Procedure file

Basic information

CNS - Consultation procedure Regulation	2001/0082(CNS)	Procedure completed
Third-country nationals: uniform format for residence permits Amended by 2003/0218(CNS) Amended by 2016/0198(COD) Subject 7.10 Free movement and integration of third-country nationals 7.10.08 Migration policy		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	PSE SOUSA PINTO Sérgio	29/05/2001
	Committee for opinion	Rapporteur for opinion	Appointed
	PETI Petitions	PPE-DE FOURTOU Janelly	10/07/2001
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2436	13/06/2002
European Commission	Commission DG	Commissioner	
	Justice and Consumers		

Key events

23/03/2001	Legislative proposal published	COM(2001)0157	Summary
31/05/2001	Committee referral announced in Parliament		
04/12/2001	Vote in committee		
04/12/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0445/2001	
12/12/2001	Decision by Parliament	T5-0671/2001	Summary
13/06/2002	Act adopted by Council after consultation of Parliament		
13/06/2002	End of procedure in Parliament		
15/06/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/0082(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2003/0218(CNS) Amended by 2016/0198(COD)
Legal basis	EC Treaty (after Amsterdam) EC 063-p3
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal		COM(2001)0157	23/03/2001	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0445/2001	04/12/2001	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0671/2001 OJ C 177 25.07.2002, p. 0079-0130 E	12/12/2001	EP	Summary
Document attached to the procedure		N6-0002/2007 OJ C 320 28.12.2006, p. 0021	16/10/2006	EDPS	
Follow-up document		COM(2007)0506	07/09/2007	EC	Summary

Additional information

European Commission	EUR-Lex

Final act

Regulation 2002/1030
OJ L 157 15.06.2002, p. 0001-0007 Summary

Third-country nationals: uniform format for residence permits

PURPOSE: to present a Commission proposal for a Council Regulation laying down a uniform format for residence permits for third-country nationals. CONTENT: Following on from the Vienna Action Plan for the implementation of the Amsterdam Treaty and the Tampere guidelines, the Commission now proposes measures within the new institutional framework aiming to render travel and residence documents more secure. With the entry into force of the Amsterdam Treaty and the integration of the Schengen Acquis into the framework of the Treaty, the Commission considers it necessary to adopt additional measures for security reasons such as common rules related to the filling in of the uniform format for visas in order to ensure that the visa sticker is completed in the same way in all the Member States. Regarding a unform format for residence permits for third-country nationals, the Commission's purpose in presenting this proposal is to "communautarise" the Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the TEU concerning a uniform format for residence permits and the relevant technical specifications adopted by the Council. As some Member States are currently using the residence permit based on the Joint Action, the changes introduced are limited to a minimum. The possibility of choice between a sticker and a stand-alone document is maintained. In the framework of the Schengen Convention (now integrated into the EC Treaty) the residence permit together with a travel document can substitute for a visa; in this framework a third country national presenting his passport and his residence permit is allowed to enter another Schengen State for a short stay without a visa. It should therefore include safeguard security features. The scope of this regulation covers all third-country nationals, except those who are members of the family of an EU citizen having exercised his/her right to free movement. For those who are family members of EU citizens, who have not exercised their right of free movement, the Member State concerned shall issue a residence permit mentioning "family member" as set out in the Council Directive in relation to the status of long term resident third country nationals. Finally, the legal bases for the proposals concerning documents issued by Member States to third-country nationals, Residence Permit for third-country nationals, uniform format for affixing visas and an amendment to Regulation 1683/95/EC laying down the uniform format for visas, fall within Title IV of the Treaty and thus imply the variable situation as laid down by the protocols on the position of the UK, IRL and DK. ?

Third-country nationals: uniform format for residence permits

The European Parliament adopted the resolution of Mr Sérgio SOUSA PINTO (PES, P) subject to several amendments. The European Parliament has included a new recital which stipulates that in order to maintain and develop the European Union as an area of freedom, security and justice, in which the free movement of persons is guaranteed, the rules referring to documents providing the personal identity, nationality and residence of both citizens of the European Union and of third countries should be harmonised. The uniform format of residence permits issued by member States to third country nationals shall be a a stand-alone document in which a photograph of the person concerned shall be inserted in an indelible manner. In addition, complementary technical specifications for the uniform format for residence permits shall be established.?

Third-country nationals: uniform format for residence permits

PURPOSE : to lay down a uniform format for residence permits for third-country nationals. COMMUNITY MEASURE : Council Regulation 1030/2002/EC laying down a uniform format for residence permits for third-country nationals. CONTENT : the Council adopted a Regulation laying down a uniform format for residence permits for third-country nationals. The format will meet very high technical standards, in particular as regards safeguards against counterfeiting and falsification. The United Kingdom is taking part in the adoption and application of this Regulation. Ireland is not taking part in its adoption. Denmark is not taking part in its adoption, but will decide in six months' time whether or not to transpose it into its national law. Council Joint Action 97/11/JHA concerning a uniform format for residence permits confirms the need to harmonise the format of residence permits issued by Member States to third-country nationals. Consequently, it is appropriate that Joint Action 97/11/JHA should henceforth be replaced by a Community act. The Regulation stipulates that residence permits issued by Member States to third-country nationals shall be drawn up in a uniform format and provide sufficient space for the information set out in the Annex hereto. The uniform format may be used as a sticker or a stand-alone document. Each Member State may add in the relevant space of the uniform format information of importance regarding the nature of the permit and the legal status of the person concerned, in particular information as to whether or not the person is permitted to work. Additional technical specifications for the uniform format for residence permits relating to the following shall be established, such as: a) additional security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards; b) technical processes and rules for the filling in of the uniform residence permit; c) other rules to be observed for the filling in of the uniform residence permit. The colours of the uniform residence permit may be changed. These specifications shall be secret and not be published. They shall be made available only to the bodies designated by the Member States as responsible for the printing and to persons duly authorised by a Member State or the Commission. Each Member State shall designate one body having responsibility for printing the uniform residence permit. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly. Without prejudice to data protection rules, persons to whom the residence permit is issued shall have the right to verify the personal particulars contained in the residence permit and, where appropriate, to have them corrected or deleted. No information in machine-readable form shall be included in the residence permit, unless provided for in the Annex hereto or unless it is mentioned in the relevant travel document. This Regulation shall not apply to third-country nationals who are: - members of the families of citizens of the Union exercising their right to free movement, - nationals of Member States of the European Free Trade Association party to the Agreement on the European Economic Area and members of their families exercising their right to free movement in accordance with that Agreement, - nationals of third countries who are exempt from the requirement to hold a visa and who are authorised to stay in a Member State for a period of less than three months. It should be added that this Regulation shall not affect the powers of the Member States regarding recognition of States and territorial entities and passports, identity documents and travel documents issued by their authorities. Lastly, Member States shall issue the uniform format for residence permits no later than one year after the adoption of the additional security features and requirements. From that date, this Regulation shall, in the Member States concerned, replace Joint Action 97/11/JHA. The integration of the photograph on a third-country nationals' residence permit in the form of a sticker shall be implemented at the latest five years after the adoption of the technical specifications provided for the adoption of this measure. However, the validity of authorisations already granted in another format of residence permit shall not be affected by the introduction of the uniform format for residence permits, unless the Member State concerned decides otherwise. ENTRY INTO FORCE : 15 June 2002.?

Third-country nationals: uniform format for residence permits

BACKGROUND : to recall, when first adopted in June 2002, Regulation (EC) No 1030 laying down a uniform format for residence permits for third country nationals, required the United Kingdom and Ireland to specify whether they wanted to participate in the adoption of this Regulation or not. This is because both countries are subject to the « Protocol on the Position of the United Kingdom and Ireland », which states that, in principle, these two Member States do not participate in the adoption of, and are not bound by, measures based on Title IV of the TEU. The Protocol allows both countries to opt in before the adoption of a measure based on Title IV or afterwards.

In accordance with Article 3 of the Protocol, the UK gave notice of its wish to take part in the adoption of Regulation No 1030/2002. Ireland notified the Council and the Commission in December 2003 of its wish to apply the Regulation ? but it did so under Article 4, which legally speaking, is a procedural error. Despite this, all of the institutions and the Member States have acted as if Ireland fully participates in the application of the Regulation on a uniform format for residence permits of third country nationals. In June 2007 Ireland notified its intention of wishing to correct this error and apply the Regulation under the correct legal procedure. The Commission is therefore obliged to give an opinion on this matter.

CONTENT: the purpose of this Communication, therefore, is to offer the Commission?s favourable opinion on the notification of Ireland to participate in Regulation No 1030/2002. It does so based on the following reasoning :

- Harmonised formats and common security standards for residence permits throughout the EU firstly, facilitates border crossings and secondly, contributes to the good functioning of an area of freedom, security and justice. Further, Ireland participates in Council Joint Action 97/11/JHA, which has been replaced by the said Regulation.
- Ireland takes parte in Regulation (EC) 1683/95 laying down a uniform format for visas.
- Ireland has de facto participated in Regulation No 1030/2002 without any problems having arisen.

For the reasons set out above the Commission takes a positive decision on the notification by Ireland of its intention to participate in the Regulation. There is no need to provide for specific arrangements. The opinion is addressed to the Council and forwarded to the European Parliament for information.