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

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(a) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) Council Regulation (EC) No 1030/2002[(2)] lays down a uniform format for residence permits for third-country nationals.

(2) The current uniform format for residence permits, which has been used for 20 years, is considered to be compromised in view of serious incidents of counterfeiting and fraud.

(3) A new common design for residence permits for third-country nationals should therefore be established, with more modern security features in order to render such permits more secure and to prevent forgery.

(4) Third-country nationals who hold a valid residence permit drawn up in the uniform format issued by one of the Member States which apply the Schengen *acquis* in full have the right to move freely for up to 90 days within the Schengen area, provided that they fulfil the entry conditions referred to in Regulation (EU) 2016/399 of the European Parliament and of the Council[(3)] (Schengen Borders Code).

(5) Union legislation on the entry and residence of third-country nationals sets out schemes granting additional mobility rights, with specific conditions for entry and stay in Member States which are bound by that *acquis*. Residence permits issued in accordance with that legislation use the uniform format laid down in Regulation (EC) No 1030/2002. Therefore, in order to enable the competent authorities to identify third-country nationals who may benefit from those specific mobility rights, it is important that those residence permits clearly display the relevant entries, such as ‘researcher’, ‘student’ or ‘ICT’ in accordance with the relevant Union legislation.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2017/1954 of the European Parliament and of the Council. (See end of Document for details)*

(6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.

(7) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

(8) This Regulation constitutes an act building upon, or otherwise related to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, of Article 4(1) of the 2005 Act of Accession and of Article 4(1) of the 2011 Act of Accession.

(9) As regards Iceland and Norway, this Regulation constitutes a development of the 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 latters' association with the implementation, application and development of the Schengen *acquis*[(4)] which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC[(5)].

(10) As regards Switzerland, this Regulation 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 B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[(7)].

(11) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol 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*[(8)] which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[(9)].

(12) To allow Member States to use up existing stocks of residence permits, a transitional period should be provided for within which Member States can still use the old residence permits.

(13) Regulation (EC) No 1030/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1030/2002 is replaced by the images and text set out in the Annex to this Regulation.

Article 2

Residence permits conforming to the specifications set out in the Annex to Regulation (EC) No 1030/2002, which are applicable until the date referred to in the second paragraph of Article 3 of this Regulation, may be issued until six months after that date.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Member States shall apply this Regulation at the latest 15 months after the adoption of the additional technical specifications referred to in Article 2 of Regulation (EC) No 1030/2002.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Strasbourg, 25 October 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

M. MAASIKAS

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2017/1954 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX

ANNEX

FRONT AND REVERSE OF THE CARD





(a) Description