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NOTE

from: the Presidency

on : 11 January 1994

to : the External Frontiers Group

Subject: Residence permits (Articles 8(5) and 15(3) of the draft External Frontiers Convention)

Delegations will find attached a Presidency note on the recognition of residence permits by the competent authorities of Member States and carriers.

Note from the Greek Presidency

Subject: Residence permits (Articles 8(5) and 15(3) of the Draft Convention on External Frontiers) - Recognition of these residence permits by the competent authorities of Member States and carriers

I. Introduction

1. Continuing the task which had already been pursued by previous Presidencies, the Belgian Presidency composed a list of residence permits issued by Member States which are equivalent to visas as provided by Articles 8(5) and 15(3) of the Draft Convention on External Frontiers.
2. This list figures in document 9893/93 FRONTEX 4 (previous document WGI-1454 REV 1). It is a long and detailed list which contains various categories of residence permits issued by Member States to foreigners.

II. Recognition of the residence permits contained in the list by the competent authorities of Member States and carriers

1. During the meeting of the External Frontiers Sub-group of 6 September 1993, the United Kingdom in its note WGI 1542 referred to the practical problems concerning the recognition of such a long and varying list of residence permits equivalent to visas by the competent authorities of Member States and carriers.
2. According to the Draft Convention on External Frontiers, foreigners in possession of these residence permits will be able to cross the external frontiers of European Union at any authorized crossing point and enter the territory of Member States.

3. This means that officials of the competent authorities of Member States as well as carriers will have to possess the best possible knowledge of all the above permits in order to be able to conduct efficient controls. This can be achieved in practical terms with a complete and high quality documentation comprising all data, since a simple description of the above permits is insufficient by itself to guarantee an efficient and trustworthy control.

4. Even the distribution of copies of the original residence permits to all services conducting controls cannot be claimed to provide a satisfactory solution to the problem of recognition. This method, apart from being costly, presupposes constant updating and exchange of information and does not exclude the possibility of imperfect reproductions.

III. Proposal aiming at facing the problem of recognition of those residence permits equivalent to visas

1. Bearing in mind the above, it can be concluded that there is a need to find an alternative method of dealing satisfactorily with the problem of recognition of residence permits by the competent authorities.

2. We feel that this problem can be overcome with the creation and use of a uniform residence permit document equivalent to a visa by all the Member States of the European Union.

3. The proposed method forms a part of those measures. The adoption of this method will certainly provide a long term definitive solution to the problem of recognition of those residence permits contained in the list of Article 15(3).

4. The implementation of this method does not affect the national legal basis of issuing the residence permits of Article 8(5), but aims at a uniform document format.

IV. Immediate steps for the implementation of the proposed method

1. In accordance with all the above and in order to initiate the process of drawing up the proposed uniform document, the Presidency invites Member States to provide their contributions to the General Secretariat of the Council at the latest by 5 February 1994. These contributions should relate to the following elements:
 - a. the permanent indications which will have to be contained in such a document.
 - b. the structure of the content of this document.
 - c. the languages in which the indications will be printed.
 - d. the form, the layout and the dimensions of the document.
 - e. the quality and colour of the paper used.
 - f. the characteristic security features to be included in the document.
 - g. any other proposal relevant to the composition of this proposed document.
2. All the contributions by Member States will provide a basis for a summary document which will indicate their common features, so as to provide a basis for discussion

leading to the adoption of a decision in order to implement the proposed uniform residence permit document equivalent to a visa, issued by Member States to foreigners
