



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

**VISA 271
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COMIX 769**

OUTCOME OF PROCEEDINGS

of: Visa Working Party/Mixed Committee (EU-Iceland/Norway/Switzerland)

dated: 4-5 September 2007

No. prev. doc.: 11831/1/07 VISA 229 CODEC 812 COMIX 675 REV 1 + COR 1

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

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

The Visa Working Party examined Articles 27, 28 and 29(1) (a) and (b) on the basis of the Commission's proposal. The outcome of this examination is set out in the Annex to this note.

*Article 27***Affixing visa stickers**

1. The printed visa sticker containing the data provided for in Article 25 and Annex X shall be affixed to the first page of the passport that contains no entries or stamps - other than the stamp indicating that an application has been lodged.

The sticker shall be aligned with and affixed to the edge of the page of the travel document. The machine-readable zone of the sticker shall be aligned with the edge of the page.

2. ^{1 2}The stamp of the issuing diplomatic mission or consular post³ shall be placed in the "COMMENTS" section in such a manner that it extends beyond the sticker onto the page of the travel document.

Only in cases⁴ where it is necessary to dispense with the completion of the section to be scanned electronically may the stamp be placed in this section to render it unusable. The size and content of the stamp and the ink to be used shall be determined by the national rules of the Member State.

¹ **HU** is not in favour of having all these technical specifications in a legal text. **COM** agreed with the latter but wants to maintain the detailed specifications here for legal certainty, namely to ensure that the consulates process the same way.

² **AT** entered a reservation on paragraphs 2 and 3 on the question of the added value of a stamp.

³ **PL** and **FR** suggested the replacement of "diplomatic mission or consular post" by "administrative authorities", which **COM** agreed recalling that it was a horizontal issue appearing through the whole text.

⁴ **NL** was of the opinion that the formulation is too complicated and asked what exactly is meant by "...in cases...".

3. ¹To prevent re-use of a visa sticker affixed to a uniform format form, the seal of the issuing diplomatic mission or consular office shall be stamped to the right, straddling the sticker and the form, in such a way as neither to impede reading of the headings and the comments nor to enter the machine readable zone, if completed.
4. Where the visa-issuing Member State does not recognise the applicant's travel document, the separate sheet for affixing a visa shall be used².
5. Individual visas issued to accompanying persons according to Article 13(1) who are included in the travel document of the applicant shall be affixed in that travel document. Where the travel document in which accompanying persons are included is not recognised by the visa-issuing Member State, the individual visas shall be affixed to the separate sheet for affixing visas.

¹ **PT** suggested to invert paragraphs 3 and 4 and to read "separate sheet" instead of "uniform format". **COM** will reflect on these two comments.

² **COM** will check whether a reference to Art.10(1)(j) is needed here as **SI** suggested.

Chapter IV

Modifying the period of validity of an issued visa

Article 28¹

Extension

1. The period of validity and/or the duration of stay of an issued short stay or transit visa shall² be extended, at the request of the holder if he can provide proof of force majeure, humanitarian reasons, serious occupational reasons and/or personal reasons³.
2. An extension of a visa, as provided for in paragraph 1, shall not, under any circumstances, result in the type of the visa being changed or in the duration of the stay exceeding three months (short stay) or 10 days (transit).
3. Unless otherwise decided by the administrative authority extending the visa, the territorial validity of the extended visa shall remain the same as the original visa.
4. The administrative authority competent to extend the visa shall be that of the Member State on whose territory the third country national is present at the moment of applying for an extension.

Member States shall notify to the Commission the authorities competent for extending visas.

¹ **EL, AT and PT** entered a general reservation on the whole article. **EL** asked what is meant by "force majeure and humanitarian reasons". **FR** wondered why the applicant for the extension of a visa should not be obliged to prove her/his personal resources where the applicant for a visa is. **BE** entered a scrutiny reservation. **SI** asked whether the procedure was due to apply when the visa is applied for at the border. **COM** would consider this.

² **NL, SK, AU, PT, NO, IT and FR** suggested "may" instead of "shall".

³ **HU** suggested to maintain only the last "reasons" and to delete the previous ones and asked what the form of the request should be (oral, written). Moreover, **HU** suggested to add a wording to cover the case where the extension could be applicable "ex officio". The **Chair** proposed to split paragraph 1 in two to cover two different situations:

- 1) extension for force majeure and humanitarian reasons
- 2) extension for serious occupational reasons and/or personal reasons where the conditions would have to be proved.

COM will consider these suggestions.

5. A fee of 30 EUR¹ shall be charged for extending a visa.
6. Extension of uniform visas shall take the form of a stamp², corresponding to the model set out in Annex XI. The competent authority shall also affix its seal.
7. Information on extended visas shall be entered into the VIS in accordance with Article 12 of the VIS Regulation.

Article 29

Annulment

1. A visa may³ be annulled :
 - (a) by the issuing diplomatic mission or consular post in order to prevent the holder from entering the territory of the Member States, if it becomes evident after the visa has been issued that the holder does not fulfil the conditions justifying the issue of the visa.
 - (b) by border control authorities in conformity with the provisions of Article 13(1) and Annex V, Part A, (2) of the Schengen Borders Code.
2. Information on annulled visas shall be entered into the VIS, in accordance with Article 11 of the VIS Regulation.
3. If a visa is annulled pursuant to paragraph 1(b) by the border control authorities of a Member State other than the issuing Member State, the issuing Member State shall be informed of the annulment of its visas.

¹ **NL** suggested to fix the amount in an annex so that it can be smoothly amended. **COM** wished to maintain it in the body of the text meaning that a legal procedure would have to be followed in case the amount is to be changed.

² Several MS challenged the stamp solution and would prefer the sticker for safety reasons. **COM** noted that the sticker solution would mean that every authority competent to deliver the extension would have to have blank stickers at their disposal.

³ **PL** and **HU** suggested to replace "may be" by "shall be".