



Brussels, 2.8.2013
C(2013) 4914 final

COMMISSION IMPLEMENTING DECISION

of 2.8.2013

establishing the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa

(Only the Bulgarian, Croatian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish texts are authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list¹, and in particular Article 2 thereof,

Whereas:

- (1) Decision No 1105/2011/EU requires drawing up an exhaustive list of travel documents.
- (2) The list should ensure that Member States' authorities dealing with the processing of visa applications and border controls have accurate and updated information at their disposal about the travel documents presented by third country nationals.
- (3) The list should be drawn up by the Commission with the assistance of Member States on the basis of information gathered within local Schengen cooperation and be divided in three parts.
- (4) The list annexed to this Decision should be drawn up without prejudice of the Member States' competence on the recognition of travel documents. Member States should notify the Commission three months after the communication of this Decision their position on recognition or non-recognition of the listed travel documents.
- (5) The fact that a country/entity figures on the list does not imply that it is recognised by one or more Member States.
- (6) Given that Decision No 1105/2011/EU builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Decision No 1105/2011/EU in its national law. It is therefore bound under international law to implement this Decision.
- (7) The present Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great

¹ OJ L 287, 4.11.2011, p.9.

Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*². The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application. The present Decision should therefore not be addressed to the United Kingdom.

- (8) The present Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*³. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application. The present Decision should therefore not be addressed to Ireland.
- (9) As regards Iceland and Norway, the present Decision constitutes a development of provisions of the Schengen *acquis* within the meaning 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*⁴, which fall within the area referred to in Article 1, point A, B and C of Council Decision 1999/437/EC of 17 May 1999⁵ on certain arrangements for the application of that Agreement.
- (10) As regards Switzerland, the present Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of 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*⁶, which fall within the area referred to in Article 1, point A, B and C of Council Decision 1999/437/EC⁷ read in conjunction with Article 3 of Council Decision 2008/146/EC⁸.
- (11) As regards Liechtenstein, the present Decision 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 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*⁹, which fall within the area referred to in Article 1, point A, B and C of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU¹⁰.
- (12) As regards Cyprus, the present Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession.
- (13) As regards Bulgaria and Romania, the present Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 4(2) of the 2005 Act of Accession.

² OJ L 131, 1.6.2000, p. 43.

³ OJ L 64, 7.3.2002, p. 20.

⁴ OJ L 176, 10.7.1999, p. 36.

⁵ OJ L 176, 10.7.1999, p. 31.

⁶ OJ L 53, 27.2.2008, p. 52.

⁷ OJ L 176, 10.7.1999, p. 31.

⁸ OJ L 53, 27.2.2008, p. 1.

⁹ OJ L 160, 18.6.2011, p. 21.

¹⁰ OJ L 160, 18.6.2011, p. 19.

(14) The measures provided for in the present Decision are in accordance with the opinion of the "Travel Document Committee",

HAS ADOPTED THIS DECISION:

Article 1

The list of travel documents, which entitle the holder to cross the external borders and which may be endorsed with a visa, is established in the Annex in three Parts:

- (a) Part I: travel documents issued by third countries and territorial entities;
- (b) Part II: travel documents issued by Member States, including those issued by the Member States which are not taking part in the adoption of Decision No1105/2011/EU and by Member States which do not yet apply the provisions of the Schengen acquis in full;
- (c) Part III: travel documents issued by international organisations and other entities subject to international law.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Croatia, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden. It has to be transmitted to the Kingdom of Denmark, the Republic of Iceland, the Kingdom of Norway, the Principality of Liechtenstein and the Swiss Confederation.

Done at Brussels, 2.8.2013

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

