or non-recognition of specific travel documents with a view to reaching a harmonised position.	
3. Member States shall notify to the Commission of all changes to previously indicated recognition or non recognition of a given travel document.	3. Member States shall notify to the Commission of all changes to previously indicated recognition or non recognition of a given travel document.	

<sup>1</sup> **DE, AT, CY, PT** and **IT** maintained their reservation as they could not accept that silence would mean consent. The **Chair** stressed the need to fill the legal gap in cases where the Member States did not give notification within the deadline and suggested applying the opposite principle (non-notification means non-recognition). **DE** could agree with that suggestion, while **CY** could not since it was opposed to any automaticity. **AT** considered the new suggestion as an improvement but, together with **IT** and **PT** which were still questioning automaticity, indicated the need to reflect further on the issue. **COM** recalled the need to do away with the uncertainty of the current system and stressed that responding to this need was one of the main points on which this Decision made progress. The **Chair** concluded that automaticity was acceptable for the large majority of delegations.

<i>Article 5</i> <i>New travel documents issued</i>	<i>Article 5</i> <i>New travel documents issued</i>	<i>Article 5</i> <i>New travel documents issued</i>
1. Member States shall notify the Commission of new travel documents referred to in points (a) to (c) of Article 3(3).	1. Member States shall notify the Commission of new travel documents referred to in points (a) to (ca) of Article 3(3).	
2. Member States shall inform the Commission of new travel documents issued by third states, Member States and international organisations referred to in Article 3(2), in Article 3(3)(d) and Article 3(4).	2. Member States shall inform the Commission of new travel documents issued by third <b>countries</b> , Member States and international organisations referred to in Article 3(2), in Article 3(3)(d) and Article 3(4). <b>The Commission shall, in cooperation with the Member States, endeavour to collect specimens of new travel documents in order to share them.</b>	
3. The Commission shall update the list in accordance with the notifications and information received and shall request Member States to notify their position on recognition or non recognition in accordance with Article 4.	3. The Commission shall update the list in accordance with the notifications and information received and shall request Member States to notify their position on recognition or non recognition in accordance with Article 4.	
4. The updated list shall be drawn up in accordance with the procedure referred to in Article 7(2).	4. The updated list shall be drawn up in accordance with the <b>advisory</b> procedure referred to in Article 7(2).	4. The updated list shall be drawn up in accordance with the <i>advisory</i> procedure referred to in Article 7(2).

	<i>Article 5a</i> <i>Information concerning known fantasy and camouflage passports</i>	
	<b>The Commission shall also draw up and update a non-exhaustive list of known fantasy and camouflage passports on the basis of information received from the Member States.</b>	
<i>Article 6</i> <i>Assessment of the technical standards of travel documents</i>	<i>Article 6</i> <i><u>Technical assessment of the travel documents</u></i> <sup>1</sup>	<i>Article 6</i> <i>Assessment of the technical standards of travel documents</i>
1. In order to assist the Member States in their assessment of the technical standards of the travel documents, the Commission may in accordance with the procedure set out in Article 7(2), provide for a technical analysis of such travel documents.	1. <u>In order to assist the Member States in their technical assessment of the travel documents, the Commission may provide for a technical analysis of such travel documents taking into account notably the relevant ICAO standards and recommendations.</u>	1. In order to assist the Member States in their assessment of the technical standards of the travel documents, the Commission may in accordance with the <i>advisory</i> procedure set out in Article 7(2), provide for a technical analysis of such travel documents.
2. The results of the technical assessment of a travel document shall be communicated to the Member States	2. <u>While conducting this analysis the Commission is assisted by experts of the Member States.</u> <sup>2</sup>	

<sup>1</sup> The Presidency has suggested this new drafting for consideration following the comments made by **COM** that the technical assessment should take place outside the framework of the committee procedure, within an expert group composed of experts from Member States and from the Commission. The results of that assessment would then be shared within the Travel Document Committee and would serve as a basis for Member States with a view to recognising or not recognising the travel documents concerned.

<sup>2</sup> Following the comments of FR and CZ, the Presidency reworded the previous version of this paragraph in order to provide more clarity.

	<u>3. Where relevant the conditions and procedures for issuing these travel documents may be also analysed in this framework.</u>	
<i>Article 7 Committee procedure</i>	<i>Article 7 Committee procedure</i>	<i>Article 7 Committee procedure</i>
1. The Commission shall be assisted by a committee (the Travel Document Committee).	1. The Commission shall be assisted by a committee (the Travel Document Committee). <b>That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</b>	1. The Commission shall be assisted by a committee (the Travel Document Committee). <i>That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</i>
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	2. Where reference is made to this paragraph, <b>Article 4 of Regulation (EU) No 182/2011 shall apply.</b>	2. Where reference is made to this paragraph, <i>Article 4 of Regulation (EU) No 182/2011 shall apply.</i>

<i>Article 8</i> <i>Publication of the list</i>	<i>Article 8</i> <i>Publication of the list</i>	<i>Article 8</i> <i>Publication of the list</i>
The Commission shall make the list, including the notifications pursuant to Article 4, available to the Member States and the public via a constantly updated electronic publication.	The Commission shall make the list <b>referred to in Article 3</b> , including the notifications pursuant to Article 4, <b>and the list referred to in Article 5a</b> , available to the Member States and the public via a constantly updated electronic publication.	
<i>Article 9</i> <i>Repeals</i>	<i>Article 9</i> <i>Repeals</i>	<i>Article 9</i> <i>Repeals</i>
Decisions SCH/Com-ex (98) 56 and SCH/Com-ex (99) 14 shall be repealed.	Decisions SCH/Com-ex (98) 56 and SCH/Com-ex (99) 14 shall be repealed.	
<i>Article 10</i> <i>Entry into force</i>	<i>Article 10</i> <i>Entry into force</i>	<i>Article 10</i> <i>Entry into force</i>
1. This Decision shall enter into force on the [...] day following that of its publication in the <i>Official Journal of the European Union</i> .	1. This Decision shall enter into force on the [...] day following that of its publication in the <i>Official Journal of the European Union</i> .	
2. All provisions of this Decision shall apply at the date of its entry into force except for Article 9 that will apply at the date of the first publication by the Commission of the list referred to in Article 8.	2. All provisions of this Decision shall apply at the date of its entry into force except for Article 9 that will apply at the date of the first publication by the Commission of the list referred to in Article 8.	

<i>Article 11</i>	<i>Article 11</i>	<i>Article 11</i>
This Decision is addressed to the Member States in accordance with the Treaties.	This Decision is addressed to the Member States in accordance with the Treaties.	
Done at [...],	Done at [...],	
<i>For the European Parliament</i> <i>The President</i> [...]	<i>For the Council</i> <i>The President</i> [...]	<i>For the European Parliament</i> <i>The President</i> [...]
		<i>For the Council</i> <i>The President</i> [...]
		<i>For the European Parliament</i> <i>The President</i> [...]
		<i>For the Council</i> <i>The President</i> [...]

---