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Plenary sitting

A7-0082/2014

3.2.2014

*****I REPORT**

on the proposal for a decision of the European Parliament and of the Council introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decision No 895/2006/EC and Decision No 582/2008/EC of the European Parliament and the Council
(COM(2013)0441 – C7-0186/2013 – 2013/0210(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a decision of the European Parliament and of the Council introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decision No 895/2006/EC and Decision No 582/2008/EC of the European Parliament and the Council (COM(2013)0441 – C7-0186/2013 – 2013/0210(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0441),
 - having regard to Article 294(2) and points (a) and (b) of Article 77 (2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0186/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0082/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a decision

Recital 3

Text proposed by the Commission

(3) Croatia is therefore required to issue national visas for entry into or transit through their territory to third country nationals holding a uniform visa or long-

Amendment

(3) Croatia is therefore required to issue national visas for entry into or transit through their territory to third country nationals holding a uniform visa or long-

stay visa or residence permit issued by a Member State fully implementing the Schengen *acquis* as well as similar documents issued by Cyprus.

stay visa or residence permit issued by a Member State fully implementing the Schengen *acquis* as well as similar documents issued by Cyprus, ***a Member State not yet fully implementing it.***

Amendment 2

Proposal for a decision Recital 4

Text proposed by the Commission

(4) The holders of documents issued by those Member States as well as documents issued by Cyprus do not represent any risk for Croatia as they have been subjected to all necessary controls by those States. In order to avoid imposing unjustified additional administrative burdens on Croatia, common rules should be adopted authorising Croatia to recognise unilaterally certain documents issued by those Member States as equivalent to its national visas and to establish a simplified regime for the control of persons at the external borders based on that unilateral equivalence.

Amendment

(4) The holders of documents issued by those Member States ***fully implementing the Schengen acquis*** as well as documents issued by Cyprus do not represent any risk for Croatia as they have been subjected to all necessary controls by those States. In order to avoid imposing unjustified additional administrative burdens on Croatia, common rules should be adopted authorising Croatia to recognise unilaterally certain documents issued by those Member States as equivalent to its national visas and to establish a simplified regime for the control of persons at the external borders based on that unilateral equivalence.

Amendment 3

Proposal for a decision Recital 6

Text proposed by the Commission

(6) The simplified regime laid down in this Decision should apply for a transitional period, until the date to be determined in a Council decision as referred to in the first subparagraph of Article 3(2) of the 2003 Act of Accession in respect of Cyprus and the first subparagraph of Article 4(2) of the

Amendment

(6) The simplified regime laid down in this Decision should apply for a transitional period, until the date to be determined in a Council decision as referred to in the first subparagraph of Article 3(2) of the 2003 Act of Accession in respect of Cyprus and the first subparagraph of Article 4(2) of the

2012 Act of Accession in respect of Croatia.

2012 Act of Accession in respect of Croatia, *subject to possible transitional provisions in respect of documents issued before that date.*

Amendment 4

Proposal for a decision Article 2 - paragraph 2

Text proposed by the Commission

2. Croatia and Cyprus may also consider as equivalent to their national visas, for transit through or intended stays on their territory not exceeding 90 days in any 180-day period visas with limited territorial validity issued in accordance with Article 25(3) first sentence of the Visa Code.

Amendment

2. Croatia and Cyprus may also consider as equivalent to their national visas, for transit through or intended stays on their territory not exceeding 90 days in any 180-day period visas with limited territorial validity issued in accordance with Article 25(3) first sentence of the Visa Code, *affixed to the travel documents that they recognise.*

Justification

Visas with limited territorial validity are issued to the citizens of Kosovo and are valid in the Schengen area minus the countries that do not recognize Kosovo. Should Cyprus decides to apply this Decision according to Article 2(3), Cyprus would be obliged to recognize all documents cover by Article 2(1) and (2) including visas with limited territorial validity issued to nationals of Kosovo, although it does not yet recognize Kosovo, until Cyprus is fully implementing the Schengen aquis. Once Cyprus starts fully implementing the Schengen aquis, mutual recognition would not cover such passports, therefore visas with limited territorial validity would not be valid in Cyprus.

PROCEDURE

Title	Control of persons at the external borders based on the unilateral recognition by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period
References	COM(2013)0441 – C7-0186/2013 – 2013/0210(COD)
Date submitted to Parliament	21.6.2013
Committee responsible Date announced in plenary	LIBE 1.7.2013
Committee(s) asked for opinion(s) Date announced in plenary	AFET 1.7.2013
Not delivering opinions Date of decision	AFET 9.7.2013
Rapporteur(s) Date appointed	Tanja Fajon 5.9.2013
Discussed in committee	17.10.2013 22.1.2014
Date adopted	22.1.2014
Result of final vote	+: 44 –: 0 0: 0
Members present for the final vote	Edit Bauer, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claeys, Carlos Coelho, Ioan Enciu, Tanja Fajon, Monika Flašíková Beňová, Kinga Göncz, Nathalie Griesbeck, Ágnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Véronique Mathieu Houillon, Anthea McIntyre, Roberta Metsola, Louis Michel, Claude Moraes, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Kyriacos Triantaphyllides, Axel Voss, Renate Weber, Josef Weidenholzer, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra
Substitute(s) present for the final vote	Michael Cashman, Jean Lambert, Antonio Masip Hidalgo, Raül Romeva i Rueda, Salvador Sedó i Alabart, Marie-Christine Vergiat
Substitute(s) under Rule 187(2) present for the final vote	Sophocles Sophocleous
Date tabled	3.2.2014