



Council of the
European Union

Brussels, 8 June 2017
(OR. en)

10145/17

Interinstitutional File:
2016/0198 (COD)

LIMITE

MIGR 100
CODEC 1013
VISA 226
COMIX 429

OUTCOME OF PROCEEDINGS

From:	Permanent Representatives Committee
On:	6 June 2017
No. Cion doc.:	10904/16 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals

At its meeting on 6 June 2017, COREPER agreed that the Presidency would continue negotiations with the European Parliament on the basis of the text as set out in the Annex.

Modifications to the Commission proposal are indicated in **bold**.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79 (2) (a) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 1030/2002 lays down a uniform format for residence permits for third-country nationals.
- (2) The current uniform format for residence permits, which has been in circulation in its current lay-out since 1997, is to be considered as compromised in view of serious incidents of counterfeiting and fraud.
- (3) Therefore a new common design for residence permits for third-country nationals should be established with more modern security features in order to render the residence permits more secure and prevent forgery.

- (3a) **Third country nationals who hold a valid residence permit drawn up in the uniform format issued by one of the Member States which apply the Schengen *acquis* in full have the right to move freely for up to 90 days within the Schengen area provided that they fulfil the entry conditions referred to in Article 6 of Regulation 2016/399 (Schengen Borders Code).**
- (3b) **Union legislation on the entry and residence of third-country nationals sets out additional schemes granting different mobility rights, with specific conditions for entry and stay in Member States which are bound by that *acquis*. Residence permits issued in accordance with that legislation use the uniform format laid down in this Regulation. Therefore, in order to enable the competent authorities to identify third country nationals who may benefit from those specific mobility rights, it is important that those residence permits clearly display the relevant entries, such as 'researcher', 'student' or 'ICT' in accordance with the relevant Union legislation.**
- (4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption of this Regulation, and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the European Parliament and the Council have adopted this Regulation, whether it will implement it in its national law.
- (5) [In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.]

- (6) [In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]
- (7) [In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]
- (8) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation.]
- (9) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of...,) its wish to take part in the adoption and application of this Regulation.]
- (10) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of...,) its wish to take part in the adoption and application of this Regulation.]

- (11) This Regulation constitutes an act building upon, or otherwise related to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, of Article 4(1) of the 2005 Act of Accession and of Article 4(1) of the 2011 Act of Accession.
- (12) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*¹ which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC.²
- (13) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*,³ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC.⁴

¹ OJ L 176, 10.7.1999, p. 36.

² Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

³ OJ L 53, 27.02.2008, p. 52.

⁴ Council Decision 2008/903/EC of 27 November 2008 on the full application of the provisions of the Schengen *acquis* in the Swiss Confederation (OJ L 53, 27.2.2008, p. 1).

- (14) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement concluded between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁵, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU.⁶
- (15) To allow for using up existing stocks of residence permits, a transitional period should be foreseen within which Member States can still use the old residence permits.
- (16) Regulation (EC) No 1030/2002 should therefore be amended as follows,

⁵ OJ L 160, 18.6.2011, p. 21.

⁶ European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAVE ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1030/2002 is replaced by the text in the Annex to this Regulation.

Article 2

Residence permits conforming to the specifications set out in the annex to Regulation (EC) No 1030/2002 which are applicable until the date referred to in the second subparagraph of Article 3 may be used for residence permits issued until six months after that date.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Member States shall apply this Regulation at the latest fifteen months after the adoption of the further technical specifications referred to in Article 2 of Regulation (EC) No 1030/2002.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

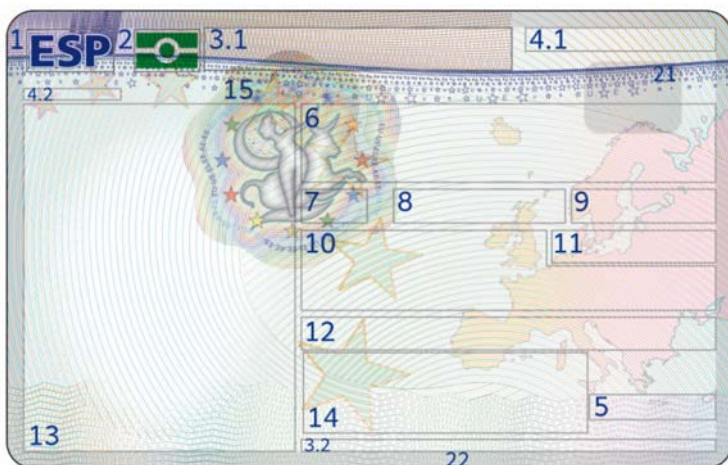
ANNEX

to the Proposal

for a Regulation of the European Parliament and the Council

**amending Regulation (EC)1030/2002 of 13 June 2002 laying down a uniform format for
residence permits for third country nationals**

Pictures Front and Reverse of the card:



(a) Description

The residence permit including biometrics will be produced as a stand-alone document in ID 1 format. It will draw on the specifications set out in the ICAO documents on machine-readable travel documents (cards) (Document 9303, part 7). It will contain the following entries: ⁷⁸

Front side:

1. This box shall contain the three-letter country code of the issuing Member State as set out in ICAO Document 9303 on machine-readable travel documents, integrated in the background printing.
2. ICAO symbol for a machine readable travel document with contactless microchip (e-MRTD symbol), in optically variable colouring. Depending on the angle of view, it shall appear in different colours.
- 3.1. The title of the document (Residence Permit) will appear in the language(s) of the issuing Member State.
- 3.2. The document title referred to in number 3.1 is repeated in this box in at least one other (maximum two) official languages of the EU in order to facilitate the recognition of the card as residence permit for third country nationals
- 4.1 The document number.
- 4.2. The document number is repeated (with special security features) in this box.

⁷ Where specific reference is made to a number in another EU legal act, the previous corresponding reference is indicated in a footnote.

⁸ The headings to be printed are specified in the technical specifications to be adopted according to Article 6 of the Regulation.

5. The Card Access Number (CAN) is indicated in this box.

The headings referred to in numbers 6 to 12, should be indicated in the issuing Member State's language(s). The issuing Member State may add another official language of the European Union institutions, in the same line with a total of no more than two languages.

6. Name: surname(s) and forename(s) in that order⁹.

7. Sex.

8. Nationality.

9. Date of birth.

10.¹⁰ Type of permit: the specific type of residence permit issued by the Member State to the third-country national. The residence permit of a member of the family of a citizen of the European Union who has not exercised the right of free movement must contain the entry "family member". In the case of beneficiaries under Article 3(2) of Directive 2004/38/EC of the European Parliament and of the Council¹¹, Member States may enter "beneficiary under Article 3(2) of Directive 2004/38/EC".

11. This box will indicate the relevant expiry date of the document.¹²

⁹ A single field is foreseen for Surname and Forename. The SURNAME in uppercase; the Forename in lowercase but starting with upper case. No separators between SURNAMES and Forenames are allowed. If it is necessary, first and second surnames can be combined in the same line, as well as SURNAMES and Forenames, in order to save space.

¹⁰ previously No 6.4.

¹¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

¹² The entry should only be indicated in a date format (dd/mm/jjjj) and not in words such as "temporary" or "unlimited".

- 12.¹³ Remarks: Member States may enter details and indications for national use necessary in the light of their national provisions on third-country nationals, including indications relating to any permission to work or unlimited validity of the permission to stay.¹⁴
13. An identity photograph will be securely integrated in the card body and secured by a Diffractive Optically Variable Image Device (DOVID).
14. Signature of the holder
15. DOVID for portrait protection.

Reverse side:

16. Remarks: Member States may enter details and indications for national use necessary in the light of their national provisions on third-country nationals, including indications relating to any permission to work¹⁵, followed by mandatory fields:
- 16.1 Date of Issue, Place of Issue/issuing Authority: The date and place of issue of the residence permit. Where appropriate, the place of issue may be substituted with a reference to the issuing authority.
- 16.2 Place of Birth,

followed by *optional fields* such as “*Address of the holder*”.
- 16.3 *Information related to the production of the card*, such as name of the producer, version number etc. .

¹³ previously No 7.5-9.

¹⁴ Remarks can be entered in 1 line on the front side (40 characters approx.) and 5 lines on the reverse side.

¹⁵ All the space available on the reverse of the card (except for the MRZ) will be reserved for the Remarks field. It will contain the actual remarks, followed by mandatory fields (date of issue, place of issue/issuing authority, place of birth), and followed by the optional fields each MS needs. Optional fields must be preceded by sub-captions.

17. Machine-Readable Zone. The machine-readable area will conform to the relevant ICAO guidelines set out in Document 9303.
18. The printed area will contain the national emblem of the Member State to distinguish the residence permit and provide a safeguard of its national origin.
19. The machine-readable area will contain a printed text in the background printing indicating the issuing Member State. This text may not affect the technical features of the machine-readable area.

Visible national security features (with no prejudice to the annex of the technical specifications):

20.¹⁶ A RF chip shall be used as a storage medium in accordance with Article 4a. Member States may also incorporate in the residence permit a dual interface or a separate contact chip for national use which shall be placed at the reverse of the card complying with ISO standards and shall in no way interfere with the RF chip.

21. Transparent window

22. Transparent border

(b) Colour, printing process

The Member States will establish the colour and the printing process in accordance with the uniform format set out in this Annex and the technical specifications to be established in accordance with Article 2 of this Regulation.

(c) Material

The card is made entirely of polycarbonate or equivalent synthetic polymer (lasting for a validity of at least 10 years).

(d) Printing techniques

¹⁶ previously No 16.

The following printing techniques will be employed:

- Highly secure background offset printing

-UV-fluorescent printing

-Rainbow printing

The security design of the front of the card will be distinguishable from the back of the card.

-Numbering:

The document number appears at more than one position on the document (excluding the MRZ),

(e) Protection against copying

An upgraded DOVID providing a quality of identification and a level of security not less than the device used in the current uniform format for visas will be used on the front of the residence permit with advanced design and features including an enhanced diffractive element for advanced machine verification.

(f) Personalisation technique

To ensure that residence permit data are properly secured against attempts of counterfeiting and falsification, biographical data including the photograph, the holder's signature and the other main data will be integrated into the basic material of the document.

Laser engraving technology or other equivalent secure technology with integration inside the card body is used for personalisation.

(g) Member States may also add additional national security features, provided that these are included in the list established under Article 2(1)(f) of this Regulation and provided that they comply with the harmonised appearance of the models above and that the efficiency of the uniform security features is not diminished.