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(Acts whose publication is obligatory)

JOINT ACTION

of 16 December 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning
a uniform format for residence permits

(97/11/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Article K.3 (2) (b) thereof,

Article 1

Whereas Article K.1 (3) of the Treaty provides that immigration policy and policy regarding nationals of third countries constitute a matter of common interest;

Residence permits issued by Member States to third country nationals shall be in a uniform format and provide space for the information set out in the Annex hereto.

Whereas it is desirable to harmonize the format of residence permits issued by Member States to third country nationals;

The uniform format can be used as a sticker or a stand-alone document.

Whereas it is essential that the uniform format for residence permits should contain all the necessary information and meet very high technical standards, in particular as regards safeguards against counterfeiting and falsification; whereas it must also be suited to use by all the Member States and bear universally recognizable security features which are clearly visible to the naked eye;

Each Member State may add in the relevant space of the uniform format any information of importance regarding the nature of the permit and the person concerned, including information as to whether or not the person is permitted to work.

Article 2

Whereas this Joint Action only lays down such specifications as are not secret; whereas these specifications need to be supplemented by further specifications which are to remain secret in order to prevent counterfeiting and falsifications and which may not include personal data or references to such data; whereas the Council should lay down these supplementary specifications;

1. The technical specifications for incorporating the information set out in the Annex on the uniform format for residence permits shall be laid down by the Council without delay.

Further technical specifications which render the residence permit difficult to counterfeit or falsify shall also be laid down by the Council without delay. These specifications shall be secret and shall not be published. They shall be made available only to bodies designated by the Member States as responsible for printing and to persons duly authorized by a Member State.

Whereas, to ensure that the information referred to is not made available to more persons than necessary, it is also essential that each Member State should designate not more than one body having responsibility for printing the uniform format for residence permits, with Member States remaining free to change the body, if need be; whereas, for security reasons, each Member State must communicate the name of the competent body to the Council and the Commission;

2. Each Member State shall designate one body having responsibility for printing residence permits. It shall communicate the name of that body to the Council and the Commission. The same body may be designated by two or more Member States for this purpose. Each Member State shall be entitled to change its designated body. It shall inform the Council and the Commission accordingly.

Whereas, with regard to the personal data to be entered on the uniform format for residence permits in accordance with the Annex hereto, compliance should be ensured with applicable data-protection provisions,

3. Each Member State shall inform the Council and the Commission of the competent authority or authorities for issuing residence permits.

Article 3

1. Without prejudice to any more extensive provisions applicable concerning data protection, an individual to whom a residence permit is issued shall have the right to verify the personal particulars entered on the residence permit and, where appropriate, to ask for any corrections or deletions to be made.

2. No information in machine-readable form shall be given on the uniform format for residence permits unless it also appears in the boxes described in points 10 and 11 of the Annex, or unless it is mentioned in the relevant travel document.

Article 4

For the purpose of this Joint Action, 'residence permit' shall mean any authorization issued by the authorities of a Member State allowing a third country national to stay legally on its territory, with the exception of:

- visas,
- permits issued for a stay whose duration is determined by national law but which may not exceed six months,
- permits issued pending examination of an application for a residence permit or for asylum.

Article 5

Where Member States use the uniform format for residence permits for purposes other than those covered by Article 4, appropriate measures must be taken to ensure that confusion with the residence permit referred to in Article 4 is not possible.

Article 6

This Joint Action applies to residence permits issued to third country nationals, with the exception of:

- members of the families of citizens of the Union exercising their right to free movement,
- nationals of Member States of the European Free Trade Association party to the Agreement on the European Economic Area and members of their families exercising their right to free movement.

Article 7

This Joint Action shall be published in the Official Journal, and shall enter into force the day after that of its publication.

The Member States shall apply Article 1 no later than five years after the adoption of the measures referred to in Article 2 (1). However, the validity of authorizations granted in documents already issued shall not be affected by the introduction of the uniform format for residence permits, unless the Member State concerned decides otherwise.

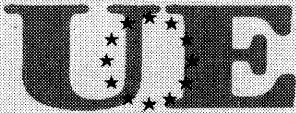
Done at Brussels, 16 December 1996.

For the Council
The President
M. D. HIGGINS

ANNEX

12	RESIDENCE PERMIT		1	No	2
	13	9			
14	1 Name:				
	2 Valid Until:				
	3 Place/Date of issue:				
	4 Type of permit:				
5 Remarks:		3-7	8		
6 ...					
7 ...					
8 ...					
9 ...		Date/Signature/Authorisation:			
Machine readable area					
10/11					

Front

Date and place of birth:	
Nationality:	
Sex:	
Remarks:	15
	

Back
(in the
case of a
stand-alone
card)

Description

The document will be produced either as a sticker, if possible in ID 2 format, or as a stand-alone document.

1. The title of the document (Residence permit) shall appear in this space in the language(s) of the issuing Member State.
2. The document number — with special security features and preceded by an identification letter — shall appear in this space.

The section to be completed has nine sub-sections:

3. *first sub-section*

Name: this sub-section shall contain surname and forename(s) in that order.

4. *second sub-section*

Valid until: this sub-section shall indicate the relevant expiry date, or, where appropriate, a word to indicate unlimited validity.

5. *third sub-section*

Place/date of issue: this sub-section shall indicate the place and date of issue of the residence permit.

6. *fourth sub-section*

Type of permit: this sub-section shall indicate the specific type of residence permit issued to the third country national by the Member State.

7. *fifth to ninth sub-section*

Remarks: in the fifth to ninth sub-sections Member States may enter details and indications for national use necessary with regard to their rules on third country nationals including indications relating to any permission to work.

8. **Date/Signature/Authorization:** here — if necessary — the signature and seal of the issuing authority and/or the holder may appear.
9. In this space the printed area shall contain the national emblem of the Member State to distinguish the residence permit and provide a safeguard of its national origin.
10. This box shall be reserved for the machine-readable area. The machine-readable area shall conform to ICAO guidelines.
11. The printed text of this box shall contain a character indicating exclusively the respective Member State. This character may not affect the technical features of the machine-readable zone.
12. This space shall contain a metallized latent image effect including the country code of the Member State.
13. This space shall contain an OVD (kinegram or equivalent sign).
14. If the residence permit is produced as a stand-alone document, an identity photograph shall be affixed in this space and secured with OVD film (kinefilm or equivalent security laminate).
15. The following additional information boxes shall be provided on the back in the case of a stand-alone document:
 - date/place of birth,
 - nationality,
 - sex,
 - remarks.

The address of the permit holder may also be indicated.

JOINT ACTION

of 20 December 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing a common programme for the exchange and training of, and cooperation between, law enforcement authorities ('Oisin')

(97/12/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union and in particular Articles K.3 (2) (b) and K.8 (2) thereof,

*Article 1***Establishment of the programme**

Having regard to the initiative of Ireland,

Recalling the provisions of the La Gomera Declaration on Terrorism;

Recalling the provisions of the report of the group of experts on drugs, approved by the European Council of Madrid on 15 and 16 December 1995;

Considering that Member States consider cooperation between their law enforcement authorities as covered by the terms of Article K.1 (8) and (9) of the Treaty as a matter of common interest;

Whereas the development of a programme for improved law enforcement cooperation is likely to contribute to an increase in the mutual knowledge and understanding of the legal systems and law enforcement practices of the Member States and to raise the level of expertise of law enforcement personnel of the Member States;

Whereas these objectives may appropriately be realized at the level of the European Union and their implementation charged to the general budget of the European Communities;

Whereas this Joint Action does not replace or affect the existing cooperation arrangements of Member States;

Taking into account the need to develop cooperation between Member States and the countries associated with the Union, the countries taking part in the structured dialogue and other third countries;

Whereas the present Joint Action does not replace or affect the forms of cooperation existing between some Member States and third countries,

1. A programme for enhancing law enforcement cooperation to be known as Oisin is hereby established for the period 1997 to 2000 in order to stimulate cooperation between law enforcement authorities of Member States and to provide such authorities with a greater insight into the working methods of their counterparts in other Member States and constraints by which they may be bound.

2. For the purpose of this Joint Action, 'law enforcement authorities' means all public bodies existing in Member States which are responsible under national law for preventing, detecting and combating criminal offences.

3. The programme includes the following categories of action:

- provision of training (to include language training),
- exchange of personnel and the provision of operational expertise,
- research, operational feasibility studies and evaluation,
- information exchange.

Actions which promote cooperation between the different law enforcement authorities of several Member States shall be encouraged under this framework.

4. No funding shall be provided under the programme where an alternative programme under Title VI of the Treaty already exists which can comprehend the individual action proposed.

Article 2

The financial reference amount for the implementation of the programme for the period 1997 to 1999 shall be ECU 8 million.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 3

Provision of Training

Projects with the following objectives may be considered under training:

- foreign operational language training,
- knowledge of the legislation and operational procedures of other Member States and in particular the application of such legislation and operational procedures to operations between Member States,
- knowledge of operational procedures relating to legislation adopted by the Union under Articles K.1 to K.9 of the Treaty,
- exchange of experience between persons and institutions responsible for training of law enforcement authorities,
- preparation of teaching modules for training projects, or of seminars organized as part of the implementation of this Joint Action.

Article 4

Exchange of Personnel and Provision of Operational Expertise

Projects with the following objectives may be considered under the exchange element of the programme:

- work experience exchanges of limited duration between operational law enforcement authorities of various Member States,
- organization of visits by law enforcement authorities having skill, knowledge or expertise in a particular operational area so as to impart that expertise to law enforcement authorities of other Member States,
- organization of study visits by individuals or groups of law enforcement authorities to law enforcement authorities of other Member States having a particular skill, knowledge or expertise so as to acquire that expertise.

Article 5

Research, Operational Studies and Evaluation and Operational Projects

Projects with the following objectives may be considered under this Article:

- meetings to assess the value of initiatives undertaken under the programme,
- scientific research on topics relating to police cooperation, customs cooperation and to cooperation between police, customs and other law enforcement agencies, by organizations and institutions concerned with matters identified under K.1 (8) and K.1 (9) of the Treaty,
- design, production and dissemination of training materials,
- organization of joint operational projects, having a limited duration, involving the participation of law enforcement authorities.

Article 6

Information Exchange

Projects with the following objectives may be considered under information exchange:

- exchange of information on operational matters of common interest to all Member States,
- organization of multi-disciplinary workshops on operational techniques,
- organization of seminars and conferences,
- preparation of confidential directories of operational areas where Member States have acquired particular knowledge, competence, skill or expertise,
- organization of briefing sessions in connection with pilot joint operations,
- analysis of reports and dissemination of information on initiatives organized within the framework of this Joint Action,
- organization of information dissemination, where appropriate, to non-law enforcement organizations.

Article 7

1. Projects receiving Community financing must be of European interest and involve more than one Member State.

2. Those responsible for the projects may be public or private institutions including, in particular, research institutes as well as institutions responsible for basic training and those responsible for continuing training.

3. The projects to be financed shall be subject to a selection procedure taking into account, in particular:

- consistency of topics covered with work undertaken or provided for in Council action programmes coming under police and customs cooperation,

- input towards the framing or implementation of instruments adopted or to be adopted under Title VI of the Treaty,
- mutual complementarity between the various projects,
- the range of law enforcement authorities which they encompass,
- the quality of the institution responsible,
- the operational and practical nature of the project,
- the degree of preparation of the participants,
- the scope for drawing on results achieved in order to further enhance law enforcement cooperation.

4. These projects may involve those responsible in applicant countries with a view to making them familiar with the achievements of the Union in this area and contributing to their preparation for accession, or in other third countries where it serves the aims of the projects.

Article 8

The financing decisions and contracts arising therefrom shall provide for monitoring and financial control by the Commission and audits by the Court of Auditors.

Article 9

1. All types of expenditure which are directly chargeable to the implementation of the project and which have been committed within a contractually agreed period shall be eligible.

2. The proportion of financial support from the Community budget shall not exceed 80 % of the cost of the project.

3. Translation and interpreting costs, computing costs, and expenditure on durable or consumables shall not be taken into consideration unless they are essential for the realization of the project, and shall only be financed up to a limit of 50 % of the grant, or 80 % in cases where the nature of the project makes them indispensable.

4. Expenditure relating to premises, collective facilities, and the salaries of officials of the State and public bodies shall be eligible only if it corresponds to postings and tasks which have no national purpose or function but are specifically connected with the implementation of the project.

Article 10

1. The Commission shall be responsible for carrying out the actions provided for in this Joint Action and shall adopt detailed rules for its implementation, including the criteria for the eligibility of costs.

2. It shall draw up each year, with the assistance of experts from the relevant professional circles, the draft annual programme implementing this Joint Action in terms of the thematic priorities and the distribution of available appropriations between fields of activity.

3. It shall undertake each year an assessment of the actions carried out in implementing the programme for the previous year.

Article 11

1. The Commission shall be assisted by a Committee consisting of one representative from each Member State and chaired by a representative of the Commission.

2. The Commission shall submit to the Committee the draft annual programme, including a proposal for the distribution of available appropriations between the fields of activity and proposals for implementing rules, and for project assessment. The opinion shall be delivered by the Committee acting unanimously within a period of two months. This period may be reduced by the Chairman for reasons of urgency. The Chairman shall not vote.

If a favourable opinion is not delivered within the time limit, the Commission shall either withdraw its proposal or submit a proposal to the Council which shall take a decision unanimously within two months.

Article 12

1. Projects for which financing is requested shall be submitted to the Commission for scrutiny not later than two months after the approval of the annual programme referred to in Article 11 (2).

2. The Commission shall examine the projects that are submitted to it with the assistance of the experts referred to in Article 10 (2).

3. Where the financing requested is less than ECU 50 000, the representative of the Commission shall submit a draft to the Committee referred to in Article 11 (1). The Committee, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The Chairman shall not vote.

The opinion shall be recorded in the minutes; furthermore, each Member State shall have the right to ask that its position be recorded in the minutes.

The Commission shall take full account of the opinion delivered by the Committee. It shall inform the Committee of how it has done so.

4. Where the financing requested exceeds ECU 50 000, the representative of the Commission shall submit to the Committee referred to in Article 11 (1) a list of the projects submitted to it under the annual programme. The Commission shall indicate the projects it selects and shall give reasons for its selection. The Committee, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall deliver its opinion on the various projects within a period of two months. The Chairman shall not vote. If a favourable opinion is not delivered within the time limit, the Commission shall either withdraw the project(s) concerned or submit it (them), with any opinion from the Committee, to the Council which, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall take a decision within two months.

Article 13

1. Actions incorporated in the programme and financed by the general budget of the European Communities shall be managed by the Commission in conformity with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽¹⁾.

2. When presenting the financing proposals referred to in Article 12 and the assessments provided for in Article 10, the Commission shall take account of the principles of sound financial management and in particular of economy and cost-effectiveness as required by Article 2 of the Financial Regulation.

Article 14

Each year the Commission shall report to the European Parliament and the Council on the implementation of the programme. The first report shall be presented at the end of the 1997 budgetary year.

Article 15

This Joint Action shall enter into force on the day of its adoption.

It shall be applicable for a period of four years, at the end of which it may be extended.

Article 16

This Joint Action shall be published in the Official Journal.

Done at Brussels, 20 December 1996.

For the Council
The President
S. BARRETT

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC, Euratom, ECSC) No 2335/95 (OJ No L 240, 7. 10. 1995, p. 12).