

Official Journal

of the European Union

L 58



English edition

Legislation

Volume 55

29 February 2012

Contents

I *Legislative acts*

REGULATIONS

- ★ **Regulation (EU) No 153/2012 of the European Parliament and of the Council of 15 February 2012 amending Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA)** 1
- ★ **Regulation (EU) No 154/2012 of the European Parliament and of the Council of 15 February 2012 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)** 3

Price: EUR 3

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 153/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 15 February 2012****amending Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Iceland should be opened. Iceland is therefore a candidate country.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212(2) thereof,

- (4) The European Council of 17 December 2010 endorsed the Council's conclusions of 14 December 2010 on enlargement and agreed to grant Montenegro the status of a candidate country.

Having regard to the proposal from the European Commission,

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

- (5) The Council has invited the Commission to propose an amendment to Article 19 of Regulation (EC) No 1085/2006 with a view to clarifying the rules regarding participation in the award of grant contracts financed under the IPA Cross-Border Cooperation Component and ensuring coherence with other external aid instruments, in particular the European Neighbourhood and Partnership Instrument.

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

Whereas:

- (1) Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) ⁽²⁾ provides for assistance to candidate countries and potential candidate countries in their progressive alignment with the standards and policies of the Union, including where appropriate the *acquis*, with a view to membership.
- (2) Regulation (EC) No 1085/2006 draws a clear distinction between candidate countries and potential candidate countries.
- (3) The European Council of 17 June 2010 welcomed the Commission opinion on Iceland's application for membership of the Union, noted that Iceland met the political criteria set by the Copenhagen European Council in 1993 and decided that accession negotiations with

- (6) Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community ⁽³⁾ designates the committee provided for in Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe ⁽⁴⁾ (the 'Phare committee') to assist the Commission in the management of the assistance to the Turkish Cypriot community. In accordance with Article 25 of Regulation (EC) No 1085/2006, Regulation (EEC) No 3906/89 has been repealed; however, it continues to apply for legal acts and commitments implementing the budget years preceding 2007. Since Regulation (EC) No 389/2006 continues to be the basic act for financial support to the Turkish Cypriot community beyond those budget years, the Phare committee should also be continued for that purpose.

- (7) Regulation (EC) No 1085/2006 should therefore be amended accordingly,

⁽¹⁾ Position of the European Parliament of 14 December 2011 (not yet published in the Official Journal) and decision of the Council of 23 January 2012.

⁽²⁾ OJ L 210, 31.7.2006, p. 82.

⁽³⁾ OJ L 65, 7.3.2006, p. 5.

⁽⁴⁾ OJ L 375, 23.12.1989, p. 11.

HAVE ADOPTED THIS REGULATION:

of financial support for encouraging the economic development of the Turkish Cypriot community (**).

Article 1

Regulation (EC) No 1085/2006 is hereby amended as follows:

(*) OJ L 157, 21.6.2005, p. 203.

(**) OJ L 65, 7.3.2006, p. 5.;

(1) in Article 19, the following paragraph is added:

‘9. Paragraphs 1 to 8 shall be without prejudice to the participation of categories of eligible organisations by nature or by localisation in regard to the objectives of the action.’;

(3) in Annex I, the following entries are inserted after the entry concerning Croatia:

‘— Iceland

— Montenegro’;

(2) in Article 25(1), the second subparagraph is replaced by the following:

‘Those Regulations, as well as Regulation (EC) No 2666/2000, shall continue to apply for legal acts and commitments implementing the budget years preceding 2007, for the implementation of Article 31 of the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded (*) and for the implementation of Article 3 of Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument

(4) in Annex II, the following entries are deleted:

‘— Iceland

— Montenegro’.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 15 February 2012.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. WAMMEN

REGULATION (EU) No 154/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 February 2012
amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)

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 77(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) It is necessary to clarify the rules on transit through international areas of airports to ensure legal certainty and transparency.
- (2) Third-country nationals subject to the airport transit visa requirement pursuant to Article 3(1) and (2) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) ⁽²⁾, who hold a valid visa issued by a Member State, Canada, Japan or the United States of America or who hold a valid residence permit issued by a Member State, Andorra, Canada, Japan, San Marino or the United States of America, are exempt from the airport transit visa requirement. It should be clarified that this exemption also applies to holders of valid visas or residence permits issued by Member States which did not take part in the adoption of Regulation (EC) No 810/2009 and by the Member States which do not yet apply the provisions of the Schengen *acquis* in full.
- (3) As regards third-country nationals holding a valid visa, the exemption should apply when they travel to the issuing country or to any other third country and when they return from the issuing country after having used the visa.
- (4) Since the objective of this Regulation, namely to clarify the rules on transit through international areas of airports, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this

Regulation does not go beyond what is necessary in order to achieve that objective.

- (5) 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 latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾ which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁴⁾.
- (6) 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* ⁽⁵⁾ 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 ⁽⁶⁾.
- (7) 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* ⁽⁷⁾ 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 ⁽⁸⁾.
- (8) In accordance with Articles 1 and 2 of the 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 6 months after the Council has decided on this Regulation whether it will implement it in its national law.

⁽¹⁾ Position of the European Parliament of 19 January 2012 (not yet published in the Official Journal) and decision of the Council of 10 February 2012.

⁽²⁾ OJ L 243, 15.9.2009, p. 1.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁷⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁸⁾ OJ L 160, 18.6.2011, p. 19.

- (9) This Regulation constitutes a development of the 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 Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽¹⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (10) This Regulation constitutes a development of the 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*⁽²⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (11) As regards Cyprus, this Regulation constitutes an act building upon or otherwise related to the Schengen *acquis* within the meaning of Article 3(1) of the 2003 Act of Accession.
- (12) As regards Bulgaria and Romania, this Regulation constitutes an act building upon or otherwise related to the Schengen *acquis* within the meaning of Article 4(1) of the 2005 Act of Accession,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 3(5) of Regulation (EC) No 810/2009, points (b) and (c) are replaced by the following:

- ‘(b) third-country nationals holding a valid residence permit issued by a Member State which does not take part in the adoption of this Regulation or by a Member State which does not yet apply the provisions of the Schengen *acquis* in full, or third-country nationals holding one of the valid residence permits listed in Annex V issued by Andorra, Canada, Japan, San Marino or the United States of America guaranteeing the holder's unconditional readmission;
- (c) third-country nationals holding a valid visa for a Member State which does not take part in the adoption of this Regulation, for a Member State which does not yet apply the provisions of the Schengen *acquis* in full, or for Canada, Japan or the United States of America, when travelling to the issuing country or to any other third country, or when, having used the visa, returning from the issuing country;’.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Strassbourg, 15 February 2012.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
N. WAMMEN

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

2012 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 200 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 310 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 840 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 100 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 200 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN