

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">2007/0186(COD)</a> Decision</p>	Procedure completed
<p>External borders: simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory</p>	
<p>Amending Decision No 896/2006/EC <a href="#">2005/0159(COD)</a></p>	
<p>Subject 7.10.04 External borders crossing and controls, visas</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	PPE-DE <a href="#">DEMETRIOU Panayiotis</a>	05/11/2007
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2783</a>	05/06/2008
	Commission DG	Commissioner	
	<a href="#">Justice and Consumers</a>	BARROT Jacques	

Key events			
11/09/2007	Legislative proposal published	COM(2007)0508	Summary
24/09/2007	Committee referral announced in Parliament, 1st reading		
18/12/2007	Vote in committee, 1st reading		Summary
20/12/2007	Committee report tabled for plenary, 1st reading	<a href="#">A6-0509/2007</a>	
31/01/2008	Results of vote in Parliament		
31/01/2008	Decision by Parliament, 1st reading	<a href="#">T6-0026/2008</a>	Summary
05/06/2008	Act adopted by Council after Parliament's 1st reading		
17/06/2008	Final act signed		

17/06/2008	End of procedure in Parliament		
21/06/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0186(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Amending Decision No 896/2006/EC <a href="#">2005/0159(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/53055

Documentation gateway					
Legislative proposal		COM(2007)0508	11/09/2007	EC	Summary
Committee draft report		<a href="#">PE398.381</a>	27/11/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0509/2007</a>	20/12/2007	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0026/2008</a>	31/01/2008	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2008)1176</a>	27/02/2008	EC	
Draft final act		<a href="#">03608/2008/LEX</a>	17/06/2008	CSL	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Decision 2008/586</a> <a href="#">OJ L 162 21.06.2008, p. 0027</a> Summary

**External borders: simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory**

**PURPOSE:** to enable Bulgaria and Romania to unilaterally recognise certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas.

**PROPOSED ACT:** Decision of the European Parliament and of the Council.

**BACKGROUND:** this proposal is linked to both the first and second wave of EU enlargement (in 2004 and 2007 respectively) and implementation of the Schengen acquis in the new Member States.

Prior to joining the European Union, it was agreed that the acceding countries would apply the so-called 'Schengen two phase process'. This process, set out in the Act of Accession (2004 and 2007), states that from the moment of accession, the new Member States shall apply

[Regulation 539/2001](#) 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 - whilst simultaneously issuing their own national visas until such a time that an EU Council Decision authorising their full integration into the Schengen area has been agreed upon.

In practice the compromise solution gave rise to a number of legal uncertainties. It did not, for example, foresee the equivalence between residence permits and visas. The complexity of the situation was particularly pertinent to nationals of both Liechtenstein and Switzerland, who for geographic reasons, have been adversely affected by the need for transit visas. The regime forced Swiss and Liechtenstein nationals to apply for a visa when transiting the territories of the new EU Member States.

To address this problem, in 2006, two Decisions were adopted namely:

- Decision No 895/2006/EC introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent other national visas for the purposes of transit through their territories ([COD/2005/0158](#)).
- Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory ([COD/2005/0159](#)).

The main purpose of the two Decisions is the introduction of common rules in order to simplify the transit of certain categories of persons and to thereby eliminate any unjustified administrative burdens on consular offices. The scope of both Decisions is limited to 'transit' purposes only. They will cease to apply once the new Member States participate fully in the area without internal borders.

CONTENT: the purpose of this proposal is to amend Decision No 896/2006/EC and is being presented alongside a proposal to extend a simplified regime to Bulgaria and Romania. (See [COD/2007/0185](#)). It is addressed to Bulgaria and Romania and, should they so wish, enables them to unilaterally recognise certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas. Should Bulgaria and Romania wish to apply the Decision they will have to notify the Commission within 10 working days of the Decision's entry into force, which it will in turn publish in the Official Journal.

## External borders: simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory

---

The Committee on Civil Liberties, Justice and Home Affairs unanimously adopted the report by Panayiotis DEMETRIOU (EPP-ED, CY) amending, under the 1<sup>st</sup> reading of the codecision procedure, the proposal for a decision of the European Parliament and of the Council amending Decision N° 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory.

A series of technical amendments were made by the committee in order to align the text with the original Decision N° 896/2006/EC in particular as regards the territorial provisions.

MEPs also reinstated a certain number of original measures from the 2006 decision on the participation of Iceland and Norway to the regime, as well as the non participation of Ireland and the United Kingdom to the decision.

## External borders: simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory

---

The European Parliament adopted a resolution based on the report drafted by Panayiotis DEMETRIOU (EPP-ED, CY) by 571 votes for, 24 against, and 26 abstentions. It made some amendments, under the 1st reading of the co-decision procedure, to the proposal amending Decision N° 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory.

MEPs reinstated a certain number of original measures from the 2006 decision on the participation of Iceland and Norway to the regime, as well as the non participation of Ireland and the United Kingdom to the decision.

## External borders: simplified regime for the control of persons, based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein, for the purpose of transit through their territory

---

PURPOSE: to enable Bulgaria and Romania unilaterally to recognise certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas.

LEGISLATIVE ACT: Decision No 586/2008/EC of the European Parliament and of the Council amending Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory.

[BACKGROUND: on June 14, 2006, the European Parliament and the Council adopted two Decisions establishing a simplified regime for the control at the external borders of the](#) Union of third country nationals who are subject to a visa obligation according to [Council Regulation \(EC\)](#)

- Decision N° 895/2006/EC introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (see [COD/2005/0158](#));
- Decision N° 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (see [COD/2005/0159](#)).

This was the first time that basic common rules on unilateral recognition of visas and residence permits were introduced into the Community acquis on visas. More specifically, Decision N° 895/2006/EC takes into consideration the specific needs in the area of visa policy of Member States that acceded to the European Union in 2004, in particular their visa requirements during the transitory period till their full integration into the Schengen area. This unilateral recognition regime is limited to the purpose of transit.

Decision N° 896/2006/EC introduces common rules for the unilateral recognition by Member States of certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas. The new rules are mandatory for Member States fully participating in the common area without internal borders and optional for Member States that joined the Union in 2004.

Based on the successful experience with these two decisions, the EU should extend the simplified regime to Bulgaria and Romania who joined the European Union on January 1st, 2007, and are not yet covered by the current common rules. Indeed, the reasons underlying the two Decisions mentioned above are equally valid for Bulgaria and Romania.

CONTENT: the main purpose of the two Decisions is the introduction of common rules in order to simplify the transit of certain categories of persons and to thereby eliminate any unjustified administrative burdens on consular offices. The scope of both Decisions is limited to transit purposes only. They will cease to apply once the new Member States participate fully in the area without internal borders.

This Decision amends Decision No 896/2006/EC and is linked to the Decision to extend a simplified regime to Bulgaria and Romania (see [COD/2007/0185](#)). Should Bulgaria and Romania wish, they may unilaterally recognise certain residence permits issued by Switzerland and Liechtenstein as equivalent to their transit visas. Should Bulgaria and Romania wish to apply the Decision they will have to notify the Commission within 10 working days of the Decision's entry into force, which it will in turn publish in the Official Journal.

ENTRY INTO FORCE: 11/07/2008.