



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2007

15303/07

**Interinstitutional File:
2006/0142 (COD)**

LIMITE

**VISA 355
CODEC 1277
COMIX 979**

OUTCOME OF PROCEEDINGS

of:	Visa Working Party/Mixed Committee (EU-Iceland/Norway/Switzerland)
dated:	13-14 November 2007
No. Cion prop.:	11752/1/06 REV 1 VISA 190 CODEC 771 COMIX 662 (COM(2006) 403 final + final/2 (en,fr,de))
Subject:	Draft Regulation of the European Parliament and of the Council establishing a Community Code on Visas

The Visa Working Party examined Articles 30, 31 and 32 on the basis of the Commission's proposal. The outcome of this examination is set out in the Annex to this note.

Article 30

Revocation of a visa

1. A visa may be revoked in the following cases:
 - (a) by the issuing diplomatic mission or consular post at the request of the holder in which case a stamp must be affixed to the visa sticker indicating that the visa has been revoked at the request of the holder.
 - (b) by the competent authorities after the holder has entered the territory of the Member States, if the holder no longer fulfils the entry conditions as set out in Article 5(1) of the Schengen Borders Code¹.
2. Information on revoked visas shall be entered into the VIS in accordance with Article 11² of the VIS Regulation.
3. If the visa is revoked pursuant to paragraph 1(b) by the competent authorities of a Member State other than the issuing Member State, the issuing Member State shall be informed of the revocation of its visas³.

¹ **COM** agreed with **NL** that a reference to a stamp was necessary as in (a).

² **COM** indicated that the correct reference was to Article 13.

³ **COM** emphasised that as no automatic alert was issued by the VIS after information had been entered into, it would be advisable to inform the issuing Member State but could agree to delete this obligation if needed.

Article 31

Shortening the length of duration of stay authorised by a visa

1. Border control authorities¹ may decide to shorten the duration of stay authorised by a visa² if it is established that the holder does not have adequate means of support³ for the initially intended duration of the stay⁴.
2. Information on the shortening of the duration of stay authorised by a visa shall be entered into the VIS, in accordance with Article 11 of the VIS Regulation.

Chapter V

Visas issued at the external borders

Article 32

Visas issued at the external borders

1. Short-stay visas or transit visas may only be issued at the external borders if the following conditions are satisfied⁵:
 - (a) the applicant fulfils the conditions laid down in Article 5(1) of the Schengen Borders Code;
 - (b) the applicant has not been in a position to apply for a visa in advance,

¹ **EE** suggested to replace "Border control authorities" by "Authorities that supervise immigration".

² **NL, PL** and **DE** asked how to proceed in practice for the purpose of recording the decision to shorten the duration of the visa.

³ **LU** and **SI** stressed that checking the means of support would be difficult for border guards. **COM** reminded delegations that this check was already foreseen in the Schengen system (SCH/Com-ex (93) 24) and is also applicable in accordance with the Schengen Borders Code. **NO** informed that its authorities could withdraw the visa if this condition was not fulfilled anymore.

⁴ On the request of several delegations **COM** will define precisely how the decision about the shortening of the visa must be made in practice (visa to be revoked, issuing a new visa sticker...).

⁵ **FR** suggested to add "in exceptional cases".

- (c) the applicant submits supporting documents substantiating unforeseeable and imperative reasons for entry¹, and
 - (d) the applicant's return to his country of origin or transit through States other than Member States fully implementing the Schengen acquis is assessed as certain.
- 2. Where a visa is applied for at the external border, the requirement that the applicant be in possession of travel medical insurance shall be waived².
- 3. A visa issued at the external border may, as appropriate, be either
 - (a) a single entry short-stay visa, entitling the holder to stay for a maximum period of 15 days in all Member States, or
 - (b) a single entry transit visa, entitling the holder to a transit of a maximum duration of 5 days, valid for all Member States.
- 4. Where the conditions laid down in Article 5(1) of the Schengen Borders Code are not fulfilled, the authorities responsible for issuing the visa at the border may issue a visa with limited territorial validity for the territory of the issuing Member State only, in accordance with Article 21(1)(a).

¹ **BE, NL, MT** suggested to merge (b) and (c).

² **EE, LU, FI, LV** were of the opinion that the applicant should still be obliged to prove that he benefits a travel medical insurance (TMI). **EE** intended to forward a proposal for a new drafting.

5. A third-country national falling within a category of persons for whom prior consultation is required in accordance with Article 9 shall, in principle, not be issued with a visa at the border.

However, a visa with limited territorial validity only for the territory of the visa issuing Member State, may be issued at the border for such persons in exceptional cases, in accordance with Article 21(1)(b).

6. The provisions on justification and notification of refusals and possibilities of appeal¹ set out in Article 23 and Annex IX shall apply².

¹ **DE** entered a scrutiny reservation.

² **SE, FI, DE, AT, SK, PL, EE, LT** entered a scrutiny reservation. **FR** suggested to delete this paragraph. **BE** and **NL** emphasised the risk of possible dual application of the Borders Code and the Visa Code on the same scope.