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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 1683/95, (EC) No 333/2002, (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure - Outcome of the European Parliament's first reading (Strasbourg, 16 to 19 October 2023)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) Juan Fernando LÓPEZ AGUILAR (S&D, ES) presented on behalf of LIBE a compromise amendment (amendment number 132) to the abovementioned proposal for a Regulation, for which Matjaž NEMEC (S&D, SI) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 18 October 2023, the plenary adopted the compromise amendment (amendment number 132) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2023)0370

Schengen area: digitalisation of the visa procedure

European Parliament legislative resolution of 18 October 2023 on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 1683/95, (EC) No 333/2002, (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure (COM(2022)0658 – C9-0165/2022 – 2022/0132A(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0658),
- having regard to Article 294(2) and Articles 77(2), point (a) and 79(2), point (a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0165/2022),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 26 October 2022¹,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 21 June 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to the decision by the Conference of Presidents of 6 July 2023 to authorise the Committee on Civil Liberties, Justice and Home Affairs to split the abovementioned Commission proposal and to draw up two separate legislative reports on the basis thereof,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the letter from the Committee on Budgets,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0025/2023),

¹ *OJ C 75, 28.2.2023, p. 150.*

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 18 October 2023 with a view to the adoption of Regulation (EU) 2023/... of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations **■ (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure**

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), point (a), and Article 79(2), point (a), thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

¹ *OJ C 75, 28.2.2023, p. 150.*

² Position of the European Parliament of 18 October 2023.

Whereas:

- (1) The Union's common visa policy has been an integral part of the establishment of an area without internal borders. ■ The communication of the Commission of 14 March 2018 entitled ‘Adapting the common visa policy to new challenges’ addressed the concept of ‘e-visas’, and announced a feasibility study on digital visa procedures and the intention to assess options and promote pilot projects to prepare the ground for future proposals. When revising the Visa Code³ in 2019, the European Parliament and the Council explicitly stated the aim of developing a common solution in the future to allow Schengen visa applications to be lodged online, thereby making full use of recent legal and technological developments.

³ Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) (OJ L 188, 12.7.2019, p. 25).

- (2) This Regulation is in line with the Union’s policy to encourage the modernisation and digitalisation of public services and the communication of the Commission of 9 March 2021 entitled ‘2030 Digital compass: the European way for the digital decade’. Since the entry into force of Regulation (EC) No 810/2009 of the European Parliament and of the Council⁴ in 2010 and the start of operations of the Visa Information System (VIS) in 2011 under Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵, ***the context in which visa policy operates has considerably changed***. In addition, significant technological developments provide new opportunities to make the application process for Schengen visas smoother and more effective for third-country nationals, ***as well as more cost effective for Member States*** ■ .
- (3) The COVID-19 pandemic, which slowed down Schengen visa operations worldwide, partly due to the difficulty of receiving visa applicants in consulates and in Visa Application Centres, prompted Member States to call upon the Commission to speed up work on the digitalisation of visa procedures.

⁴ 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).

⁵ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of information between Member States on short-stay visas, long-stay visas and residence permits (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

- (4) The New Pact on Migration and Asylum, proposed by the Commission on 23 September 2020, set the objective of fully digitalising the visa procedure by 2025, with a digital visa and the ability to submit visa applications online.
- (5) While visa processing is already partially digitalised, with applications and decisions recorded in the VIS, two important steps remain paper-based: the visa application process and the issuance of the visa to the applicant by means of a visa sticker. The paper-based steps create a burden for all stakeholders, in particular for Member State authorities that issue visas and for visa applicants. Member States are aware of that burden and some of them have already implemented digital solutions in order to provide applicants with a modern and user-friendly application procedure and to improve the efficiency of handling visa applications.

- (6) A single technical solution, namely the EU Visa Application Platform (EU VAP), should be developed to allow visa applicants to apply for a visa online, regardless of the Member State of destination. It should automatically determine which Member State is competent to examine an application, in particular in cases where the applicant intends to visit several Member States. In such cases, Member States would only need to check whether the tool determined the correct competent Member State.
- (7) *A digital platform, common to all Member States, would significantly contribute to improving the image of the Union.*

- (8) The EU VAP should provide the applicant with up-to-date ***and easily accessible*** information ***and the conditions for entry on the territory of the Member States, in formats that take into account visual impairments***. It should also provide a guidance tool with which the applicant can find all the necessary information regarding visa requirements and procedures, such as, but not limited to whether and what type of visa is required; the amount of the visa fee; the Member State competent for handling the application; which supporting documents are required; whether an appointment is necessary to collect biometric identifiers and whether it is possible to apply online without an appointment. ***The EU VAP should provide the applicant with documents in a printable format and should include a communication mechanism, such as a chatbot, to answer questions of the applicants. That chatbot will not constitute the only means by which the applicant could get information on the visa procedure. The EU VAP should also provide information on the processing of personal data in the context of the VIS.*** The EU VAP should also allow secure electronic communication between the applicant and the competent consulate or the central authorities of the competent Member State, if additional documents or an interview with the applicant is necessary.

- (9) *Member States should ensure that the service offered to the public in the course of the visa application process is of a high standard and follows good administrative practice. Member States should ensure that a ‘one-stop shop’ principle is applied to all applicants.*
- (10) Visa applicants should be able to submit their application and provide the data required in the application form, ***an electronic*** copy of the travel document, supporting documents and travel medical insurance in digital format through the EU ***VAP***. In order to enable applicants to save information relating to their application, the ***EU VAP*** should be able to store data temporarily ***and strictly for as long as this is necessary for the completion of relevant tasks***. Once the applicant submits the online application and the Member States perform the appropriate checks, the application file should be transferred to the national system of the competent Member State and stored there. Consulates ***or the central authorities are to*** consult the information stored at a national level and enter only the required data in the central VIS.

- (11) Appearing in person at the consulate or external service provider should, in principle, be mandatory only for first time applicants and applicants who have acquired a new travel document which needs to be verified, and for the collection of biometric identifiers.

However, in cases of doubt concerning the travel document, supporting documents, or both, or in individual cases in a particular location where there is a high incidence of fraudulent documents, Member States should retain the possibility to ask the applicant to appear in person.

- (12) Repeat applicants should be able to apply fully online within a period of 59 months after their initial application provided that they apply with the same travel document. Once that period has elapsed, biometric identifiers should be collected again, in accordance with Regulation (EC) No 810/2009, which provides that biometric data are, in principle, to be collected every 59 months, starting from the date of the first collection.

- (13) Specific provisions apply to third-country nationals subject to a visa requirement who are family members of citizens of the Union to whom Directive 2004/38/EC of the European Parliament and of the Council⁶ applies or of third-country nationals enjoying the right to free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, and who do not hold a residence card pursuant to Directive 2004/38/EC, or of UK nationals who are beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community⁷ (EU-UK Withdrawal Agreement) in relation to their host State, as defined in the EU-UK Withdrawal Agreement, and who do not hold a EU-UK Withdrawal Agreement residence document.

⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

⁷ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

- (14) Article 21(1) of the Treaty on the Functioning of the European Union (TFEU) stipulates that every citizen of the Union has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. Directive 2004/38/EC lays down limitations and conditions relating to those rights. As confirmed by the Court of Justice of the European Union, family members of citizens of the Union to whom Directive 2004/38/EC applies have not only the right to enter the territory of the Member State, but also to obtain an entry visa for that purpose. Member States are required to grant such persons every facility to obtain the necessary visas, which are to be issued free of charge as soon as possible, on the basis of an accelerated procedure and with due regard to the procedural safeguards that apply to them. Against this background, such family members should, in particular, be entitled to lodge their visa application, their application for a confirmation of a valid visa in a new travel document or their application for an extension of their visa without using the EU **VAP**, as this could facilitate their visa application. In such a case, they should be entitled to choose to lodge their applications in person at the consulate or at the external service providers. In addition, the EU **VAP** should fully take into account the rights and facilitations granted to the beneficiaries of the free movement acquis. The same applies with regard to family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in relation to their host State, as defined in the EU-UK Withdrawal Agreement, by virtue of Article 14(3) of that Agreement.

- (15) Special provisions should apply ***for humanitarian reasons, in justified*** individual cases, ***in cases of force majeure***, or to Heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose, sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose, ***and for visas applied for at the external border or that might be extended in the territory of the Member States.***
- (16) ***The*** special provisions which **■** apply for humanitarian reasons could ***also*** cover ***all types of*** digital accessibility issues, ***limited access to internet or no internet penetration, or limited digital literacy. Particular attention should be paid to persons with a disability.***

- (17) A third person **duly** authorised by the visa applicant or empowered by law to represent them, **where appropriate**, should be able to lodge an application on behalf of the visa applicant, provided that the identity of that third person is included in the application form.

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- (18) Each applicant should submit a completed application form using the EU **VAP. The online application form**, including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made, **should be signed electronically by ticking the appropriate box in the application form**. Each applicant should also state that they have understood the conditions for entry referred to in Regulation (EU) 2016/399 of the European Parliament and of the Council⁸ and that they could be requested to provide the relevant supporting documents at each entry. **Applicants should confirm that they agree to receive communications via the EU VAP. For that purpose they should access the EU VAP on a regular basis.**

Application forms for minors should be submitted and electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.

⁸ 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).

- (19) *When applying for a visa, applicants should provide proof of supporting documents. For the purposes of this Regulation, this encompasses both the digital and physical submission of documents. Taking into consideration the established case law of the Court of Justice of the European Union on the grounds of refusal of a visa, a flagged IP address alone or the potential duplication of IP addresses is not to be of relevance for the purpose of the examination of the application.*
- (20) ■ The payment of the visa fee should be made by using a ■ gateway linked to the *EU VAP* and the payments would be directly transferred, *in their entirety*, to the appropriate Member State. The data required for securing the electronic payment should not form part of data stored in the VIS. *Where an electronic payment is not possible, the visa fee should be collected by the consulates or the external service provider entrusted with that task.*

- (21) The EU *VAP* should also contain *an* appointment tool for Member States to use to manage appointments at their consulates or the external service providers. While the use of such tool should remain optional, as it might not be appropriate across all locations and for all consulates, Member States should nevertheless use local Schengen cooperation to discuss whether a harmonised approach regarding the use of the appointment tool could be followed in specific third countries or specific locations.
- (22) *Local Schengen cooperation should also determine in specific cases the use of widely spoken unofficial languages for the translation of the application form. Local Schengen cooperation should also discuss arrangements for the transfer of electronic data for external service providers or representing Member States where under national laws third countries prohibit such transfers outside of their territory.*

- (23) *The EU VAP should conduct an automated admissibility pre-check to verify whether the information provided by the applicant fulfils the admissibility requirements for the requested visa. It should notify the applicant if any information is missing and provide the applicant with the possibility to correct the application.*
- (24) *The EU VAP should conduct an automated competence pre-check to pre-determine the competent Member State on the basis of the information provided by the applicant. However, the applicant should be able to indicate that the application be processed by another Member State on the basis of the main purpose of stay. The consulate or the central authorities of that other Member State concerned should then verify whether they are competent to examine the application.*
- (25) Where the consulate or the central authorities of the Member State find that they are competent to examine the application, they should accept it and the data should be imported into the national system from the temporary storage as established by the VIS Regulation and, with the exception of contact data, deleted from that temporary storage.

- (26) *The architecture of the EU VAP should ensure data protection by design and by default, the respect of the principle of data minimisation and that, when operational, the EU VAP is implemented in a way that respects access rights under the relevant existing national and Union law.*
- (27) *In order for the personal data inserted in the EU VAP to be of the necessary minimum quality, a specific procedure to verify the quality of that data is necessary. Having a uniform approach to check quality is important not only to ensure an equal level of data quality across the Member States, but also to ensure that applicants receive the same treatment whichever competent authority they address.*

(28) *It is necessary to clarify the role and the responsibilities of the different actors involved in the processing of the data collected from applicants and visa holders. Member States will be the final users of the data to be collected by the EU VAP and will make the final decision on the basis of the data provided by applicants and visa holders. Member States should therefore be joint controllers for the processing of the personal data in the temporary storage in accordance with Article 26 of Regulation (EU) 2016/679 of the European Parliament and of the Council⁹. Each Member State should designate a competent authority which should be a controller. Member States should communicate those authorities to the Commission, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council¹⁰, and other Member States. eu-LISA should operate and provide technical solutions for the EU VAP and should process data submitted by visa applicants on behalf of the Member States issuing Schengen visas. eu-LISA should therefore be a processor as defined in Article 3, point (12), of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹¹.*

⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

¹⁰ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

¹¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (29) *When there is new information regarding the application or visa, the applicant should be informed by electronic message. The decision taken by the competent Member State, in accordance with Regulations (EC) No 810/2009 and (EC) No 767/2008, indicating whether the visa is issued, refused, confirmed to a new travel document, extended, annulled or revoked, should be made available to the applicant in a secure account service on the EU VAP. Access to the secure account on the EU VAP should be protected by technical means, for example by means of a multi-factor authentication.*
- (30) *A well-established principle in case law is that no right is to be prejudiced in consequence of the expiry of a time limit if the party concerned proves the existence of unforeseeable circumstances or force majeure. Therefore, applicants' rights are not to be prejudiced where it is not possible to use the secure account for technical reasons, provided that the applicant concerned proves the existence of unforeseeable circumstances or of force majeure.*

- (31) In order to reduce security risks related to the ***misuse of visa stickers***, counterfeited and stolen visa stickers, a visa should be issued in digital format and no longer as a visa sticker affixed to the travel document.
- (32) In order to ensure maximum security and to prevent counterfeiting or forgery, the notification of digital visa should be in the form of a 2D barcode which is cryptographically signed by the Country Signing Certificate Authority (CSCA) of the issuing Member State. Thus, in the event that VIS were unavailable, checks could be carried out on the basis of that 2D barcode.
- (33) Where the travel document of the visa holder is lost, stolen, ***has expired*** or has ***been invalidated*** and the visa is still valid, the visa holder should be able to apply via the EU VAP for confirmation of the valid visa in a new travel document provided that the new travel document is of the same type and is issued by the same country as the lost, stolen, ***expired or invalidated*** travel document. The visa holder should appear in person before the consulate or the external service provider to present the new travel document in order to verify the authenticity of that travel document.

- (34) Data stored in the EU VAP should be safeguarded using privacy-enhancing implementation measures.
- (35) External service providers should have access to the EU **VAP** only to retrieve and review applications; verify data temporarily stored, for example a scan of a travel document; ***check and upload relevant personal data from the chip of the travel document***; collect and upload biometric identifiers; perform quality checks on the uploaded supporting documents; confirm that an application has been reviewed and thus make it available to the consulate for further processing. External service providers should not have access to data stored in the VIS.
- (36) It is necessary to determine the date from which operations start, including ***of*** the digital visa and the EU **VAP**. A transitional period should be provided for, during which it should be possible for a Member State to decide not to avail itself of the EU **VAP**. That transitional period should be for 7 years from the date of the start of operations. Nevertheless, it should be possible for a Member State to notify the Commission and eu-LISA that it wishes to join the EU **VAP** before the end of the transitional period. During the transitional period, if a Member State decides not to avail itself of the EU **VAP**, visa holders should still be able to verify the digital visas using the web service of the EU **VAP**.

- (37) *eu-LISA should ensure sufficient capacities and functionalities of the EU VAP in order to enable Member States to join the EU VAP during the transitional period. The development of the EU VAP by eu-LISA should take into account the future use of the EU VAP by Member States which do not yet apply the Schengen acquis in full. The EU VAP should be set up so as to enable those Member States to seamlessly connect with it and smoothly use the EU VAP as soon as a Council decision in accordance with Article 3(2) of the 2003 Act of Accession or Article 4(2) of the 2005 Act of Accession has been adopted. To this end, eu-LISA should have regard, in particular, to the storage capacity of the EU VAP and the interconnection of the EU VAP with the national visa information systems. The competent authorities of the Member States concerned should be fully involved with the development of the EU VAP from the outset in the same way as the competent authorities of the other Member States.*

- (38) *A Member State which does not apply the Schengen acquis in full should be able to request eu-LISA to introduce links to the relevant national application procedure of the Member State concerned through the inclusion of a Uniform Resource Locator (URL) in the EU VAP.*
- (39) *The EU VAP should contain a functionality for applicants **and other entities, such as employers or universities or local authorities**, to verify **the** digital visas.*

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- (40) In order to enable the application of Decision No 565/2014/EU of the European Parliament and of the Council¹², Bulgaria, ■ Cyprus and Romania should have read-only access of digital visas stored in the VIS.
- (41) eu-LISA should be responsible for the technical development and operational management of the EU **VAP** and its components, as part of the VIS.

¹² Decision No 565/2014/EU of the European Parliament and of the Council of 15 May 2014 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Croatia, Cyprus and Romania of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decisions No 895/2006/EC and No 582/2008/EC (*OJ L 157, 27.5.2014, p. 23*).

- (42) The system architecture of the EU *VAP* should reuse, to the fullest extent possible, the existing and upcoming systems that form part of the new framework for interoperability, and in particular the European Travel [Information and Authorisation](#) System (ETIAS) and the Entry-Exit System (EES), while respecting the current limitations of technology and the investments already made by Member States in their own national systems.
- (43) *The development by eu-LISA of the EU VAP and of its interconnection with the national visa information systems and the operation, including maintenance, by eu-LISA, of the EU VAP should be financed under the general budget of the Union. Regarding necessary adaptations by the Member States to the existing national visa information systems, Member States should be able to use the Instrument for Financial Support for Border Management and Visa Policy to finance this category of costs.*

- (44) The checking of digital visas at the border should rely on the existing and upcoming EU system architecture for border management and should consist of the visa holder's information stored in the VIS. That information should be verified by means of biometric data by Member States authorities.
- (45) The format for short-stay visas, as set by Council Regulation (EC) No 1683/95¹³, is also used for long-stay visas. Therefore, the Convention implementing the Schengen Agreement¹⁴ should be amended to enable long-stay visas also to be issued in digital format.

¹³ Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

¹⁴ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

- (46) Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) are documents equivalent to transit visas, authorising the holder to enter in order to pass through the territories of Member States in accordance with the provisions of the Schengen acquis concerning the crossing of external borders. FTD and FRTD are issued in uniform formats and the application procedure is paper-based. In order to reflect digitalisation developments, Council Regulations (EC) No 693/2003¹⁵ and (EC) No 694/2003¹⁶ should be amended to enable digital applications and FTD and FRTD to be issued in digital format.

¹⁵ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

¹⁶ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

- (47) In order to *amend certain aspects of Regulation (EC) No 767/2008*, the power to adopt **■** acts in accordance with Article 290 of the TFEU should be delegated to the Commission to *specify the content of simplified application forms for the confirmation of valid visas in a new travel document and for the extension of visas*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (48) *In order to ensure uniform conditions for the implementation of Regulation (EC) No 810/2009, implementing powers should be conferred on the Commission to adopt the minimum standards for verification of travel documents and for processing chip data, and to adopt rules for filling in the data fields of digital visas. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council*¹⁸.
- (49) *In order to ensure uniform conditions for the implementation of Regulation (EC) No 767/2008, implementing powers should be conferred on the Commission to lay down measures necessary for the technical implementation of the functionalities of the EU VAP, to adopt model contingency plans in case it is technically impossible to access data at the external borders, and to specify the responsibilities and relationships between Member States as joint controllers for the processing of personal data in EU VAP, the relationship between the joint controllers and the processor, and the responsibilities of the processor in accordance with Article 28 of Regulation (EU) 2016/679 and Article 29 of Regulation (EU) 2018/1725. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.*

¹⁷ OJ L 123, 12.5.2016, p. 1.

¹⁸ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

- (50) Since the objectives of this Regulation, namely the establishment of the EU *VAP* and the introduction of a digital visa, build on other initiatives aiming, on the one hand, at streamlining and harmonising the procedures in the context of the common visa policy and, on the other hand, at aligning travel, entry requirements and border checks within the Schengen Area with the new digital era, the amendments of the related legislation cannot be achieved by the Member States acting alone but can rather only be achieved at Union level and as a part of the Schengen acquis, the Union may therefore adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). 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 those objectives.
- (51) This Regulation is without prejudice to the application of Directive 2004/38/EC and of Part Two of the EU-UK Withdrawal Agreement.

- (52) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. The introduction of the EU **VAP** and of a digital visa will fully respect the right to protection of personal data, the respect for private and family life, the rights of the child, and the protection of vulnerable persons. All safeguards on fundamental rights included in Regulation (EC) No 767/2008 will remain fully applicable in the context of the EU **VAP** and of the digital visa, in particular regarding the rights of the child. The **EU VAP** will have to take into account the requirements laid down in the Directive (EU) 2016/2102 of the European Parliament and of the Council¹⁹ to ensure an easy access for people with disabilities. *Particular attention should be given to people with limited digital literacy and internet access issues.*

¹⁹ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, (OJ L 327, 2.12.2016, p. 1).

- (53) In accordance with Articles 1 and 2 of the Protocol No 22 on the Position of Denmark, annexed to the TEU and to the TFEU, 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 it in its national law.
- (54) 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/EC²⁰; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

²⁰ 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).

- (55) 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 acquis²¹ which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC²².
- (56) 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 acquis²³ 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/EC²⁴.

²¹ OJ L 176, 10.7.1999, p. 36.

²² 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).

²³ OJ L 53, 27.2.2008, p. 52.

²⁴ 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).

- (57) 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 acquis²⁵ 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/EU²⁶.
- (58) *As regards Cyprus and Bulgaria and Romania*, this Regulation 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 ■ and Article 4(2) of the **2005** Act of Accession.
- (59) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on **21 June 2022**²⁷,

HAVE ADOPTED THIS REGULATION:

²⁵ OJ L 160, 18.6.2011, p. 21.

²⁶ 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).

²⁷ OJ C 277, 19.7.2022, p. 7.

Article 1
Amendments to Regulation (EC) No 810/2009

Regulation (EC) No 810/2009 is amended as follows:

(1) in Article 1(2), the following point is added:

- ‘(c) the residence rights enjoyed in the host State, as defined in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* (‘EU-UK Withdrawal Agreement’), by third-country nationals who are family members of UK nationals who are beneficiaries of that Agreement.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).’;

(2) **I** Article 2 *is amended as follows*:

(a) *point 6 is replaced by the following*:

‘6. “digital visa” means a visa issued in digital format in accordance with Council Regulation (EC) No 1683/95*;

* Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).’;

(b) *the following point is inserted*:

‘10a. ‘application form’ means the harmonised *application* form set out in Annex I, available either online via the EU Visa Application Platform (EU VAP) established in accordance with the VIS Regulation or on paper;’;

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(c) *point (13) is replaced by the following:*

‘13. ‘electronically signed’ means the confirmation of agreement online on the EU VAP through the ticking of an appropriate box on the application form;’;

(d) *the following point is added:*

‘14. ‘electronic message’ means a communication sent by electronic means notifying the recipient that new information is available in their secure account.’;

(3) ■ Article 3(5) *is amended as follows:*

(a) point (b) is 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, the United Kingdom or the United States of America guaranteeing the holder’s unconditional readmission, or holding a valid residence permit for one or more of the overseas countries and territories of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);’;

(b) point (d) is replaced by the following:

‘(d) family members of citizens of the Union referred to in Article 1(2), point (a), family members of third-country nationals referred to in Article 1(2) point (b) and family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement referred to in Article 1(2), point (c);’;

(4) in Article 8, the following paragraph is inserted:

‘4a. Bilateral representation arrangements shall be displayed in the EU *VAP*.’;

(5) Article 9 is amended as follows:

(a) the following paragraphs are inserted:

‘1a. *Without prejudice to Articles 33 and 35, applications shall be lodged* via the *EU VAP*.

1b. By derogation from paragraph 1a, *Member States may allow* the following categories of persons *to* lodge an application without using the EU *VAP*:

- (a) third-country nationals ■ for humanitarian reasons;
- (b) *third-country nationals in justified individual cases or in cases of force majeure*;
- (c) heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose, sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose.';

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- (b) in paragraph 4 the following point is added:

‘(d) by another person, *if applicable, duly authorised by the applicant, where* -the application is lodged via the EU VAP.’;

(6) Article 10 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. When lodging an application, applicants shall, where required in accordance with Article 13, appear in person to provide their **biometric identifiers**.

Applicants shall also appear in person for the verification of their travel document in accordance with Article 12.’;

(b) the following paragraphs are inserted:

‘1a. ***Without prejudice to paragraphs 1 and 1b, in cases of doubt concerning the travel document, supporting documents, or both, or in individual cases in a particular location*** where there is a high incidence of fraudulent documents, ***Member States may require, on the basis of a preliminary assessment of the application, that the applicant appear in person to present that travel document or to provide supporting documents, or both.***

1b. Consulates shall, within local Schengen cooperation, assess the implementation of the conditions laid down in paragraph 1a, to take account of local circumstances.’;

(c) paragraph 3 is replaced by the following:

‘3. When lodging the application, the applicant shall:

- (a) *submit an application form as provided for* in Article 11;
- (b) provide proof of holding the travel document in accordance with Article 12;
- (c) allow his or her facial image to be taken live in accordance with Article 13 or, where the exemptions referred to in Article 13(7a) apply, present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95;
- (d) allow the collection of his or her fingerprints in accordance with Article 13, where applicable;
- (e) pay the visa fee in accordance with Article 16;
- (f) provide proof of the supporting documents in accordance with Article 14;
- (g) where applicable, provide proof of possession of adequate and valid travel medical insurance in accordance with Article 15.’;

(7) Article 11 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. ***The*** application form shall be submitted ***and electronically signed***. In the cases referred to in Article 9(1b), the applicants may submit a manually or electronically completed application form, which shall be signed manually.

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Persons included in the applicant’s travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising the permanent or temporary parental authority or legal guardianship of that minor.’;

(b) paragraphs ***1a and 1b are*** deleted;

(c) the following paragraph is inserted:

‘1c. Each applicant shall submit a completed application form including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made. Each applicant shall also state that he or she has understood the entry conditions referred to in Article 6 of the Schengen Borders Code and that he or she may be requested to provide the relevant supporting documents at each entry.’;

(d) paragraphs 4 and 5 are replaced by the following:

- ‘4. If the application form is not available in the official language(s) of the host country, a translation of it into that/those language(s) and, where applicable, into any widely spoken unofficial language of the host country, shall be made available separately to applicants.*
- 5. In accordance with Article 48(1a), point (c) and where a common translation into the relevant languages does not yet exist, the local Schengen cooperation shall ensure a common translation of the application form into the official language(s) of the host country and, where the local Schengen cooperation considers it necessary, into any widely spoken unofficial language of the host country.’;*

(8) Article 12 is replaced by the following:

‘Article 12

Travel document

1. The applicant shall provide proof of holding a valid travel document satisfying the following criteria:
 - (a) its validity shall extend at least three months after the intended date of departure from the territory of the Member States or, in the case of several visits, after the last intended date of departure from the territory of the Member States. However, in a justified case of emergency, this obligation may be waived;
 - (b) it shall have been issued within the previous 10 years.

2. ***Without prejudice to Article 10(1a)*** the applicant shall only be required to present the travel document in person in case of a first application with that travel document, or if the applicant is required to provide biometric identifiers.

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3. ***Where required under paragraph 2, the authenticity, integrity and validity of*** the travel documents shall be checked ***and verified*** using the appropriate technology.

4. ***The consulate, the central authorities*** or the external service provider shall verify that the ■ travel document, which is presented in person in accordance with paragraph 2, corresponds to the ***electronic copy of the biographic data page of the travel document*** uploaded by the applicant.

If the verification is performed by the external service provider, the external service provider shall use the external service provider gateway referred to in Article 7f of the VIS Regulation.

5. ***Where the external service provider has doubts about the identity of the applicant or about the authenticity, integrity or validity of the presented travel document, it shall communicate those doubts to the consulate or the central authorities and send the travel document to the consulate for further verification.***

6. *Where the presented travel document contains a storage medium (chip), the consulate, or the central authorities or the external service provider shall read the chip and check the authenticity and integrity of the chip data.*

The following data shall be uploaded to the EU VAP:

(a) the relevant personal data limited to the data included in the machine-readable zone and the photograph;

(b) the electronic certificates;

(c) the protocols of the check .

7. *The Commission shall, by means of an implementing act, adopt minimum standards with regard to technology, methods and procedures to be used when travel documents are checked and verified by the consulate, the central authorities or the external service provider in order to make sure that the travel document provided or presented is not false, counterfeit or forged, and with regard to technology, methods and procedures to be used when processing chip data pursuant to paragraph 6. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 52(2).*
8. *Where there are doubts as to the quality of the electronic copy of the travel document, in particular as to whether it corresponds to the original, the competent consulate or the external service provider shall make a new electronic copy of the travel document and upload it to the EU VAP.’;*

(9) ■ Article 13 *is amended as follows*:

(a) *paragraph 6 is replaced by the following*:

‘6. The biometric identifiers shall be collected by qualified and duly authorised staff of the authorities competent in accordance with Article 4(1), (2) and (3). Under the supervision of the consulates or the central authorities, the biometric identifiers may also be collected by qualified and duly authorised staff of an external service provider as referred to in Article 43. Where there is any doubt, fingerprints which have been taken by the external service provider may be verified at the consulate.’;

(b) *the following paragraph is added*:

‘7c. Where the biometric identifiers are collected by an external service provider in accordance with Article 43, the external service provider gateway referred to in Article 7f of the VIS Regulation shall be used for the purpose of uploading the biometric identifiers as provided for in Article 7f(1), point (b), of that Regulation.’;

(10) in Article 14, paragraphs 1 and 2 are replaced by the following:

‘1. When applying for a uniform visa, the applicant shall provide the following **■** :

- (a) proof of documents indicating the purpose of the journey;*
- (b) proof of documents in relation to accommodation, or of sufficient means to cover the applicant’s accommodation;*
- (c) proof of documents indicating that the applicant possesses sufficient means of subsistence or is in a position to acquire such means lawfully, in accordance with Article 6 of the Schengen Borders Code, for both the duration of the intended stay and the return to the applicant’s country of origin or residence or for the transit to a third country into which the applicant is certain to be admitted ;*
- (d) information enabling an assessment of the applicant’s intention to leave the territory of the Member States before the expiry of the visa for which that applicant has applied.*

2. When applying for an airport transit visa, the applicant shall provide ■ :

(a) *proof of documents in relation to the onward journey to the final destination after the intended airport transit;*

(b) *information enabling an assessment of the applicant's intention not to enter the territory of the Member States.';*

(11) in Article 15(2), the second subparagraph is replaced by the following:

‘In addition, such applicants shall declare, *in* the application form, that they are aware of the need to be in possession of travel medical insurance for subsequent stays.’;

(12) ■ Article 16 *is amended as follows*:

(a) *paragraph 7 is replaced by the following*:

‘7. *The visa fee shall be charged in euro or in the national currency of the third country or the currency usually used in the third country where the application is lodged and shall not be refundable except in the cases referred to in Article 18(4) and Article 19(3).*

The payment tool referred to in Article 7e of the VIS Regulation shall be used for the payment of the visa fee except where an electronic payment is not possible, in which case the visa fee may be collected by the consulate or the external service provider entrusted with this task.

■ Where the visa fee is charged in a currency other than the euro, the amount shall be determined and regularly reviewed in application of the euro foreign exchange reference rate set by the European Central Bank. The amount charged may be rounded up and it shall be ensured under local Schengen cooperation that similar fees are charged *irrespective of which Member State is competent for examining the visa application.*’;

(b) *paragraph 9 is replaced by the following:*

‘9. *The Commission shall assess the need to revise the amount of the visa fees set out in paragraphs 1, 2 and 2a of this Article and in Articles 32a and 33 every three years, taking into account objective criteria, such as the general Union-wide inflation rate as published by Eurostat and the weighted average of the salaries of Member States' civil servants. On the basis of those assessments, the Commission shall adopt, where appropriate, delegated acts in accordance with Article 51a concerning the amendment of this Regulation as regards the amount of the visa fees.*’;

(13) ■ Article 18 *is amended as follows*:

(a) *paragraph 2 is deleted*;

(b) *the following paragraphs are added*:

- ‘3. ■ Following the notification via the EU **VAP** of the combined result of the automated competence and admissibility pre-checks pursuant to Article 7d(8) of the VIS Regulation, the consulate or the central authorities of the Member State notified by the EU VAP shall verify whether they are competent to examine the application and decide on it.
4. *If, after the verification* referred to in paragraph 3, *the consulate or the central authorities of* the Member State notified by the EU VAP *find that they are* not competent to examine and decide on the application, *they* shall, without delay, *inform* the applicant of that fact *through* the applicant’s secure account on the EU VAP *and indicate* which Member State *or consulate* is competent. An automatic electronic message shall be sent to the applicant by the EU VAP.

If, within 15 days of that electronic message having been sent, the applicant does not re-submit the application to the competent Member State or consulate, the application data, including biometric data, if applicable, shall be automatically deleted from temporary storage pursuant to Article 7d of the VIS Regulation, and the visa fee shall be refunded.

5. *For applications not submitted via the EU VAP, the consulate or the central authorities shall verify whether they are competent to examine and decide on the application, in accordance with Articles 5 and 6. If that consulate or those central authorities are not competent, they shall, without delay, return the application form and any documents submitted by the applicant, refund the visa fee, delete the biometric data and indicate which Member State or consulate is competent.’;*

(14) *in Article 19, the following paragraph is inserted:*

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‘1a. *Upon* the notification *of a positive result of* the automated admissibility pre-check pursuant to Article 7d(8) of the VIS Regulation, the consulate or the central authorities of the Member State notified by the EU VAP shall perform the verification referred to in paragraph 1 of this Article without delay.’;

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(15) Article 20 is deleted;

(16) Article 21 is amended as follows:

(a) in paragraph 3, point (a) is replaced by the following:

‘(a) that the travel document provided ■ is not false, counterfeit or forged;’;

(b) in paragraph 6, point (a) is replaced by the following:

‘(a) that the travel document provided ■ is not false, counterfeit or forged;’;

(17) Article 24 is amended as follows:

- (a) in paragraph 1, third subparagraph, the reference to ‘point (a) of Article 12’ is replaced by reference to ‘Article 12(1), point (a)’;
- (b) in paragraph 2, first subparagraph, the introductory words are replaced by the following:

‘Provided that the applicant fulfils the entry conditions set out in Article 6(1), points (a), (c), (d) and (e), of the Schengen Borders Code, multiple-entry visas with a long validity shall be issued for the following validity periods.’;

- (c) the following paragraph is inserted:

‘2aa. The validity of the multiple-entry visas ■ shall not be restricted by the validity of the travel document.’;

(d) the following paragraphs are added:

‘4. As soon as the decision on the issuance of a visa has been taken by the competent authority and made available in the secure account in accordance with Article 7g(2) of the VIS Regulation, the EU VAP shall send an electronic message to the applicant in accordance with Article 7g(1) of that Regulation.

The decision shall be made available to the applicant in the secure account.

The notification of the decision on the issuance of a visa may be made through other notification means requested by the applicant and allowed by the Member State.

5. For applications not submitted via the EU VAP, the issuance of a visa shall be notified to applicants by the authorities of the issuing Member State.’;

(18) in Article 25, the following paragraph is added:

‘6. Issuing a visa in digital format shall not affect the competence of Member States in relation to the recognition of travel documents, including those travel documents that are not recognised by one or more, but not all Member States.’;

(19) the following Article is inserted:

‘Article 26a

Digital visas

Visas shall be issued in digital format *in accordance with Regulation (EC) No 1683/95*.

Digital visas shall be a record in *the VIS and shall have* a unique visa number.’;

(20) Article 27 is replaced by the following:

‘Article 27

Filling in the data fields of the digital visa

- 1. The Commission shall, by means of implementing acts, adopt the rules for filling in the data fields of the digital visa laid down in the Annex to Regulation (EC) No 1683/95. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2) of this Regulation.***
- 2. Member States may add national entries in the ‘comments’ section of the visa, in accordance with Article 10(1), point (n), of the VIS Regulation. Those entries shall not duplicate the mandatory entries established in accordance with the procedure referred to in paragraph 1 of this Article.’;***

(21) *Article 28 is replaced by the following:*

‘Article 28

Invalidation of a completed visa sticker

If an error is detected on a visa sticker for a visa not issued in digital format, the visa sticker shall be invalidated by drawing a cross with indelible ink on the visa sticker and a digital visa with the correct data shall be issued.’;

(22) In Article 32, paragraph 2 is replaced by the following:

- ‘2. *A decision on refusal and the reasons on which it is based, as set out in Annex VI, shall be made available to the applicant in the secure account. That decision shall be in the official language(s) of the Member State that has taken the final decision on the application and in another official language of the Union. Member States may add additional documents that substantiate that decision.*

As soon as the decision on refusal has been taken by the competent authority and made available in the secure account in accordance with Article 7g(2) of the VIS Regulation, the EU VAP shall send an electronic message to the applicant in accordance with Article 7g(1) of that Regulation. Where an applicant is represented by another person, that electronic message shall be sent to both of them.

The time limit for lodging an appeal under national law against a decision on refusal shall begin from the moment the applicant accesses the decision in the secure account. The time limit shall be counted according to the time zone of the applicant's residence as indicated in the application form.

The decision shall be deemed to have been accessed by the applicant on the eighth day following the date on which the electronic message informing the applicant of the availability of the decision in the applicant's secure account was sent. From that day the decision shall be presumed to have been notified to the applicant.

The EU VAP shall indicate the date of actual or presumed notification of the decision to the applicant. In the case of a presumed notification an automatic electronic message shall be sent to the applicant by the EU VAP.

If the secure account cannot be used for technical reasons, applicants may contact the competent consulate or the central authorities or the external service provider.

The notification of decisions referred to in this paragraph may be made through other means requested by the applicant and allowed by the Member State.

For applications not submitted via the EU VAP in cases referred to in Article 9(1b) and Article 35, a decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI in the official language(s) of the Member State that has taken the final decision on the application and in another official language of the Union.’;

(23) the following Article is inserted:

‘Article 32a

Confirmation of a valid visa in a new travel document

1. Visa holders whose travel document has been lost, stolen, *has expired* or has *been invalidated* and whose visa is still valid *shall* apply for the confirmation of the visa in a new travel document, *if they wish to continue using the visa. The new travel document shall be of the same type and issued by the same country as the lost, stolen, expired or invalidated travel document. The visa shall be confirmed by the authority which issued the visa or by another authority of the same Member State as communicated by the Member State which issued the visa.*

2. Visa holders as referred to in paragraph 1 shall apply for confirmation of the visa in a new travel document via the EU *VAP*, **by using a simplified application form**. They shall provide the following data:
- (a) *surname, surname at birth, first name, date and place of birth, sex*, nationality;
 - (b) number of the visa;
 - (c) data of the lost, stolen, *expired or invalidated* travel document;
 - (d) data of *the* new travel document;
 - (e) *electronic copy of the biographic data* page of the new travel document;
 - (f) proof of loss or theft of the travel document ■ ;
 - (g) *where applicable, identity changes since the issuance of that visa.*

3. The visa holder shall pay the visa confirmation fee of EUR **20**.
4. The visa holder shall be required to appear in person *as communicated by the Member State*.
5. The new travel document shall fulfil *the* conditions laid down in Article 12 *and shall be verified in accordance with that Article*.
6. *Without prejudice to the respective consultation rights, the competent consulate or central authorities of the competent Member State may consult the databases referred to in Article 9a(3) of the VIS Regulation when a confirmation of visa is requested.*
7. Where the competent consulate or the central authorities of the competent Member State determine that a valid visa can be confirmed in a new travel document, they shall enter the data in the application file in the VIS *in accordance with* Article 12a of the VIS Regulation.

8. *As soon as a decision on the confirmation of a visa in a new travel document has been taken by the competent authority and made available in the secure account in accordance with Article 7g(2) of the VIS Regulation, the EU VAP shall send an electronic message to the visa holder in accordance with Article 7g(1) of that Regulation.*

The decision on the confirmation of a visa in a new travel document shall be made available to the visa holder in the secure account. That confirmation shall be attested by a confirmation number.

9. Where the competent consulate or the central authorities of the competent Member State cannot determine whether a valid visa can be confirmed in a new travel document, in particular because of doubts regarding the identity of the visa holder, they shall refuse the confirmation **and** revoke the valid visa, in accordance with Article 34.

■

10. A ***negative decision*** regarding the confirmation of a valid visa in a new travel document shall not preclude the visa holder ***from submitting*** a new visa application. ***This shall be without prejudice to the right of the applicant to appeal in accordance with Article 34(7).’;***

(24) Article 33 is amended as follows:

(a) paragraph 6 is replaced by the following:

‘6. ***Member States may allow*** visa holders ***to*** apply for an extension of a visa- via the EU VAP ***by using a simplified application form. In such cases, visa holders shall provide the following:***

(a) personal data;

(b) ***the*** number of ***the*** visa and ***the*** number of the travel document;

(c) ***an electronic copy of the*** supporting documents proving force majeure, humanitarian reasons or serious personal reasons ***which prevent*** them from leaving the territory of the Member States ***before the expiry of the period of validity of their visa or of the duration of stay authorised by the visa.***

Those visa holders shall pay the fee of EUR 30 only in case of serious personal reasons referred to in paragraph 2.’;

(b) the following paragraph is added:

‘8. *As soon as the decision on the request to extend the visa* via the EU *VAP* *has been taken by the competent authority and made available in the secure account* in accordance with Article 7g(2) of the VIS Regulation, *the EU VAP shall send an electronic message to the visa holder in accordance with Article 7g(1) of that Regulation.*

The decision shall be made available to the visa holder in the secure account. Member States may add additional documents that substantiate the decision.’;

(25) Article 34 is amended as follows:

(a) paragraphs 5 and 6 are replaced by the following:

- ‘5. If a visa not issued in digital format is annulled or revoked, a stamp stating ‘ANNULLED’ or ‘REVOKED’ shall be affixed to it and the optically variable feature of the visa sticker, the security feature ‘latent image effect’ as well as the term ‘visa’ shall be invalidated by being crossed out.
6. A decision on annulment or revocation of a visa and the reasons on which it is based shall be issued in digital format by entering the data into the VIS,  in accordance with Article 13 of the VIS Regulation.

The decision on annulment or revocation and the reasons on which it is based, as set out in Annex VI, shall be made available to the visa holder in the secure account. That decision shall be in the official language(s) of the Member State that has taken the final decision on the application and in another official language of the Union. Member States may add additional documents that substantiate that decision.

As soon as the decision has been taken by the competent authority and made available in the secure account in accordance with Article 7g(2) of the VIS Regulation, the EU VAP shall send an electronic message to the visa holder in accordance with Article 7g(1) of that Regulation. Where a visa holder is represented by another person that electronic message shall be sent to both of them.

The time limit for lodging an appeal under national law against the decision shall begin from the moment the visa holder accesses the decision in the secure account. The time limit shall be counted according to the time zone of the visa holder's residence as indicated in the application form.

The decision shall be deemed to have been accessed by the visa holder on the eighth day following the date on which the electronic message informing the visa holder of the availability of the decision in the visa holder's secure account was sent. From that day the decision shall be presumed to have been notified to the visa holder.

The EU VAP shall indicate the date of actual or presumed notification of the decision to the visa holder. In the case of a presumed notification an automatic electronic message shall be sent to the visa holder by the EU VAP.

If the secure account cannot be used for technical reasons, the visa holder may contact the competent consulate or the central authorities or the external service provider.

The notification of decisions referred to in this paragraph may be made through other means requested by the visa holder and allowed by the Member State.

For applications not submitted via the EU VAP, the decision and the reasons on which it is based shall be notified to the visa holder by means of the standard form set out in Annex VI in the official language(s) of the Member State that has taken the final decision on the application and in another official language of the Union.’;

(b) in paragraph 7, the third sentence is replaced by the following:

‘Member States shall provide **visa holders** with information regarding the procedure to be followed in the event of an appeal, as set out in Annex VI **■**.’;

(26) *In Article 35, the following paragraph is added:*

‘8. Member States may allow third-country nationals to apply for a visa at the external border via the EU VAP. In such cases, the Member States shall notify the applicant of the decision taken on the visa application by making it available to the applicant via the applicant’s secure account on the EU VAP in accordance with Article 7g(2) of the VIS Regulation. As soon as the decision has been made available in the applicant’s secure account, the EU VAP shall send an electronic message to the applicant in accordance with Article 7g(1) of the VIS Regulation.’;

(27) Article 37 is amended as follows:

(a) paragraph 2 is *deleted*;

■

(b) in paragraph 3, the first sentence is replaced by the following:

‘*As a general rule*, consulates or central authorities shall keep archives of applications in digital format.’;

(28) Article 38 is amended as follows:

(a) paragraph 1a is replaced by the following:

‘1a. Member States shall ensure that the entire visa procedure in consulates, including the lodging and handling of applications and the practical cooperation with external service providers, is monitored by expatriate staff to ensure the integrity of all stages of the procedure.’;

(b) the following paragraph is inserted:

‘3c. *Based on training materials developed by eu-LISA or the Commission,*
Member States’ central authorities shall provide appropriate training to *each of*
their staff *and external service providers* regarding the EU *VAP*.’;

(29) *in Article 40(2), point (a) is replaced by the following:*

‘(a) *equip their consulates and authorities responsible for issuing visas at the borders*
with the requisite material for the collection of biometric identifiers;’;

(30) Article 42 is deleted.

(31) Article 43 is amended as follows:

(a) paragraph 4 is replaced by the following:

‘4. ***Only the consulates or the central authorities shall examine the*** applications, ***conduct***, where appropriate, ***the*** interviews and ***take a*** decision on applications
■.’;

(b) in paragraph 5, the following subparagraph is added:

‘By way of derogation from the first subparagraph, ***only duly authorised staff of*** external service providers may have access to the EU ***VAP*** via the external service provider gateway referred to in Article 7f of the VIS Regulation, ***and only*** to:

(a) verify the data uploaded by the applicant;

- (b) upload biometric identifiers;
 - (c) upload ***copies of*** the supporting documents;
 - (d) use the appointment tool to indicate available appointments.’;
- (c) paragraph 6 is amended as follows:
- (i) point (c) is replaced by the following:
 - ‘(c) collecting data ***and, if applicable, applications*** including the collection of biometric identifiers and, in ***the*** exceptional cases ***referred to in Article 10(1a)***, supporting documents and documents needed for identity checks, transmitting them to the consulate or the central authorities ***where they have not received those documents and information***, and uploading them to the EU ***VAP***’;

(ii) the following *points are* inserted:

‘(ca) *verifying* the travel document against the *electronic* copy uploaded by the applicant;

(cb) *in cases where Article 12(2) applies, verifying that the holder of the travel document corresponds to the applicant;*’;

(32) ■ Article 44 *is amended as follows*:

(a) *paragraph 1 is replaced by the following*:

‘1. *In the case of cooperation among Member States and cooperation with an external service provider, the Member State(s) concerned shall ensure that data are fully encrypted, whether transferred electronically or physically onto an electronic storage medium.*’;

(b) the following paragraph is inserted:

‘1a. **■** The access that external service providers may have to the EU VAP via the external service provider gateway referred to in Article 7f of the VIS Regulation *shall be protected by a secure encryption system other than the one referred to in paragraph 1 of this Article.*’;

(33) ■ Article 47 is amended as follows:

(a) point (e) of paragraph 1 is deleted;

(b) the following paragraph is added:

‘3. The EU **VAP** shall provide the general public with all relevant information in relation to the application for a visa via the EU **VAP**, in particular the information referred to in Article 7a of the VIS Regulation.’;

■

(34) *Annex I to Regulation (EC) No 810/2009 is replaced by the text set out in Annex I to this Regulation.*

- (35) Annex III *to Regulation (EC) No 810/2009* is deleted;.
- (36) In *Annex V to Regulation (EC) No 810/2009*, the following entry is inserted after the entry for San Marino:
- ‘UNITED KINGDOM:**
- *UK Biometric Residence Permit (BRP) (for citizens from non-EU countries).*’.

Article 2
Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended as follows:

(1) Article 2a is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in the first subparagraph, the following point is inserted:

‘(fa) EU Visa Application Platform (EU VAP);’;

(ii) the following subparagraphs *are* added:

‘The EU **VAP** shall share and re-use as much as technically possible the hardware and software components of the EES web service and the ETIAS website and the application for mobile devices.

The EU VAP shall be developed so as to enable the Member States which do not yet apply the Schengen acquis in full to seamlessly connect with it and smoothly use the EU VAP as soon as a Council decision in accordance with Article 3(2) of the 2003 Act of Accession or Article 4(2) of the 2005 Act of Accession has been taken.’;

(b) the following paragraphs are added:

‘6. The EU **VAP** shall consist of the following components:

- (a) a public website and an app for mobile devices;
- (b) temporary storage capacity;
- (c) a secure account service;
- (d) a verification tool for applicants;

- (e) a web service for visa holders;
- (f) an email service;
- (g) a payment tool;
- (h) a tool for managing appointments (the appointment tool);
- (i) an external service provider gateway;
- (j) a configuration module for eu-LISA, central authorities and consulates;
- (k) software to generate and read encrypted 2D barcode;
- (l) a secure web service enabling the components of the EU *VAP* to communicate;

- (m) a helpdesk function to be managed by eu-LISA;
- (n) read-only copy of VIS database-;
- (o) *a functionality allowing the applicant to print documents;*
- (p) *a chatbot;*
- (q) *a secured communication infrastructure for Member States to access the EU VAP.*

7. *A Member State which does not yet apply the Schengen acquis in full may request eu-LISA to introduce links to the relevant national application procedure of the Member State concerned through the inclusion of a Uniform Resource Locator (URL) in the website referred to in paragraph 6 point (a).’;*

(2) ■ Article 4 *is amended as follows*:

(a) *point 2 is replaced by the following*:

‘2. “digital visa” means the visa *issued* in digital format referred to in Article 26a of Regulation (EC) No 810/2009 *in accordance with Regulation (EC) No 1683/95*;’;

(b) *the following points are added*:

‘24. ‘*read-only copy of VIS database*’ means a subset of VIS data relevant for the purpose of this Regulation with exception of biometric data;

25. ‘*chatbot*’ means software that simulates human conversation through interaction by text or voice.’;

(3) the following Chapter is inserted:

‘CHAPTER Ia

EU VISA APPLICATION PLATFORM (EU VAP)

Article 7a

Information available on the *EU VAP*

1. The EU *VAP* shall provide general information to the public as referred to in Article 47 of Regulation (EC) No 810/2009.

The Commission and the Member States shall be responsible for providing the information, in accordance with their respective responsibilities set out in paragraphs 3, 4 and 5 of this Article.

2. ***The EU VAP shall display the entry conditions laid down in Article 6 of Regulation (EU) 2016/399.***
3. eu-LISA shall be responsible for publishing and updating the following general public information on the ***EU VAP*** upon receiving the following information from the Commission or the Member States:
 - (a) the visa requirements, including visa lists, visa waiver agreements, waivers for diplomatic and service passports, and cases of possible suspension of visa-free travel, under Articles 3, 4, 5, 7 and 8 of Regulation (EU) 2018/1806 of the European Parliament and of the Council* and Annexes I and II to that Regulation; as well as information under Directive 2004/38/EC of the European Parliament and of the Council**, ***an agreement between the Union and its Member States, on the one hand, and a third country, on the other, that provides the right to free movement equivalent to that of Union citizens,*** and the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*** ('EU-UK Withdrawal Agreement');

- (b) the amount of the visa fees as referred to in Article 16 of Regulation (EC) No 810/2009 and the amount of reduced or higher fees as applicable, such as:
 - (i) in the case of a visa facilitation agreement, or a readmission-related measure stemming from Article 25a of that Regulation;
 - (ii) where Directive 2004/38/EC applies;
 - (iii) *in the case of an agreement between the Union and its Member States, on the one hand, and a third country, on the other, that provides the right to free movement equivalent to that of Union citizens, and*
 - (iv) where the EU-UK Withdrawal Agreement applies;
- (c) where applicable, harmonised lists of supporting documents, adopted in accordance with Article 14(5a) of Regulation (EC) No 810/2009;
- (d) where applicable, travel medical insurance requirements, in accordance with Article 15 of Regulation (EC) No 810/2009.

Where a Member State provides the information, eu-LISA shall configure the EU **VAP** upon confirmation of this information from the Commission.

4. The central ■ authorities shall be responsible for entering the following elements into EU VAP:
- (a) locations of consulates and their territorial competence referred to in Article 6 of Regulation (EC) No 810/2009;
 - (b) representation agreements or arrangements referred to in Article 8 of Regulation (EC) No 810/2009;
 - (c) use of external service providers and their locations referred to in Article 43 of Regulation (EC) No 810/2009;
 - (d) supporting documents referred to in Article 14 of Regulation (EC) No 810/2009, as well as those applicable pursuant to Directive 2004/38/EC and the EU-UK Withdrawal Agreement;
 - (e) optional visa waivers referred to in Article 6 of Regulation (EU) 2018/1806;
 - (f) optional visa fee waivers referred to in Article 16(5) Regulation (EC) No 810/2009.

5. The consulate or the central authorities of the competent Member State shall be responsible for entering the following elements into the EU VAP:
- (a) **■** access rights of external service providers, including for the appointment tool;
 - (b) the available appointments *in* the appointment tool *and contact details of consulates and external service providers.*

■

6. *The EU VAP shall include a chatbot. The chatbot shall be designed to dialogue with its users by providing answers on the visa application procedure, the rights and obligations of applicants and visa holders, the entry conditions for third-country nationals, contact details, and data protection rules.*

Article 7b

■ Application form

1. *Without prejudice to Article 9(1b) of Regulation (EC) No 810/2009*, each applicant shall submit **an** application referred to in Article 11 of *that* Regulation ■, using the EU *VAP*.
2. *The EU VAP shall provide each applicant with the information as referred to in Articles 37 and 38.*
3. Without prejudice to Article 7c, *if applicable*, the applicant shall provide the ■ data in the application form *as set out in Annex I of Regulation (EC) No 810/2009*.

■

All such data shall be recorded and stored ***in the*** temporary storage capacity in accordance with the data retention periods set out in Article 7d.

4. The EU ***VAP*** shall contain a secure account service. The secure account service shall enable the applicant to keep the data provided for subsequent applications, but only if the applicant freely and explicitly consents to such storage, ***within the meaning of Article 4, point (11), of Regulation (EU) 2016/679.***

The secure account service shall enable the applicant to submit the application in several steps.

5. The *alphabetic characters in the data provided by the applicant* in accordance with paragraph 3 *shall be* Latin alphabet characters.
6. On submission of the ■ application, the EU *VAP* shall collect the IP address from which the application was submitted and add it to the data of the application file.
7. The Commission shall *adopt delegated acts in accordance with Article 48a to supplement this Regulation by setting out* simplified application forms *in the EU VAP to be used in the procedures* for confirmation of valid visas in a new travel document *under* Article 32a of Regulation (EC) No 810/2009 *or* for extension of visas *under* Article 33 of that Regulation, *respectively, where those procedures are carried out using the EU VAP.*

Article 7c

Specific provisions on the use of the EU **VAP** ■

1. A third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right to free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, may lodge an application for a visa without using the EU **VAP** and shall be entitled to lodge the application in person at the consulate or at the external service providers premises, as that third-country national chooses.

2. Where a third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right to free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, applies for a visa using the EU *VAP*, the application process shall be carried out in accordance with Directive 2004/38/EC ***or with an agreement between the Union and its Member States, on the one hand, and a third country on the other, that provides the right to free movement equivalent to that of Union citizens.***

3. In particular, the EU *VAP* shall be designed so as to ensure that the following specific rules apply:
- (a) the visa fee shall be waived;
 - (b) in the visa application form, the applicant shall not be required to provide the following personal data:
 - (i) current occupation;
 - (ii) employer and employer's address and telephone number; or for students, name and address of educational establishment;
 - (iii) surname and first name of the inviting person(s) in the Member State(s), if not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s);

- (iv) name and address of inviting company/organisation;
 - (v) means of how the cost of travelling and living during the applicant's stay is to be covered;
- (c) the applicant shall be able to submit documents establishing that he or she is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right to free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other; the applicant shall not be requested to submit supporting documents as referred to under Article 14 of Regulation (EC) No 810/2009 or proof of possession of adequate and valid travel medical insurance in accordance with Article 15 of that Regulation;
- (d) by way of derogation from Article 7d(8), the automated admissibility pre-check shall only verify whether:
- (i) all the required fields of the application form are filled in;

- (ii) proof is provided of holding a valid passport in accordance with Directive 2004/38/EC *or with an agreement between the Union and its Member States, on the one hand, and a third country, on the other, that provides the right to free movement equivalent to that of Union citizens;*
- (iii) the biometric data of the applicant have been collected, if applicable;
- (e) where a visa is issued, in the notification laid down in Article 7g, the applicant shall receive a reminder that the family member of a citizen exercising the right to free movement who is in possession of a visa only has a right to enter if that family member is accompanied by or joining the Union citizen or other third-country national exercising his or her right to free movement.

4. Paragraphs 1 and 2 shall also apply where a third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right to free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, requires a visa extension or a confirmation of the visa in a new travel document. The visa extension fee and the visa confirmation fee shall be waived.
5. Paragraphs 1 to 4 shall apply *mutatis mutandis* to family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in the host State, as defined in that Agreement, for which the visa application is made.

Article 7d

Application process using the EU *VAP*

1. Upon submission of the application form pursuant to Article 7b the EU *VAP* shall determine the type of visa applied for and conduct an automated competence pre-check to **■** pre-determine the competent Member State on the basis of the ***number of days for the applicant's intended stay and the Member State of first entry***, provided by the applicant. ***However, the applicant may indicate that his or her application be processed by another Member State according to the main purpose of stay.*** This shall not preclude the manual verification of the competence by the Member States in accordance with Article 18(3) of Regulation (EC) No 810/2009.

The EU *VAP* shall enable applicants to indicate whether they are legally present, but not residing in a jurisdiction, as referred to in Article 6(2) of Regulation (EC) No 810/2009.

2. Applicants shall be able to use the EU *VAP* to submit an *electronic* copy of the travel document in digital format, as well as supporting documents and proof of travel medical insurance in digital format, as applicable, pursuant to Regulation (EC) No 810/2009 or Directive 2004/38/EC *or an agreement between the Union and its Member States, on the one hand, and a third country, on the other, that provides the right to free movement equivalent to that of Union citizens.*

3. **Where applicable**, the applicant shall be able to use the **secure** payment tool referred to in Article 7e to pay the visa fee through the EU VAP.
4. The EU VAP shall be able to check the read-only copy of VIS database to verify whether the applicant's biometric identifiers were taken in the last 59 months and whether the applicant has already applied with the same travel document.

Where the applicant's biometric identifiers were taken in the last 59 months and the applicant has already applied with the same travel document the EU **VAP** shall inform that applicant that no visit to the consulate or an external service provider is required to lodge the application.

Where the applicant's biometric identifiers were not taken in the last 59 months or where the applicant has not already applied with the same travel document the EU **VAP** shall inform that applicant of the need to arrange a visit to the consulate or an external service provider, as required, to lodge the application.

5. If a visit to consulate or external service provider is required pursuant to Regulation (EC) No 810/2009, a Member State may decide to use the appointment tool referred to in Article 7e for that purpose.
6. The applicant shall submit the application, including the declaration of the authenticity, completeness, correctness and reliability of data.
7. After the applicant submits the application via the EU **VAP**, the EU VAP shall conduct an automated admissibility pre-check.

The automated admissibility pre-check shall ■ verify whether:

- (a) the application has been lodged within the period referred to in Article 9(1) *of Regulation (EC) No 810/2009*, if applicable;

- (b) all the required fields of the application form are filled in;
 - (c) proof is provided of holding a travel document in accordance with Article 12 of Regulation (EC) No 810/2009;
 - (d) the biometric data of the applicant have been collected, if applicable;
 - (e) the visa fee has been collected, if applicable.
8. If the application is admissible according to the automated admissibility pre-check, the EU VAP shall send a notification to the consulate or the central authorities of the Member State concerned with the combined result of the automated competence and admissibility pre-checks.

If the application is not admissible according to the automated admissibility pre-check, the EU VAP shall inform the applicant of which part of the application file is missing.

The *EU VAP* shall be designed so as to ensure that Article 19 (4) ■ of Regulation (EC) No 810/2009 can apply, in order to allow applications to be considered admissible.

9. Following the notification referred to in paragraph 8 of this Article, the consulate or the central authorities of the Member State concerned shall perform a manual verification of the competence, in accordance with Article 18(3) of Regulation (EC) No 810/2009, and subsequently if needed, a manual verification of admissibility in accordance with Article 19 of that Regulation.

10. If the competent consulate or the central authorities of the competent Member State accept the application submitted via the EU *VAP* the data shall be transferred to the national system from temporary storage. The data shall be immediately deleted from temporary storage, with the exception of contact data linked to the secure account service.
11. *If, after the verification, the notified consulate or central authorities of the Member State find that they are not competent and the application is not re-submitted to the competent consulate or central authorities, Article 18(4) of Regulation (EC) No 810/2009 shall apply.*
12. The competent consulate or the central authorities of the competent Member State may use the secure account service to communicate with the applicants.
13. *In relation to the data transferred to the Member State referred to in paragraphs 10 and 11 of this Article, that Member State shall designate a competent authority which is to be considered as the data controller for the purposes of Article 4, point (7), of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of data by that Member State.*

Article 7e

Payment tool and appointment tool

1. A *secure* payment tool shall be used to pay the visa fee *to the competent Member State via the EU VAP*.
2. The appointment tool may be used by Member States or external service providers.

Where the appointment tool is used, the Member State shall be responsible for setting the available appointments.

Article 7f

External service provider gateway

1. External service providers shall have access to the EU *VAP* using the external service provider gateway only to:
 - (a) verify and perform quality checks *and pre-checks* on the data uploaded in the temporary storage capacity, in particular the *electronic* copy of the travel document;
 - (b) upload the biometric identifiers *and check whether biometric identifiers are already available*;
 - (c) upload supporting documents, if needed;
 - (d) use the appointment tool to indicate available appointments, if applicable;
 - (e) *forward the* application ■ to the consulate *or the central authorities* for further processing.

2. An authentication scheme, reserved exclusively for external service providers, shall be set up by Member States in order to allow access by the duly authorised staff members to the gateway for the purposes of this Article. When setting up the authentication scheme, information security risk management and the principles of data protection by design and by default shall be taken into account.
3. *External service providers shall not have access to the VIS.*

Article 7g

Notification of decisions

1. ***Once the competent authority has taken a decision on an application or on an issued visa and has made such a decision available in the secure account in accordance with paragraph 2, the EU VAP shall send the applicant or visa holder an electronic message, as defined in Regulation (EC) No 810/2009.***
2. ***The competent authorities shall notify applicants and visa holders of decisions taken pursuant to points (a), (b) and (c) by making those decisions available in the respective secure accounts of the applicants and visa holders. Such notification shall include the following data:***
 - (a) ***for an issued, confirmed or extended visa: the data contained on the digital visa in accordance with the Annex to Regulation (EC) No 1683/95 and with the rules for filling in the data fields of the digital visa established under the procedure referred to in Article 27(1) of Regulation (EC) No 810/2009;***

- (b) for the refusal of a visa: the data listed in Article 32 of Regulation (EC) No 810/2009 and Article 12 of this Regulation;

■

- (c) for an annulled or revoked visa: the data listed in Article ~~34~~ of Regulation (EC) No 810/2009 and Article 13 of this Regulation.

■

Article 7h

Verification tool

1. The verification tool shall allow applicants and visa holders to check the following:
 - (a) the status of their application;
 - (b) the status and validity of their visa.

2. The verification tool shall be based on the secure account service referred to in Article 7b(4).
3. The EU *VAP* shall offer a web-service functionality for applicants *and other entities, such as employers or universities or local authorities*, to verify the digital visa without the secure account service.

Article 7i

Costs of the development and implementation of the EU VAP

1. *The development and implementation of the EU VAP shall comprise the following costs:*
 - (a) costs related to *the development by eu-LISA of the EU VAP and of its interconnection with the national visa information systems, under strict cost control and monitoring,*
 - (b) costs related to *the operation, including maintenance, by eu-LISA, of the EU VAP,*
 - (c) costs related to *necessary adaptations by the Member States to existing national visa information systems.*

2. *Costs under paragraph 1, points (a) and (b), shall be borne by the general budget of the Union.*
3. *Member States may use the Instrument for Financial Support for Border Management and Visa Policy, which is part of the Integrated Border Management Fund, as established by the Regulation (EU) 2021/1148 of the European Parliament and of the Council**** to finance the costs referred to in paragraph 1, point (c), in accordance with the eligibility rules and co-financing rates set out in Regulation (EU) 2021/1148.*

Article 7j

Data protection responsibilities

- 1. Each Member State shall designate a competent authority as data controller in accordance with this Article. Member States shall communicate those authorities to the Commission, eu-LISA and the other Member States.*

All the competent authorities designated by Member States shall be joint controllers in accordance with Article 26 of Regulation (EU) 2016/679 for the purposes of processing of personal data in the EU VAP.

2. ***eu-LISA shall be a processor in accordance with Article 28 of Regulation (EU) 2016/679 for the purposes of processing of personal data in the EU VAP. eu-LISA shall ensure that the EU VAP is operated in accordance with this Regulation.***

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- * Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303, 28.11.2018, p. 39).
- ** Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).
- *** Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).
- **** Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).’;

(4) in Article 9, the first paragraph is amended as follows:

(a) in point (4), the following points are added:

“(o) if applicable, the fact that the applicant applies as a family member of a UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State, as defined in that Agreement, for which the visa application is made;

(p) email address ***and mobile phone number***;

(q) IP address from which the application form was submitted;

(r) *in the case of an application filled in by a duly authorised person other than the applicant on the EU VAP: email address, postal address and telephone number of that person, if available.*’;

(b) *point (7) is replaced by the following:*

‘7. an electronic copy of the biographic data page of the travel document and, if applicable, the data uploaded in accordance with Article 12(6), second subparagraph, of Regulation (EC) No 810/2009.’;

(5) In Article 9b, the following paragraph is added:

‘5. Paragraphs 1 to 4 shall apply mutatis mutandis to family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in the host State, as defined in that Agreement, for which the visa application is made.’;

(6) In Article 10, paragraph 1 is amended as follows:

(a) the following point is inserted:

‘(db) if applicable, the information indicating that the visa has been issued with limited territorial validity pursuant to Article 25(1)(a), of Regulation (EC) No 810/2009;’;

(b) point (e) is replaced by the following:

‘(e) number of the visa;’;

(c) points **(j) and (k) are** deleted;

(d) the following points **are** added:

‘(m) if applicable, the status of the person indicating that the third-country national is a member of the family of a UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State, as defined in that Agreement, for which the visa application is made;

(n) national entries in the “comments” section.’;

(7) the following Article is inserted:

‘Article 12a

Data to be added for a visa confirmed

1. Where a decision has been taken to confirm a visa, the visa authority that has taken the decision shall add the following data to the application file:
 - (a) status information;
 - (b) authority that confirmed the visa;
 - (c) place and date of the decision;

- (d) new travel document data, including number, issuing country and authority, issuing date, expiry date;
 - (e) *confirmation number;*
 - (f) *an electronic copy of the biographic data page of the new travel document and, if applicable, the data uploaded in accordance with Article 12(6), second subparagraph, of Regulation (EC) No 810/2009.*
2. Where a decision has been taken to confirm a visa, the EU VAP shall immediately retrieve and export from the VIS into the EES the data listed in Article 19(1) of Regulation (EU) 2017/2226.’;

- (8) in Article 14(1), point (d) is replaced by the following:
- ‘(d) number of the extended visa;’;
- (9) in Article 15(2), point (f) is replaced by the following:
- ‘(f) the number of the visa, long-stay visa or residence permit and the date of issue of any previous visa, long-stay visa or residence permit;’;
- (10) Article 18 is amended as follows:
- (a) in paragraph 1, point (b) is *replaced by the following*:
- ‘(b) *the number of the visa sticker or the number of the visa;*’;

(b) paragraph 3 is replaced by the following:

‘3. By way of derogation from paragraph 2 of this Article, where a search is launched in the EES pursuant to Article 23(2) or (4) of Regulation (EU) 2017/2226, the competent border authority may search the VIS without making use of the interoperability with the EES, where specific circumstances so require, in particular, where it is technically impossible, on a temporary basis, to consult the EES data or in the event of a failure of the EES.’;

(11) the following Article is inserted:

‘Article 18e

Fall-back procedures in the case of a technical impossibility to access data at the external borders

1. Where it is technically impossible to proceed with the consultation referred to in Article 18 because of a failure of any part of the VIS, eu-LISA shall notify the border authorities of the Member States.

2. Where it is technically impossible to perform the search referred to in Article 18 because of a failure of the national border infrastructure in a Member State, the border authorities of that Member State shall notify the eu-LISA. eu-LISA shall then inform the Commission.
3. In cases referred to in paragraphs 1 and 2 of this Article, the border authorities shall follow their national contingency plans. Member States shall adopt their national contingency plans using the model contingency plans referred to in Article 45(2), point (o), as a basis, to be adapted as necessary at the national level. The national contingency plan may authorise the border authorities to derogate temporarily from the obligation to consult the VIS as referred to in Article 8 of Regulation (EU) 2016/399.’;

(12) in Article 19, paragraph 1 is replaced by the following:

- ‘1. For the sole purpose of verifying the identity of the visa holder, the authenticity of the visa or whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, shall have access to search with the number of the visa in combination with verification of fingerprints of the visa holder, or the number of the visa.

Where the identity of the visa holder cannot be verified with fingerprints, the competent authorities may also carry out the verification with the facial image.’;

(13) in Article 20(2), point (d) is replaced by the following:

‘(d) the data entered in respect of any visa issued, refused, confirmed, annulled, revoked or extended referred to in Articles 10 to 14.’;

(14) in Article 21(2), point (d) is replaced by the following:

‘(d) the data entered in respect of any visa issued, confirmed, annulled, revoked or extended referred to in Articles 10, 12a, 13 and 14.’;

(15) in Article 22(2), point (e) is replaced by the following:

‘(e) the data entered in respect of any visa issued, ***refused***, confirmed, annulled, revoked or extended referred to in Articles 10, ***12***, 12a, 13 and 14.’;

(16) *in Article 22c, the following point is added:*

‘(h) national entries in the ‘comments’ section;’;

(17) in Article 22f(1), point (d) is replaced by the following:

‘(d) the number of the visa;’;

(18) in Article 22o, paragraph 3 is amended as follows:

(a) point (c) is replaced by the following:

‘(c) number of the visa or number of the long-stay visa or residence permit and the date of expiry of the validity of the visa, long-stay visa or residence permit, as applicable;’;

(b) the following points are added:

‘(f) IP address *from which the application was submitted*;

(g) email address *used for the application*.’;

(19) in Article 22r, paragraph 3 is amended as follows:

(a) point (c) is replaced by the following:

‘(c) number of the visa or number of the long-stay visa or residence permit and the date of expiry of the validity of the visa, long-stay visa or residence permit, as applicable;’;

(b) the following points are added:

‘(f) IP address *from which the application was submitted*;

(g) email address *used for the application*;’;

(20) *in Article 26, the following paragraphs are added:*

‘11. The infrastructures supporting the EU VAP referred to in Article 2a shall be hosted in eu-LISA technical sites. Those infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, data protection and data security.

eu-LISA shall ensure that the future use of the EU VAP, provided for in Article 2a, by Member States which do not apply the Schengen acquis in full is taken into account in the development of the EU VAP. This concerns in particular the storage capacity of the EU VAP and interface with national visa information system.

- 12. eu-LISA shall be responsible for the technical development of the EU VAP referred to in Article 2a. eu-LISA shall define the technical specifications of the EU VAP. Those technical specifications shall be adopted by eu-LISA's Management Board, provided that the Commission has communicated a favourable opinion on those technical specifications.*
- 13. eu-LISA shall develop and implement the EU VAP as soon as possible after the entry into force of Regulation (EU) 2023/... of the European Parliament and of the Council*⁺ and the adoption by the Commission of:*
- (a) the implementing acts provided for in Article 45(2), points (g) to (r) of this Regulation; and*
 - (b) the delegated acts provided for in Article 7b(7) of this Regulation.*

⁺ OJ: Please insert in the text the number of this amending Regulation contained in document PE-CONS .../... (2022/0132A(COD)) and insert the number, date and OJ reference in the footnote.

14. *eu-LISA shall be responsible for the operational management of the EU VAP.*

The operational management of the EU VAP shall consist of all the tasks necessary to keep the EU VAP functioning 24 hours a day, 7 days a week in accordance with this Regulation. It shall consist, in particular, of the maintenance work and technical developments necessary to ensure that the EU VAP functions at a satisfactory level of operational quality.

*The VIS Advisory Group referred to in Article 49a of this Regulation and in Article 27(1), point (b), of Regulation (EU) 2018/1726 of the European Parliament and of the Council** shall provide the Management Board of eu-LISA with expertise relating to the EU VAP.*

During the designing and development phase of the EU VAP, a Programme Management Board composed of a maximum of ten members shall be established. It shall be composed of seven members appointed by eu-LISA's Management Board from among its members or alternate members, the Chair of the VIS Advisory Group, a member representing eu-LISA appointed by its Executive Director and one member appointed by the Commission.

The Programme Management Board shall meet regularly and at least once per quarter. It shall ensure the adequate management of the design and development phase of the EU VAP and ensure consistency between central and national EU VAP projects.

The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on the progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the members of eu-LISA's Management Board.

eu-LISA's Management Board shall establish the rules of procedure of the Programme Management Board which shall include in particular rules on:

- (a) chairmanship;*
- (b) meeting venues;*
- (c) the preparation of meetings;*
- (d) the admission of experts to meetings;*
- (e) communication plans ensuring the provision of full information to non-participating members of eu-LISA's Management Board.*

The chairmanship of the Programme Management Board shall be held by a Member State which is fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the large-scale IT systems managed by eu-LISA.

All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by eu-LISA and Article 10 of the eu-LISA Rules of Procedure shall apply mutatis mutandis. eu-LISA shall provide the Programme Management Board with a secretariat.

* Regulation (EU) 2023/... of the European Parliament and of the Council of ... *amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations ■ (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure (OJ ...).*

** *Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).’;*

(21) in Article 45(2), the following points are added:

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- ‘(g) for laying down requirements concerning the format of the personal data referred to in Article 7b(3) and 7b(6) to be inserted in the online application form, in accordance with Article 7b, as well as parameters and verifications to be implemented for ensuring the completeness of the application and the coherence of those data;
- (h) for laying down the technical requirements concerning the format of supporting documents, travel medical insurance and copy of travel document in digital format to be provided via the EU *VAP*, in accordance with Articles 7c and 7d;

- (i) *for laying down the requirements of the secure account service, including the arrangements for access and authentication, the retention period for data stored therein and for uncompleted applications or applications which do not pass the competence and admissibility check, in accordance with Article 7b;*
- (j) for laying down the requirements concerning the payment tool, including the procedures for reimbursing applicants, in accordance with Article 7e;
- (k) for laying down the requirements concerning the appointment tool referred to in Article 7e(2), including the procedure for confirming of appointments, and the link to existing appointment tools or information on walk-in appointments to be configured by the consulates or external service providers, in accordance with Article 7e, as well as the technical arrangements to ensure that any family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right to free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, or of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in the host State, as defined in the EU-UK Withdrawal Agreement, for which the visa application is made can benefit from an accelerated procedure;
- (l) for laying down the authentication scheme for external service provider staff members using the external service provider gateway, in accordance with Article 7f;

- (m) for laying down technical specifications of the ***notifications***, including details on ***their*** format ***and*** printable ***versions***, in accordance with Article 7g;
 - (n) for laying down detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable to the web service, in accordance with Article 7h, including unique identifiers for applicants;
 - (o) for laying down model contingency plans regarding fall-back procedures for the cases of a technical impossibility to access data at the external borders referred to in Article 18e(1) and (2), including the procedures to be followed by border authorities, in accordance with Article 18e;
 - (p) ***for laying down the technical specifications and functionalities of the chatbot hosted by the EU VAP in accordance with Article 7a(6);***
 - (q) ***for specifying the responsibilities and the relationships between Member States as joint controllers for the processing of the personal data in EU VAP;***
 - (r) ***for specifying the relationship between the joint controllers and the processor, and the responsibilities of the processor.’;***
- (22) in Article 48a(2), (3) and (6), the references to ‘Article 9, Article 9h(2), Article 9j(2) and Article 22b(18)’ are replaced by references to ‘Article 7b(7), Article 9, Article 9h(2), Article 9j(2) and Article 22b(18)’;

(23) *Article 50 is amended as follows:*

(a) *the following paragraph is inserted:*

‘3a. After the date of start of operations of the EU VAP referred to in Article 2a(1), point (fa), the report on the technical functioning of the VIS referred to in paragraph 3 of this Article shall also include the technical functioning of the EU VAP.’;

(b) *paragraphs 6 and 7 are replaced by the following:*

‘6. Member States shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 3, 4, 5 and 8.

7. eu-LISA shall provide the Commission with the information necessary to produce the overall evaluation referred to in paragraphs 5 and 8.’;

(c) *the following paragraph is added:*

‘8. Three years after the date of start of operations of the EU VAP referred to in Article 2a(1), point (fa), of this Regulation, the Commission shall evaluate the operation of the EU VAP. That evaluation shall include an examination of the results achieved against objectives and of the implementation of Regulation (EC) No 810/2009 and this Regulation.

The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, where necessary, appropriate legislative proposals.’

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Article 3
Amendments to Regulation (EC) No 694/2003

Regulation (EC) No 694/2003 is amended as follows:

(1) Article 1 is replaced by the following:

‘Article 1

1. Facilitated Transit Documents (FTD) issued by the Member States as referred to in Article 2(1) of Regulation (EC) No 693/2003 shall be issued in digital format referred to *in* Regulation (EC) No **1683/95** *and contain the data fields set out in Annex I to this Regulation. They* shall have the same value as limited territorial validity visas with the purpose of transit. In addition, the digital format shall clearly indicate that the issued document is an FTD.

2. Facilitated Rail Transit Documents (FRTD) issued by the Member States as referred to in Article 2(2) of Regulation (EC) No 693/2003 shall be issued in digital format referred to in ■ Regulation (EC) No **1683/95** and ***contain the data fields set out in Annex II to this Regulation. They shall*** have the same value as limited territorial validity visas with the purpose of transit. In addition, the digital format shall clearly indicate that the issued document is an ***FRTD***.’;

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- (2) In Article 2(1), the introductory wording is replaced by the following:

- ‘1. Technical specifications for the digital format for FTD and FRTD, including relating to the following, shall be established in accordance with the procedure referred to in Article 4(2).’;

(3) *in Article 2(1), points (a) and (b) are replaced by the following:*

‘(a) technical standards and methods for:

(i) encoding the information contained in the digital FTD and digital FRTD in the form of a 2D barcode;

(ii) the facial image;

(b) specifications for generating the printable version of the digital FTD and digital FRTD;’;

(4) *in Article 2, paragraph 2 is replaced by the following:*

‘2. Commission may decide, by means of an implementing act, adopted in accordance with the examination procedure to be applied as referred to in Article 4(2) of this Regulation in conjunction with Article 13(1), point (c), of Regulation (EU) No 182/2011 of the European Parliament and of the Council that the technical specifications referred to in paragraph 1 of this Article are to be secret and not be published. In that case those technical specifications shall be made available only to persons duly authorised by a Member State or by the Commission.*

** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).’;*

(5) *Article 3 is deleted;*

(6) *in Article 5, the second sentence is deleted;*

(7) In Article 6, the first *paragraph* is replaced by the following:

‘Member States which have decided to do so shall issue the digital format for FTD and FRTD as referred to in Article 1 no later than one year after the adoption of the *technical specifications* referred to in Article 2.’;

- (8) *Annexes I and II to Regulation (EC) No 694/2003 are replaced by the text set out in Annex II to this Regulation.*

Article 4

Amendment to the Convention implementing the Schengen Agreement

Article 18 of the Convention implementing the Schengen Agreement is amended as follows:

(1) paragraph 1 is replaced by the following:

- ‘1. Visas for stays exceeding 90 days (long-stay visas) shall be national visas issued by one of the Member States in accordance with its national law or with Union law. Such visas shall be ■ issued *in* digital format *in accordance with* Article 1 of *Council* Regulation (EC) No 1683/95*, *with the type of visa being indicated with the letter "D"*.

*Long-stay visas issued in digital format shall be filled out in accordance with the relevant provisions of the Commission implementing act setting out the rules for filling in the data fields of the visa, adopted in accordance with Article 27(1) of Regulation (EC) No 810/2009 of the European Parliament and of the Council**.*

* Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

** 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).’;

(2) the following paragraph is inserted:

‘1a. Long-stay visas issued in digital format shall be *communicated* to applicants by electronic means *by the competent authorities of the issuing Member State*.’.

Article 5

Amendments to Regulation (EC) No 693/2003

Regulation (EC) No 693/2003 is amended as follows:

(1) in Article 2, paragraph 3 is replaced by the following:

‘3. The FTD/FRTD shall be issued in digital format *in accordance with* Regulation (EC) *No 694/2003*.

’;

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(2) Article 5 is amended as follows:

(a) in paragraph 1, the first sentence is replaced by the following:

‘The application for an FTD shall be submitted to the consular authorities of a Member State which has communicated its decision to issue the FTD/FRTD in accordance with Article 12.’;

(b) the following paragraph is added:

‘5. The application for an FTD/FRTD shall be carried out using an online application tool. The online application tool shall contain the data referred to in paragraphs 3 and 4.’;

(3) in Article 6, paragraphs 2, 3 and 4 are replaced by the following:

- ‘2. No FTD/FRTD shall be issued for a travel document that has expired.
3. The period of validity of the travel document for which the FTD/FRTD is issued shall be longer than that of the FTD/FRTD.
4. No FTD/FRTD shall be issued for a travel document if that travel document is not valid for any of the Member States. If a travel document is only valid for one Member State or for a number of Member States, the FTD/FRTD shall be limited to the Member State or Member States in question.’.

Article 6
Amendments to Regulation (EU) 2017/2226 of the European Parliament and of the
Council²⁸

Regulation (EU) 2017/2226 is amended as follows:

- (1) in Article 16(2), point (d) is replaced by the following:
- ‘(d) where applicable, the number of the short-stay visa, including the three-letter code of the issuing Member State, the type of short-stay visa, the end date of the maximum duration of the stay as authorised by the short-stay visa, which shall be updated at each entry, and the date of expiry of the validity of the short-stay visa;’;

²⁸ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

(2) Article 19 is amended as follows:

(a) *the title is replaced by the following:*

‘Data to be added where an authorisation for short stay is revoked, annulled or extended and when a valid visa is confirmed in a new travel document’;

(b) in paragraph 1, point (d) is replaced by the following:

‘(d) where applicable, the new number of the visa , including the three letter code of the issuing country;’;

(c) the following paragraph is added:

‘7. Where a decision has been taken to confirm a valid visa in a new travel document, the visa authority which has taken the decision shall immediately retrieve the data provided for in paragraph 1 of this Article from the VIS and import them directly into the EES in accordance with Articles 12a of Regulation (EC) No 767/2008.’;

- (3) in Article 24(2), point (b) is replaced by the following:
- ‘(b) the number of the short-stay visa , including the three letter code of the issuing Member State referred to in Article 16(2), point (d);’;
- (4) in Article 32(5), point (c) is replaced by the following:
- ‘(c) number of the visa and the date of expiry of the validity of the visa;’.

Article 7

Start of operations of the EU *VAP*

1. The Commission shall ***adopt a decision setting*** the date ***on*** which operations of the EU *VAP* start under Regulation (EC) No 767/2008 as amended by this Regulation. ***That decision shall be adopted not later than six months after verification by the Commission that*** the following conditions have been met:
 - (a) the implementing acts referred to in Article 45(2), points (g) to (r) of Regulation (EC) No 767/2008 and the delegated acts referred to in Article 7b(7) of that Regulation have been adopted;
 - (b) eu-LISA has declared the successful completion of the comprehensive tests ***which are to be conducted by eu-LISA in cooperation with the Member States***;
 - (c) eu-LISA has validated the technical and legal arrangements, ***including that sufficient capacity and functionalities of the EU VAP exist***, and notified them to the Commission.

2. The Commission decision referred to in paragraph 1 shall be published in the *Official Journal of the European Union*.
3. By way of derogation from paragraph 1 and without prejudice to the obligation to issue visas in digital format ***pursuant to Article 26a of Regulation (EC) No 810/2009***, a Member State may decide not to avail itself of the EU VAP for a period of ***up to 7*** years from the date referred to in paragraph 1 and shall notify the Commission regarding its decision. The Commission shall publish the notification from the Member State in the *Official Journal of the European Union*.

During the transitional period of 7 years referred to in the first subparagraph, visa holders shall be able to verify the ***validity and the information in the*** digital visas using the web service of the ***EU VAP*** referred to in Article 7h of Regulation (EC) No 767/2008 if the Member State processing their visa application decided not to avail itself of the EU ***VAP***.

4. A Member State may notify the Commission and eu-LISA that it wishes to avail itself of the EU **VAP** before the end of the transitional period referred to in paragraph 3.

The Commission shall determine the date from which that Member State shall avail itself of the EU VAP. The Commission decision shall be published in the *Official Journal of the European Union*.

5. ***By 1 December 2026 and every year thereafter until the decision of the Commission referred to in paragraph 1 has been taken, the Commission shall submit a report to the European Parliament and to the Council on the progress with regard to the implementation of this Regulation. That report shall contain detailed information about the costs incurred and information on any risks which impact the overall costs.***

Article 8

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. ***This Regulation shall apply from the date set by the Commission in accordance with Article 7(1).***
3. ***By way of derogation from paragraph 2 of this Article, Article 1, points (1), (3), (15), (30), (34), (35) and (36) shall apply from ... [6 months after the date of entry into force of this amending Regulation]. Article 2, points (21) and (22) shall apply from ... [the date of entry into force of this amending Regulation].***

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

Done at ...,

For the European Parliament

For the Council

The President

The President

ANNEX I

Annex I to Regulation (EC) No 810/2009 is replaced by the following:

‘ANNEX I

Harmonised application form

Application for Schengen Visa

This application form is free



²⁹

*Family members of EU, EEA or CH citizens or of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement shall not fill in fields no. 21, 22, 30, 31 and 32 (marked with *).*

Fields 1-3 shall be filled in in accordance with the data in the travel document.

1. Surname (Family name):			FOR OFFICIAL USE ONLY Date of application: Application number:
2. Surname at birth (Former family name(s)):			
3. First name(s) (Given name(s)):			
4. Date of birth (day-month-year):	5. Place of birth: 6. Country of birth:	7. Current nationality: Nationality at birth, if different: Other nationalities:	Application lodged at: ☐ Embassy/consulate ☐ Service provider ☐ Commercial intermediary

²⁹ No logo is required for Norway, Iceland, Liechtenstein and Switzerland.

8. Sex: ☐ <i>Male</i> ☐ <i>Female</i> ☐ <i>Other</i>		9. Civil status: ☐ <i>Single</i> ☐ <i>Married</i> ☐ <i>Registered Partnership</i> ☐ <i>Separated</i> ☐ <i>Divorced</i> ☐ <i>Widow(er)</i> ☐ <i>Other</i> <i>(please specify):</i>		☐ Border (Name): ☐ Other:
10. Parental authority (in case of minors) /legal guardian (surname, first name, address, if different from applicant's, telephone no., e-mail address, and nationality):				File handled by:
11. National identity number, where applicable:				Supporting documents: ☐ <i>Travel document</i> ☐ <i>Means of subsistence</i> ☐ <i>Invitation</i>
12. Type of travel document: ☐ <i>Ordinary passport</i> ☐ <i>Diplomatic passport</i> ☐ <i>Service passport</i> ☐ <i>Official passport</i> ☐ <i>Special passport</i> ☐ <i>Other travel document (please specify):</i>				
13. Number of travel document:	14. Date of issue:	15. Valid until:	16. Issued by (country):	☐ <i>TMI</i> ☐ <i>Means of transport</i> ☐ <i>Other:</i> Visa decision: ☐ <i>Refused</i> ☐ <i>Issued:</i> ☐ <i>A</i> ☐ <i>C</i>
17. Personal data of the family member who is an EU, EEA or CH citizen or a UK national who is a beneficiary of the EU-UK Withdrawal Agreement, if applicable				
Surname (Family name):		First name(s) (Given name(s)):		
Date of birth (day-month-year):	Nationality:	Number of travel document or ID card:		
18. Family relationship with an EU, EEA or CH citizen or a UK national who is a beneficiary of the EU-UK Withdrawal Agreement, if applicable: ☐ <i>spouse</i> ☐ <i>child</i> ☐ <i>grandchild</i> ☐ <i>dependent ascendant</i> ☐ <i>registered partnership</i> ☐ <i>other:</i>				

19. Applicant's home address and e-mail address:		Telephone no.:	☐ LTV ☐ Valid: From: Until:
20. Residence in a country other than the country of current nationality: ☐ No ☐ Yes. Residence permit or equivalent No. Valid until.....			
*21. Current occupation:			Number of entries:
* 22. Employer and employer's address and telephone number. For students, name and address of educational establishment:			☐ 1 ☐ 2 ☐ Multiple Number of days:
23. Purpose(s) of the journey: ☐ Tourism ☐ Business ☐ Visiting family or friends ☐ Cultural ☐ Sports ☐ Official visit ☐ Medical reasons ☐ Study ☐ Airport transit ☐ Other (please specify):			
24. Additional information on purpose of stay:			
25. Member State of main destination (and other Member States of destination, if applicable):	26. Member State of first entry:		
27. Number of entries requested: ☐ Single entry ☐ Two entries ☐ Multiple entries Intended date of arrival of the first intended stay in the Schengen area: Intended date of departure from the Schengen area after the first intended stay:			
28. Fingerprints collected previously for the purpose of applying for a Schengen visa: ☐ No ☐ Yes. Date, if known Number of the visa, if known			
29. Entry permit for the final country of destination, where applicable:			

Issued by Valid fromuntil		
*30. Surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s):		
Address and e-mail address of inviting person(s)/hotel(s)/temporary accommodation(s):	Telephone no.:	
*31. Name and address of inviting company/organisation:		
Surname, first name, address, telephone no., and e-mail address of contact person in company/organisation:	Telephone no. of company/organisation:	
*32. Cost of travelling and living during the applicant's stay is covered:		
☐ by the applicant Means of support: ☐ Cash ☐ Traveller's cheques ☐ Credit card ☐ Pre-paid accommodation ☐ Pre-paid transport ☐ Other (please specify):	☐ by a sponsor (host, company, organisation), please specify: ☐ referred to in field 30 or 31 ☐ other (please specify): Means of support: ☐ Cash ☐ Accommodation provided ☐ All expenses covered during the stay ☐ Pre-paid transport	

	☐ <i>Other (please specify):</i>	
33. Surname and first name of the person filling in the application form, if different from the applicant:		
Address and e-mail address of the person filling in the application form:	Telephone no.:	
<i>I am aware that the visa fee is not refunded if the visa is refused.</i> <i>Applicable in case a multiple-entry visa is issued:</i> <i>I am aware of the need to have adequate travel medical insurance for my first stay and any subsequent visits to the territory of Member States.</i> <i>I am aware of and consent to the following: the collection of the data required by this application form and the taking of my photograph and, if applicable, the taking of fingerprints, are mandatory for the examination of the application; and any personal data concerning me which appear on the application form, as well as my fingerprints and my photograph will be supplied to the relevant authorities of the Member States and processed by those authorities, for the purposes of a decision on my application.</i> <i>Such data as well as data concerning the decision taken on my application or a decision whether to annul, revoke or extend a visa issued will be entered into and stored in the Visa Information System (VIS) for a maximum period of five years, during which it will be accessible to the visa authorities and the authorities competent for carrying out checks on visas at external borders and within the Member States, immigration and asylum authorities in the Member States for the purposes of verifying whether the conditions for the legal entry into, stay and residence on the territory of the Member States are fulfilled, of identifying persons who do not or who no longer fulfil these conditions, of examining an asylum application and of determining responsibility for such examination. Under certain conditions the data will be also available to designated authorities of the Member States and to Europol for the purpose of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. The authority of the Member State responsible for processing the data is:</i> <i>[(.....)</i> <i>.....)]</i>.		

I am aware that I have the right to obtain, in any of the Member States, notification of the data relating to me recorded in the VIS and of the Member State which transmitted the data, and to request that data relating to me which are inaccurate be corrected and that data relating to me processed unlawfully be deleted. At my express request, the authority examining my application will inform me of the manner in which I may exercise my right to check the personal data concerning me and have them corrected or deleted, including the related remedies according to the national law of the Member State concerned. The national supervisory authority of that Member State [contact details:

*.....]
.....] will hear claims concerning the protection of personal data.*

I declare that to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the annulment of a visa already granted and may also render me liable to prosecution under the law of the Member State which deals with the application.

I undertake to leave the territory of the Member States before the expiry of the visa, if granted. I have been informed that possession of a visa is only one of the prerequisites for entry into the European territory of the Member States. The mere fact that a visa has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 6(1) of Regulation (EU) 2016/399 (Schengen Borders Code) and I am therefore refused entry. The prerequisites for entry will be checked again on entry into the European territory of the Member States.

Place and date:

*Signature of applicant:
(signature of parental authority/legal
guardian, if applicable):*

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ANNEX II

Annexes I and II to Regulation (EC) No 694/2003 are replaced by the following:

‘ANNEX I

DIGITAL FACILITATED TRANSIT DOCUMENT (FTD)

The digital FTD shall contain the following data fields:

- ***issuing Member State;***
- ***surname, name;***
- ***surname at birth;***
- ***date of birth;***
- ***country and place of birth;***
- ***sex;***
- ***nationality;***

- *nationality at birth;*
- *type and number of travel document;*
- *issuing authority of the travel document;*
- *date of issue and of expiry of the travel document;*
- *authority that issued the digital FTD, including its location, and whether that authority issued it on behalf of another Member State;*
- *place and date of the decision to issue the digital FTD;*
- *digital FTD number;*
- *the territory in which the digital FTD holder is entitled to travel;*
- *the commencement and expiry dates of the validity period of the digital FTD;*

- *the number of entries authorised by the digital FTD in the territory for which the FTD is valid;*
- *the duration of transit as authorised by the digital FTD;*
- *remarks of the issuing authority to indicate any further information, which is considered necessary, provided that it complies with Article 5 of this Regulation;*
- *the facial image of the digital FTD holder.*

ANNEX II

DIGITAL FACILITATED RAIL TRANSIT DOCUMENT (FRTD)

The digital FRTD shall contain the following data fields:

- ***issuing Member State;***
- ***surname, name;***
- ***surname at birth;***
- ***date of birth;***
- ***country and place of birth;***
- ***sex;***
- ***nationality;***

- *nationality at birth;*
- *type and number of travel document;*
- *issuing authority of the travel document;*
- *date of issue and of expiry of the travel document;*
- *date and time of departure of train (first entry);*
- *date and time of departure of train (second entry);*
- *authority that issued the digital FRTD, including its location and whether that authority issued it on behalf of another Member State;*
- *place and date of the decision to issue the digital FRTD;*
- *digital FRTD number;*

- *the territory in which the digital FRTD holder is entitled to travel;*
 - *the commencement and expiry dates of the validity period of the digital FRTD;*
 - *the duration of transit as authorised by the digital FRTD;*
 - *remarks of the issuing authority to indicate any further information, which is considered necessary, provided that it complies with Article 5 of this Regulation;*
 - *the facial image of the digital FRTD holder.’*
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