



**COUNCIL OF  
THE EUROPEAN UNION**

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**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	COREPER (Part 2)/Council
No Cion doc.:	5549/08 STAT 1 FIN 18
Subject:	Draft Council Regulation laying down the form of the laissez-passers issued by the European Union - Adoption

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1. The form of the EU *laissez-passers* is to be prescribed by the Council, acting by a simple majority, in accordance with Article 6 of Protocol No 7 on the Privileges and Immunities of the European Union.

2. In 2007 the Commission submitted to the Council a Communication entitled "Draft Council Regulation laying down the form of the *laissez-passers* issued to members and servants of the institutions"<sup>1</sup>. The Commission pointed to the need for an urgent decision, thereby ensuring that the upgraded EU *laissez-passers* would comply with the new standards and would meet the deadline (24 November 2015) set by the International Civil Aviation Organization (ICAO)<sup>2</sup> in relation to all non-machine readable travel documents.

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<sup>1</sup> COM 2007/0849 final (ST 5549/08).

<sup>2</sup> ICAO document 9303 (standard 3.10.1). As a consequence, all travel documents in circulation after 24 November 2015 should be machine readable documents. See under <http://www.icao.int/publications/pages/publication.aspx?docnum=9303>

3. Proceedings at the level of the Council Working Party on the Staff Regulations (including some technical consultations with the Council Visa Working Party / Mixed Committee<sup>1</sup>) were discontinued in 2009. A number of questions remained open, notably those related to security standards, budget implications, use of languages, the duration of validity and recognition by third countries.

4. Following the COREPER meeting on 2 October 2013<sup>2</sup>, which took note of the Presidency's intention to reactivate the Friends of Presidency (FoP) Group to discuss the draft Council Regulation on the EU *laissez-passer*, the Presidency submitted to delegations a stocktaking and policy document<sup>3</sup> as a basis for further deliberations. Five FoP meetings were held, on 11 and 23 October and 4, 19 and 26 November 2013. The discussions focused inter alia on the practical needs resulting from the establishment of the European External Action Service and the needs of staff working in EU delegations. Member States stressed that the production of the upgraded *laissez-passer* should be neutral in budgetary terms and should respect the principle of equality of EU languages.

5. The latest Presidency compromise proposal was examined at the FoP meeting on 26 November 2013, where a large majority of delegations (over and above the simple majority rule) expressed their agreement with the text as set out in ST 16904/13. A few parliamentary reservations (such as those entered by FI and the UK) and a number of scrutiny reservations, in particular on Article 1 and on Annex II (scope), are still pending and have yet to be lifted before the adoption of the draft Regulation by the Council. The UK delegation reserved its overall position on the grounds of its request for certain categories of staff to be exempted from the obligation to provide fingerprints (Article 5).

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<sup>1</sup> ST 9560/2/09 REV 2.

<sup>2</sup> ST 13876/13 REV 1.

<sup>3</sup> ST 14455/13.

6. It should be noted that the Council Data Protection Officer and the departments of the European Data Protection Supervisor<sup>1</sup> were consulted on specific data protection issues, and that their drafting suggestions were included in the text.

7. Against this background, COREPER is invited to confirm its agreement with the draft Council Regulation (as it stands in ST 16904/13), and to submit it to the Council for adoption (on the basis of all language versions to be finalised by the lawyer-linguists on 13 December 2013 under ST 16225/13).

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<sup>1</sup> The last Opinion of the European Data Protection Supervisor on the draft Council Regulation (EC) laying down the form of the laissez-passer to be issued to members and servants of the institutions of 13 October 2006 was published in the Official Journal in C 313, 20.12.2006, p. 36.