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**LIMITE**

**VISA 229  
CODEC 812  
COMIX 675**

**OUTCOME OF PROCEEDINGS**

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of: Visa Working Party/Mixed Committee (EU-Iceland/Norway/Switzerland)  
dated: 11-12 July 2007

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No. Cion prop.: 11752/1/06 VISA 190 CODEC 771 COMIX 662 REV 1

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Subject: Draft Regulation of the European Parliament and of the Council establishing a  
Community Code on Visas

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The Visa Working Party examined Articles 20 (1) - 26 and Annexes VII, VIII, IX and X on the basis of the Commission's proposal. The outcome of this examination is set out in the Annex to this note.

*Article 20***Decision on the visa application**

- 1.<sup>1</sup> Member States' diplomatic missions and consular posts shall decide upon visa applications within 10 working days of the date of submission of the application, or after the date of the completion of the file. This period may be extended to a maximum of 30 days in individual cases, notably when further scrutiny of the application is needed, including the situation referred to in Article 7(6).
2. The diplomatic missions or consular posts shall decide on the period of validity of the visa and the length of the authorised stay on the basis of all the information available to them concerning the purpose and duration of the intended stay or transit and bearing in mind the specific situation of the applicant. For single entry transit visas and ATVs the additional "period of grace"<sup>2</sup> granted shall be seven days and for single<sup>3</sup> entry "C" visas fifteen days.

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<sup>1</sup> See comments set out in 9502/07 VISA 163 CODEC 507 COMIX 461, page 8.

<sup>2</sup> **CZ** and **NL** were not in favour to systematic granting of a "period of grace" of a fixed number of days, but suggested adding "may be up to seven/fifteen days" or adding "in principle". **FR** was of the opinion that only a single "period of grace" of 15 days should be retained as a recommendation. Replying to a comment from **HU** and **EE**, the **representative of the Commission (COM)** noted that the validity of the passport was irrelevant in this context. **COM** also recalled that the formulation and the length of the periods had been copied from the existing examples set out in Annex 13 to the CCI, but **COM** would consider an explicit indication that the "period of grace" concerns the validity of the visa and not the duration of stay and that the length of such a period should be assessed on a case by case basis.

<sup>3</sup> Replying to a comment from **FR**, **COM** noted that this provision only referred to "single entry" visa because the factors that justify a period of grace of a specific number of days for such visa are irrelevant in the case of visa allowing for 2 or several entries over a period of 1 year. **FR** then suggested that the reference to "single entry" be deleted in order to maintain a general principle of allowing for a "period of grace".

3. Multiple-entry<sup>1</sup>, visas entitling the holder to several entries, three month stays or several transits during any half-year, may be issued with a period of validity of maximum 5 years.<sup>2</sup>

The following criteria are in particular relevant for taking the decision to issue such visas:

- (a) the applicant's need to travel frequently and/or regularly due to his/her occupational or family status, such as businessmen and women, civil servants engaged in regular official contacts with Member States and the Community institutions, family members of citizens of the Union, members of the family of third country nationals residing in Member States, seafarers,<sup>3 4 5</sup>

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<sup>1</sup> **FR** drew delegations' attention to the technical specifications of the VISION network, that only allows for issuing visas valid for periods of 1 - 2 - 3 etc years but not for instance 1/2 or 1 1/2 year. This causes problems in relation to applicants who hold passports (issued by certain third countries) that have a very short validity. **FR** recalled that the justification for visas of type "C1"- "C2"- "C3" etc had only been the different fees charged but since the flat rate has been introduced there was no justification for maintaining this distinction.

**PT** noted that the technical specifications could be adapted, but it should be considered thoroughly as such a change would have many technical ramifications, possibly also on the technical implementation of the VIS.

<sup>2</sup> **DE** preferred to maintain the formulation of the CCI (Part V, Section 2.1) emphasising that multiple entry visa with at validity of more than 1 year should only be issued in exceptional cases and only if a previous visa with a validity of 1 year had been used correctly. **IT** did not agree with this interpretation. **COM** could not accept the suggestion from **DE** either. See also comments by **NO** in relation to Annex X, point 4.

<sup>3</sup> **FR** found that a legal text should not contain such examples. **COM** noted that a simple description of the rules would have been insufficient when considering the practices followed currently. The further treatment of the examples given in paragraph (3) (a) would be developed further in the Instructions.

<sup>4</sup> Delegations' attention is drawn to the conclusions drawn by the Visa Working Party in June 2003: ***Issuance of visas to seamen signing off the ship*** (15803/02 FRONT 148 VISA 187 COMIX 721, 6579/03 FRONT 16 VISA 33 COMIX 114:

*"The Chair noted that Part I, 2.1.2 of the Common Consular Instructions deals with transit visas without mentioning a maximum period of validity for such visas, while various examples of transit visas are set out in Annex 13 of the CCI. The Chair concluded from the discussion that delegations considered that a dual entry transit visa with a period of validity of up to one year could be issued to a seaman where the competent authority is satisfied that he/she has produced the requisite supporting documents proving the existence of a contract with a shipping company (such contracts typically have a duration of 9-12 months). This would help to avoid the practical problems raised in the above-mentioned documents. The Chair added that it would be advisable to clarify the relevant parts of the CCI at some stage in order to introduce specific language on the maximum period of validity for transit visas, as well as additional examples of possible transit visas."*

<sup>5</sup> **DE** and **PL** suggested the addition of an "and" between sub-paragraph (a) and (b). **COM** would consider this.

- (b) the integrity and reliability of the applicant, in particular the lawful use of previous Schengen<sup>1</sup> visas, his economic situation in the country of origin<sup>2</sup> and his genuine intention to return to that country.

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4. Member States' diplomatic missions and consular posts<sup>4</sup> shall enter the data set out in Article 10 (1) of the VIS Regulation into the VIS when a decision on issuing a visa has been taken.

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<sup>1</sup> **LT** suggested that a reference be made to national visas as well (including short-stay visas issued by Member States who do not yet apply the Schengen acquis in full). **COM** recalled that the VIS would contain no information on neither short stay visas issued by "nMS" nor national visas. **PL** suggested the deletion of the reference to "Schengen" in order to cover all visas. Although recognising that in practice the possession of for instance a Canadian visa is sometimes taken into consideration when an application is examined, **COM** was not in favour of including a reference to the correct use of visas from non Schengen countries because on the one hand any such correct use cannot be verified and on the other hand the legal basis for issuing visas by non-Schengen countries is unknown.

**HU** drew delegations' attention to the wording of the heading of paragraph 3, meaning that the use of Schengen visas was just one element to take into consideration without excluding others. However, **HU** suggested the following formulation to meet the wishes of all: "the lawful use of visas issued by Schengen States...".

<sup>2</sup> **FR** wondered what was meant by "country of origin" and "genuine" intention to return. **COM** noted that country of origin could also be the country of residence if the applicant does not live in his country of origin. This aspect could be specified in the Instructions.

<sup>3</sup> **FR** suggested the addition of a sub-paragraph (c) referring to the validity of the passport although there is already such a reference in Article 12 (1) (b).

<sup>4</sup> **NO** and **SE** referred to the comments made previously in relation to Article 3 (15560/1/06, page 3), and suggested the addition of (or replacement of "diplomatic missions and consular posts" by) "competent authorities" or "visa authorities". **COM** noted that the formulation would be aligned to the one use in the VIS Regulation.

**Visa with Limited Territorial Validity**

1. A visa with limited territorial validity (LTV) shall be issued exceptionally in the following cases<sup>1</sup>:
  - (a) when a diplomatic mission or consular post considers it necessary, on humanitarian grounds, for reasons of national interest or because of international obligations, to derogate from the principle that the entry conditions laid down in Article 5(1) of the Schengen Borders Code, must be fulfilled;
  - (b) when a diplomatic mission or consular post considers it necessary, on humanitarian grounds, for reasons of national interest or because of international obligations, to issue a visa, although the prior consultation procedure has given rise to objections on the part of the consulted Member State<sup>2</sup> or if prior consultation has not been carried out for reasons of urgency (on humanitarian grounds, reasons of national interest or because of international obligations);<sup>3</sup>
  - (c) when a diplomatic mission or consular post for urgent reasons, justified by the applicant, issues a new visa for a stay during the same six-month period to an applicant who, over this six-month period<sup>4</sup>, has already used a visa allowing for a stay of three months.

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<sup>1</sup> **BE** supported by **NL**, noted that a reference to LTVs valid for Benelux should be maintained as provided for in the CCI. **COM** was of the opinion that given the general Schengen rules, it was no longer necessary to maintain such particular provisions, adding that this might be a political issue rather than a technical one. **BE** recalled the historic context of this cooperation adding that the Benelux Convention continued to be in force.

<sup>2</sup> **DE** suggested that in such cases, the consulted Member State (having opposed the issuance of a uniform visa) should be informed within reasonable time before the visa is issued.

<sup>3</sup> **BE** suggested that this sub-paragraph be split into two as reference is made to two different criteria for issuing LTVs. **COM** would consider this.

**AT** suggested that it be specified that in individual cases such LTVs could be valid for more than the issuing Member State. **COM** feared that such a provision would completely alter the idea of an LTV and create "traditional LTVs" and "LTVs upon request". **FR** and **EL** were not in favour of this suggestion from **AT** either.

<sup>4</sup> **NL** suggested that this calculation be clarified in the Instructions.

<sup>5</sup> **DE** suggested the addition of a reference to the case where an LTV was issued because it had been impossible to consult the VIS.

In the cases referred to in the first subparagraph, the visa issued shall be valid only for the territory of the issuing Member State<sup>1</sup>.

If the applicant holds a travel document that is not recognised by one or more, but not all, Member States, a visa valid for the territories of the Member States recognising the travel document shall be issued. If the visa issuing Member State does not recognise the applicant's travel document, the visa issued shall only be valid for that Member State<sup>2</sup>.

2. The central authorities of the Member State whose diplomatic mission or consular post has issued LTVs in the cases described in points (a) and (b) of the first subparagraph of paragraph 1 shall immediately circulate<sup>3</sup> the relevant information to the central authorities of the other Member States.

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<sup>1</sup> **BE** and **NL** found that this paragraph should also cover sub-paragraph c).

<sup>2</sup> **HU**, supported by **FR**, suggested that a reference be made to the separate sheet for affixing visa (Regulation 333/2002).

<sup>3</sup> **FR** wondered how this should be done. The **Chair** suggested that this be specified in the Instructions. **IT** was of the opinion that the transmission of such information was of little relevance. **COM** emphasised that the draft proposal had been adapted to reality: the existing requirement on informing other Member States about all cases of issuance of LTVs had been eased and only the cases linked to "sensitive" applicants had been retained and the exchange of information should be carried out at central level only. Finally **COM** drew delegations' attention to Article 16 (3) of the VIS Regulation (*"The procedure set out in paragraph 2 may also apply for the transmission of information on the issuance of visas with limited territorial validity and other messages related to consular cooperation as well as ...."*).

**COM** was not in favour of adding a reference to (c) as suggested by **DE**, as such cases could not be considered "sensitive".

**SI** wondered what the percentages of LTVs issued was. **COM** invited delegations to find the precise figures in the recently published statistics, but noted that currently France, Greece, Italy and Germany issue the highest number of LTVs.

The **Chair** drew delegations' attention to the heading of Article 21, where it is stated that LTVs should only be issued exceptionally.

## Article 22

### Airport transit visas

1. Nationals of the third countries included in the list<sup>1</sup> set out in Annex VII<sup>2</sup>, shall be required to hold an airport transit visa, when passing through the international transit areas of airports situated on the territory of Member States.
2. The following categories of persons shall be exempt from this requirement to hold an airport transit visa provided for in paragraph 1:
  - (a) holders of uniform short stay or transit visa<sup>3</sup> issued by a Member State<sup>4</sup>,
  - (b) third-country nationals holding residence permits issued by Andorra, Japan, Canada, Monaco, San Marino, or the United States of America guaranteeing the holder's unqualified return<sup>5</sup>, and listed in Annex VIII<sup>6</sup>;

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<sup>1</sup> **COM** recalled the initial discussions on this issue (13611/06, page 2). On behalf of Benelux, **BE** suggested the maintenance of two separate lists in order for Member States to be able to act quickly in case of massive influx of illegal immigrants. **CZ**, **FR** and **PL** supported this suggestion.

**COM** recalled that the possibility of rapid reaction already exists under Article 64 (2) of the Treaty where it is stipulated that in emergency situations "provisional measures" could be adopted and that that mechanism might meet the delegations' concerns.

**HU** entered a scrutiny reservation on Article 22 and Annex VII.

<sup>2</sup> Set out on page 15 of this document.

<sup>3</sup> **FR** suggested adding that the visa held should still be valid. **COM** could accept this.

<sup>4</sup> **HU** suggested the addition of a reference to long stay visas and to residence permits issued by Member States. **COM** recalled that persons holding a residence permit do not need an ATV, but would consider adding such a reference for the sake of clarity.

<sup>5</sup> **IT** wished to add a reference to the Vatican.

<sup>6</sup> Set out on page 16 of this document.

- (c) family members of citizens of the Union<sup>1</sup>;
- (d) holders of diplomatic passports<sup>2</sup>;
- (e) flight crew who are nationals of a contracting Party to the Chicago Convention on International Civil Aviation<sup>3</sup>.

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<sup>1</sup> **FR** suggested that it be added that the person concerned should be in possession of documentation proving this family link. **COM** was not in favour of adding this, as a general reference to this category of persons is made in Article 1 (2) and if an "explanatory" addition is made here, it should be made each time specific privileges, following from other legal acts, apply to this category of persons. Moreover, border guards could obtain information on these cases in the Handbook to the Schengen Borders Code (SBC).

<sup>2</sup> Recalling the concerns expressed by Member States in relation to the arbitrary issuance of service passports by certain third countries, **COM** noted that the Commission had preferred only to introduce a general exemption for holders of diplomatic passports. **DE**, **FR** and **BE** were not in favour of extending the general exemption to holders of other types of passport.

<sup>3</sup> **FR** suggested the addition of "when on duty", but since this formulation did not seem to have caused problems of misuse so far, **COM** preferred to maintain the text.



## *Article 23<sup>1</sup>*

### **Refusal of a visa<sup>2</sup>**

1. Without prejudice to Article 21(1), a visa shall<sup>3</sup> be refused if the applicant:
  - (a) presents a false, counterfeited or forged<sup>4</sup> travel document;
  - (b) does not prove that he has sufficient means of subsistence for the whole duration of the stay, and for return to his country of origin or departure, or that he is in a position to acquire such means lawfully<sup>5</sup>;

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<sup>1</sup> By way of introduction, **COM** recalled the distinction between refusal of a visa - after examination of the application - and inadmissibility (Article 19), and that this Article only covered refusals. **COM** once more also recalled that the VIS Regulation (Article 12) is based on the existing acquis, and once the Visa Code has been adopted the VIS Regulation will be amended in order to take account the changes of the acquis.

<sup>2</sup> **FI** and **EE** entered a reservation on this article.

<sup>3</sup> **NL, FR, PL** and **IT** suggested the addition of "in principle". **EE** suggested that the article be divided in to two, where one would cover the reasons for which a visa "shall" be refused and the second the reasons for which a visa "may" be refused.

**COM** expressed surprise at these comments, as this wish to introduce a certain extent of flexibility seemed to indicate that Member States were willing to issue uniform visa to persons not fulfilling the entry conditions as stated in the SBC, adding that sub-paragraphs a) - g) corresponds to Art 5 (1) of SBC and for that reason **COM** could not accept introducing such flexibility.

**LV**, supported by **NL**, suggested that the reasons for refusal be linked to the provisions of Article 18 (1). **LV** also found that a reference should be made to risk of illegal immigration, contact to country of origin and intention to return. A specific reference to Article 18(7) should also be added. **COM** recalled that the maintenance in the VIS Regulation of a reference to "risk of illegal immigration" had been one of the most sensitive issues in the negotiations with the European Parliament on that Regulation.

<sup>4</sup> **NL** suggested the addition of "invalid". **AT**, supported by **IT**, suggested the addition of "or other false/counterfeited or forged documents."

**FR** recalled the general problem with lists of conditions: they are too restrictive and never really complete. In the case of the travel document, the applicant could for instance also be refused if the document is in bad condition, if changes have been made, if the entries are unreadable etc. **FR** therefore suggested the addition of "in particular". **COM** recalled that this list covered the reasons for refusing entry as stated in the SBC, and suggested that a table be drawn up in order to illustrate this parallelism for delegations.

<sup>5</sup> **LU** suggested that the issue of "sponsorship" be highlighted.

- (c) does not provide sufficient evidence justifying the purpose and duration of the stay;
- (d) does not provide proof of holding adequate travel medical insurance, where applicable;
- (e) has already stayed for three months during a six-month period on the territory of the Member States;
- (f) is a person for whom an alert has been issued in the SIS or in a national register for the purposes of refusing entry;
- (g) is considered to be a threat to public order, internal security, public health or the international relations of the European Union or its Member States.

2. The decision stating the precise<sup>1 2</sup> reasons for the refusal shall be given by means of the standard form set out in Annex IX<sup>3</sup>. This form shall also be used when the visa is refused at the border.

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<sup>1</sup> **PL**, supported by **LV**, suggested the deletion of this word.

**LV, PL, BE** and **FR** entered as specific reservation on this paragraph. **FR** added that systematic motivation of all refusals would be a too heavy burden, in particular if a legal dispute (falling under national competence) would follow. **IT** shared this point of view, noting that Italian authorities do not motivate refused applications for short stay visas for the purpose of tourism or business.

**ES** could not accept the introduction of systematic motivation of refusal of applications for short stay visa.

**HU** was of the opinion that reasons should only be given upon request from the refused applicant.

**DK** could accept the principle of systematic refusal but preferred to continue to use the national form.

**EE** noted that a negative side effect of introducing systematic motivation and right to refusal could be loss of control of the issuance of visa, because consular staff might prefer to issue visas rather than refusing them in order to avoid the cumbersome procedures. Therefore **EE** suggested giving the form an informative character.

<sup>2</sup> **COM** recalled that these provisions and the form are strictly in line with the SBC and the Standard form for refusal of entry at the border set out in Annex V, Part B, to the SBC. **COM** added that the introduction of mandatory motivation of refusal and right of appeal are fundamental issues for the Commission. **COM** noted that delegations' fear of the number of court cases was exaggerated, adding that an applicant who had been refused because his passport was invalid was unlikely to appeal the refusal. Referring to the common visa policy, **COM** noted that Member States could not maintain a discretionary power in relation to the right of appeal. **FR** found that a distinction should be made between what falls under Community legislation and what falls under national competence, i.e. contentious appeals, therefore **FR** suggested the maintenance of paragraph 2) and the deletion of paragraph 3). **PL** and **IT** supported this suggestion.

<sup>3</sup> As Norwegian authorities are obliged to motivate all refusals according to a national form, **NO** would prefer if the form in IX would just set out minimum standards for the grounds to be given. **NL** supported the suggestion adding more grounds. **COM** would not be opposed to adding more boxes in the standard form depending on the outcome of discussions of Article 23, but reminded the reference to national legislation would not be valid once this Regulation entered into force, as a Regulation is directly applicable by Member States.

3. Applicants refused visa shall have the right to appeal<sup>1</sup>. Appeals shall be conducted in accordance with national law.<sup>2</sup> A written indication of contact points able to provide information on representatives competent to act on behalf of the applicants in accordance with national law shall be given to the applicants.<sup>3</sup>
4. If cases referred to in Article 7(6), the diplomatic mission or consular post of the representing Member State shall inform the applicant of the decision taken by the represented Member State.
5. A refusal shall not affect any future visa application, which shall be assessed on its own merits<sup>4</sup>.

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<sup>1</sup> **COM** noted that this provision was an important innovation and emphasised that the right to appeal only concern refusal and not cases of inadmissibility.

**EE** entered a reservation as current national Estonian law does not grant a right of appeal to refused visa applicants. **HU, CZ, LV, AT** and **SK** entered a substantial reservation on this paragraph, **HU** fearing that this provision would put a too heavy burden on consular staff who should rather use their efforts on examining visa applications.

**DE** also entered a scrutiny reservation on this paragraph, because national law only allows for such appeal in specific cases. **DE** found that what as indicated in the last box, but one, of the standard form (Annex IX) was sufficient as information to applicants.

<sup>2</sup> **PT** suggested that the third sentence of this paragraph be deleted. **FR, PL, LU, IT, PT, NL, ES, SE, SI** and **EL** supported this suggestion. **COM** noted that this could be redrafted as the purpose was not to have a detailed list of lawyers but to give general information as provided for in the SBC. **HU** suggested the following formulation of the first sentence: "Applicants refused visa shall have the right to appeal in accordance with national law."

**BE** was in favour of maintaining the text as proposed by the Commission, finding that delegations' concern that refused applicants would massively appeal such negative decisions was exaggerated. The majority of refused applicants just apply again. **EL** shared this point of view, noting that Greek law already provides for refused applicants' right to appeal.

Replying to a comment from **NL**, **COM** noted that nothing prevented Member States from maintaining a double system of appeal (i.e. an administrative and a judicial procedure). The aim of this provision is only to enshrine the right to appeal.

<sup>3</sup> **SE** entered a specific reservation on this paragraph and found that it should be examined in the light of the "Judgment of the Court of Justice in Case C-503/03 of 31 January 2006". **PL** supported this request.

<sup>4</sup> **NL, HU, AT** and **FR** were not in favour of this formulation and **NL** suggested that such text could be maybe be added in the Instructions. **COM** would be willing to redraft the text, but emphasised that it is important to state this explicitly in the legal text, also bearing in mind the past negotiations with the European Parliament on the VIS Regulation, where EP had put much emphasis on this principle.

*Article 24***Rights flowing from an issued visa**

Mere possession of a short stay visa or a transit visa does not confer automatic right of entry.

*Article 25***Filling in the visa sticker**

1. When filling in the visa sticker, Member States' diplomatic missions and consular posts<sup>2</sup> shall insert the mandatory entries set out in Annex X and fill in the machine readable zone, as provided for in ICAO document 9303, Part 1n 6<sup>th</sup> edition (June 2006).
2. Member States may add national entries in the "comments" section of the visa sticker, which shall not duplicate the mandatory entries in Annex X.
3. All entries on the visa sticker shall be printed. Visa stickers may be filled in manually only in case of technical force majeure.<sup>3</sup>

*Article 26***Invalidation of completed visa stickers**

1. No <sup>4</sup> manual changes shall be made to a printed<sup>5</sup> visa sticker.<sup>6</sup>

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<sup>1</sup> **COM** noted that a reference to Article 12 of the VIS Regulation should be added.

"Information on refused visas shall be entered into the VIS in accordance with Article 12 of the VIS Regulation."

<sup>2</sup> **NL** suggested the addition of "visa authorities". Commenting on a suggestion from the **Chair**, **COM** stressed that "diplomatic missions and consular posts" could not systematically be replaced by "visa authorities" throughout the text.

<sup>3</sup> **EE** wondered whether this provision was still relevant, given the fact that visa stickers must be issued with a photo of the holder (cf. also Annex X, point 9).

<sup>4</sup> **HU** suggested adding "additional".

<sup>5</sup> **EL** suggested replacing "printed" by "completed"

<sup>6</sup> **HU** suggested that this paragraph be moved to Article 25. **NL** wondered how this provision tallied with Article 31 (1).

2. If an error is detected on a sticker which has not yet been affixed to the passport, the sticker shall be destroyed.

3. If an error is detected after the sticker has been affixed to the passport, the sticker shall be invalidated by drawing a red cross<sup>1</sup> on the sticker and a new sticker shall be affixed.<sup>2</sup>
4. If an error is detected after the relevant data have been introduced into the VIS in accordance with Article 8 of the VIS Regulation, the error shall be corrected in accordance with Article 21(1) of the VIS Regulation.

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<sup>1</sup> **NL** wondered why this provision had been introduced. **HU** suggested that the following indication be added in such cases, in order to avoid problems for the holder at the border or when applying for a new visa: "cancelled with out prejudice".

<sup>2</sup> **AT** suggested that such errors be notified to other Member States. **LU** found that exchange of such information had no added value.

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

AFGHANISTAN

BANGLADESH

CONGO (Democratic Republic)

ERITREA

ETHIOPIA

GHANA

IRAN

IRAQ

NIGERIA

PAKISTAN

SOMALIA

SRI LANKA



**ANNEX VIII: LIST OF THE RESIDENCE PERMITS ENTITLING THEIR HOLDERS TO  
TRANSIT THROUGH THE AIRPORTS OF MEMBER STATES WITHOUT REQUIRING  
AN AIRPORT TRANSIT VISA**

ANDORRA:

- *Tarjeta provisional de estancia y de trabajo* (provisional residence and work permit) (white). These are issued to seasonal workers; the period of validity depends on the duration of employment, but never exceeds 6 months. This permit is not renewable
- *Tarjeta de estancia y de trabajo* (residence and work permit) (white). This permit is issued for 6 months and may be renewed for another year
- *Tarjeta de estancia* (residence permit) (white). This permit is issued for 6 months and may be renewed for another year
- *Tarjeta temporal de residencia* (temporary residence permit) (pink). This permit is issued for 1 year and may be renewed twice, each time for another year
- *Tarjeta ordinaria de residencia* (ordinary residence permit) (yellow). This permit is issued for 3 years and may be renewed for another 3 years
- *Tarjeta privilegiada de residencia* (special residence permit) (green). This permit is issued for 5 years and is renewable, each time for another 5 years
- *Autorización de residencia* (residence *authorisation*) (green). This permit is issued for one year and is renewable, each time for another 3 years
- *Autorización temporal de residencia y de trabajo* (temporary residence and work *authorisation*) (pink). This permit is issued for 2 years and may be renewed for another 2 years
- *Autorización ordinaria de residencia y de trabajo* (ordinary residence and work *authorisation*) (yellow). This permit is issued for 5 years
- *Autorización privilegiada de residencia y de trabajo* (special residence and work *authorisation*) (green). This permit is issued for 10 years and is renewable, each time for another 10 years

CANADA:

- Permanent resident card (plastic card)

JAPAN:

- Re-entry permit to Japan

MONACO:

- *Carte de séjour de résident temporaire* de Monaco (temporary resident's permit)
- *Carte de séjour de résident ordinaire* de Monaco (ordinary resident's permit)
- *Carte de séjour de résident privilégié* (privileged resident's permit)
- *Carte de séjour de conjoint de ressortissant monégasque* (residence permit for the spouse of a Monegasque national)

SAN MARINO:

- *Permesso di soggiorno ordinario (validità illimitata)* [ordinary residence permit (no expiry date)]
- *Permesso di soggiorno continuativo speciale (validità illimitata)* [special permanent residence permit (no expiry date)]
- *Carta d'identità de San Marino (validità illimitata)* [San Marino identity card (no expiry date)]

UNITED STATES OF AMERICA:

- Form I-551 permanent resident card (valid for 2 to 10 years)
- Form I-551 Alien registration receipt card (valid for 2 to 10 years)
- Form I-551 Alien registration receipt card (no expiry date)
- Form I-327 Re-entry document (valid for 2 years – issued to holders of a I-551)
- Resident alien card (valid for 2 or 10 years or no expiry date. This document guarantees the holder's return only if his or her stay outside the USA has not exceeded one year.)
- Permit to re-enter (valid for 2 years. This document guarantees the holder's return only if his or her stay outside the USA has not exceeded two years.)
- Valid temporary residence stamp in a valid passport (valid for one year from the date of issue)

**ANNEX IX: STANDARD FORM FOR NOTIFYING AND MOTIVATING REFUSAL OF A  
VISA**

**DIPLOMATIC MISSION OR  
CONSULAR POST OF MEMBER STATE 1)**



1

**REFUSAL OF VISA,**

**in accordance with Article 23 of the Community Code on visas**

**Dear Mr/Ms \_\_\_\_\_,**

**The \_\_\_\_\_ Embassy/Consulate-General/Consulate in \_\_\_\_\_ has  
[on behalf of (*name of represented Member State*)] examined your visa application dated xx  
Month 200x. The visa has been refused.**

The refusal of your visa is based on one or several of the following reasons 2) (marked with a tick)  
which prevent the issue of a visa:

- ☐ **a false/counterfeit/forged travel document was submitted 3)**
- ☐ **the purpose and conditions of your stay could not be ascertained**
- ☐ **your intention of return to your country of origin could not be ascertained**
- ☐ **proof of sufficient means of subsistence in relation to the period and form of stay, or  
the means to return to the country of origin or transit, was not provided**
- ☐ **you have already stayed for three months 4) during a 6-month period on the  
territory of the Member States**
- ☐ **an alert has been issued for the purposes of refusing entry**
  - ☐ in the SIS by .....(*indication of Member State*)
  - ☐ in the national register
- ☐ **one or more Member State(s) consider you to be a threat to public policy, internal  
security, public health or the international relations of one or more of the Member  
States of the European Union (*each Member State must indicate the references to national  
legislation relating to such cases of refusal of entry*).5)**
- ☐ **you did not provide sufficient proof of urgency justifying application for a visa at the  
border**

6)

Date and Stamp of diplomatic mission or consular post

\_\_\_\_\_  
Signature of person concerned

<sup>1</sup> No logo is required for Norway, Iceland and Switzerland.

**COMMENTS ON ANNEX IX** (See also comments on Article 23)

1) **PL** suggested the addition of a reference to border authorities. **FR** entered a reservation on the entire Annex. **IT** preferred a more streamlined form and found the second and third box problematic for legal reasons.

Replying to a comment from **NL**, **COM** reminded delegations that the lay out, including the flag, corresponds to the standard form set out in the SBC.

2) **SI** suggested that specific reasons for refusing a visa at the border be added.

3) **AT** suggested the addition of "or other false/counterfeited or forged documents"

4) **NL** wished to replace 3 months by 90 days.

5) **PL** suggested the deletion of the wording in brackets. **COM** could not accept this deletion.

6) **NL** suggested the addition of a standard clause on how to proceed appeal and where.

## **ANNEX X: FILLING IN THE VISA STICKER**

### **I. Common entries section**

#### **1.1. "VALID FOR" heading:**

This heading indicates the territory in which the visa holder is entitled to travel.

This heading may be completed in one of the following ways only:

- (a) Schengen States;
- (b) Schengen State or Schengen States to whose territory the validity of the visa is limited (in this case the following abbreviations are used)<sup>1</sup>:

A = Austria

BNL = Belgium, the Netherlands and Luxembourg<sup>2</sup>

CY=Cyprus

CZE=the Czech Republic

D = Germany

DK= Denmark

E = Spain

EST=Estonia

F= France

FIN = Finland

GR = Greece

H= Hungary

I = Italy

L T= Lithuania

LVA=Lativa

M=Malta

P= Portugal

PL=Poland

P = Portugal,

S = Sweden

SK=Slovakia

SVN=Slovenia

IS = Iceland

N = Norway

- (c) Member State (using the abbreviations in (b)) which issued the national long-stay visa

1.2. When the sticker is used to issue the uniform short-stay or transit visa the heading "valid for" is filled in using the words "Schengen States", in the language of the Member State which issued the visa.

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<sup>1</sup> HU wondered why the full name of the Member State could not be used, as in the case of visa issued for the territory of one Member State (point 1.3).

<sup>2</sup> Replying to a comment made by BE, COM noted that codes for the individual states should replace this one in order to be in line with the points made in relation to Article 21.

1.3. When the sticker is used to issue visas which restrict entry, stay and exit to the territory of one Member State, this heading shall be filled in with the name of the Member State to which the visa holder's entry, stay and exit are limited, in the language of that Member State.

1.4. When the sticker is used to issue visas with limited territorial validity pursuant to Article 21(1), last paragraph, of this Regulation, the following options for the codes to be entered may be used:

- (a) entry of the codes for the Member States concerned;
- (b) entry of the words "Schengen States", followed in brackets by the minus sign and the codes of the Member States for whose territory the visa is not valid.

2. "FROM ... TO" heading:

This heading indicates the period of the holder's stay as authorised by the visa.

The date from which the visa holder may enter the territory for which the visa is valid is written as below, following the word "FROM":

- the day is written using two digits, the first of which is a zero if the day in question is a single digit.
- horizontal dash.
- the month is written using two digits, the first of which is a zero if the month in question is a single digit.
- horizontal dash.
- the year is written using two digits, which correspond with the last two digits of the year.

For example: 05-12-07 = 5 December 2007.

The date of the last day of the period of the visa holder's authorised stay is entered after the word "TO". The visa holder must have left the territory for which the visa is valid by midnight on this date

This date is written in the same way as the first date above.

3. "NUMBER OF ENTRIES" heading:

This heading shows the number of times the visa holder may enter the territory for which the visa is valid, i.e. it refers to the number of periods of stay which may be spread over the entire period of validity, see 4.

The number of entries may be one, two or more<sup>1</sup>. This number is written to the right hand-side of the pre-printed part, using "01", "02" or the abbreviation "MULT", where the visa authorises more than two entries.

For a transit visa, only one or two entries may be authorised ("01" or "02" is entered). Multiple entries shall be indicated as "MULT".

The visa is no longer valid when the total number of exits made by the holder equals the number of authorised entries, even if the holder has not used up the number of days authorised by the visa.<sup>2</sup>

4. "DURATION OF VISIT ... DAYS" heading

This heading indicates the number of days during which the holder may stay in the territory for which the visa is valid. This stay may be continuous or, depending on the number of days authorised, spread over several periods between the dates mentioned under 2, bearing in mind the number of entries authorised under 3.<sup>3</sup>

The number of days authorised is written in the blank space between "DURATION OF VISIT" and "DAYS", in the form of two digits, the first of which is a zero if the number of days is less than 10.

The maximum number of days that can be entered under this heading is 90 in any half-year.<sup>4</sup>

When a visa valid for more than six months is issued, the mention of 90 days means 90 days within every 6 months.

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<sup>1</sup> **FR** noted that it was important to indicated 1, 2 or multiple only in order to simplify matters for staff operating the technical part of visa systems. For reasons of saving space, **LU** wondered whether "MULT" could be replaced by "M". **COM** would verify whether this was compatible with the technical specifications.

<sup>2</sup> **HU** suggested that this paragraph be moved to the Instructions.

<sup>3</sup> **NO** wondered whether a multiple visa with a total validity for one, two or more years could be issued with allowed stay of maximum number of days inferior to 90 days in any half-year period. If this is the case, Article 20(3) should clarify this better, for instance "Multiple visa, entitling the holder to several entries, up to three months or....". The reason behind this suggestion is that Norway has experienced the need for issuing such visa in practice and it seems that some Schengen States issue multiple entry visa with an indication in the of for instance 45 days. **COM** found this suggestion somewhat awkward and wished to study this matter.

<sup>4</sup> **HU** suggested that the third and fourth paragraphs moved to the Instructions.

5. "ISSUED IN ... ON ..." heading

This heading gives the name of the town in which the diplomatic mission or consular post which is issuing the visa is situated. The date of issue is indicated after "ON".

The date of issue is written in the same way as the date referred to in 2.

6. "PASSPORT NUMBER" heading:

This heading indicates the number of the travel document to which the visa sticker is affixed.

In case the person to which the visa is issued is included in the passport of spouse, mother or father, the number of the travel document of that person shall be indicated.

When the applicants' travel document is not recognised by the visa-issuing Member State, the uniform format for the separate sheet for affixing visas shall be used for affixing the visa.

The number to be entered under this heading, in the case of the visa sticker is affixed to the separate sheet, is not the passport number but the same typographical number as appears on the form, made up of six digits.

7. "TYPE OF VISA" heading:

In order to facilitate matters for the control authorities, this heading shall specify the type of visa using the letters A, B, C and D as follows:

- A: airport transit visa
- B: transit visa
- LTV B: transit visa with limited territorial validity<sup>2</sup>
- C: short-stay visa
- LTV C: short-stay visa with limited territorial validity
- D: long-stay national visa<sup>3</sup>

8. "SURNAME AND FIRST NAME" heading:

The first word in the "surname" box followed by the first word in the "first name" box of the visa holder's travel document shall be written in that order. The diplomatic mission or consular post shall verify that the name and first name which appear in the travel document and which are to be entered under this heading and in the section to be electronically scanned are the same as those appearing in the visa application.

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<sup>1</sup> **COM** would consider the possible addition of information in relation to the filling in of a sticker for a multiple entry ATV corresponding to the CCI, Annex 13, Example 3, as suggested by **LT**.

<sup>2</sup> **PL** wished to delete the reference to LTV B and LTV C as it is already covered in point 1. **FR, BE** and **LU** supported this suggestion.

<sup>3</sup> **DE** wondered why a reference to "D" visas had been maintained. **FR**, supported by **BE** suggested the reintroduction of a reference to D+C visa.



9.<sup>1</sup>

I. Mandatory entries to be added in the "COMMENTS" section<sup>2</sup>

- a) Code indicating "No Insurance Required"

In case the holder of the visa has been exempted from the requirement of being in possession of a travel medical insurance, as set out in Article 15, the code "N-INS" shall be entered in this section.

- b) Code indicating that proof of accommodation and/or bearing of costs by the invitee has been submitted

In case the applicant has submitted

- proof of accommodation, when applying for a visa, the code "Annex V-H<sup>3</sup>", shall be added
- proof of bearing of costs, when applying for a visa, the code "Annex V-G", shall be added

When proof of both has been submitted, the code "Annex V-H+G" shall be added.

II National entries in "COMMENTS" section

This section shall also contain the comments in the language of the visa-issuing Member State relating to national provisions. However, such comments may not duplicate the mandatory comments referred to in part I of this Annex.

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<sup>1</sup> **FI** wondered whether the entries in this point would be relevant, once VIS became operational. **COM** recalled that the roll-out of the VIS would be progressive and therefore these entries would continue to be relevant for quite some time.

<sup>2</sup> **PL** was not in favour of the addition of such codes.

<sup>3</sup> Replying to a query from **HU**, **COM** noted that "V" referred to Annex V of the draft Visa Code (i.e. the harmonised form for proof of accommodation and/or bearing of costs) and "H" referred to proof accommodation and "G" to bearing of costs, the purpose being to introduce standard codes.

### III Section for the photograph

The visa-holder's photograph, in colour, shall be integrated in the space reserved for that purpose.

The following rules shall be observed with respect to the photograph to be integrated into the visa sticker.

The size of the head from chin to crown shall be between 70% and 80% of the vertical dimension of the surface of the photograph.

The minimum resolution requirements shall be:

- 300 pixels per inch (ppi), uncompressed, for scanning,
- 720 dots per inch (dpi) for colour printing of photos.

### IV Machine-readable zone

This section is made up of two lines of 36 characters (OCR B-10 cpi).

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