










Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2022/0274(COD) Procedure completed
Non-recognition of Russian travel documents issued in occupied foreign regions	
Subject 7.10.04 External borders crossing and controls, visas	
Geographical area Russian Federation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 LÓPEZ AGUILAR Juan Fernando	07/10/2022
Council of the European Union		Shadow rapporteur	
		 LENAERS Jeroen	
		 SIPPEL Birgit	
		 IN 'T VELD Sophia	
		 STRIK Tineke	
		 TARDINO Annalisa	
		 JAKI Patryk	
	 ERNST Cornelia		

Key events			
06/09/2022	Legislative proposal published	COM(2022)0662	Summary
03/10/2022	Committee referral announced in Parliament, 1st reading		
10/10/2022	Decision by committee, without report		
20/10/2022	Decision by Parliament, 1st reading	T9-0370/2022	Summary
20/10/2022	Matter referred back to the committee responsible		
17/11/2022	Approval in committee of the text agreed		

	at 1st reading interinstitutional negotiations		
24/11/2022	Decision by Parliament, 1st reading	T9-0413/2022	Summary
05/12/2022	Act adopted by Council after Parliament's 1st reading		
14/12/2022	Final act signed		
21/12/2022	Final act published in Official Journal		

Technical information

Procedure reference	2022/0274(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Rules of Procedure EP 163; Treaty on the Functioning of the EU TFEU 077-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/10030

Documentation gateway

Legislative proposal	COM(2022)0662	06/09/2022	EC	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading	T9-0370/2022	20/10/2022	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T9-0413/2022	24/11/2022	EP	Summary
Draft final act	00057/2022/LEX	14/12/2022	CSL	

Final act

[Decision 2022/2512](#)
[OJ L 326 21.12.2022, p. 0001](#)

Non-recognition of Russian travel documents issued in occupied foreign regions

PURPOSE: to ensure that Russian travel documents issued in or to persons resident in the occupied foreign regions, irrespective of the geographical location, are not recognised by the Member States for the purposes of issuing of a visa and of crossing the external borders.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in reaction to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in 2014 and to its continued destabilising actions in eastern Ukraine, the EU has already introduced economic sanctions in response to Russia's actions destabilising the situation in Ukraine, linked to the incomplete implementation of the Minsk Agreements.

Since the illegal annexation of the Crimean peninsula, Russia has issued Russian international passports to residents of Crimea. In May 2022, Russia introduced a simplified Russian naturalisation procedure for orphan children from the so-called Donetsk Peoples Republic and the so-called Luhansk Peoples Republic, as well as Ukraine. The decree also applies to children without parental care and legally incapable persons who are inhabitants of these two occupied regions. The systematic issuance of Russian passports in these occupied regions constitutes a further infringement of international law and Ukraine's territorial integrity, sovereignty and independence.

Therefore, in view of the breaches of international law and military aggression against Ukraine by Russia, and in order to ensure a common visa policy and a common approach to checks to which persons crossing the external borders are subject, all Russian travel documents issued in or to persons resident in occupied foreign regions should not be recognised as valid travel documents for the purposes of issuing of a visa

and of crossing the external borders. The same applies to travel documents issued in the Russian-occupied Georgian territories of Abkhazia and South Ossetia. Similarly, this measure of non-recognition would apply to all travel documents issued by Russian authorities in any foreign regions Russia possibly and illegally invades or occupies in the future.

CONTENT: the proposal aims to ensure that Russian travel documents issued in or to persons resident in the occupied foreign regions, irrespective of the geographical location, are not recognised by the Member States for the purposes of issuing of a visa and of crossing the external borders. Its overarching aim is to ensure a well-functioning common visa policy and policy on external border checks as well as to safeguard the security of the Union and its Member States.

For reasons of legal certainty, clarity and transparency, the Commission should establish a list of those Russian travel documents that should not be recognised for the purposes of travel into the Schengen area. This list will be publicly available on the Commission website as part of the table of recognition of travel documents and list of travel documents issued by third countries, as established by Decision 1105/2011/EU.

Non-recognition of Russian travel documents issued in occupied foreign regions

The European Parliament adopted by 540 votes to 6, with 36 abstentions, amendments to the proposal for a decision of the European Parliament and of the Council on the non-recognition of Russian travel documents issued in occupied foreign regions.

The matter was referred back to the committee responsible for inter-institutional negotiations.

The main amendments adopted in plenary concern the following points:

Refusal of Russian passports from occupied regions

According to Members, Russian travel documents issued in regions or territories occupied by Russia in Ukraine (the Autonomous Republic of Crimea and the city of Sevastopol; the regions of Donetsk, Luhansk, Kherson and Zaporizhzhia) or in breakaway territories of Georgia (Abkhazia and South Ossetia) or issued to persons residing there, should not be accepted as valid travel documents when issuing visas or crossing external borders.

The Commission should draw up, with the assistance of Member States, a list of not accepted Russian travel documents, per region or territory. The list to be drawn up by the Commission should include the dates from which those Russian travel documents started to be issued in those regions or territories and from which the travel documents issued after those dates should not be accepted.

The list should be adopted by means of an implementing act, be published in the Official Journal of the European Union and be incorporated in the list of travel documents established under Decision No 1105/2011/EU of the European Parliament and of the Council, and set out in the accompanying table of travel documents issued by third countries and territorial entities and which is publicly available online.

Derogations, preservation of the right to asylum

Member States should be able to grant a derogation to: (i) persons who were Russian citizens at the time when Russian documents started to be issued in the occupied region or territory in question or in a breakaway territory, or to the descendants of such persons; and (ii) children or legally incapacitated persons at the time when they obtained Russian citizenship through the simplified naturalisation procedure provided under Russian law.

naturalisation procedure under Russian law.

Members want to preserve the right of everyone to flee the conflict in Ukraine and to enter the EU on humanitarian grounds. The decision should not affect the EU's asylum acquis, in particular the right to seek international protection.

Amendment of the list of occupied territories

In order to take account of relevant legal and political developments, Parliament proposes to empower the Commission to add or remove new regions to the list of occupied territories by means of delegated acts. In order to allow the Union to respond quickly in a rapidly evolving situation, it is appropriate to provide for the immediate application of the relevant delegated act where imperative grounds of urgency so require.

Non-recognition of Russian travel documents issued in occupied foreign regions

The European Parliament adopted by 531 votes to 7, with 34 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on the non-recognition of Russian travel documents issued in occupied foreign regions.

Parliament adopted its position at first reading under the ordinary legislative procedure by amending the proposal as follows:

Refusal of Russian passports from occupied regions

Russian travel documents issued in the regions or territories of Ukraine that are occupied by Russia or in the breakaway territories of Georgia which, at the time of entry into force of the decision, are not under the control of the Georgian government, and Russian travel documents issued to persons residing there, will not be accepted as valid travel documents for the purpose of issuing a visa or crossing external borders.

List of travel documents

The Commission will draw up, with the assistance of the Member States, a list of travel documents that will not be accepted, including the dates from which these travel documents started to be issued. It will also adopt an implementing act containing this list. This implementing act will be published in the Official Journal of the European Union and the list will be integrated into the list of travel documents established under Decision 1105/2011/EU on the list of travel documents entitling their holders to cross external borders and to which a visa may be affixed and on the establishment of a mechanism for drawing up this list.

Derogations, preservation of the right of asylum

A Russian travel document may be accepted: (i) if the holder was a Russian citizen before the relevant date indicated in the Commission implementing act or if the holder is a descendant of such a Russian citizen; (ii) if the holder was a minor or legally incapacitate at the time of the issuance of the travel document.

Persons fleeing the conflict in Ukraine will still be able to enter the EU on humanitarian grounds. The decision will not affect the EU acquis on asylum, in particular the right to apply for international protection.