

Procedure file

Basic information		
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2008/0225(COD)	Procedure lapsed or withdrawn
Visas: third countries whose nationals are subject to or exempt from a visa requirement		
Subject 7.10.04 External borders crossing and controls, visas		

Key players		
European Parliament		
Council of the European Union		
European Commission	Commission DG Legal Service	Commissioner BARROSO José Manuel

Key events			
27/11/2008	Legislative proposal published	COM(2008)0761	Summary
09/03/2009	Committee referral announced in Parliament, 1st reading		
19/10/2009	Committee referral announced in Parliament, 1st reading		
02/12/2009	Additional information		Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2008/0225(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 077-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/8/00029

Documentation gateway					
Legislative proposal		COM(2008)0761	28/11/2008	EC	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Visas: third countries whose nationals are subject to or exempt from a visa requirement

PURPOSE: to list 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 (codification).

PROPOSED ACT: Council Regulation.

CONTENT: the purpose of this proposal is to undertake a codification of 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. The new Regulation will supersede the various acts incorporated in it. This proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

Visas: third countries whose nationals are subject to or exempt from a visa requirement

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Regulation 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, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis - Treaty/EC/Art.62(2)(b) and (i) ? became Art. 77 (2)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an ordinary legislative procedure (COD).