

# EUROPEAN PARLIAMENT

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**A6-0509/2007**

20.12.2007

**\*\*\*I**

## **REPORT**

on 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 (COM(2007)0508 – C6-0280/2007 – 2007/0186(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Panayiotis Demetriou

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

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

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on 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  
(COM(2007)0508 – C6-0280/2007 – 2007/0186(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0508),
  - having regard to Articles 251(2) and 62(2)(a) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0280/2007),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0509/2007),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and the Commission.

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Text proposed by the Commission

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Amendments by Parliament

### Amendment 1

#### RECITAL 9

(9) Since the objective of the action to be taken directly affects the Community “acquis” on *visas* and cannot be achieved sufficiently by the Member States acting alone and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the

(9) Since the objective of the action to be taken directly affects the Community “acquis” on *external borders* and cannot be achieved sufficiently by the Member States acting alone and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the

Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

#### *Justification*

*This Decision relates to the Community acquis on external borders and not on visas, as referred to in the title ("control of persons at the external borders").*

#### Amendment 2 RECITAL 9 A (new)

***(9a) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning those two States' association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1 point (A) of Council Decision 1999/437/EC<sup>1</sup> on certain arrangements for the application of that Agreement.***

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<sup>1</sup> OJ L 176, 10.7.1999, p. 31.

#### *Justification*

*This technical amendment intends to align the recitals of this Decision with those of the original Decision (Decision No. 896/2006/EC - recital 11).*

#### Amendment 3 RECITAL 10

***(10) In accordance with Articles 1 and 2 of the Protocol on the Position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European***

***deleted***

***Community, those Member States are not taking part in the adoption of this Decision.***

*Justification*

*See new Recitals 11a and 11b*

Amendment 4  
RECITAL 11

(11) In accordance with Articles 1 and 2 of the Protocol on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(11) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.  
***Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark has, in accordance with Article 5 of the said Protocol, to decide within a period of six months after the date of adoption of this Decision whether it will implement it in its national law.***

*Justification*

*This technical amendment intends to align the recitals of this Decision with those of the original Decision (Decision No. 896/2006/EC - recital 12).*

Amendment 5  
RECITAL 11 A (new)

***(11a) This Decision constitutes a development of provisions of the Schengen acquis, in which the United Kingdom does not take part in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis<sup>1</sup>.***

***The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.***

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<sup>1</sup> OJ L 131, 1.6.2000, p. 43.

*Justification*

*This technical amendment intends to align the recitals of this Decision with those of the original Decision (Decision No. 896/2006/EC - recital 13).*

Amendment 6  
RECITAL 11 B (new)

***(11b) This Decision constitutes a development of provisions of the Schengen acquis, in which Ireland does not take part in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis<sup>2</sup>. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.***

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<sup>2</sup> OJ L 64, 7.3.2002, p. 20.

*Justification*

*This technical amendment intends to align the recitals of this Decision with those of the original Decision (Decision No. 896/2006/EC - recital 14).*

Amendment 7  
ARTICLE 4

This Decision is addressed to ***Bulgaria and Romania.***

This Decision is addressed to ***the Member States in accordance with the Treaty establishing the European Community.***

*Justification*

*This amendment intends to align Article 4 of this Decision with Article 6 of the original Decision (Decision No. 896/2006/EC). Since this proposal intends to modify the 2006 Decision, it needs to be addressed to the same Member States as the original one.*



## PROCEDURE

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|---|--|
| <b>Title</b>  | Simplified regime for the control of persons at the EU's (Switzerland and Liechtenstein)   |
| <b>References</b>   | COM(2007)0508 - C6-0280/2007 - 2007/0186(COD)  |
| <b>Date submitted to Parliament</b>                                   | 11.9.2007  |
| <b>Committee responsible</b><br>Date announced in plenary             | LIBE<br>24.9.2007  |
| <b>Committee(s) asked for opinion(s)</b><br>Date announced in plenary | AFET<br>24.9.2007  |
| <b>Not delivering opinions</b><br>Date of decision                    | AFET<br>27.11.2007   |
| <b>Rapporteur(s)</b><br>Date appointed                                | Panayiotis Demetriou<br>5.11.2007  |
| <b>Discussed in committee</b>   | 29.11.2007          18.12.2007   |
| <b>Date adopted</b>   | 18.12.2007   |
| <b>Result of final vote</b>   | +:                  44<br>-:                  0<br>0:                  0   |
| <b>Members present for the final vote</b>                             | Alexander Alvaro, Roberta Angelilli, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giuseppe Castiglione, Giusto Catania, Jean-Marie Cavada, Carlos Coelho, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Urszula Gacek, Kinga Gál, Roland Gewalt, Ewa Klamt, Henrik Lax, Roselyne Lefrançois, Sarah Ludford, Viktória Mohácsi, Claude Moraes, Javier Moreno Sánchez, Rareş-Lucian Niculescu, Martine Roure, Luciana Sbarbati, Inger Segelström, Csaba Sógor, Søren Bo Søndergaard, Vladimir Urutchev, Ioannis Varvitsiotis, Renate Weber, Manfred Weber, Tatjana Ždanoka |
| <b>Substitute(s) present for the final vote</b>                       | Edit Bauer, Genowefa Grabowska, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Jean Lambert, Antonio Masip Hidalgo, Bill Newton Dunn, Rainer Wieland   |
| <b>Substitute(s) under Rule 178(2) present for the final vote</b>     | Manuel Medina Ortega   |