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OUTCOME OF PROCEEDINGS

From:	Visa Working Party/Mixed Committee EU-Iceland/Liechtenstein/Norway/Switzerland)
On:	7 and 8 December 2015
No. prev. doc.:	13866/15 VISA 353 CODEC 1483 COMIX 561
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)

1. At its meeting on 7 and 8 December 2015, the Working Party examined the drafting suggestions made by the Presidency in 13889/15.
2. Following that examination, the remaining issues are as follows:
 - the Airport Transit Visa (ATV): Article 3;
 - Member State competent for examining and deciding on an application: Article 5;
 - supporting documents: Article 13(9);
 - visa fee: Article 14;
 - travel medical insurance: Article 14a;

- service fee: Article 15;
- representation arrangements: Article 39;
- exercise of the delegation: Article 48;
- committee procedure: Article 51;
- notification: Article 52;
- repeal: Article 53;
- entry into force: Article 55.

3. The outcome of the discussions during that meeting is to be found in the Annex attached. Comments in relation to the text are set out in the footnotes to the Annex. The text of the draft Regulation as amended and agreed by the Working Party appears in **bold** (new text or (...) when text has been deleted). The changes suggested by the Presidency, which have not yet been approved, are underlined.
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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)

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180 days period.
2. The provisions of this Regulation shall apply to any third-country national who must be in possession of a visa when crossing the external borders of the Member States pursuant to Council Regulation (EC) No 539/2001, without prejudice to:
 - (a) the rights of free movement enjoyed by third-country nationals who are family members of citizens of the Union;
 - (b) the equivalent rights enjoyed by third-country nationals and their family members, who, under agreements between the Union and its Member States, on the one hand, and these third countries, on the other, enjoy rights of free movement equivalent to those of Union citizens and members of their families.
3. This Regulation lists the third countries whose nationals are required to hold an airport transit visa by way of exception from the principle of free transit laid down in Annex 9 to the Chicago Convention on International Civil Aviation, and establishes the conditions and procedures for issuing visas for the purpose of transit through the international transit areas of Member States' airports.

Article 2
Definitions

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

1. 'third-country national' means any person who is not a citizen of the Union within the meaning of Article 20(1) of the TFEU ;
2. 'visa' means an authorisation issued by a Member State with a view to:
 - (a) an intended stay on the territory of the Member States of a duration of no more than 90 days in any 180 days period; or
 - (b) transit through the international transit areas of airports of the Member States;
3. 'uniform visa' means a visa valid for the entire territory of the Member States;
4. 'visa with limited territorial validity' means a visa valid for the territory of one or more Member States but not all Member States;
5. 'airport transit visa' means a visa valid for transit through the international transit areas of one or more airports of the Member States;
6. ['touring visa'] means a visa as defined in Article 3(2) of [Regulation No.../...];
7. (...)
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;¹
10. 'visa sticker' means the uniform format for visas as defined by Council Regulation (EC) No 1683/95;
11. 'recognised travel document' means a travel document recognised by one or more Member States for the purpose of crossing the external borders and affixing visas, under Decision No 1105/2011/EU of the European Parliament and of the Council;
12. (...);
13. 'separate sheet for affixing a visa' means the uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form as defined by Council Regulation (EC) No 333/2002;
14. 'consulate' means a Member State's diplomatic mission or a Member State's consular post authorised to issue visas and headed by a career consular officer as defined by the Vienna Convention on Consular Relations of 24 April 1963;
15. 'application' means an application for a visa;

¹ **PT, FR, DE:** scrutiny reservation since they were of the opinion that the definition was not yet satisfactory. **AT** recalled its suggestion, made during the meeting of the Working Party last July, to limit the benefits of these facilitations to nationals of third countries (to be listed in an Annex) who were cooperative regarding readmission. The **Chair** concluded that the text of this article was agreed since there was a clear majority in favour of it.

16. 'seafarer' means any person who is employed or engaged or works in any capacity on board a ship¹ :

- to which the Maritime Labour Convention, 2006 applies **or**
- **navigating in international inland waters.**

TITLE II

AIRPORT TRANSIT VISA

Article 3

Third-country nationals required to hold an airport transit visa

1. Nationals of the third countries included in the common list referred to in paragraph 5b shall be required to hold an airport transit visa when passing through the international transit areas of airports situated on the territory of the Member States.

~~2. The Commission shall be empowered to adopt delegated acts in accordance with Article 48 concerning amendments to the list of the third countries set out in Annex III.
Where in the case of emerging risks, imperative grounds of urgency so require, the procedure provided for in Article 49 shall apply to delegated acts adopted pursuant to this paragraph.~~

3. Where there is a sudden and substantial influx of irregular immigrants, a Member State may require nationals of third countries other than those referred to in paragraph 1 to hold an airport transit visa when passing through the international transit areas of airports situated on its territory. The duration of such a measure shall not exceed 12 months. The scope and duration of the airport transit visa requirement shall not exceed what is strictly necessary to respond to the sudden and substantial influx of irregular immigrants.

¹ LV explained why this definition was not acceptable. COM took the view that the definition in the Practical Handbook for Border Guards (Schengen Handbook) was intended for border checks and could not be used for visa facilitations.

4. **(moved from paragraph 6)** The Member State may prolong the (...) airport transit visa requirement (...) where the lifting of the requirement would **create a risk of** substantial influx of irregular migrants **or a substantive increase in number of non-readmitted persons**. **Any subsequent prolongations should not exceed 12 months.**

5.¹ **(moved from paragraph 4)** Where a Member State plans to introduce or prolong the airport transit visa requirement in accordance with paragraph 3 and 4, it shall, as soon as possible or six weeks before the prolongation takes effect, notify the Commission, and shall provide (...) **its analysis** regarding, **in particular**:

- (a) the reason for the planned² airport transit visa requirement, substantiating the sudden and substantial influx of irregular immigrants;
- (b) the scope and duration of the planned introduction or prolongation of the airport transit visa requirement.

5b.³ A common list of third countries 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 shall be established by the Commission by means of implementing acts. This common list shall take into consideration:

- (i) the risks of substantial influx of irregular migrants, the risks of substantive increase in number of non-readmitted persons and the risks to the internal security⁴ of the Member States, and⁵
- (ii) the notifications referred to in paragraph 5.

¹ COM wondered how this procedure would work in practice, in particular in case of a prolongation.

² COM asked why this referred to 'planned' airport transit visa (ATV) requirements.

³ DE: scrutiny reservation.

⁴ COM: 'internal security' should not be referred to, as the holder of an ATV is not supposed to enter the territory of the Member State where the airport is located.

⁵ BE questioned the practical side of this procedure.

5c. The Commission shall by means of implementing acts amend the common list referred to in paragraph (5b) in order to respond to the risks referred to in point (i) of paragraph (5b) or to take into account the notifications referred to in point (ii) of paragraph (5b). Those amendments shall be made within 2 months from the day on which the conditions set out in point (i) or (ii) of paragraph (5b) are met¹.

5d. The implementing acts referred to in paragraphs 5b and 5c shall be adopted in accordance with the examination procedure referred to in Article 51(2). Where an implementing act is deemed to be necessary, the Commission shall adopt that implementing act in accordance with the procedure referred to in Article 51(3).²

~~5. Following the notification by the Member State concerned in accordance with paragraph 4, the Commission may issue an opinion.~~

¹ **COM** asked what 'date' was actually being referred to here and what were the consequences.

² **CH** suggested deleting the second sentence. The **Chair** indicated that this sentence had to be revised since the reference to Article 51(3) was incorrect. **COM** was of the opinion that in the light of Regulation (EU) No 182/2011, there was no need to have such a sentence. The **Legal Service of the Commission** (LS) gave its views on the consequences of deleting the current Annex IV of the Visa Code. LS wondered where such a list would then be published (OJEU or elsewhere) with a view to informing applicants and airlines, for instance. The **Council Legal Service** (CLS) explained that the list contained so far in Annex IV to the Visa Code would be repealed by this recast Regulation. The new list could be established and further amended by implementing acts adopted by the Commission, which would then be published in the OJEU, while a permanently updated version of the list could be uploaded on the Commission's internet site. CLS also referred to Articles 53 and 55 and stated that the text of Article 3 still had to be fine-tuned. Such procedures were in compliance with Article 291 TFEU. The **Chair** concluded that while the basic lines of the procedure were now established, the details had to be reflected on further.

7. The Commission shall, on an annual basis, inform the European Parliament and the Council about the implementation of this Article.

8. The following categories of persons shall be exempt from the requirement to hold an airport transit visa provided for in paragraphs 1 and 3:

(a) holders of a valid uniform visa, [touring visa], national long-stay visa or residence permit issued by a Member State;

(b) third-country nationals holding a valid residence permit issued by a Member State which does not take part in the adoption of this Regulation or by a Member State which does not yet apply the provisions of the Schengen acquis in full, or third country nationals holding one of the valid residence permits listed in Annex IV issued by Andorra, Canada, Japan, San Marino or the United States of America guaranteeing the holder's unconditional readmission, or holding a residence permit for the Caribbean parts of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);

(c) third-country nationals holding a valid visa for a Member State which does not take part in the adoption of this Regulation, or for a Member State which does not yet apply the provisions of the Schengen acquis in full, or for a country party to the Agreement on the European Economic Area, or for Canada, Japan or the United States of America, or holders of a valid visa for the Caribbean parts of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba), when travelling to the issuing country or to any other third country, or when, having used the visa, returning from the issuing country;

(d) family members of citizens of the Union as referred to in Article 3 of Directive 2004/38/EC;

(e) holders of diplomatic (...) passports;

(f) flight crew members who are nationals of a contracting Party to the Chicago Convention on International Civil Aviation.

9. The Commission shall be empowered to adopt delegated acts in accordance with Article 48 concerning the amendments to the list of valid residence permits entitling the holder to transit through the airports of Member States without being required to hold an airport transit visa, set out in Annex IV.¹

¹ **FR:** scrutiny reservation.

TITLE III

CONDITIONS AND PROCEDURES FOR ISSUING VISAS

CHAPTER I

AUTHORITIES TAKING PART IN THE PROCEDURES RELATING TO APPLICATIONS

Article 4

Authorities competent for taking part in the procedures relating to applications

1. Applications shall be examined and decided on by consulates.
2. By way of derogation from paragraph 1, applications may be examined and decided on at the external borders of the Member States by the authorities responsible for checks on persons, in accordance with Articles 32 (...) and 34.
3. In the non-European overseas territories of Member States, applications may be examined and decided on by the authorities designated by the Member State concerned.
4. A Member State may require the involvement of authorities other than the ones referred to in paragraphs 1 and 2 in the examination of and decision on applications.
5. A Member State may require to be consulted or informed by another Member State in accordance with Articles 19 and 28.

Article 5

Member State competent for examining and deciding on an application

1. The Member State competent for examining and deciding on an application for a uniform visa shall be:

- (a) the Member State whose territory constitutes the sole destination of the visit(s);
- (b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length **or purpose** of stay (...); or
- (c) if no main destination can be determined, the Member State whose external border the applicant intends to cross in order to enter the territory of the Member States.

2. If the Member State that is competent in accordance with paragraphs 1, ~~point (a) or (b)~~, is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6, the applicant is entitled to lodge the application:¹

- a) at the consulate of one of the first two ~~the~~ Member States of destination of the itinerary of the envisaged visit,²
- b) at the consulate of the Member State of first entry, if point a) is not applicable,
- ~~e) in all other cases at the consulate of any of the Member States that are present in the country concerned.~~

¹ **SE**: visa shopping still possible if the applicant can choose where to lodge the application. **BE**, supported by **DE** and **AT**: paragraph 2 to be deleted. Determining competence is too complicated and the principle of mandatory representation is unacceptable. Rather, consular coverage should be ensured by bilateral arrangements. **PT**, **CH**: scrutiny reservation, mainly because visa shopping is not tackled sufficiently. **PL**: disagreed with forced representation. **COM** could agree with the suggestion of deleting point (c) linked with Article 39 on representation arrangements. Furthermore, COM asked what was meant by 'first two Member States' in point (a). The **Chair** concluded that the details of this provision had to be further reflected.

² **FR**: not needed. Reference to the first Member State of entry instead.

3. The Member State competent for examining and deciding on an application for an airport transit visa shall be:

(a) in the case of a single airport transit, the Member State on whose territory the transit airport is situated, or

(b) in the case of double or multiple airport transit, the Member State on whose territory the first transit airport is situated.

Article 6

Consular territorial competence

1. An application shall be examined and decided on by the consulate of the competent Member State in whose jurisdiction the applicant legally resides.

2. A consulate of the competent Member State shall examine and decide on an application lodged by a third-country national legally present but not residing in its jurisdiction, if the applicant has provided justification for lodging the application at that consulate.

Article 7¹

Competence to issue visas to third-country nationals legally present within the territory of a Member State

1. Third-country nationals who are legally present in the territory of a Member State and who are required to hold a visa to enter the territory of one or more other Member States shall apply for a visa at the consulate of the Member State that is competent in accordance with Article 5.
2. Third-country nationals who have lost their travel document, or from whom this document has been stolen, while staying in the territory of a Member State, may leave that territory, **without any visa or other authorisation**, on the basis of a valid travel document entitling them to cross the border issued by a consulate of their country of nationality **and the presentation of a declaration of loss or theft of the travel document holding the visa issued by the competent authorities (...).**²
3. Where the third-country national, referred to in paragraph 2, intends to continue travelling in the Schengen area, the authorities in the Member State where he declares the loss or theft of his travel document, shall issue a visa with a duration of validity and period of allowed stay identical to the original visa on the basis of the data registered in the VIS.³

3a. Member States shall notify to the Commission the authorities competent for issuing visas in the cases referred to in paragraph 3.

¹ **EE** asked for clarification as regards the assessment of the conditions for being issued a visa in the circumstances referred to in this article. **FR** and **ES** disagreed since their national authorities cannot issue a visa. **PT** entered a scrutiny reservation. **SI** asked whether such a visa would be issued free of charge (see Article 14).

² **COM** agreed.

³ **AT** and **PL** wondered whether this procedure was compatible with the VIS Regulation (Regulation (EC) No 767/2008). Furthermore, **AT** questioned its compatibility with the Dublin Regulation (Regulation (EU) No 604/2013). **COM** said that this required further reflection. The **Chair** concluded that the text of this article was agreed since there was a clear majority in favour of it.

CHAPTER II

APPLICATION

Article 8

Practical modalities for lodging an application

1. Applications **shall** be lodged **no more than 9 months for seafarers in the performance of their duties and no more than six months for other applicants** before and, **as a rule**, no later than 15 calendar days before the start of the intended visit.
2. Consulates may require applicants to obtain an appointment for the lodging of an application. The appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested.
3. (...)
4. The consulate shall allow to lodge the application either without prior appointment or with an (...) appointment **arranged as soon as possible** to family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC.
5. In justified cases of urgency, the consulate **may** allow applicants to lodge their applications either without appointment, or an immediate appointment shall be given.
6. Applications may, without prejudice to Article 12, be lodged **by**:
 - (a) (...) the applicant;
 - (b) (...) an accredited commercial intermediary referred to in Article 43 or
 - (c) **a professional, cultural, sports or educational association or institution on behalf of their members¹.**

¹ The opinion of the consultative group of the Legal Services of the EP, the Council and the Commission (CGLS) has concluded that the text of point (c) should have been marked in grey in the Commission's proposal (see 17056/14).

7. An applicant shall not be required to appear in person at more than one location in order to lodge an application.

Article 9

General rules for lodging an application

1. Applicants shall appear in person **when lodging an application** for the collection of fingerprints, in accordance with Article 12 (2) (3) **and (7)(b)**.
2. VIS registered applicants shall not be required to appear in person when lodging an application, where **either** their fingerprints have been entered into the VIS less than 59 months before **or the information on their permanent impossibility to deliver fingerprints has been registered in the VIS less than 59 months before**.
3. When lodging the application, the applicant shall:
 - (a) present an application form in accordance with Article 10;
 - (b) present a travel document in accordance with Article 11;
 - (c) present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95 or, where the VIS is operational pursuant to Article 48 of Regulation (EC) No 767/2008, in accordance with the standards set out in Article 12 of this Regulation;
 - (d) allow the collection of his fingerprints in accordance with Article 12, where applicable;
 - (e) pay the visa fee in accordance with Article 14;
 - (f) provide supporting documents in accordance with Article 13 and Annex II.
 - (g) where applicable, produce proof of possession of adequate and valid travel medical insurance in accordance with Article 14a.**

Article 10

Application form

1. Each applicant shall submit a manually or electronically completed and signed application form, as set out in Annex I. Persons included in the applicant's travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising permanent or temporary parental authority or legal guardianship.
2. The content of the electronic version of the application form, if applicable, shall be as set out in Annex I.
3. Consulates shall make the application form widely available and easily accessible to applicants free of charge.
4. The form shall as a minimum be available in the following languages:
 - (a) the official language(s) of the Member State for which a visa is requested; and
 - (b) the official language(s) of the host country.

In addition to the language(s) referred to in point (a), the form may be made available in any other official language(s) of the institutions of the European Union.

5. (...) ¹.
6. The translation of the application form into the official language(s) of the host country shall be produced under local Schengen cooperation as set out in Article 46.
7. The consulate shall inform applicants of the language(s) which may be used when filling in the application form.

¹ COM considers it an editorial error that this paragraph was not deleted in the Commission's proposal. Therefore, COM has requested its deletion.

Article 11

Travel document

The applicant shall present a (...) travel document satisfying the following criteria:

- (a) without prejudice to Article 21(2), it shall be valid for at least three months after the intended date of departure from the territory of the Member States or, in the case of several visits, after the last intended date of departure from the territory of the Member States. However, in a justified case of emergency, this obligation may be waived;
- (b) it shall contain at least (...) **two consecutive blank (...) pages**, and if several applicants are covered by the same travel document it shall contain (...) **two consecutive blank (...) pages** per applicant;
- (c) it shall have been issued within the previous 10 years.

Article 12

Biometric identifiers

1. Member States shall collect biometric identifiers of the applicant comprising a photograph of him and his 10 fingerprints in accordance with the safeguards laid down in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, in the Charter of Fundamental Rights of the European Union and in the United Nations Convention on the Rights of the Child.

2. At the time of submission of the first application¹, the following biometric identifiers of the applicant shall be collected:

- a photograph, scanned or taken at the time of application, and
- his 10 fingerprints taken flat and collected digitally.

3. Where fingerprints collected from the applicant as part of an earlier application for a short stay visa or a touring visa were entered in the VIS for the first time less than 59 months before the date of the new application, they shall be copied to the subsequent application.

However, where there is reasonable doubt regarding the identity of the applicant, the consulate shall collect fingerprints within the period specified in the first subparagraph.

Furthermore, if at the time when the application is lodged, it cannot be immediately confirmed that the fingerprints were collected within the period specified in the first subparagraph, the applicant may request that they be collected.

4. In accordance with Article 9(5) of Regulation (EC) No 767/2008, the photograph attached to each application shall be entered in the VIS.

The technical requirements for the photograph shall be in accordance with the international standards as set out in the International Civil Aviation Organization (ICAO) document 9303 Part 1, 6th edition.

5. Fingerprints shall be taken in accordance with ICAO standards and Commission Decision 2006/648/EC.

¹ CGLS has concluded that the words 'the applicant shall be required to appear in person. At that time, ...', which appear as deleted in the Commission's proposal, should have been marked in grey (see 17056/14).

6. The biometric identifiers shall be collected by qualified and duly authorised staff of the authorities competent in accordance with Article 4(1), (2) and (3). Under the supervision of the consulates, the biometric identifiers may also be collected by qualified and duly authorised staff of an honorary consul as referred to in Article 40 or of an external service provider as referred to in Article 41. The Member State(s) concerned shall, where there is any doubt, provide for the possibility of verifying at the consulate fingerprints which have been taken by the external service provider.

7. The following applicants shall be exempt from the requirement to give fingerprints:

(a) children under the age of 12;

(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) heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose;

(d) sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose.

8. In the cases referred to in paragraph 7, the entry 'not applicable' shall be introduced in the VIS in accordance with Article 8(5) of Regulation (EC) No 767/2008.

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;
 - (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 ;
 - (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) and (c) (...) of paragraph 1 **shall** not apply to applicants who are VIS registered regular travellers and who have lawfully used the **visas**.
- 3 (...)

Family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC shall (...) **submit** documentary evidence proving that they travel to accompany or join the Union citizen and the family relationship with the Union citizen as referred to in Article 2(2) or the other circumstances referred to in Article 3(2) of that Directive. **Family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC may be requested to submit originals of those documents.**

4. The list of supporting documents which may be requested from the applicant in order to verify the fulfilment of the conditions listed in paragraph 1 is set out in Annex II.

5. Consulates may waive one or more of the requirement to provide one or more of the documents referred to in paragraph 1(a) to (d) in the case of an applicant known to them for his integrity and reliability, in particular the lawful use of previous visas, if there is no doubt that he will fulfil the requirements of Article 5(1) of Regulation (EC) No 562/2006 at the time of the crossing of the external borders of the Member States.

6. **(moved from paragraph 9)** Within local Schengen cooperation lists of supporting documents shall be prepared in each jurisdiction in order to take account of local circumstances.

7. Member States may require applicants to present a proof of sponsorship and/or private accommodation by completing a form drawn up by each Member State. That form shall indicate in particular:

- (a) whether its purpose is proof of sponsorship and/or of private accommodation;
- (b) whether the sponsor/inviting person is an individual, a company or an organisation;
- (c) the identity and contact details of the sponsor/inviting person ;
- (d) the applicant(s);
- (e) the address of the accommodation;
- (f) the length and purpose of the stay;
- (g) possible family ties with the sponsor/inviting person .
- (h) the information required pursuant to Article 37(1) of Regulation (EC) No 767/2008;

In addition to the Member State's official language(s), the form shall be drawn up in at least one other official language of the institutions of the Union. A specimen of the form shall be notified to the Commission.

8. When applying for an airport transit visa, the applicant shall present:

- (a) documents in relation to the onward journey to the final destination after the intended airport transit;
- (b) information enabling an assessment of the applicant's intention not to enter the territory of the Member States.

9. (moved from paragraph 6) The consulate ~~shall~~ may 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 who did not obtain a visa within the period during which their data were registered in the VIS** 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.¹

10. Without prejudice to paragraph 1, Member States may provide exemptions from the list of supporting documents referred to in paragraphs 4 and 9 in the case of applicants attending major international events organised in their territory that are considered particularly important due to their tourism and/or cultural impact

11. The Commission shall by means of implementing acts adopt the lists of supporting documents to be used in each jurisdiction in order to take account of local circumstances. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

¹ **FR:** flexibility needed since requesting the originals must remain a possibility for consulates, without it being compulsory. FR suggested wording along the following lines: 'Applicants **whose data** are not yet registered in the VIS or **VIS registered applicants who did not obtain a visa within the period during which their data were registered in the VIS** can be requested to provide the original'. **PT**, supported by **SE**, **BE** and **ES**, agreed with the principle of flexibility but recalled that submitting the originals should be the rule, with the possibility of applying sanctions if need be. **SE**, **ES**: the matter of originals or copies should be decided on under local Schengen cooperation (LSC). **BE** and **RO** disagreed with the principle that 'the consulate may start processing': if consulates can start processing on the basis of copies and have to ask for originals later on, they will lose time and run the risk of exceeding deadlines. **COM**: 'may clause' is challenging for the applicant as he/she will not know whether he/she has to lodge originals or copies. Since a horizontal and harmonised approach was needed, COM found it impossible to leave the decision to LSC. The **Chair** concluded that the details of this paragraph had to be reflected on further, while the rest of the article had been agreed.

Article 14

Visa fee

1. Applicants shall pay a visa fee of EUR 60.
- ~~2. Children from the age of six years and below the age of 12 years shall pay a visa fee of EUR 35.¹~~
2. The visa fee shall be revised regularly² in order to reflect the administrative costs.
3. The following categories shall pay no visa fee:
 - (a) ~~children under the age of six years~~ ~~minors under the age of twelve years~~;³
 - (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, travelling for the purpose of carrying out scientific research or participating in a scientific seminar or conference ;

¹ **BE, IT, FR** disagreed with the deletion. **EL** agreed.

² **DK** asked COM when this revision would take place.

³ **EL** agreed.

(d) (...)

(e) participants¹ aged 25 years or less in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;

(f) (...)

(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.

4. Member States may, in individual cases, waive or reduce the amount of the visa fee to be charged when to do so 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.

4a. The visa fee may be waived for holders of diplomatic and service passports and for children from the age of six years and below the age of 12 years.²

¹ CGLS concluded that 'representatives of non-profit organisations...' had been replaced by 'participants' in the Commission's proposal and should have been marked in grey (see 17056/14).

² **BE** and **IT** disagreed with the drafting suggestion. Furthermore, **BE**, supported by **DE**, **IT**, **HU** and **FR**, stated that children from the age of six years and below the age of 12 years should be charged €35 and should not have the visa fee waived. **CH**, supported by **HU**, disagreed with the whole paragraph since it was of the opinion that Member States should be allowed to waive the fee for holders of all 'official' passports as referred to in Article 4(1)(a) of Regulation (EC) No 539/2001. **DE** and **SE** took the view that a fee of €60 did not cover the administrative costs and advocated an increase of the fee. **SE** stated that an agreement on the recast was subject to a revision of the fee. The **Chair** reminded delegations that paragraph 1 was included in a white part. **AT** said that even if that paragraph was 'white', the Commission had to think about how to meet the concerns of lots of Member States. **COM** pointed to the outcome of the meeting of Coreper on 24 September 2015, where it was concluded that the Commission would take account of the concerns raised by delegations with regard to the practical implementation of the amendments to the Visa Code included in the grey parts of the recast proposal, such as the administrative costs, and consequently would give further consideration to the impact of those amendments with a view to facilitating future proceedings within the Council. For that purpose, **COM** stressed that the Commission needed Member States' contributions with a view to assessing the level of those administrative costs. The **Chair** concluded that the provisions of this article had to be reflected on further.

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.

Travel medical insurance

1. Applicants for a uniform visa for one or two entries 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(s) on the territory of the Member States.

2. Applicants for a uniform visa for more than two entries (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 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 30'000.

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.

4. 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 3 shall apply.

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

6. 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.

7. Holders of diplomatic passports shall be exempt from the requirement to hold travel medical insurance.

Article 15¹

Service fee

1. A service fee may be charged by an external service provider referred to in Article 41. The service fee shall be proportionate to the costs incurred by the external service provider while performing one or more of the tasks referred to in Article 41(6).
2. The service fee shall be specified in the legal instrument referred to in Article 41(2).
3. The service fee shall not exceed half of the amount of the visa fee set out in Article 14(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 14 (3) and (4).

¹ The **Chair** stated that since the provisions of this article were linked to Article 14, they also had to be reflected on further.

CHAPTER III

EXAMINATION OF AND DECISION ON AN APPLICATION

Article 16

Verification of consular competence

1. When an application has been lodged, the consulate shall verify whether it is competent to examine and decide on it in accordance with the provisions of Articles 5 and 6.
2. If the consulate is not competent, it shall, without delay, return the application form and any documents submitted by the applicant, reimburse the visa fee, and indicate which consulate is competent.

Article 17

Admissibility

1. The competent consulate shall verify whether:
 - (a) the application has been lodged within the period referred to in Article 8(1),
 - (b) the application contains the items referred to in Article 9(3)(a) to (c),
 - (c) the biometric data of the applicant have been collected, and
 - (d) the visa fee has been collected.

2. Where the competent consulate finds that the conditions referred to in paragraph 1 have been fulfilled, the application shall be admissible and the consulate shall:

- (a) follow the procedures described in Article 8 of (EC) No 767/2008, and
- (b) further examine the application.

Data shall be entered in the VIS only by duly authorised consular staff in accordance with Articles 6(1), 7, 9(5) and 9(6) of Regulation (EC) No 767/2008.

3. Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, the application shall be inadmissible and the consulate without delay shall:

- (a) return the application form and any documents submitted by the applicant,
- (b) destroy the collected biometric data,
- (c) reimburse the visa fee, and
- (d) not examine the application.

4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds or for reasons of national interest.

Verification of entry conditions and risk assessment

1. In the examination of an application for a uniform visa, it shall be ascertained whether the applicant fulfils the entry conditions set out in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006, and particular consideration shall be given to assessing whether the applicant presents a risk of irregular immigration or a risk to the security of the Member States and whether the applicant intends to leave the territory of the Member States before the expiry of the visa applied for.
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 possession of sufficient means of subsistence.¹
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**.
4. In respect of each application, the VIS shall be consulted in accordance with Articles 8(2) and 15 of (EC) No 767/2008. Member States shall ensure that full use is made of all search criteria pursuant to Article 15 of Regulation (EC) No 767/2008 in order to avoid false rejections and identifications.
5. Without prejudice to paragraph 2, while checking whether the applicant fulfils the entry conditions, the consulate shall verify:

- (a) that the travel document presented is not false, counterfeit or forged;

¹ After an exchange of views, the **Chair** concluded that this paragraph could be agreed on if 'regarding' was included while deleting the end of the sentence as suggested in 13889/15.

(b) the applicant's justification for the purpose and conditions of the intended stay, and that he has 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 is in a position to acquire such means lawfully;

(c) whether the applicant is a person for whom an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry;

(d) that the applicant is not considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of Regulation (EC) No 562/2006 or to the international relations of any of the Member States, in particular where no alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds.

(e) that the applicant is in possession of adequate and valid travel medical insurance, where applicable.

6. The consulate shall, where applicable, verify the length of previous and intended stays in order to verify that the applicant has not exceeded the maximum duration of authorised stay in the territory of the Member States, irrespective of possible stays authorised under a [touring visa], a national long-stay visa or a residence permit.

7. The means of subsistence for the intended stay shall be assessed in accordance with the duration and the purpose of the stay and by reference to average prices in the Member State(s) concerned for board and lodging in budget accommodation, multiplied by the number of days stayed, on the basis of the reference amounts set by the Member States in accordance with Article 34(1)(c) of Regulation (EC) No 562/2006. Proof of sponsorship and/or private accommodation may also constitute evidence of sufficient means of subsistence.

8. In the examination of an application for an airport transit visa, the consulate shall in particular verify:

- (a) that the travel document presented is not false, counterfeit or forged;
- (b) the points of departure and destination of the third-country national concerned and the coherence of the intended itinerary and airport transit;
- (c) proof of the onward journey to the final destination.

9. The examination of an application shall be based notably on the authenticity and reliability of the documents submitted and on the veracity and reliability of the statements made by the applicant.

10. During the examination of an application, consulates may in justified cases carry out an interview and request additional documents.

11. A previous visa refusal shall not lead to an automatic refusal of a new application. A new application shall be assessed on the basis of all available information.

Prior consultation of central authorities of other Member States

1. A Member State may require the central authorities of other Member States to consult its central authorities during the examination of applications lodged by nationals of specific third countries or specific categories of such nationals. Such consultation shall not apply to applications for airport transit visas.
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 no grounds for objecting 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.
4. The Commission shall inform Member States of such notifications.

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**¹ calendar days in individual cases, notably when further scrutiny of the application is needed.
3. Applications of (...) family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be decided on within **12** calendar days of the date of the lodging of an application. (...) In individual cases, notably when further scrutiny of the application is needed, that period may be extended up to a maximum of **25** calendar days.
4. (...) ²
5. Unless the application has been withdrawn, a decision shall be taken to:
 - (a) issue a uniform visa in accordance with Article 21;
 - (b) issue a visa with limited territorial validity in accordance with Article 22;
 - (c) issue an airport transit visa in accordance with Article 23; or
 - (d) refuse a visa in accordance with Article 29.

The fact that fingerprinting is physically impossible, in accordance with Article 12(7)(b), shall not influence the issuing or refusal of a visa.

¹ **COM** is of the view that '20' should have been marked in grey in the Commission's proposal.

² **COM** had explained in the Visa WP that this paragraph should have been deleted in the Commission's proposal.

CHAPTER IV
ISSUING OF THE VISA

Article 21

Issuing of a uniform visa

1. The period of validity of a visa and the length of the authorised stay shall be based on the examination conducted in accordance with Article 18.
2. A visa may be issued for one¹ or multiple entries. The period of validity of a multiple entry visa shall not exceed five years. The period of validity of a multiple entry visa may extend beyond the period of validity of the passport to which the visa is affixed.

Without prejudice to Article 11(a), the period of validity of a single entry visa shall include a 'period of grace' of 15 days. Member States may decide not to grant such a period of grace for reasons of public policy or because of the international relations of any of the Member States.

3. VIS registered regular travellers who have lawfully used the (...)visas 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 (...) 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 three years.

4a. Paragraphs 3 and 4 shall not apply where VIS registered travellers have requested a shorter period of validity of a multiple-entry visa or where the consulate has reasonable grounds to grant a visa with a shorter period of validity².

¹ In **COM's** view, the deletion of two-entry visas is not a substantial change and therefore the presentation as set out in the proposal is correct. **PT** opposed this point of view. It believed that this was not mere codification but a substantial change. Hence, **PT**, supported by **LT**, was of the opinion that Member States should still be allowed to issue visas valid for two entries. **COM** replied that it was not convinced that such a possibility should be retained.

² **COM** disagreed since it took the view that the principle of mandatory issuing should be retained. Furthermore, **COM** wondered what the 'reasonable grounds' would be and whether the applicant would be informed of them.

5. A multiple-entry visa valid for up to 5 years may be issued to an applicant who proves the need or justifies the intention to travel frequently and/or regularly provided that the applicant proves his integrity and reliability, in particular the lawful use of previous uniform visas or visas with limited territorial validity, his economic situation in the country of origin and his genuine intention to leave the territory of the Member States before the expiry of the visa for which he has applied.
6. The data set out in Article 10(1) of Regulation (EC) No 767/2008 shall be entered into the VIS when a decision on issuing such a visa has been taken.

CHAPTER IV

ISSUING OF THE VISA

Article 22

Issuing of a visa with limited territorial validity

1. A visa with limited territorial validity shall be issued exceptionally, in the following cases:
 - (a) when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations,
 - (i) to derogate from the principle that the entry conditions laid down in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006 must be fulfilled;
 - (ii) to issue a visa despite an objection by the Member State consulted in accordance with Article 19 to the issuing of a uniform visa; or
 - (iii) to issue a visa for reasons of urgency, although the prior consultation in accordance with Article 19 has not been carried out;
 - or
 - (b) when for reasons deemed justified by the consulate, a new visa is issued for a stay during the same 180-day period to an applicant who, over this 180-day period, has already used a uniform visa or a visa with limited territorial validity allowing for a stay of 90 days.
2. A visa with limited territorial validity shall be valid for the territory of the issuing Member State. It may exceptionally be valid for the territory of more than one Member State, subject to the consent of each such Member State.

3. 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 territory of the Member States recognising the travel document shall be issued. If the issuing Member State does not recognise the applicant's travel document, the visa issued shall only be valid for that Member State.
4. When a visa with limited territorial validity has been issued in the cases described in paragraph 1(a), the central authorities of the issuing Member State shall circulate the relevant information to the central authorities of the other Member States without delay, by means of the procedure referred to in Article 16(3) of Regulation (EC) No 767/2008.
5. The data set out in Article 10(1) of Regulation (EC) No 767/2008 shall be entered into the VIS when a decision on issuing such a visa has been taken.

Article 23

Issuing of an airport transit visa

1. An airport transit visa shall be valid for transiting through the international transit areas of the airports situated on the territory of Member States.
2. Without prejudice to Article 11(a), the period of validity of the visa shall include a 'period of grace' of 15 days.

Member States may decide not to grant such a period of grace for reasons of public policy or because of the international relations of any of the Member States.
3. Without prejudice to Article 11(a), multiple airport transit visas may be issued with a period of validity of a maximum six months.
4. The following criteria in particular are relevant for taking the decision to issue multiple airport transit visas:
 - (a) the applicant's need to transit frequently and/or regularly; and
 - (b) the integrity and reliability of the applicant, in particular the lawful use of previous uniform visas, visas with limited territorial validity or airport transit visas, his economic situation in his country of origin and his genuine intention to pursue his onward journey.
5. If the applicant is required to hold an airport transit visa in accordance with the provisions of Article 3(2), the airport transit visa shall be valid only for transiting through the international transit areas of the airports situated on the territory of the Member State(s) concerned.
6. The data set out in Article 10(1) of Regulation (EC) No 767/2008 shall be entered into the VIS when a decision on issuing such a visa has been taken.

Article 24

Filling in the visa sticker

1. When the visa sticker is filled in the machine-readable zone shall be filled in, as provided for in ICAO document 9303, Part 2.
2. The Commission shall by means of implementing acts adopt the details for filling in the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).
3. Member States may add national entries in the ‘comments’ section of the visa sticker, which shall **not** duplicate the mandatory entries established in accordance with the procedure referred to in paragraph 2 (...).
4. All entries on the visa sticker shall be printed, and no manual changes shall be made to a printed visa sticker.
5. A visa sticker for a single entry visa may be filled in manually only in case of technical force majeure. No changes shall be made to a manually filled in visa sticker.
6. When a visa sticker is filled in manually in accordance with paragraph 4 of this Article, this information shall be entered into the VIS in accordance with Article 10(1)(k) of Regulation (EC) No 767/2008.

Invalidation of a completed visa sticker

1. If an error is detected on a visa sticker which has not yet been affixed to the travel document, the visa sticker shall be invalidated.
2. If an error is detected after the visa sticker has been affixed to the travel document, the visa sticker shall be invalidated by drawing a cross with indelible ink on the visa sticker, the optically variable device shall be destroyed and a new visa sticker shall be affixed to a different page.
3. If an error is detected after the relevant data have been introduced into the VIS in accordance with Article 10(1) of Regulation (EC) No 767/2008, the error shall be corrected in accordance with Article 24(1) of that Regulation.

Article 26

Affixing a visa sticker

1. The printed visa sticker containing the data provided for in Article 24 shall be affixed to the travel document.
2. The Commission shall by means of implementing acts adopt the details for affixing the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).
3. Where the issuing Member State does not recognise the applicant's travel document, the separate sheet for affixing a visa shall be used.
4. When a visa sticker has been affixed to the separate sheet for affixing a visa, this information shall be entered into the VIS in accordance with Article 10(1)(j) of Regulation (EC) No 767/2008.
5. Individual visas issued to persons who are included in the travel document of the applicant shall be affixed to that travel document.
6. Where the travel document in which such persons are included is not recognised by the issuing Member State, the individual stickers shall be affixed to the separate sheets for affixing a visa.

Article 27

Rights derived from an issued visa

Mere possession of a uniform visa or a visa with limited territorial validity shall not confer an automatic right of entry.

Article 28

Informing central authorities of other Member States

1. A Member State may require that its central authorities be informed of visas issued by consulates of other Member States to nationals of specific third countries or to specific categories of such nationals, except in the case of airport transit visas.
2. Member States shall notify the Commission of the introduction or withdrawal of the requirement for such information at the latest 15 calendar days before it becomes applicable. This information shall also be given within local Schengen cooperation in the jurisdiction concerned.
3. The Commission shall inform Member States of such notifications.

Article 29

Refusal of a visa

1. Without prejudice to Article 22(1), a visa shall be refused:
 - (a) if the applicant:
 - (i) presents a travel document which is false, counterfeit or forged;
 - (ii) does not provide justification for the purpose and conditions of the intended stay;
 - (iii) does not provide proof of 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 is not in a position to acquire such means lawfully;
 - (iv) has 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;
 - (v) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;
 - (vi) is considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of Regulation (EC) No 562/2006 or to the international relations of any of the Member States, in particular where an alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds;
 - (vii) does not provide proof of holding adequate and valid travel medical insurance, where applicable;**
 - or
 - (b) if there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the veracity of their contents, the reliability of the statements made by the applicant or his intention to leave the territory of the Member States before the expiry of the visa applied for.

2. A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex V.
3. Applicants who have been refused a visa shall have the right to appeal. Appeals shall be instituted against the Member State that has taken the (...) decision on the application and in accordance with the national law of that Member State. Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex V.
4. Information on a refused visa shall be entered into the VIS in accordance with Article 12 of Regulation (EC) No 767/2008.

CHAPTER V

MODIFICATION OF AN ISSUED VISA

Article 30

Extension

1. The period of validity and/or the duration of stay of an issued visa shall be extended where the competent authority of a Member State considers that a visa holder has provided proof of force majeure or humanitarian reasons preventing him from leaving the territory of the Member States before the expiry of the period of validity of or the duration of stay authorized by the visa. Such an extension shall be granted free of charge.
2. The period of validity and/or the duration of stay of an issued visa may be extended if the visa holder provides proof of serious personal reasons justifying the extension of the period of validity or the duration of stay. A fee of EUR 30 shall be charged for such an extension.
3. Unless otherwise decided by the authority extending the visa, the territorial validity of the extended visa shall remain the same as that of the original visa.
4. The 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.
5. Member States shall notify to the Commission the authorities competent for extending visas.
6. Extension of visas shall take the form of a visa sticker.
7. Information on an extended visa shall be entered into the VIS in accordance with Article 14 of Regulation (EC) No 767/2008.

Annulment and revocation

1. A visa shall be annulled where it becomes evident that the conditions for issuing it were not met at the time when it was issued, in particular if there are serious grounds for believing that the visa was fraudulently obtained. A visa shall in principle be annulled by the competent authorities of the Member State which issued it. A visa may be annulled by the competent authorities of another Member State, in which case the authorities of the Member State that issued the visa shall be informed of such annulment.
2. A visa shall be revoked where it becomes evident that the conditions for issuing it are no longer met. A visa shall in principle be revoked by the competent authorities of the Member State which issued it. A visa may be revoked by the competent authorities of another Member State, in which case the authorities of the Member State that issued the visa shall be informed of such revocation.
3. A visa may be revoked at the request of the visa holder. The competent authorities of the Member States that issued the visa shall be informed of such revocation.
4. Failure of the visa holder to produce, at the border, one or more of the supporting documents referred to in Article 13(4), shall not automatically lead to a decision to annul or revoke the visa.
5. If a visa is annulled or revoked, a stamp stating ‘ANNULLED’ or ‘REVOKED’ shall be affixed to it and the optically variable feature of the visa sticker, the security feature ‘latent image effect’ as well as the term ‘visa’ shall be invalidated by being crossed out.
6. A decision on annulment or revocation of a visa and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex V.
7. A visa holder whose visa has been annulled or revoked shall have the right to appeal, unless the visa was revoked at his request in accordance with paragraph 3. Appeals shall be conducted against the Member State that has taken the decision on the annulment or revocation and in accordance with the national law of that Member State. Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified in Annex V.
8. Information on an annulled or a revoked visa shall be entered into the VIS in accordance with Article 13 of Regulation (EC) No 767/2008.

CHAPTER V

VISAS ISSUED AT THE EXTERNAL BORDERS

Article 32

Visas applied for exceptionally at the external border

1. In exceptional cases, visas may be issued at border crossing points if the following conditions are satisfied:

(a) the applicant fulfils the conditions laid down in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006 ;

(b) the applicant has not been in a position to apply for a visa in advance and submits, if required, supporting documents substantiating unforeseeable and imperative reasons for entry; and

(c) the applicant's return to his country of origin or residence or transit through States other than Member States fully implementing the Schengen acquis is assessed as certain.

1a. Where a visa is applied for at the external border, the requirement that the applicant be in possession of travel medical insurance may be waived when such travel medical insurance is not available at that border crossing point or for humanitarian reasons.

2. A visa issued at the external border shall be a uniform visa, entitling the holder to stay for a maximum duration of 15 days, depending on the purpose and conditions of the intended stay. (...)

3. Where the conditions laid down in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006 are not fulfilled, the authorities responsible for issuing the visa at the border may issue a visa with limited territorial validity, in accordance with Article 22(1)(a) of this Regulation, for the territory of the issuing Member State only.

4. A third-country national falling within a category of persons for whom prior consultation is required in accordance with Article 19 shall, in principle, not be issued a visa at the external border.

However, a visa with limited territorial validity for the territory of the issuing Member State may be issued at the external border for such persons in exceptional cases, in accordance with Article 22(1)(a).

5. In addition to the reasons for refusing a visa as provided for in Article 29(1) a visa shall be refused at the border crossing point if the conditions referred to in paragraph 1(b) of this Article are not met.

6. The provisions on justification and notification of refusals and the right of appeal set out in Article 29(3) and Annex V shall apply.

Article 33

Visas applied for at the external border under a temporary scheme

(deleted)¹

Article 34

Visas issued to seafarers at the external border

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States may be issued with a visa² at the border where:

(a) he fulfils the conditions set out in Article 32(1); and

(b) he is crossing the border in question in order to embark on, re-embark on or disembark from a ship on which he will work or has worked as a seafarer.

2. Before issuing a visa at the border to a seafarer³, the competent national authorities make sure that the necessary information concerning the seafarer in question has been exchanged.

¹ EL, supported by CY, disagreed and explained why it opposed the deletion.

² CGLS has concluded that the deletion of the words 'for the purpose of transit' should have been marked in grey (see 17056/14).

³ CGLS has concluded that the deletion of the words 'in transit' should have been marked in grey (see 17056/14).

3. The Commission shall by means of implementing acts adopt operational instructions for issuing visas at the border to seafarers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

4. This Article shall apply without prejudice to Article 32(2), (3) and (4).

TITLE IV

ADMINISTRATIVE MANAGEMENT AND ORGANISATION

Article 35

Organisation of visa sections

1. Member States shall be responsible for organising the visa sections of their consulates.

In order to prevent any decline in the level of vigilance and to protect staff from being exposed to pressure at local level, rotation schemes for staff dealing directly with applicants shall be set up, where appropriate. Particular attention shall be paid to clear work structures and a distinct allocation/division of responsibilities in relation to the taking of final decisions on applications. Access to consultation of the VIS and the SIS and other confidential information shall be restricted to a limited number of duly authorised staff. Appropriate measures shall be taken to prevent unauthorised access to such databases.

2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used.

3. Member States' consulates shall keep archives of applications **in paper or electronic format**. Each individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Individual **paper or electronic** application files shall be kept for a minimum of two years from the date of the decision on the application as referred to in Article 20(1).

Article 36

Resources for examining applications and monitoring of consulates

1. Member States shall deploy appropriate staff in sufficient numbers to carry out the tasks relating to the examining of applications, in such a way as to ensure reasonable and harmonised quality of service to the public.
2. Premises shall meet appropriate functional requirements of adequacy and allow for appropriate security measures.
3. Member States' central authorities shall provide adequate training to both expatriate staff and locally employed staff and shall be responsible for providing them with complete, precise and up-to-date information on the relevant Union and national law.
4. Member States' central authorities shall ensure frequent and adequate monitoring of the conduct of examination of applications and take corrective measures when deviations from the provisions of this Regulation are detected.

Article 37

Conduct of staff

1. Member States' consulates shall ensure that applicants are received courteously.
2. Consular staff shall, in the performance of their duties, fully respect human dignity. Any measures taken shall be proportionate to the objectives pursued by such measures.
3. While performing their tasks, consular staff shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Consular organisation and cooperation

1. Each Member State shall be responsible for organising the procedures relating to applications.
2. Member States shall:
 - (a) equip their consulates and authorities responsible for issuing visas at the borders with the required material for the collection of biometric identifiers, as well as the offices of their honorary consuls, whenever they make use of them, to collect biometric identifiers in accordance with Article 40;
 - (b) cooperate with one or more other Member States under representation arrangements or any other form of consular cooperation.
3. A Member State may also cooperate with an external service provider in accordance with Article 41.
4. Member States shall notify to the Commission their consular organisation and cooperation in each consular location.
5. In the event of termination of cooperation with other Member States, Member States shall assure the continuity of full service **as soon as practicable**.

Representation arrangements

0. Member States shall cooperate and foster the conclusion of bilateral arrangements to prevent a situation in which an application cannot be examined and decided on in accordance with Article 6.¹

1. A Member State may agree to represent another Member State that is competent in accordance with Article 5 for the purpose of examining **and taking decisions on visa** applications (...) ² on behalf of that Member State. A Member State may also represent another Member State in a limited manner only for the collection of applications and the enrolment of biometric identifiers. ³

2. Where the representation is limited to the collection of applications, the collection and transmission of files and data to the represented Member State shall be carried out in compliance with the relevant data protection and security rules.

3. A bilateral arrangement shall be established between the representing Member State and the represented Member State. That arrangement:

(a) shall specify the duration of the representation, if only temporary, and the procedures for its termination;

(b) may, in particular when the represented Member State has a consulate in the third country concerned, provide for the provision of premises, staff and payments by the represented Member State.

¹ **BE**, supported by **ES**: avoid overlapping with paragraph 4. This paragraph should replace paragraph 4 as it is formulated better. **COM** suggested merging the wording of this paragraph with the wording of paragraph 4.

² **COM** has stated that this change could be considered as white text 'by correction' if the co-legislators agree.

³ **DK**: need for more flexibility, in particular enabling the representing Member State to refer applications back to the authorities of the represented Member States in certain cases.

(c) may stipulate that applications from certain categories of third-country nationals are to be transmitted by the representing Member State to the central authorities of the represented Member State for prior consultation as provided for in Article 19.¹

4. Member States lacking their own consulate in a third country shall endeavour to conclude representation arrangements with Member States that have consulates in that country.

5. With a view to ensuring that a poor transport infrastructure or long distances in a specific region or geographical area do not require a disproportionate effort on the part of applicants to have access to a consulate, Member States lacking their own consulate in that region or area shall endeavour to conclude representation arrangements with Member States that have consulates in that region or area.

6. The represented Member State shall notify the representation arrangements or the termination of those arrangements to the Commission at **the latest one month²** before they enter into force or are terminated, **except in the case of force majeure**.

7. The consulate of the representing Member State shall, at the same time that the notification referred to in paragraph 6 takes place, inform both the consulates of other Member States and the delegation of the European Union in the jurisdiction concerned about representation arrangements or the termination of such arrangements.

8. If the consulate of the representing Member State decides to cooperate with an external service provider in accordance with Article 41 or with accredited commercial intermediaries as provided for in Article 43, that cooperation shall include applications covered by representation arrangements. The central authorities of the represented Member State shall be informed in advance of the terms of such cooperation.

¹ **BE**, supported by **AT, SI, ES, SE** and **CZ**: this point (c) is redundant and should be deleted. COM was also in favour of deleting it. The **Chair** concluded that paragraphs 0 and 4 were to be redrafted and paragraph 3(c) was to be reflected on further.

² Only the words 'at least two months' are shaded in grey in the Commission's proposal.

Article 40

Recourse to honorary consuls

1. Honorary consuls may be authorised to perform some or all of the tasks referred to in Article 41(5). Adequate measures shall be taken to ensure security and data protection.
2. Where the honorary consul is not a civil servant of a Member State, the performance of those tasks shall comply with the requirements set out in Annex VI, except for the provisions in point D(c) of that Annex.
3. Where the honorary consul is a civil servant of a Member State, the Member State concerned shall ensure that requirements comparable to those which would apply if the tasks were performed by its consulate are applied.

Article 41

Cooperation with external service providers

1. Member States shall endeavour to cooperate with an external service provider together with one or more Member States, without prejudice to public procurement and competition rules.
2. Cooperation with an external service provider shall be based on a legal instrument that shall comply with the requirements set out in Annex VI.
3. The examination of applications, interviews (where appropriate), the decision on applications and the printing and affixing of visa stickers shall be carried out only by the consulate.
4. External service providers shall not have access to the VIS under any circumstances.

Access to the VIS shall be reserved exclusively to duly authorised staff of consulates.

5. An external service provider may be entrusted with the performance of one or more of the following tasks:

- (a) providing general information on visa requirements and application forms;
- (b) informing the applicant of the required supporting documents, on the basis of a checklist;
- (c) collecting data and applications (including collection of biometric identifiers) and transmitting the application to the consulate;
- (d) collecting the visa fee;
- (e) managing the appointments for the applicant, where applicable, at the consulate or at the external service provider;
- (f) collecting the travel documents, including a refusal notification if applicable, from the consulate and returning them to the applicant.

6. When selecting an external service provider, the Member State(s) concerned shall scrutinise the solvency and reliability of the company, including the necessary licences, commercial registration, company statutes, bank contracts, and ensure that there is no conflict of interests.

7. The Member State(s) concerned shall ensure that the external service provider selected complies with the terms and conditions assigned to it in the legal instrument referred to in paragraph 2.

8. The Member State(s) concerned shall remain responsible for compliance with data protection rules for the processing of data and shall be supervised in accordance with Article 28 of Directive 95/46/EC.

Cooperation with an external service provider shall not limit or exclude any liability arising under the national law of the Member State(s) concerned for breaches of obligations with regard to the personal data of applicants or the performance of one or more of the tasks referred to in paragraph 5. This provision is without prejudice to any action which may be taken directly against the external service provider under the national law of the third country concerned.

9. The Member State(s) concerned shall provide training to the external service provider, corresponding to the knowledge needed to offer an appropriate service and sufficient information to applicants.

10. The Member State(s) concerned shall closely monitor the implementation of the legal instrument referred to in paragraph 2, including:

- (a) the general information on visa requirements and application forms provided by the external service provider to applicants;
- (b) 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 consulate of the Member State(s) concerned, and all other unlawful forms of processing personal data;
- (c) the collection and transmission of biometric identifiers;
- (d) the measures taken to ensure compliance with data protection provisions.

To this end, the consulate(s) of the Member State(s) concerned shall, on a regular basis, carry out spot checks on the premises of the external service provider.

11. In the event of termination of cooperation with an external service provider, Member States shall ensure the continuity of full service.

12. Member States shall provide the Commission with a copy of the legal instrument referred to in paragraph 2. By **1st March** each year, Member States shall report to the Commission on their cooperation with and monitoring (as referred to in Annex VI, point C) of external service providers worldwide **during the previous calendar year. The Commission shall transmit a summary of these reports to the Member States for information purposes.**

Encryption and secure transfer of data

1. In the case of cooperation among Member States and cooperation with an external service provider and recourse to honorary consuls, the Member State(s) concerned shall ensure that the data are fully encrypted, whether electronically transferred or physically transferred on an electronic storage medium.

2. In third countries which prohibit encryption of data to be electronically transferred the Member State(s) concerned shall not allow transfer data electronically.

In such a case, the Member State(s) concerned shall ensure that the electronic data are transferred physically in fully encrypted form on an electronic storage medium by a consular officer of a Member State or, where such a transfer would require disproportionate or unreasonable measures to be taken, in another safe and secure way, for example by using established operators experienced in transporting sensitive documents and data in the third country concerned.

3. In all cases the level of security for the transfer shall be adapted to the sensitive nature of the data.

4. The Union shall endeavour to reach agreement with the third countries concerned with the aim of lifting the prohibition against encryption of data to be electronically transferred.

Member States' cooperation with commercial intermediaries

1. Member States may accept the lodging of applications by a private administrative agency, a transport company or a travel agency, such as a tour operator or a retailer (commercial intermediaries), except for the collection of biometric identifiers.
2. Cooperation with commercial intermediaries shall be based on the granting of an accreditation by Member States' relevant authorities. The accreditation shall, in particular, be based on the verification of the following aspects:
 - (a) the current status of the commercial intermediary: current licence, the commercial register, contracts with banks;
 - (b) existing contracts with commercial partners based in the Member States offering accommodation and other package tour services;
 - (c) contracts with transport companies, which must include an outward journey, as well as a guaranteed and fixed return journey.
3. Accredited commercial intermediaries shall be monitored regularly by spot checks involving personal or telephone interviews with applicants, verification of trips and accommodation, **verification that the travel medical insurance provided is adequate and covers individual travellers**, and wherever deemed necessary, verification of the documents relating to group return.
4. Within local Schengen cooperation, information shall be exchanged on the performance of the accredited commercial intermediaries concerning irregularities detected and refusal of applications submitted by commercial intermediaries, and on detected forms of travel document fraud and failure to carry out scheduled trips.
5. Within local Schengen cooperation, lists shall be exchanged of commercial intermediaries to which accreditation has been given by each consulate and from which accreditation has been withdrawn, together with the reasons for any such withdrawal.

Each consulate shall inform the public about the list of accredited commercial intermediaries with which it cooperates.

Article 44

Compilation of statistics

Member States shall compile annual statistics on visas, in accordance with Annex VIII. These statistics shall be submitted by 1 March for the preceding calendar year.

Article 45

Information to be provided to the public

1. Member States' central authorities and consulates shall provide the public with all relevant information in relation to the application for a visa, in particular:
 - (a) the criteria, conditions and procedures for applying for a visa;
 - (b) the means of obtaining an appointment, if applicable;
 - (c) where the application may be submitted;
 - (d) accredited commercial intermediaries;
 - (e) the time limits for examining applications provided for in Article 20(1), (2) and (3);
 - (f) the third countries whose nationals or specific categories of whose nationals are subject to prior consultation or information;
 - (g) that negative decisions on applications must be notified to the applicant, that such decisions must state the reasons on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;
 - (h) that mere possession of a visa does not confer an automatic right of entry and that the holders of visa are requested to present proof that they fulfil the entry conditions at the external border, as provided for in Article 5 of Regulation (EC) No 562/2006.

2. The representing and represented Member State shall inform the general public about representation arrangements as referred to in Article 8 39 before such arrangements enter into force.
3. The Commission shall establish a standard information template for the implementation of the provisions of paragraph 1.
4. The Commission shall establish a Schengen visa Internet website containing all relevant information relating to the application for a visa.

TITLE V

LOCAL SCHENGEN COOPERATION

Article 46

Local Schengen cooperation between Member States' consulates

1. In order to ensure a harmonised application of the common visa policy taking into account, where appropriate, local circumstances, Member States' consulates and the Commission shall cooperate within each jurisdiction, in particular to:
 - (a) prepare a harmonised list of supporting documents to be submitted by applicants, taking into account Article 13 and Annex II;
 - (b) ensure a common translation of the application form in accordance with Article 10(6);
 - (c) establish the list of travel documents issued by the host country and update it regularly.
2. Within local Schengen cooperation a common information sheet shall be established on the basis of the standard information template drawn up by the Commission under Article 45(3).
3. Member States within local Schengen cooperation shall exchange the following:
 - (a) quarterly statistics on uniform visas, visas with limited territorial validity, airport transit visas and [touring visas] applied for, issued and refused;
 - (b) information with regard to the assessment of migratory and/or security risks, in particular on:
 - (i) the socioeconomic structure of the host country;
 - (ii) sources of information at local level, including social security, health insurance, fiscal registers and entry-exit registrations;
 - (iii) the use of false, counterfeit or forged documents;
 - (iv) irregular immigration routes;
 - (v) refusals;

(c) information on cooperation with transport companies.

3a. Member States within local Schengen cooperation shall assess whether the insurances offered locally comply with the provisions set out in Article 14a. Furthermore, they shall draw up a non-exhaustive list of insurance companies providing adequate travel medical insurance, which shall be revised regularly and be made public.

4. Local Schengen cooperation meetings to deal specifically with operational issues in relation to the application of the common visa policy shall be organised regularly among Member States and the Commission. These meetings shall be convened within the jurisdiction by the Commission, unless otherwise agreed at the request of the Commission.

Single-topic meetings may be organised and sub-groups set up to study specific issues within local Schengen cooperation.

5. Representatives of the consulates of Member States not applying the Union acquis in relation to visas, or of third countries, may on an ad hoc basis be invited to participate in meetings for the exchange of information on issues relating to visas.

6. Summary reports of local Schengen cooperation meetings shall be drawn up systematically and circulated locally. The Commission may delegate the drawing up of the reports to a Member State. The consulates of each Member State shall forward the reports to their central authorities.

7. An annual report shall be drawn up within each jurisdiction by 31 December each year. On the basis of these reports, the Commission shall draw up an annual report on the state of affairs of local Schengen cooperation to be submitted to the European Parliament and the Council.

TITLE VI

FINAL PROVISIONS

Article 47

Arrangements in relation to the Olympic Games and Paralympic Games

Member States hosting the Olympic Games and Paralympic Games shall apply the specific procedures and conditions facilitating the issuing of visas set out in Annex VII.

Article 48

Exercise of the delegation¹

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. Powers to adopt delegated acts referred to in Article 3(~~2~~)~~and~~ (9) shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 3(~~2~~)~~and~~ (9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

¹ **BE**, supported by **DE**, suggested deleting this article since 'delegated acts' would only concern the procedure referred to in Article 3(9). COM entered a scrutiny reservation. The **Chair** concluded that the text of this article had to be reflected on further.

5. A delegated act adopted pursuant to Article 3~~(2) and~~ (9) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 49

Urgency procedure

(deleted)

Article 50

Instructions on the practical application of this Regulation

The Commission shall by means of implementing acts adopt the operational instructions on the practical application of the provisions of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

Committee procedure

1. The Commission shall be assisted by a committee (the Visa Committee). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act in respect of the implementing powers referred to in Article 3(5c) of this Regulation, and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.¹

¹ **FR** and **CH**: scrutiny reservation. **COM** took the view that it was unnecessary to cover this case here since it was already dealt with in Regulation 182/2011. CLS indicated that only Article 3(5c) was referred to and wondered whether Article 3(5b) should be referred to as well. Furthermore, CLS stressed that in accordance with Article 5(4)(b) of Regulation 182/2011, the basic act must provide that the draft implementing act may not be adopted by the Commission where no opinion is delivered or where a simple majority of the component members of the committee opposes it. Otherwise the Commission could adopt an implementing act despite the lack of QMV supporting it. The **Chair** concluded that the details of this paragraph had to be reflected on further.

Notification

1. Member States shall notify the Commission of:
 - (a) representation arrangements referred to in Article 39;
 - (b) third countries whose nationals are required by individual Member States to hold an airport transit visa when passing through the international transit areas of airports situated on their territory, as referred to in Article 3;¹
 - (c) the national form for proof of sponsorship and/or private accommodation referred to in Article 13(7), if applicable;
 - (d) the list of third countries for which prior consultation referred to in Article 19(1) is required;
 - (e) the list of third countries for which information referred to in Article 28(1) is required;
 - (f) the additional national entries in the ‘comments’ section of the visa sticker, as referred to in Article 24(3);
 - (g) authorities competent for extending visas, as referred to in Article 30(5);
 - (h) the choice of consular organisation and cooperation as referred to in Article 38;
 - (i) statistics compiled in accordance with Article 44 and Annex VIII;
 - (j) authorities competent for issuing visas in the cases referred to in Article 7(3).**
2. The Commission shall make the information notified pursuant to paragraph 1 available to the Member States and the public via the constantly updated Schengen visa website, referred to in Article 45(4).

¹ **COM** referred to its comments on Article 3 and stressed that the link between Articles 3 and 52 had to be looked at again. The **Chair** concluded that the details of this article had to be reflected on further.

Article 53

Repeal

Regulation (EC) No 810/2009 is repealed and replaced by this Regulation from 6 months after the day of entry into force except for its Annex IV, which shall remain applicable as the common list referred to in Article 3(5b)¹ until the date of the first publication by the Commission of the common list referred to in Article 55(3).

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.

¹ **CH:** not necessary anymore to refer to Article 3(5b), too complicated. The **Chair** concluded that the details of this article had to be reflected on further.

Monitoring and evaluation

1. Three years after the date set in Article 55(2), the Commission shall produce an evaluation of the application of this Regulation. This overall evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation, without prejudice to the reports referred to in paragraph 3.
2. The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, if necessary, appropriate proposals with a view to amending this Regulation.
3. The Commission shall present, three years after the VIS is brought into operation and every four years thereafter, a report to the European Parliament and to the Council on the implementation of Articles 12, 15, 38, 40 to 42 of this Regulation, including the implementation of the collection and use of biometric identifiers, the suitability of the ICAO standard chosen, compliance with data protection rules, experience with external service providers with specific reference to the collection of biometric data, the implementation of the 59-month rule for the copying of fingerprints and the organisation of the procedures relating to applications. The report shall also include, on the basis of Article 17(12), (13) and (14) and of Article 50(4) of (EC) No 767/2008, the cases in which fingerprints could factually not be provided or were not required to be provided for legal reasons, compared with the number of cases in which fingerprints were taken. The report shall include information on cases in which a person who could factually not provide fingerprints was refused a visa. The report shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.
4. The first of the reports referred to in paragraph 3 shall also address the issue of the sufficient reliability for identification and verification purposes of fingerprints of children under the age of 12 and, in particular, how fingerprints evolve with age, on the basis of the results of a study carried out under the responsibility of the Commission.

Article 55

Entry into force

1. This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.
2. It shall apply from [6 months after the day of entry into force].
3. The Commission shall establish the first common list referred to in Article 3(5b) and publish it in the Official Journal of the European Union by [2 months after the day of entry into force].
4. Article 5(2) (a) and (b) shall apply from [2 years after the day of entry into force]¹
5. Article 51 shall apply from [3 months after the day of entry into force].

¹ **PT**: representation as defined in Article 5(2) of the Commission's proposal (highlighted in grey) remains mandatory even if a deadline of two years is provided for to conclude bilateral arrangements. **DE** opposed this provision as it also opposed Article 5(2)(a) and (b). **COM** recalled that it agreed to the deletion of point (c) in Article 5(2) in order to ensure consular coverage all over the world. The **Chair** concluded that the details of this article had to be reflected on further.

Harmonised application form

Application for Schengen Visa

This application form is free



1

Family members of EU, EEA or CH citizens shall not fill in fields no.21, 22, 32, 33 and 34 (marked with*).

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

1. Surname (Family name) (xx)				FOR OFFICIAL USE ONLY Date of application: Visa application number: Application lodged at ☐ Embassy/consulate ☐ Service provider ☐ Intermediary ☐ Border (Name): ☐ Other
2. Surname at birth (Former family name(s)) (xx)				
3. First name(s) (Given name(s)) (xx)				
4. Date of birth (day-month-year)	5. Place of birth 6. Country of birth <u>Paternal / maternal filiation</u> ³	7. Current nationality Nationality at birth, if different: <u>Other nationalities:</u>		
8. Sex ☐ Male ☐ Female	9. <u>Civil</u> status ☐ Single ☐ Married ☐ Registered Partnership ☐ Separated ☐ Divorced ☐ Widow(er) ☐ Other (please specify)			File handled by: Supporting documents: ☐ Travel document ☐ Means of subsistence ☐ Invitation ☐ TMI ² ☐ Means of transport ☐ Other:
10. Parental authority/legal guardian: Surname, first name, address (if different from applicant's), telephone no., e-mail address, and nationality				
11. National identity number, where applicable				
15. Number of travel document	16. Date of issue	17. Valid until	18. Issued by	
12. Personal data of the family member who is an EU, EEA or CH citizen ⁴				Visa decision: ☐ Refused

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

² **PT** referred to the sentence set out in the current text of Annex I (under box 37) as a Travel Medical Insurance (TMI) 'disclaimer' in case a multiple entry visa (MEV) is applied for; it is missing from the text of this draft Annex I and PT believed it should be kept as it is, as it has been decided that Article 14a (TMI) should be reintroduced in the text of the recast.

³ **PT**, supported by **DK** and **ES**: preferable to ask applicants to fill in the full names of their father and mother. **COM** replied that this would no longer be useful following the full roll-out of the VIS, which makes identity fraud impossible.

⁴ **LV**: reference to Directive 2004/38/EC to be added. **COM** said this had to be reflected on further.

Surname		First name(s)		☐ Issued: ☐ A ☐ C ☐ LTV ☐ Valid: From Until Number of entries: ☐ 1 ☐ Multiple
Date of birth	Nationality	Number of travel document or ID card		
13. Family relationship with an EU, EEA or CH citizen¹ ☐ spouse ☐ child ☐ grandchild ☐ dependent ascendant ☐ Registered Partnership				
14. Type of travel document ☐ Ordinary passport ☐ Diplomatic passport ☐ Service passport ☐ Official passport ☐ Special passport ☐ Other travel document (please specify)				
19. Applicant's home address and e-mail address		Telephone number(s)		
20. Residence in a country other than the country of current nationality ☐ No ☐ Yes. Residence permit or equivalent No. Valid until				
*21. Current occupation				
* 22. Employer and employer's address and telephone number. For students, name and address of educational establishment				
23. (...) Purpose(s) of the journey: ☐ Tourism..... ☐ Business..... ☐ Visiting family or friends ☐ Cultural ☐ Sports ☐ Official visit ☐ Medical reasons ☐ Study ☐ Airport transit ☐ Other (please specify):				
24. Member State(s) of main destination (and other Member States of destination , if applicable)		25. Member State of first entry		
26. Number of entries requested ² ☐ Single entry.... ☐ Multiple entries <u>Duration of the intended total³ stay (indicate number of days):</u> <u>Intended date of arrival in the Schengen</u>		27. Duration of the intended total stay Indicate number of days 4 ☐ <u>Multiple entries</u> <u>Duration requested:</u> ☐ : <u>1 year</u>		

¹ **LV:** 'others' to be added. **COM** said it had to be checked. **ES** referred to extended family members who are also entitled to be issued with a visa when exercising free movement in accordance with Directive 2004/38/CE. In order for them to indicate what kind of family members they are, ES suggested adding a tick box labelled 'others'. **COM** agreed with ES's interpretation at first sight and said the issue had to be reflected on further.

² **LV:** boxes 26 & 27 pose practical problems since they are mutually exclusive. **PL:** scrutiny reservation.

³ **COM:** 'total' to be deleted.

⁴ **FR:** reservation. A reference to MEVs with a duration of less than one year should be added. Unacceptable for **COM**. Maybe adding a reference to 'other' could work. Furthermore, **COM** stated that Member States should provide applicants with more information on how to fill in the form. **IT:** choice for the duration should not be left to the applicant since the consulate would take the decision in that regard on the basis of justification. **COM** emphasised that the application form had been adapted here in line with delegations' request that an MEV only be issued if the applicant asked for it.

<u>area:</u> <u>Intended date of departure from the Schengen area:</u>		☐ 2 years ☐ 3 years ☐ 4 years ☐ 5 years <u>Intended date of first arrival in the Schengen area:</u>		
28. Intended date of arrival in the Schengen area / visa valid from		29. Intended date of departure from the Schengen area / visa valid until		
30. Fingerprints collected previously for the purpose of applying for a Schengen visa or a [touring visa] ☐ No ☐ Yes. Date, if known Visa sticker number, if known ¹				
31. 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		
* 32. 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		
*33. 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				
*34. Cost of travelling and living during the applicant's stay is covered:				
☐ by the applicant himself/herself Means of support ☐ Cash ☐ Traveller's cheques ☐ Credit card ☐ Pre-paid accommodation ☐ Pre-paid transport ☐ Other (please specify)		☐ by a sponsor (host, company, organisation), please specify ☐ referred to in field 32 or 33 ☐ other (please specify) Means of support ☐ Cash ☐ Accommodation provided ☐ All expenses covered during the stay ☐ Pre-paid transport ☐ Other (please specify)		
33. Personal data of the family member who is an EU, EEA or CH citizen				
Surname		First name(s)		
Date of birth	Nationality	Number of travel document or ID-card		

¹ **SE**, supported by **PL**: reference to VIS number to be added. **COM**: impossible since the applicant does not know it.

I am aware that the visa fee is not refunded if the visa is refused.	
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.¹ Such data as well as data concerning the decision taken on my application or a decision whether to annul, revoke or extend a visa issued will be entered into, and stored in the Visa Information System (VIS) for a maximum period of five years, during which it will be accessible to the visa authorities and the authorities competent for carrying out checks on visas at external borders and within the Member States, immigration and asylum authorities in the Member States for the purposes of verifying whether the conditions for the legal entry into, stay and residence on the territory of the Member States are fulfilled, of identifying persons who do not or who no longer fulfil these conditions, of examining an asylum application and of determining responsibility for such examination. Under certain conditions the data will be also available to designated authorities of the Member States and to Europol for the purpose of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. The authority of the Member State responsible for processing the data is: [(.....)]. I 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. I declare that to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the annulment of a visa already granted and may also render me liable to prosecution under the law of the Member State which deals with the application. I undertake to leave the territory of the Member States before the expiry of the visa, if granted. I have been informed that possession of a visa is only one of the prerequisites for entry into the European territory of the Member States. The mere fact that a visa has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 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.	
Place and date	Signature ((...))signature of parental authority/legal guardian, if applicable):

¹ **CH:** a declaration of consent by the applicant, stating that she/he agrees to the transmission of data concerning unpaid hospital bills, should be added.

ANNEX II

LIST OF SUPPORTING DOCUMENTS

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

- (1) 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.

- (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 transit:
 - (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.
- (2) B. DOCUMENTATION ALLOWING FOR THE ASSESSMENT OF THE APPLICANT'S INTENTION TO LEAVE THE TERRITORY OF THE MEMBER STATES
- 0. reservation of or return or round ticket;**
- 1. proof 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.

- (3) 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.

- (4) 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)

ANNEX III

~~COMMON LIST 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~~

ANNEX IV

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).

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

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

**1a. ☐ there are reasonable doubts as to the authenticity of the supporting documents
submitted or the veracity of their contents**

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

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

3a. ☐ you have not provided proof of possession of adequate and valid travel medical insurance in accordance with Article 14a

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

7a. ☐ there are reasonable doubts as to the reliability of the statements made

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.

Additional remarks:

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

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:

Signature of person concerned

ANNEX VI

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

- (5) 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;
 - (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 Regulation (EC) No 767/2008.

- (6) 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.
- (7) 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.

- (8)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

(9) 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:

(10) **(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;

(11) **(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;

(12) (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;

(13) (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;

(14) (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;

(15) (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.

(16) II. ISSUING OF VISAS

3. Conditions

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

(17) (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;

(18) (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;

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

(20) (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 States.
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.

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'. 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.

(21) 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:

(22) (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;

(23) (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 visas

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:

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.

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.
