



Council of the  
European Union

Brussels, 9 June 2015  
(OR. en)

9450/15

LIMITE

VISA 202  
CODEC 807  
COMIX 253

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**Interinstitutional File:  
2014/0094 (COD)**

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**NOTE**

From:	Presidency
To:	Visa Working Party
No. prev. doc.:	8458/15 VISA 162 CODEC 628 COMIX 201
No. Cion doc.:	8401/14 VISA 90 CODEC 971 COMIX 201 (COM(2014) 164 final)
Subject:	Draft Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast)

Several outstanding issues as set out in 8458/15 were discussed at the meeting of the Visa Working Party on 11-12 May 2015. The outcome of the discussions during that meeting is to be found in 9029/15.

Furthermore, with a view to the meeting of the Visa Working Party on 15 June 2015, on the basis of the comments raised during the meeting in May 2015, the Presidency has revised the wording concerning the facilitations granted to the "VIS registered applicants" and the "VIS registered regular travellers", the examination of and decision on an application, the issuing of the visa, as well as the deadlines regarding the prior consultation. Nevertheless, the wording concerning the visa fee and the Travel Medical Insurance (TMI) has remained untouched as compared to 8458/15 since it was not discussed at the previous Visa Working Party due to the lack of time.

Consequently, for the purpose of the discussions at the next meeting of the Visa Working Party, the Presidency invites delegations to examine the text of the following articles which delegations will find in the Annex: Article 13(2) and (6), Article 18(2), Article 21(- 1), (3) and (4a), Article 19(2), Article 14(1) and (2), Article 53(2) and Article 14a.

The text of the draft Regulation as amended by the Working Party appears in **bold** (new text or (...)) when text has been deleted). The new drafting suggested by the Presidency is underlined. The Presidency intends to have only the underlined text of the listed articles examined at the Visa Working Party on 15 June 2015.

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the Union Code on Visas (Visa Code)**

**(recast)**

**Definitions and facilitations**

**TITLE I**

***GENERAL PROVISIONS***

*Article 2*

**Definitions**

For the purpose of this Regulation the following definitions shall apply:

8. "VIS registered applicant" means a **visa** applicant whose data are registered in the Visa Information System;

9. "VIS registered regular traveller" means a visa applicant **whose data are** registered in the Visa Information System and who has obtained **at least three uniform visas or visas with limited territorial validity issued in accordance with Article 22(3) within the 24 months prior to the application or one multiple-entry uniform visa or visa with limited territorial validity issued in accordance with Article 22(3) valid for at least one year** within the 36 months prior to the application;

## ***CHAPTER II***

### ***APPLICATION***

#### *Article 9*

#### **General rules for lodging an application**

2. **Except in the case of an applicant for whom the fingerprinting was temporarily impossible at a previous application as referred to in Article 12(7)(b)<sup>1</sup>**, VIS registered applicants shall not be required to appear in person when lodging an application, where their fingerprints have been entered into the VIS less than 59 months before.

#### *Article 13*

#### **Supporting documents**

1. When applying for a uniform visa, the applicant shall present:

- (a) documents indicating the purpose of the journey;
- (b) documents in relation to accommodation, or proof of sufficient means to cover his accommodation;

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<sup>1</sup> Article 12(7)(b) reads as follows:

"The following applicants shall be exempt from the requirement to give fingerprints:  
(b) persons for whom fingerprinting is physically impossible. If the fingerprinting of fewer than 10 fingers is possible, the maximum number of fingerprints shall be taken. However, should the impossibility be temporary, the applicant shall be required to give the fingerprints at the following application. The authorities competent in accordance with Article 4(1), (2) and (3) shall be entitled to ask for further clarification of the grounds for the temporary impossibility. Member States shall ensure that appropriate procedures guaranteeing the dignity of the applicant are in place in the event of there being difficulties in enrolling."

(c) documents indicating that the applicant possesses sufficient means of subsistence both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or that he is in a position to acquire such means lawfully, in accordance with Article 5(1)(c) and (3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council<sup>1</sup>;

(d) information enabling an assessment of the applicant's intention to leave the territory of the Member States before the expiry of the visa applied for.

2. Points (b), (c) and (d) of paragraph 1 **shall** not apply to applicants who are VIS registered regular travellers and who have lawfully used the visas obtained within the respective time-limits referred to in Article 2(9).

6. The consulate shall start processing the visa application on the basis of (...) copies of the supporting documents. Applicants **whose data** are not yet registered in the VIS **or VIS registered applicants** whose data are registered in the VIS only in relation to a refused visa shall provide the original. The consulate may ask for original documents from applicants who are VIS registered applicants (...), (...) where there is doubt about the authenticity of a specific document **or where the requirement to submit original documents stems from the harmonised list of supporting documents referred to in Article 46(1)(a)**.

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<sup>1</sup> Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

## ***CHAPTER III***

### ***EXAMINATION OF AND DECISION ON AN APPLICATION***

#### ***Article 18***

##### **Verification of entry conditions and risk assessment**

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller who has lawfully used the visas obtained within the respective time-limits referred to in Article 2(9), it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, (...) and the possession of sufficient means of subsistence.

3. The presumption referred to in paragraph 2 shall not apply where the consulate has reasonable doubts about the fulfilment of these entry conditions based on information stored in the VIS, such as decisions annulling a previous visa, or in the passport, such as entry and exit stamps or **any other relevant** information. In such cases, the consulates may carry out an interview and request additional documents **as referred to in paragraph 10**.

10. During the examination of an application, consulates may in justified cases carry out an interview and request additional documents **and information specified in Article 13(1)**.

## ***CHAPTER IV***

### ***ISSUING OF THE VISA***

#### *Article 21*

#### **Issuing of a uniform visa**

-1. A visa applicant for whom the competent authorities have ascertained, following the examination procedure set out in Chapter III, that there are no grounds for refusal in accordance with Article 29, shall be issued a visa as requested pursuant to the conditions specified in the following paragraphs.

3. VIS registered regular travellers who have lawfully used the visas obtained within the respective time-limits referred to in Article 2(9) shall be issued a multiple-entry visa valid for at least three years.

4. Applicants referred to in paragraph 3 who have lawfully used the multiple entry visa valid for **at least** three years shall be issued a multiple-entry visa valid for five years provided that the application is lodged no later than one year from the expiry date of the multiple entry visa valid for **at least** three years.

4a. However, in the cases referred to in Article 18(3), paragraphs 3 and 4 shall not apply.

## **Deadlines**

### ***CHAPTER II***

#### ***APPLICATION***

##### *Article 8*

#### **Practical modalities for lodging an application**

1. Applications **shall** be lodged **no more than** six months before and, **as a rule**, no later than 15 calendar days before the start of the intended visit.

### ***CHAPTER III***

#### ***EXAMINATION OF AND DECISION ON AN APPLICATION***

##### *Article 19*

#### **Prior consultation of central authorities of other Member States**

2. The central authorities consulted shall reply definitively as soon as possible but not later than within seven calendar days after being consulted. The absence of a reply within this deadline shall mean that they have objections to the issuing of the visa.
3. Member States shall notify the Commission of the introduction or withdrawal of the requirement of prior consultation, **as a rule**, at the latest 15 calendar days before it becomes applicable. This information shall also be given within local Schengen cooperation in the jurisdiction concerned.



### ***CHAPTER III***

#### ***EXAMINATION OF AND DECISION ON AN APPLICATION***

##### *Article 20*

##### **Decision on the application**

1. Applications shall be decided on within **15** calendar days of the date of the lodging of an application which is admissible in accordance with Article 17.
2. That period may be extended up to a maximum of **45** calendar days in individual cases, notably when further scrutiny of the application is needed.

## **Visa fee**

### *Article 14*

#### **Visa fee**

1. Applicants shall pay a visa fee (...).
2. Within 6 months after the date set out in Article 55(2) and not less than every 3 years thereafter, the Commission shall by means of implementing acts revise the amount of the visa fee in order to reflect the administrative costs. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).
3. The following categories shall pay no visa fee:
  - (a) minors under the age of **twelve** years ;
  - (b) school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or educational training;
  - (c) researchers from third countries, as defined in Council Directive 2005/71/EC<sup>1</sup>, travelling for the purpose of carrying out scientific research or participating in a scientific seminar or conference;
  - (d) (...);
  - (e) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;
  - [(f) close relatives of the Union citizens referred to in Article 8(3).
  - (g) family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC in accordance with Article 5(2) of that Directive.]<sup>2</sup>

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<sup>1</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289, 3.11.2005, p. 15).

<sup>2</sup> The facilitations included in (f) and (g) should be discussed together with the definition of close relatives, as well as the facilitations granted to close relatives and family members of EU citizens.

**3a. The visa fee may be waived for holders of diplomatic and service passports.**

4. Member States may in individual cases, waive or reduce the amount of the visa fee to be charged when this serves to promote cultural or sporting interests as well as interests in the field of foreign policy, development policy and other areas of vital public interest or for humanitarian reasons.

5. The visa fee shall be charged in euro, in the national currency of the third country or in 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 Articles 16(2) and 17(3).

When charged in a currency other than euro, the amount of the visa fee charged in that currency 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 consulates shall ensure under local Schengen cooperation that they charge equivalent fees.

6. The applicant shall be given a receipt for the visa fee paid.

*Article 53*

**Repeal**

2. A visa fee of EUR 60 as referred to in Article 16 of Regulation (EC) 810/2009 shall continue to apply until the Commission has adopted an implementing act as referred to in Article 14(2) of this Regulation.

## **Travel Medical Insurance**

### *Article 14a*

#### **Travel medical insurance**

1. Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment or death, during their stay on the territory of the Member States.

2. Without prejudice to paragraph 3, applicants for a uniform visa for more than one entry (multiple entries) shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.

In addition, such applicants shall sign the statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance for subsequent stays.

3. The applicants for a uniform visa who are holders of diplomatic passports and VIS registered regular travellers shall not prove that they are in possession of adequate and valid travel medical insurance.

VIS registered regular travellers shall sign the statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance.

4. The insurance requirement may be considered to have been met where it is established that an adequate level of insurance may be presumed in the light of the applicant's professional situation. The exemption from presenting proof of travel medical insurance may concern particular professional groups, such as seafarers, who are already covered by travel medical insurance as a result of their professional activities.

5. The insurance shall be valid throughout the territory of the Member States and cover the entire period of the person's intended stay or transit. The minimum coverage shall be EUR 30000.

When a visa with limited territorial validity covering the territory of more than one Member State is issued, the insurance cover shall be valid at least in the Member States concerned.

6. Applicants shall, in principle, take out insurance in their country of residence. Where this is not possible, they shall seek to obtain insurance in any other country.

When another person takes out insurance in the name of the applicant, the conditions set out in paragraph 5 shall apply.

7. When assessing whether the insurance cover is adequate, consulates shall ascertain whether claims against the insurance company would be recoverable in a Member State.

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