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COMMISSION IMPLEMENTING DECISION

of 21.2.2020

on documents to be issued by Member States pursuant to Article 18(1) and (4) and Article 26 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community¹, and in particular Article 5 thereof,

Whereas:

- (1) Article 18(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community² (the “Agreement”) provides that the host State may require United Kingdom nationals, their respective family members and other persons, who reside in its territory in accordance with the conditions set out in Title II of the Agreement, to apply for a new residence status which confers the rights under that Title and a document evidencing such status.
- (2) As provided for in Article 18(4) of the Agreement, where a host State has chosen not to require United Kingdom nationals, their family members, and other persons, residing in its territory in accordance with the conditions set out in Title II of the Agreement, to apply for the new residence status as a condition for legal residence, those eligible for residence rights have the right to receive, in accordance with the conditions set out in Directive 2004/38/EC of the European Parliament and of the Council³, a residence document that includes a statement that it has been issued in accordance with the Agreement.
- (3) Article 26 of the Agreement provides that the State of work may require United Kingdom nationals who have rights as frontier workers under Title II of the Agreement to apply for a document certifying that they have such rights under that Title and that those nationals have the right to be issued with such a document.

¹ OJ L 29, 31.1.2020, p. 1.

² OJ L 29, 31.1.2020, p. 7.

³ 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158 30.4.2004, p. 77).

- (4) Council Regulation (EC) No 1030/2002⁴ lays down a uniform format for residence permits for third-country nationals. That format contains all the necessary information and meets very high technical standards, in particular as regards safeguards against counterfeiting and falsification.
- (5) Therefore, that format should also be used for residence documents to be issued to United Kingdom nationals, their respective family members and other persons who reside on a Member State's territory in accordance with the conditions set out in Title II of the Agreement, following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union.
- (6) That format is also appropriate for documents to be issued to United Kingdom nationals who have rights as frontier workers in the Member State of work.
- (7) As those documents will serve to evidence rights provided under Title II of the Agreement, a statement indicating that those documents have been issued under the Agreement should be included as entry under No 10 "Type of permit".
- (8) Member States should indicate under entry No 12 "Remarks" whether the residence document is issued under Article 18(1) or 18(4) of the Agreement.
- (9) In order to ensure that the identity of the holder can be checked without doubts, the documents should have a minimum period of validity of five years and a maximum validity of ten years so as to enable updating the picture of the holder.
- (10) In accordance with Article 19(2) of the Agreement, the documents issued by Member States under Article 18(1) of the Agreement should only have effect after the end of the transition period provided for in Article 126 of the Agreement.
- (11) However, Member States may already start to issue residence permits to United Kingdom nationals under Article 18(1) or 18(4) of the Agreement during the transition period, if they choose to do so for administrative or other reasons. Regulation (EC) No 1030/2002 as amended by Regulation (EU) 2017/1954 of the European Parliament and of the Council⁵ is however not yet fully applicable. Therefore, Member States should use the current format for residence permits for third country nationals laid down in Regulation (EC) No 1030/2002 as amended by Council Regulation (EC) 380/2008⁶ until Regulation (EU) 2017/1954 becomes applicable.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Council Regulation (EC) No. 1683/95⁷,

⁴ Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 , 15.6.2002, p.1)

⁵ Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 286, 1.11.2017, p. 9).

⁶ Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 115, 29.4.2008, p. 1).

⁷ Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995 p. 1).

HAS ADOPTED THIS DECISION:

Article 1

When issuing a residence document pursuant to Article 18(1) or (4) of the Agreement, Member States shall use the format laid down in Regulation (EC) No 1030/2002 as amended by Regulation (EU) 2017/1954.]

The entry in field No 10 of the Annex to Regulation (EC) No 1030/2002 “Type of permit” shall be “Article 50 TEU”. Member States shall indicate in field No 12 of the Annex to Regulation (EC) No 1030/2002 “Remarks” whether the document is issued under Article 18(1) or 18(4) of the Agreement.

The validity of the residence document shall be of minimum five and of maximum ten years.

Article 2

Member States shall issue the documents pursuant to Article 26 of the Agreement in the form of the uniform format for local border traffic permits for third country nationals, laid down by Regulation (EC) No 1030/2002 as amended by Regulation (EU) 2017/1954.

The entry in field No 10 of the Annex to Regulation (EC) No 1030/2002 “Type of permit” shall be “Art. 50 TEU- Frontier worker”.

The validity of the document shall be of minimum five and of maximum ten years.

Article 3

Until Member States have implemented Regulation (EU) 2017/1954, they shall use the format laid down in in Regulation (EC) No 1030/2002 as amended by Regulation (EC) No 380/2008, using the same entries as set out in Articles 1 and 2 of this Decision.

Article 4

Member States shall apply this Decision on the day following that of the end of the transition period at the latest.

Article 5

This Decision is addressed to all Member States.

Done at Brussels, 21.2.2020

For the Commission
Ylva JOHANSSON
Member of the Commission

