

## ROADMAP

Title of the initiative: Proposal for a Council Decision concerning the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa and setting up a mechanism for establishing this list.  
Type of initiative (CWP/Catalogue/Comitology): CWP  
Lead DG: DG HOME/B3  
Expected date of adoption of the initiative (month/year): September 2010  
Date of modification: August 2010  
Version No: 1

### Initial IA screening & planning of further work

#### **A. Context and problem definition**

(i) What is the political context of the initiative? (ii) How does this initiative relate to past and possible future initiatives, and to other EU policies?

(i) Following the start of application of the Visa Code there is a need to recast the existing list "Table of travel documents" (still based on a decision adopted by the Schengen States before "Schengen" was integrated into the framework of the EU) and to adapt it to the Union legal framework

(ii) This initiative is both related to the EU border management and the EU common visa policy.

What are the main problems identified?

First of all, it should be stressed that the set up of the current system is still "intergovernmental" (e.g. with no role for the Commission). Moreover the current system is not efficient: e.g. there is no systematic monitoring of the lists of travel documents issued by third states and Member States do not consequently notify to the Council S.G. their position in relation to all documents listed. Finally, Member States' updates are only published in a consolidated Table once a year.

Who is affected?

Third country nationals wishing to cross the external borders or apply for a short stay visa; Member States' border guard and consular services who should be able to check concretely whether a travel document is recognised, e.g. Member States' consulates should issue visas with a territorial validity and not uniform Schengen visas when the travel document is not recognised by all Member States. This leads to problems when Member States omit to notify their recognition/non recognition of a given travel document.

(i) Is EU action justified on grounds of subsidiarity? (ii) Why can the objectives of the proposed action not be achieved sufficiently by Member States (necessity test)? (iii) As a result of this, can objectives be better achieved by action by the Community (test of EU Value Added)?

(i) The proposal would replace an existing but dysfunctional "intergovernmental" system, which has been integrated into the EU framework. A list of recognised travel documents is indispensable for the good functioning of the EU external border and visa policies. EU action is thus required, however, without affecting Member States' exclusive competence to decide on the recognition/non recognition of travel documents.

#### **B. Objectives of EU initiative**

What are the main policy objectives?

The objective is to establish a mechanism to ensure that the list of travel documents issued by third states is constantly updated and to establish a centralised mechanism for the technical

assessment of these travel documents and, finally to ensure that Member States express their position in relation to the (non) recognition of these documents.

Do the objectives imply developing EU policy in new areas or in areas of strategic importance?

No

### **C. Options**

(i) What are the policy options? (ii) What legislative or 'soft law' instruments could be considered? (iii) Would any legislative initiatives go beyond routine up-date of existing legislation?

In view of a Member States' expert meeting organised by the Commission Services in 2008, a document listing a number of options was drawn up and the option of establishing a legal instrument providing for a mechanism to ensure a constantly updated list both in relation to the information on the travel documents issued by third states and Member States' indication of their (non)recognition of these documents has been retained in order to enhance harmonisation while preserving Member States' exclusive competence in relation to the recognition of travel documents.

In view of the above, only one option is presently being pursued, i.e. the recast of the existing list of "Table of travel documents".

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?

(i) Given that Member States have the exclusive competence in relation to recognition of travel documents issued by third states it is not possible to enhance harmonisation of those aspects. That is why the proposal will be based on Article 74 of TFEU.

Explain how the options respect the proportionality principle

See B and C (i).

### **D. Initial assessment of impacts**

What are the significant impacts likely to result from each policy option (cf. list of impacts in the Impact Assessment Guidelines pages 32-37), even if these impacts would materialise only after subsequent Commission initiatives?

The option chosen has a limited impact, making it easier for Member States' authorities to follow the rules and enhances transparency for the general public, in particular the third country nationals wishing to cross the external borders or apply for a short stay visa to understand them.

Could the options have impacts on the EU-Budget (above 5 Mio €) and/or should the IA also serve as the ex-ante evaluation, required by the Financial Regulation?

No

Could the options have significant impacts on (i) simplification, (ii) administrative burden or on (iii) relations with third countries?

ii) Given that a common assessment mechanism for the technical standards of travel documents will be set up, individual Member States will not all have to carry out such assessments any longer.

## **E. Planning of further impact assessment work**

When will the impact assessment work start?

As policy implications will not be significant and the impact is limited to improving the functioning of established systems, no impact assessment is planned for this initiative.

(i) What information and data are already available? (ii) Will this impact assessment build on already existing impact assessment work or evaluations carried out? (iii) What further information needs to be gathered? (iv) How will this be done (e.g. internally or by an external contractor) and by when?

(v) What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The Table of Travel Documents already exists and the purpose of the exercise is: to recast it and to establish a mechanism to ensure that the list of travel documents issued by third states is constantly updated; to establish a centralised mechanism for the technical assessment of these travel documents; and, finally to ensure that Member States express their position in relation to the (non) recognition of these documents. Information on the existence of the travel documents listed will be gathered and information on their technical standard will be exchanged. This exercise is based on the results of an expert meeting with Member States in 2008 and dysfunctions of the current mechanism signalled by Member States in the framework of the Council Visa Working Party during the last two years.

Which stakeholders & experts have been/will be consulted, how and at what stage?

N/A