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2014/0094 (COD)**

OUTCOME OF PROCEEDINGS

From: Visa Working Party/Mixed Committee EU-Iceland/Liechtenstein/Norway/Switzerland)

On: 7 and 8 April 2015

Subject: Draft Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast) (Annexes)

1. At its meeting of 7-8 April 2015, the Working Party examined the text of the Annexes to the proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast) as set out in 8401/15 ADD 1.
2. The text of the annexes concerned is included in the Annex. Comments in relation to the text are set out in the footnotes to the Annex.

ANNEXES
to the
Proposal for a
Regulation of the European Parliament and of the Council
on the Union Code on Visas (Visa Code)
(recast)

ANNEX I

Harmonised application form

Application for Schengen Visa¹

This application form is free



Family members of EU citizens shall not fill in fields no.19, 20, 31, 32.

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

¹ **FI** entered a scrutiny reservation. **AT**, supported by **SE, FI, PT, PL, LU** and **EL**, suggested adding several fields like the point of entry (point through which the applicant intends to cross the external border), the means of transport, the parents' name (support by **DK, EE** and **ES**), the possibility for the applicant to apply for a Multiple Entry Visa (MEV), including its period of validity (supported by **FR**). **SE**, supported by **PL, FR, LU** and **EL**, suggested adding a field in which the applicant could fill in the number of the previous visa sticker with a view to checking in the VIS whether the fingerprints have already been collected less than 59 months before the date of the new application. Furthermore, **FR** requested the creation of a new annex in order for the applicants to prove that they are covered by an accredited medical insurance. The **representative of the Commission (COM)** agreed with the addition of the point of entry. However, COM questioned the addition of the means of transport. Concerning the parents' name, COM wondered whether it was necessary to reintroduce the father's name which had been given up previously. COM did not favour adding a field in relation to either the MEV or the previous sticker number since this number might no longer be available to the applicant. COM added that the applicant could be identified by using other parameters, not only the previous visa sticker number. COM disagreed with **FR**'s suggestion concerning the accredited medical insurance since that solution could not be available everywhere in the world, and no legal basis existed for such an accreditation.

² No logo is required for Norway, Iceland, Liechtenstein and Switzerland.

1. Surname (Family name) (x)				FOR OFFICIAL USE ONLY	
2. Surname at birth (Former family name(s)) (x)				Date of application:	
3. First name(s) (Given name(s)) (x)				Visa application number:	
4. Date of birth (day-month-year)	5. Place of birth	7. Current nationality		Application lodged at	
	6. Country of birth	Nationality at birth, if different:		<input type="checkbox"/> Embassy/consulate	
8. Sex	9. Marital status ²		<input type="checkbox"/> Service provider		<input type="checkbox"/> Intermediary
<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced		<input type="checkbox"/> Border (Name):	
				<input type="checkbox"/> Other	
10. Parental authority/legal guardian (in the case of minors): Surname, first name, address (if different from applicant's) and nationality ³				File handled by:	
11. National identity number, where applicable				Supporting documents:	
12. Type of travel document				<input type="checkbox"/> Travel document	
<input type="checkbox"/> Ordinary passport <input type="checkbox"/> Diplomatic passport <input type="checkbox"/> Service passport <input type="checkbox"/> Official passport <input type="checkbox"/> Special passport				<input type="checkbox"/> Means of subsistence	
<input type="checkbox"/> Other travel document (please specify)				<input type="checkbox"/> Invitation	
				<input type="checkbox"/> Means of transport	
				<input type="checkbox"/> Other:	
13. Number of travel document	14. Date of issue	15. Valid until	16. Issued by		
17. Applicant's home address and e-mail address			Telephone number(s) ⁴		
18. Residence in a country other than the country of current nationality					
<input type="checkbox"/> No					
<input type="checkbox"/> Yes. Residence permit or equivalent No. Valid until					
* 19. Current occupation					
* 20. Employer and employer's address and telephone number. For students, name and address of educational establishment					
21. Main purpose(s) of the journey:					
<input type="checkbox"/> Tourism <input type="checkbox"/> Business <input type="checkbox"/> Visiting family or friends <input type="checkbox"/> Cultural <input type="checkbox"/> Sports					
<input type="checkbox"/> Official visit <input type="checkbox"/> Medical reasons <input type="checkbox"/> Study <input type="checkbox"/> Airport transit <input type="checkbox"/> Other (please specify):					
Visa decision:					
<input type="checkbox"/> Refused					
<input type="checkbox"/> Issued:					
<input type="checkbox"/> A					
<input type="checkbox"/> C					
<input type="checkbox"/> LTV ¹					
<input type="checkbox"/> Valid:					

¹ **PL** suggested adding a reference to the scope of the visa with limited territorial validity (LTV). **COM** said that this info was to be found in the VIS.

² **CH** advised that a reference to the “registered partnership” be included. **COM**: such an addition could be considered.

³ **COM** would consider deletion of reference to "minors" in order to cover the incapacity of adults as well.

⁴ **IT**: mobile phone number to be added. **COM** agreed, while stressing the importance of having a landline number as well in order to check the effective residence of the applicant.

22. Member State(s) of destination ¹		23. Member State of first entry	
24. Number of entries requested <input type="checkbox"/> Single entry.... <input type="checkbox"/> Multiple entries		25. Duration of the intended stay ² Indicate number of days	
26. Fingerprints collected previously for the purpose of applying for a Schengen visa or a touring visa ³ <input type="checkbox"/> No <input type="checkbox"/> Yes. Date, if known			
27. Entry permit for the final country of destination, where applicable Issued by Valid from until			
28. Intended date of arrival in the Schengen area		29. Intended date of departure from the Schengen area	
* 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 and telefax	
*31. Name and address of inviting company/organisation		Telephone and telefax of company/organisation	
Surname, first name, address, telephone, telefax, and e-mail address of contact person in company/organisation			
*32. Cost of travelling and living during the applicant's stay is covered			
<input type="checkbox"/> by the applicant himself/herself		<input type="checkbox"/> by a sponsor (host, company, organisation), please specify <input type="checkbox"/> referred to in field 31 or 32 <input type="checkbox"/> other (please specify)	
Means of support <input type="checkbox"/> Cash <input type="checkbox"/> Traveller's cheques <input type="checkbox"/> Credit card <input type="checkbox"/> Pre-paid accommodation <input type="checkbox"/> Pre-paid transport <input type="checkbox"/> Other (please specify)		Means of support <input type="checkbox"/> Cash <input type="checkbox"/> Accommodation provided <input type="checkbox"/> All expenses covered during the stay <input type="checkbox"/> Pre-paid transport <input type="checkbox"/> Other (please specify)	
33. Personal data of the family member who is an EU citizen			
Surname		First name(s)	
Date of birth	Nationality	Number of travel document or ID card	

¹ **DK** suggested inserting "main" before "destination". **COM**, while it did not see the added value, said it could be looked into further.

² **PL** suggested referring to each valid legal stay.

³ **LU** suggested adding a request for the number of a previous issued visa sticker to be filled in.

34. Family relationship with an EU, EEA or CH citizen	
<input type="checkbox"/> spouse <input type="checkbox"/> child <input type="checkbox"/> grandchild <input type="checkbox"/> dependent ascendant	
I am aware that the visa fee is not refunded if the visa is refused.	
<p>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 visa application; and any personal data concerning me which appear on the visa 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 visa application.</p> <p>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: [(.....)].</p> <p>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 State concerned. The national supervisory authority of that Member State [contact details:] will hear claims concerning the protection of personal data.</p> <p>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.¹</p> <p>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 5(1) of Regulation (EC) No 562/2006 (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.</p>	
Place and date	Signature (for minors, signature of parental authority/legal guardian):

¹ DE: the legal consequence of a false declaration (repatriation) should be explicitly mentioned.

ANNEX II

¹ *LIST OF SUPPORTING DOCUMENTS*

The below generic list of supporting documents shall be subject of assessment ² in local Schengen cooperation, under Articles 13(9) and 46(1)(a).

A. DOCUMENTATION RELATING TO THE PURPOSE OF THE JOURNEY

1. for business trips:

- (a) an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work;
- (b) other documents which show the existence of trade relations or relations for work purposes;
- (c) entry tickets for fairs and congresses;
- (d) documents proving the business activities of the company;
- (e) documents proving the applicant's employment status in the company;

2. for journeys undertaken for the purposes of study or other types of training:

- (a) a certificate of enrolment at an educational establishment for the purposes of attending vocational or theoretical courses within the framework of basic and further training;
- (b) student cards or certificates of the courses to be attended;

3. for journeys undertaken for the purposes of tourism:

- (a) documents relating to accommodation;
- (b) documents relating to the itinerary: confirmation of the booking of an organised trip or any other appropriate document indicating the envisaged travel plans.

¹ **DK**, supported by **FR, PT, EL, IT, BE, ES** requested the mention "NON EXHAUSTIVE" be reinserted in the title. **COM** stated that this was about a "List of supporting documents", without any mention that it should be exhaustive.

² **AT** suggested "...should be subject of adjustment...". **COM** invited **AT** to make its suggestion in writing.

(4) For journeys undertaken for the purpose of a visit to friends/family:

(a) documents indicating the accommodation envisaged, or

(b) an invitation from the host, if staying with one.

(5) For journeys for the purpose of transit¹:

(a) Visa or other entry permit for the third country of destination; and

(b) tickets for onward journey.

6. for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:

- invitation, entry tickets, enrolments or programmes stating (wherever possible) the name of the host organisation and the length of stay or any other appropriate document indicating the purpose of the journey;

7. for journeys of members of official delegations who, following an official invitation addressed to the government of the third country concerned, participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of a Member State by intergovernmental organisations:

- a letter issued by an authority of the third country concerned confirming that the applicant is a member of the official delegation travelling to a Member State to participate in the abovementioned events, accompanied by a copy of the official invitation;

8. for journeys undertaken for medical reasons:

- an official document of the medical institution confirming necessity for medical care in that institution and proof of sufficient financial means to pay for the medical treatment.

B. DOCUMENTATION ALLOWING FOR THE ASSESSMENT OF THE APPLICANT'S INTENTION TO LEAVE THE TERRITORY OF THE MEMBER STATES

1. ²proof of financial means in the country of residence; bank statements; proof of real estate property;
2. proof of employment;
3. proof of integration into the country of residence: family ties; professional status.

¹ **CH** asked why "transit" had been included. **COM** replied that "transit" did not refer to a transit visa but had to be considered as a travel purpose on its own.

² **DE** asked for points 1 (supported by **CZ**, **PT**, **EL** and **ES**) and 4 of point B of the current version of Annex II to be reinserted.

C. DOCUMENTATION ALLOWING FOR THE ASSESSMENT OF THE APPLICANT'S POSSESSION OF SUFFICIENT MEANS FOR THE STAY AND THE RETURN TO HIS COUNTRY OF ORIGIN OR RESIDENCE

As appropriate, bank statements, credit card and account statement, salary slips or proof of sponsorship.

D. DOCUMENTATION IN RELATION TO THE APPLICANT'S FAMILY SITUATION

1. consent of parental authority or legal guardian (when a minor does not travel with them);

2. proof of family ties with the host/inviting person.

In accordance with Article 13(2), VIS registered regular travellers shall only submit documents referred to under (A) and (D)¹

¹ CZ requested that point C be referred to also.

ANNEX III

COMMON LIST¹ OF THIRD COUNTRIES LISTED IN ANNEX I TO REGULATION (EC) No 539/2001 WHOSE NATIONALS ARE REQUIRED TO BE IN POSSESSION OF AN AIRPORT TRANSIT VISA WHEN PASSING THROUGH THE INTERNATIONAL TRANSIT AREA OF AIRPORTS SITUATED ON THE TERRITORY OF THE MEMBER STATES

AFGHANISTAN

BANGLADESH

DEMOCRATIC REPUBLIC OF THE CONGO

ERITREA

ETHIOPIA

GHANA

IRAN

IRAQ

NIGERIA

PAKISTAN

SOMALIA

SRI LANKA

¹ **AT** referred to the existence of national lists and said that the situation concerning the Airport Transit Visa (ATV) would be simpler with only one list. **SE** indicated that, if only one list was to be maintained, it should be the common one, and its composition should be based on objective, not political criteria. **NL**, **SE** and **PL** advocated a more regular revision of the list than was actually the case. **COM** said that only the common list could be maintained. As regards a revision of the list, **COM** stressed that it could also entail countries being withdrawn from the list.

ANNEX IV¹

LIST OF RESIDENCE PERMITS ENTITLING THE HOLDER TO TRANSIT THROUGH THE AIRPORTS OF MEMBER STATES WITHOUT BEING REQUIRED TO HOLD AN AIRPORT TRANSIT VISA

ANDORRA:

Autorització temporal (temporary immigration permit – green).

Autorització temporal per a treballadors d'empreses estrangeres (temporary immigration permit for employees of foreign enterprises – green).

Autorització residència i treball (residence and work permit – green).

Autorització residència i treball del personal d'ensenyament (residence and work permit for teaching staff – green).

Autorització temporal per estudis o per recerca (temporary immigration permit for studies or research – green).

Autorització temporal en pràctiques formatives (temporary immigration permit for internships and trainings – green).

Autorització residència (residence permit – green).

CANADA:

Permanent resident (PR) card.

Permanent Resident Travel Document (PRTD).

JAPAN:

Residence card.

SAN MARINO:

Permesso di soggiorno ordinario (validity one year, renewable on expiry date).

Special residence permits for the following reasons (validity one year, renewable on expiry date): university attendance, sports, health care, religious reasons, persons working as nurses in public hospitals, diplomatic functions, cohabitation, permit for minors, humanitarian reasons, parental permit.

Seasonal and temporary working permits (validity 11 months, renewable on expiry date).

¹ To a question raised by **NO**, **COM** replied that this list had only been updated following the proposal of the Commission, without any new third country being added.

ES, supported by **SK**, suggested amending this annex by means of an implementing act rather than by a new proposal from the Commission, which **COM** could agree with.

Identity card issued to people having an official residence "residenza" in San Marino (validity of 5 years).

UNITED STATES OF AMERICA:

Valid, unexpired immigrant visa.

May be endorsed at the port of entry for one year as temporary evidence of residence, while the I-551 card is pending production.

Valid, unexpired Form I-551 (Permanent Resident Card).

May be valid for up to 2 or 10 years – depending on the class of admission.

If there is no expiration date on the card, the card is valid for travel.

Valid, unexpired Form I-327 (Re-entry Permit).

Valid, unexpired Form I-571 (Refugee Travel Document endorsed as “Permanent Resident Alien”).

ANNEX V



STANDARD FORM FOR NOTIFYING GROUNDS FOR

REFUSAL,

ANNULMENT OR REVOCATION OF A VISA

1

REFUSAL/ANNULMENT/REVOCATION OF VISA

Ms/Mr _____,

The _____ Embassy/Consulate-General/Consulate/[other competent authority]
in _____;

[Other competent authority] of _____;

The authorities responsible for checks on persons at _____

has/have

examined your visa application;

examined your visa, number: _____, issued: _____ [date/month/year].

The visa has been refused The visa has been annulled The visa has been revoked

This decision is based on the following reason(s):

1. a false/counterfeit/forged travel document was presented

2. justification for the purpose and conditions of the intended stay was not provided¹

¹ No logo is required for Norway, Iceland, Liechtenstein and Switzerland.

3. you have not provided proof of sufficient means of subsistence, for the duration of the intended stay or for the return to the country of origin or residence, or for the transit to a third country into which you are certain to be admitted, or you are not in a position to acquire such means lawfully
4. you have already stayed for 90 days during the current 180 day period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity
5. an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry
by (*indication of Member State*)
6. one or more Member State(s) consider you to be a threat to public policy, internal security, public health as defined in Article 2(19) of Regulation (EC) No 562/2006 (Schengen Borders Code) or the international relations of one or more of the Member States)
7. the information submitted regarding the justification for the purpose and conditions of the intended stay was not reliable
8. your intention to leave the territory of the Member States before the expiry of the visa could not be ascertained
9. sufficient proof that you have not been in a position to apply for a visa in advance, justifying application for a visa at the border, was not provided
10. justification for the purpose and conditions of the intended airport transit was not provided
11. revocation of the visa was requested by the visa holder.²

Additional remarks³:

You may appeal against the decision to refuse/annul/revoke a visa.⁴

¹ **SE**, supported by **PT**, suggested adding a reference to "manipulated travel documents" or "other types of forged or manipulated documents". **EL**, supported by **PT** and **IT**, suggested adding a box concerning "supporting documents".

² Revocation of a visa based on this reason is not subject to the right of appeal.

³ **FR** suggested adding a box related to "Unpaid debt to the authority" as in the case of unpaid hospital bills. **COM** said it could be taken into account but not added to the list.

⁴ **AT** was of the opinion that more space should be left for inserting information related to the appeal procedure. Furthermore, **ES**, supported by **PL**, **PT**, **EL**, requested a box called "For other reasons" be added.

The rules on appeal against decisions on refusal/annulment/revocation of a visa are set out in:
(reference to national law)

Competent authority with which an appeal may be lodged: (contact details):
.....

Information on the procedure to follow can be found at: (contact details):
.....

An appeal procedure must be lodged within: (indication of time-limit).....

Date and stamp of embassy/consulate-general/consulate/of the authorities responsible for checks on
persons/of other competent authorities:

Signature¹ of person concerned²

COM disagreed with the different suggestions to add boxes since the grounds for refusal were based on the verification of the entry conditions and could not go beyond that. Furthermore, COM was of the opinion that in the case of falsified supporting documents, the already existing ground could be used. The **Council Legal Service** recalled that the Court in the Kushkaki case (See case law C-84/12 of the CJEC) had ruled that the list of grounds for refusal had to be considered as exhaustive even if it was not explicitly laid down in the Visa Code. For that reason, adding boxes to the refusal form without previously amending Article 32 of the current Visa Code accordingly was not allowed.

¹ CH: add "Date and Embassy".

² If required by national law.

ANNEX VI

LIST OF MINIMUM REQUIREMENTS TO BE INCLUDED IN THE LEGAL INSTRUMENT IN THE CASE OF COOPERATION WITH EXTERNAL SERVICE PROVIDERS

A. In relation to the performance of its activities, the external service provider shall, with regard to data protection:

(a) prevent at all times any unauthorised reading, copying, modification or deletion of data, in particular during their transmission to the diplomatic mission or consular post of the Member State(s) competent for processing an application;

(b) in accordance with the instructions given by the Member State(s) concerned, transmit the data,

- electronically, in encrypted form, or
- physically, in a secured way;

(c) transmit the data as soon as possible:

- in the case of physically transferred data, at least once a week,
- in the case of electronically transferred encrypted data, at the latest at the end of the day of their collection;

(d) delete the data immediately after their transmission and ensure that the only data that might be retained shall be the name and contact details of the applicant for the purposes of the appointment arrangements, as well as the passport number, until the return of the passport to the applicant, where applicable;

(e) ensure all the technical and organisational security measures required to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the cooperation involves the transmission of files and data to the diplomatic mission or consular post of the Member State(s) concerned and all other unlawful forms of processing personal data;

¹ **DE** expressed concerns regarding the deletion of the current Annexes VII, VIII and IX and entered a scrutiny reservation.

AT, supported by **DE**, reported on the difficulties and the costs linked to the deletion of the current Annex VII.

COM stressed that the details for filling in the visa sticker (currently included in Annex VII) would be adopted by means of an implementing act in accordance with Article 24 of the Visa Code (recast). Moreover, **COM** added that the content of the current Annex VIII (Affixing the visa sticker) was included in the Visa Code Handbook.

(f) process the data only for the purposes of processing the personal data of applicants on behalf of the Member State(s) concerned;

(g) apply data protection standards at least equivalent to those set out in Directive 95/46/EC;

(h) provide applicants with the information required pursuant to Article 37 of ~~the VIS~~ Regulation (EC) No 767/2008 .

B. In relation to the performance of its activities, the external service provider shall, with regard to the conduct of staff:

(a) ensure that its staff are appropriately trained;

(b) ensure that its staff in the performance of their duties:

- receive applicants courteously,
- respect the human dignity and integrity of applicants,
- do not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and
- respect the rules of confidentiality which shall also apply once members of staff have left their job or after suspension or termination of the legal instrument;

(c) provide identification of the staff working for the external service provider at all times;

(d) prove that its staff do not have criminal records and have the requisite expertise.

C. In relation to the verification of the performance of its activities, the external service provider shall:

(a) provide for access by staff entitled by the Member State(s) concerned to its premises at all times without prior notice, in particular for inspection purposes;

(b) ensure the possibility of remote access to its appointment system for inspection purposes;

(c) ensure the use of relevant monitoring methods (e.g. test applicants; webcam);

(d) ensure access to proof of data protection compliance, including reporting obligations, external audits and regular spot checks;

(e) report to the Member State(s) concerned without delay any security breaches or any complaints from applicants on data misuse or unauthorised access, and coordinate with the Member State(s) concerned in order to find a solution and give explanatory responses promptly to the complaining applicants.

D. In relation to general requirements, the external service provider shall:

- (a) act under the instructions of the Member State(s) competent for processing the application;
- (b) adopt appropriate anti-corruption measures (e.g. provisions on staff remuneration; cooperation in the selection of staff members employed on the task; two-man-rule; rotation principle);
- (c) respect fully the provisions of the legal instrument, which shall contain a suspension or termination clause, in particular in the event of breach of the rules established, as well as a revision clause with a view to ensuring that the legal instrument reflects best practice.

ANNEX VII

SPECIFIC PROCEDURES AND CONDITIONS FACILITATING THE ISSUING OF VISAS TO MEMBERS OF THE OLYMPIC FAMILY PARTICIPATING IN THE OLYMPIC GAMES AND PARALYMPIC GAMES

I. PURPOSE AND DEFINITIONS

1. Purpose

The following specific procedures and conditions facilitate the application for and issuing of visas to members of the Olympic family for the duration of the Olympic and Paralympic Games organised by a Member State.

In addition, the relevant provisions of the Union *acquis* concerning procedures for applying for and issuing visas shall apply.

2. Definitions

For the purposes of this Annex:

(a) ‘Responsible organisations’ relate to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the Olympic and/or Paralympic Games, and they mean the official organisations, in terms of the Olympic Charter, which are entitled to submit lists of members of the Olympic family to the Organising Committee of the Member State hosting the Olympic and Paralympic Games with a view to the issue of accreditation cards for the Games;

(b) ‘Member of the Olympic family’ means any person who is a member of the International Olympic Committee, the International Paralympic Committee, International Federations, the National Olympic and Paralympic Committees, the Organising Committees of the Olympic Games and the national associations, such as athletes, judges/referees, coaches and other sports technicians, medical personnel attached to teams or individual sportsmen/women and media-accredited journalists, senior executives, donors, sponsors or other official invitees, who agree to be guided by the Olympic Charter, act under the control and supreme authority of the International Olympic Committee, are included on the lists of the responsible organisations and are accredited by the Organising Committee of the Member State hosting the Olympic and Paralympic Games as participants in the [year] Olympic and/or Paralympic Games;

(c) 'Olympic accreditation cards' which are issued by the Organising Committee of the Member State hosting the Olympic and Paralympic Games in accordance with its national legislation means one of two secure documents, one for the Olympic Games and one for the Paralympic Games, each bearing a photograph of its holder, establishing the identity of the member of the Olympic family and authorising access to the facilities at which competitions are held and to other events scheduled throughout the duration of the Games;

(d) 'Duration of the Olympic Games and Paralympic Games' means the period during which the Olympic Games and the period during which the Paralympic Games take place;

(e) 'Organising Committee of the Member State hosting the Olympic and Paralympic Games' means the Committee set up on by the hosting Member State in accordance with its national legislation to organise the Olympic and Paralympic Games, which decides on accreditation of members of the Olympic family taking part in those Games;

(f) 'Services responsible for issuing visas' means the services designated by the Member State hosting the Olympic Games and Paralympic Games to examine applications and issue visas to members of the Olympic family.

II. ISSUING OF VISAS

3. Conditions

A visa may be issued pursuant to this Regulation only where the person concerned:

(a) has been designated by one of the responsible organisations and accredited by the Organising Committee of the Member State hosting the Olympic and Paralympic Games as a participant in the Olympic and/or Paralympic Games;

(b) holds a valid travel document authorising the crossing of the external borders, as referred to in Article 5 of Regulation (EC) No 562/2006;

(c) is not a person for whom an alert has been issued for the purpose of refusing entry;

(d) is not considered to be a threat to public policy, national security or the international relations of any of the Member States.

4. Filing of the application

1. Where a responsible organisation draws up a list of the persons selected to take part in the Olympic and/or Paralympic Games, it may, together with the application for the issue of an Olympic accreditation card for the persons selected, file a collective application for visas for those persons selected who are required to be in possession of a visa in accordance with Regulation (EC) No 539/2001, except where those persons hold a residence permit issued by a Member State or a residence permit issued by the United Kingdom or Ireland, in accordance with 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 States¹.
2. A collective application for visas for the persons concerned shall be forwarded at the same time as applications for the issue of an Olympic accreditation card to the Organising Committee of the Member State hosting the Olympic and Paralympic Games in accordance with the procedure established by it.
3. Individual visa applications shall be submitted for each person taking part in the Olympic and/or Paralympic Games.
4. The Organising Committee of the Member State hosting the Olympic and Paralympic Games shall forward to the services responsible for issuing visas, a collective application for visas as quickly as possible, together with copies of applications for the issue of an Olympic accreditation card for the persons concerned, bearing their full name, nationality, sex and date and place of birth and the number, type and expiry date of their travel document.

¹ OJ L 158, 30.4.2004, p. 77.

5. Examination of the collective application for visas and type of the visa issued

1. The visa shall be issued by the services responsible for issuing visas following an examination designed to ensure that the conditions set out in Article 3 are met.
2. The visa issued shall be a uniform, multiple-entry visa authorising a stay of not more than 90 days for the duration of the Olympic and/or Paralympic Games.
3. Where the member of the Olympic family concerned does not meet the conditions set out in point (c) or (d) of Article 3, the services responsible for issuing visas may issue a visa with limited territorial validity in accordance with Article 22 of this Regulation.

6. Form of the visa

1. The visa shall take the form of two numbers entered on the Olympic accreditation card. The first number shall be the visa number. In the case of a uniform visa, that number shall be made up of seven (7) characters comprising six (6) digits preceded by the letter 'C'. In the case of a visa with limited territorial validity, that number shall be made up of eight (8) characters comprising six (6) digits preceded by the letters 'XX'¹. The second number shall be the number of the travel document of the person concerned.
2. The services responsible for issuing visas shall forward the visa numbers to the Organising Committee of the Member State hosting the Olympic and Paralympic Games for the purpose of issuing Olympic accreditation cards.

7. Waiver of fees

The examination of visa applications and the issue of visas shall not give rise to any fees being charged by the services responsible for issuing visas.

¹ Reference to the ISO code of the organising Member State.

III. GENERAL AND FINAL PROVISIONS

8. Cancellation of a visa

Where the list of persons put forward as participants in the Olympic and/or Paralympic Games is amended before the Games begin, the responsible organisations shall inform without any delay the Organising Committee of the Member State hosting the Olympic and Paralympic Games thereof so that the Olympic accreditation cards of the persons removed from the list may be revoked. The Organising Committee shall notify the services responsible for issuing visas thereof and shall inform them of the numbers of the visas in question.

The services responsible for issuing visas shall cancel the visas of the persons concerned. They shall immediately inform the authorities responsible for border checks thereof, and the latter shall without delay forward that information to the competent authorities of the other Member States.

9. External border checks

1. The entry checks carried out on members of the Olympic family who have been issued visas in accordance with this Regulation shall, when such members cross the external borders of the Member States, be limited to checking compliance with the conditions set out in Article 3.

2. For the duration of the Olympic and/or Paralympic Games:

(a) entry and exit stamps shall be affixed to the first free page of the travel document of those members of the Olympic family for whom it is necessary to affix such stamps in accordance with Article 10(1) of Regulation (EC) No 562/2006. On first entry, the visa number shall be indicated on that same page;

(b) the conditions for entry provided for in Article 5(1)(c) of Regulation (EC) No 562/2006 shall be presumed to be fulfilled once a member of the Olympic family has been duly accredited.

3. Paragraph 2 shall apply to members of the Olympic family who are third-country nationals, whether or not they are subject to the visa requirement under Regulation (EC) No 539/2001.

ANNEX VIII

Annual statistics on visas¹

1. Data shall be submitted for each location where individual Member States issue visas; this includes both consulates and border crossing points (cf. Regulation (EC) No 562/2006, Article 5 (4)(b)).

2. The following data shall be submitted to the Commission within the deadline set out in Article 44 using common templates provided by the Commission, and disaggregated by citizenship of the applicant when relevant, as indicated in the templates:

Number of A visas applied for (single and multiple airport transit)

Number of A visas issued, disaggregated by:

Number of A visas issued for single airport transit,

Number of A visas issued for multiple airport transits,

Number of A visas not issued,

Number of C visas applied for (single-entry and multiple-entry C visas),

– Disaggregated by purpose of travel (cf; field 21 of the application form set out in Annex I

Number of C visas issued, disaggregated by:

¹ **COM** stated that the information to be provided by Member States was to be found in the VIS. **AT FR, BE, LT, ES** and **EL** stressed that time was needed to check first what was technically feasible and that this had to be assessed with IT experts. Moreover, Member States should be granted enough time to implement the changes needed. **FR, BE** welcomed the last paragraph of the Annex in that regard. **IT** said that according to its IT specialists, it had no problems for the time being with providing the requested statistics; however, the appeals needed to be analysed. **COM**, while recognising that it was difficult to deal with the large amount of data collected from different IT systems, said that some work should have been done already in that regard. **COM** requested **AT** to forward the specific issues it was referring to. Furthermore, **COM** stated that it might be willing to accept some transitional period for the new method of providing statistics. **COM** also warned that the last paragraph of the Annex should not be misused.

Number of C visas issued for single entry,

Number of C visas issued for multiple entry with a period of validity of less than 1 year,

Number of C visas issued for multiple entry with a period of validity of at least 1 year but less than 2 years,

Number of C visas issued for multiple entry with a period of validity of at least 2 years but less than 3 years,

Number of C visas issued for multiple entry with a period of validity of at least 3 years but less than 4 years,

Number of C visas issued for multiple entry with a period of validity of more than 4 years.

Number of LTV visas issued, disaggregated by the reason why they were issued (cf. Article 22(1) and (3), and Article 33(3)),

Number of C visas not issued because the visa was refused, disaggregated by the reason why the visa was refused,

– Number of appeals introduced against refused applications,

– Number of decisions maintained after an appeal,

– Number of decisions overturned,

– Number of visas applied for free of charge.¹

Number of visas issued under representation agreements.

If data is neither available nor relevant for one particular category and a third country, the cell shall be left empty and no other value shall be entered.

¹ CH wondered whether "free" visas could be issued. COM believed that it would be better to refer to "visa applications".