

COMMISSION IMPLEMENTING DECISION (EU) 2023/1061**of 31 May 2023**

on the establishment of the list of travel documents of the Russian Federation issued in or to persons resident in regions or territories in Ukraine which are occupied by the Russian Federation or breakaway territories in Georgia which are not under the control of the Georgian government that are not accepted as valid travel documents for the purposes of issuing of a visa or of crossing the external borders

THE EUROPEAN COMMISSION,

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

Having regard to Decision (EU) 2022/2512 of the European Parliament and of the Council of 14 December 2022 on the non-acceptance of travel documents of the Russian Federation issued in Ukraine and Georgia ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) In accordance with Decision (EU) 2022/2512, it is necessary to draw up a list of the travel documents of the Russian Federation, issued in or to persons resident in regions or territories of Ukraine which are occupied by the Russian Federation or breakaway territories in Georgia which on 22 December 2022 were not under the control of the Georgian government, that should not be accepted as valid travel documents for the purposes of issuing a visa in accordance with Regulation (EC) No 810/2009 of the European Parliament and of the Council ⁽²⁾ and of crossing the external borders in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council ⁽³⁾.
- (2) The list should ensure that Member States' authorities responsible for processing visa applications and for carrying out border checks have accurate and updated information at their disposal about the travel documents that should not be accepted in accordance with Decision (EU) 2022/2512. The purpose of the list is to ensure a uniform application of the EU *acquis* on visas and checks to which persons crossing the external borders are subject.
- (3) On 18 March 2014, following the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, President of the Russian Federation signed the Treaty of annexation. Therefore, the travel documents issued in or to residents of the Autonomous Republic of Crimea and the city of Sevastopol after 18 March 2014 should be on that list.
- (4) On 24 April 2019, through Decree of the President of the Russian Federation No 183, the Russian Federation simplified the procedure for residents of the non-government-controlled regions of Ukraine's Donetsk and Luhansk to obtain Russian citizenship, including the procedure for the issuance of Russian international passports to those residents. Therefore, the travel documents issued in or to residents of the Donetsk region and the Luhansk region after 24 April 2019 should be on that list.
- (5) On 25 May 2022, the Russian Federation extended the simplified procedure for obtaining Russian citizenship to the Kherson and Zaporizhzhia regions. On 11 July 2022, Russia expanded its passportisation to the whole territory of Ukraine so that all citizens of Ukraine could claim Russian citizenship and obtain a Russian passport in the simplified procedure. Based on the 11 July 2022 decree, Russian travel documents have been issued in Kharkiv region since 1 August 2022. The majority of the Kharkiv region has been liberated by Ukraine on 9 September 2022. Russian travel documents issued in this region may be in circulation. Therefore, the travel documents issued in or to residents of the Kherson region and the Zaporizhzhia region after 25 May 2022 and the Kharkiv region after 1 August 2022 should be on that list.

⁽¹⁾ OJ L 326, 21.12.2022, p. 5.

⁽²⁾ 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) (OJ L 243, 15.9.2009, p. 1).

⁽³⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

- (6) President of the Russian Federation decided on 26 August 2008 that Russia would formally recognise Abkhazia and South Ossetia as independent states. Therefore, the travel documents issued in or to residents of Abkhazia and South Ossetia after 26 August 2008 should be on that list.
- (7) The fact that a country or entity appears on the list should not be taken to imply that it is recognised under international law by one or more Member States.
- (8) Given that Decision (EU) 2022/2512 builds upon the Schengen *acquis*, in accordance with Article 4 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 notified the implementation of Decision (EU) 2022/2512 in its national law. Denmark is therefore bound under international law to implement this Decision.
- (9) This Decision 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 ⁽⁴⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (10) As regards Iceland and Norway, this 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 latter's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point A and B of Council Decision 1999/437/EC ⁽⁶⁾.
- (11) As regards Switzerland, this 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* ⁽⁷⁾, which fall within the area referred to in Article 1, point A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾.
- (12) As regards Liechtenstein, this Decision 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* ⁽⁹⁾ which fall within the area referred to in Article 1, points A and B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹⁰⁾.
- (13) As regards Cyprus, Bulgaria, and Romania, this Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession with respect to the issuing of visas in accordance with Regulation (EC) No 810/2009, as referred to in point (a) of Article 1 of Decision (EU) 2022/2512,

⁽⁴⁾ 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* (OJ L 64, 7.3.2002, p. 20).

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁶⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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* (OJ L 176, 10.7.1999, p. 31).

⁽⁷⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁸⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, 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* (OJ L 53, 27.2.2008, p. 1).

⁽⁹⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹⁰⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, 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*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

whereas it constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession and Article 4(1) of the 2005 Act of Accession with respect to the crossing of the external borders in accordance with Regulation (EU) 2016/399 as referred to in point (b) of Article 1 of Decision (EU) 2022/2512.

- (14) In order to allow for the prompt and uniform application of the measures provided for in Decision (EU) 2022/2512, and due to the emergency situation in regions and territories in Ukraine occupied by Russia as well as in breakaway territories in Georgia, this Decision should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*.

HAS ADOPTED THIS DECISION:

Article 1

The list of travel documents of the Russian Federation referred to in Article 1 of Decision (EU) 2022/2512 is as set out in the Annex.

Article 2

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

Done at Brussels, 31 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The list of travel documents of the Russian Federation referred to in Article 1 of Decision (EU) 2022/2512 of the European Parliament and of the Council ⁽¹⁾**1. Ukraine:**

Ordinary passport

Diplomatic passport

Residence permit to a stateless person

Certificate for return

Seafarer's Identity Document

Seaman's book

Issued in or to residents of:

the Autonomous Republic of Crimea and the city of Sevastopol after 18 March 2014;

the Donetsk region after 24 April 2019;

the Luhansk region after 24 April 2019;

the Kherson region after 25 May 2022;

the Zaporizhzhia region after 25 May 2022;

the Kharkiv region after 1 August 2022.

2. Georgia:

Ordinary passport

Diplomatic passport

Residence permit to a stateless person

Certificate for return

Seafarer's Identity Document

Seaman's book

Issued in or to residents of:

Abkhazia after 26 August 2008;

South Ossetia after 26 August 2008.

⁽¹⁾ Decision (EU) 2022/2512 of the European Parliament and of the Council of 14 December 2022 on the non-acceptance of travel documents of the Russian Federation issued in Ukraine and Georgia (OJ L 326, 21.12.2022, p. 1).