



**COMHAIRLE AN
AONTAIS EORPAIGH**

An Bhruiséil, 1 Feabhra 2008 (02.04)

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ó:	an Uachtaránacht
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Ábhar:	Dréacht-Rialachán ó Pharlaimint na hEorpa agus ón gComhairle lena mbunaítear Cód Comhphobail maidir le Víosáí

Gheobhaidh toscaireachtaí san Iarscríbhinn téacs Airteagail 1 go 49 agus Iarscríbhinní I go XIII den dréacht-Rialachán, mar a d'eascair sé as pléití a rinneadh sa Mheitheal Oibre Víosáí/sa Choiste Measctha¹.

¹ Leagtar amach toradh na bpléití ag an Meitheal Oibre Víosáí/ag an gCoiste Measctha maidir leis na hairteagail agus leis na hianscríbhinní thuas i ndoiciméid 13611/06, 15660/1/06, 6060/2/07 + COR 1 + COR 2, 8245/07, 9502/07, 11831/1/07 + COR 1, 12666/07, 15303/07 agus 16127/07.

RIALACHÁIN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE
lena mbunaítear Cód Comhphobail maidir le Víosáí

TÁ PARLAIMINT NA hEORPA AGUS COMHAIRLE AN AONTAIS EORPAIGH,

Ag féachaint don Chonradh ag bunú an Chomhphobail Eorpaigh, agus go háirithe Airteagail 62(2) (a) agus (b) (ii) de,

Ag féachaint don togra ón gCoimisiún¹,

Ag gníomhú dóibh i gcomhréir leis an nós imeachta a leagtar síos in Airteagal 251 den Chonradh²,

De bharr an méid seo a leanas:

- (1) I gcomhréir le hAirteagal 61 den Chonradh, ba cheart go ngabhfadh beartais a bhaineann le rialuithe teorainneacha seachtracha, le tearmann agus le hinimirce le bunú limistéir ina mbeadh deis saorghluaiseachta ag daoine ann.
- (2) Faoi Airteagal 62(2) den Chonradh, caithfear, le bearta a bhaineann le trasnú teorainneacha seachtracha na mBallstát, rialacha a bhunú maidir le víosaí do thréimhsí fanachta atá beartaithe nach faide ná trí mhí, mar shampla na nósanna imeachta agus na coinníollacha faoina n-eiseodh Ballstáit víosaí.

¹ IO C, , lch.. .

² IO C, , lch. .

- (3) Maidir le beartas víosa, tá bunú "corpais chomhchoitinn" reachtaíochta, go háirithe trí chomhdhlúthú agus trí fhorbairt an acquis (forálacha ábhartha an Choinbhinsiúin chun Comhaontú Schengen an 14 Meitheamh 1985¹ a chur i bhfeidhm agus na Teagaisc Choiteanna Chonsalacha²), ar cheann de na heilimintí bunúsacha a bhaineann le "tuilleadh forbartha a dhéanamh ar an gcomhbheartas víosa mar chuid de chóras ilsrathach a mbeadh sé de chuspóir aige taisteal dlisteanach a éascú agus dul i ngleic leis an inimirce mhídhleathach trí bhreis comhchuibhithe a dhéanamh ar reachtaíocht náisiúnta agus ar chleachtais láimhseála i misin chonsalacha áitiúla", mar a shainmhínítear é i gClár na Háige: saoirse, slándáil agus ceartas a neartú san Aontas Eorpach³.
- (4) Ba cheart go ndéanfaí ionadaíocht ar Bhallstáit chun críocha víosaí sna tríú tíortha uile a bhfuil a náisiúnaigh faoi réir ceanglas víosaí. Féadfaidh siad a chinneadh gur gá iarratais ar víosaí ó náisiúnaigh ó thríú tíortha sonracha nó iarratais ar chineál áirithe víosa a dhéanamh go díreach ag buanphost consalach nó ag misean taidhleoireachta an Stáit arb é príomhcheann scríbe an iarratasóra é.
- (5) Tá an comhar consalach áitiúil fíor-riachtanach chun an comhbheartas víosa a chur i bhfeidhm go comhchuibhithe agus chun measúnú cuí a dhéanamh ar riosca imirceach. De thairbhe na ndifríochtaí idir imthosca áitiúla, ba cheart go ndéanfaidh misin taidhleoireachta agus poist chonsalacha na mBallstát i suímh ar leith cur i bhfeidhm oibríochtúil d'fhorálacha reachtacha áirithe a mheas óir ní amháin go bhféadfadh difríochtaí i gcur i bhfeidhm na bhforálacha dlíthiúla "siopadóireacht víosaí" a spreagadh ach d'fhéadfaí go gcuirfí cóir éagsúil ar iarratasóirí ar víosaí dá bharr chomh maith.
- (6) Is gá rialacha maidir leis an idirthuras trí limistéir idirnáisiúnta aerfort a leagan amach chun dul i ngleic le hinimirce neamhdhlíthiúil. Dá réir sin ba cheart go mbeadh sé de cheanglas ar náisiúnaigh ó liosta coiteann de thríú tíortha víosaí idirthurais aerfoirt a bheith ina seilbh acu, rud a chuirfeadh deireadh leis an deis atá ag Ballstáit an cineál sin víosa a éileamh ar náisiúnaigh ó thríú tíortha eile.

¹ IO L 230, 22.9.2000, lch. 19.

² IO C 326, 22.12.2005.

³ IO C 53, 3.3.2005.

- (7) Nuair a bhíonn Ballstát ina óstach ag na Cluichí Oilimpeacha agus ag na Cluichí Para-Oilimpeacha, ba cheart go mbeadh feidhm ag scéim ar leith a d'éascódh víosaí a eisiúint do bhaill den Teaghlach Oilimpeach.
- (8) Féadfar le comhaontuithe déthaobhacha a tugadh i gcrích idir an Comhphobal agus tríú tíortha a bhfuil sé d'aidhm acu próiseáil iarratas ar víosaí gearrfhanachta a éascú imeacht ó na forálacha a leagtar síos sa Rialachán seo.
- (9) Ba cheart go ndéanfaí na socruithe chun fáilte a chur roimh iarratasóirí le lánurraim do dhínit an duine. Ba cheart go ndéanfaí iarratais ar víosaí a phróiseáil ar bhealach gairmiúil measúil agus ar bhealach a bheadh comhréireach leis na cuspóirí atá beartaithe a bhaint amach.
- (10) Ba cheart do na Ballstáit a áirithiú go bhfuil caighdeán na seirbhíse a chuirtear ar fáil don phobal réasúnta agus go gcomhlíonann sí dea-chleachtais riaracháin. Chuige sin ba cheart dóibh líon iomchuí comhaltaí foirne oilte a chur ar fáil mar aon le dóthain acmhainní.
- (11) Céim mhór i dtreo eilimintí nua a úsáid is ea comhtháthú na n-aitheantóirí bithmhéadracha, agus bunaíonn sé nasc níos iontaofa idir sealbhóir an víosa agus an pas lena seachnófaí céannachtaí bréagacha. Dá bhrí sin ba cheart go mbeadh láithreacht iarratasóir an víosa go pearsanta - don chéad iarratas ar a laghad - ar cheann de na buncheanglais chun víosa a eisiúint le clárú aitheantóirí bithmhéadracha sa Chóras Faisnéise Víosaí (VIS); níor cheart go gceadófaí d'iarratasóirí céaduaire iarratais a dhéanamh trí idirghabhálaithe tráchtála, amhail gníomhaireachtaí taistil.

- (12) Ba cheart roghanna nua chun oifigí consalacha a eagrú, amhail comhlonnú, ionaid choiteanna iarratais agus foinsiú allamuigh a thabhairt isteach chun iarratais ar víosaí a ghlacadh agus chun bithmhéadracht a ghabháil. Ba cheart creat dlíthiúil iomchuí a bhunú do na roghanna sin, agus maidir le cosaint sonraí go háirithe. Ba cheart go mbunófaí na foirmeacha comhair chonsalaigh seo i ndianchomhlíonadh na bprionsabal ginearálta chun víosaí a eisiúint, ag urramú na gceanglas cosanta sonraí a leagtar amach i dTreoir 95/46/CE ó Pharlaimint na hEorpa agus ón gComhairle an 24 Deireadh Fómhair 1995 maidir le daoine aonair a chosaint i ndáil le sonraí pearsanta a phróiseáil agus maidir le saorghluaiseacht sonraí den sórt sin.
- (13) Ba cheart go dtiocfadh an t-iarratasóir i láthair i bpearsa an chéad uair a chlárófaí na haitheantóirí bithmhéadracha. D'fhonn éascaíocht a dhéanamh do phróiseáil aon iarratais a dhéanfaí ina dhiaidh sin, ba cheart go mbeadh sé indéanta sonraí bithmhéadracha a chóipeáil ón gcead iarratas laistigh de thréimse 48 mí ag cur na tréimhse coinneála atá leagtha amach san VIS san áireamh. Tar éis na tréimhse sin ba cheart go ndéanfaí na haitheantóirí bithmhéadracha a ghabháil an athuair.
- (14) Is modh tábhachtach monatóireachta ar ghluaiseachtaí imirceacha iad sonraí staidrimh agus d'fhéadfaí leas a bhaint astu mar uirlis éifeachtach bainistíochta. Ba cheart, dá bhrí sin, go dtiomsófaí na sonraí sin san fhormáid chéanna go rialta.
- (15) Ba cheart go bhforálfai do nós imeachta a chuirfeadh ar chumas an Choimisiúin rialacha praiticiúla sonracha áirithe a oiriúnú a rialódh eisiúint víosaí gearrfhanachta. Sna cásanna seo, ba cheart na bearta is gá chun an Rialachán seo a chur chun feidhme a ghlacadh de bhun Chinneadh 1999/468/CE ón gComhairle an 28 Meitheamh 1999 lena leagtar síos na nósanna imeachta maidir le feidhmiú na gcumhachtaí cur chun feidhme arna dtabhairt don Choimisiún¹.

¹ IO L 184, 17.9.1999, lch. 23.

- (16) Chun a áirithiú go gcuirfear an Rialachán i bhfeidhm go comhchuibhithe ar leibhéal oibríochta, ba cheart teoracha a dhréachtú maidir leis an gcleachtas agus maidir leis na nósanna imeachta ar gá do mhisin taidhleoireachta agus do phoist chonsalacha na mBallstát a chomhlíonadh nuair a bheidh iarratais ar víosaí a bpróiseáil acu.
- (17) Ó tharla go bhfuil an Rialachán ó Pharlaimint na hEorpa agus ón gComhairle i ndáil leis an gCóras Faisnéise Víosaí agus i ndáil le malartú sonraí idir Bhallstáit maidir le víosaí gearrfhanachta (dá ngairtear "Rialachán VIS" anseo feasta) bunaithe ar an reachtaíocht reatha, ba cheart é a leasú chun na hathruithe atá déanta ar an reachtaíocht a bhaineann leis an VIS a chur san áireamh.
- (18) Maidir le cuspóirí an ghnímh atá beartaithe, ba chóir a mheabhrú go bhfuil sé de chumhacht ag an gComhphobal agus fiú d'oibleagáid air, faoi Airteagal 62(1) agus (2)(b) den Chonradh ag bunú an Chomhphobail Eorpaigh (ECT), bearta a ghlacadh maidir le rialacha i leith víosaí do thréimhsí fanachta nach faide ná trí mhí. I gcomhréir le prionsabal na comhréireachta, mar a leagtar amach in Airteagal 5 den Chonradh é, ní théann an Rialachán seo thar a bhfuil riachtanach chun na cuspóirí sin a bhaint amach.
- (19) Urramaíonn an Rialachán seo cearta bunúsacha agus comhlíonann sé na prionsabail a aithnítear go sainráite sa Choinbhinsiún Eorpach chun Cearta an Duine agus Saoirsí Bunúsacha a Chosaint agus i gCairt um Chearta Bunúsacha an Aontais Eorpaigh.
- (20) De mhaolú ar Airteagal 299 den Chonradh, ní bheidh feidhm ag an Rialachán seo maidir le críocha na Fraince nó maidir le críocha na hÍsiltíre seachas na críocha atá acu san Eoraip, ós rud nach cuid den limistéar nach bhfuil teorainneacha inmheánacha ann iad na críocha thar sáile.
- (21) Na coinníollacha a rialaíonn dul isteach i gcríoch na mBallstát nó eisiúint víosaí, ní dhéanann siad difear do na rialacha reatha a rialaíonn aitheantas bailíochta do dhoiciméid taistil.

- (22) Ionas go mbeidh údaráis na mBallstát in ann ullmhú do chur chun feidhme an Rialacháin seo, níor chóir go dtosódh cur i bhfeidhm an Rialacháin seo go dtí sé mhí tar éis an dáta a dtiocfaidh sé i bhfeidhm, cé is moite d'Airteagal 46 (Coisteolaíocht) agus d'Airteagal 47 (fógraí ó Bhallstáit).
- (23) I gcomhréir le hAirteagal 1 agus le hAirteagal 2 den Phrótacal maidir le Seasamh na Danmhairge atá i gceangal leis an gConradh ar an Aontas Eorpach agus leis an gConradh ag bunú an Chomhphobail Eorpaigh, níl an Danmhairg rannpháirteach i nglacadh an Rialacháin seo agus ní bheidh an Rialachán seo ina cheangal ar an Danmhairg nó ní bheidh sí faoi réir a chur i bhfeidhm. Ós rud é go gcuireann an Rialachán seo le acquis Schengen faoi fhorálacha Theideal IV de Chuid a Trí den Chonradh ag bunú an Chomhphobail Eorpaigh, ba chóir, i gcomhréir le hAirteagal 5 den Phrótacal sin, go gcinneadh an Danmhairg laistigh de thréimhse sé mhí tar éis an dáta a nglacfar an Rialachán seo cé acu an gcuirfear chun feidhme ina dlí náisiúnta é nó a mhalairt.
- (24) Maidir leis an Íoslainn agus an Iorua, is éard atá sa Rialachán seo forbairt ar fhorálacha acquis Schengen de réir bhrí an Chomhaontaithe a tugadh i gcrích idir Comhairle an Aontais Eorpaigh agus Poblacht na hÍoslainne agus Ríocht na hIorua maidir le comhlachas an dá Stát sin i dtaca le cur chun feidhme, cur i bhfeidhm agus forbairt acquis Schengen¹ a thagann faoin réimse dá dtagraítear in Airteagal 1, pointe B, de Chinneadh 1999/437/CE ón gComhairle an 17 Bealtaine 1999 maidir le socruithe áirithe i dtaca le cur i bhfeidhm an Chomhaontaithe sin².
- (25) Ní mór socrú a dhéanamh a ligfidh d'ionadaithe de chuid na hÍoslainne agus na hIorua comhlachas a bheith acu le hobair na gcoistí a chabhróidh leis an gCoimisiún i bhfeidhmiú a chumhachtaí cur chun feidhme faoi mar a tharlóidh faoin Rialachán seo. Pléadh socrú den sórt sin sa Mhalartú Litreacha idir an Comhphobal agus an Íoslainn agus an Iorua³, atá i gceangal leis an gComhaontú thuasluaite. Chuir an Coimisiún dréachtmholadh faoi bhráid na Comhairle d'fhonn idirbheartaíocht a dhéanamh maidir leis an socrú seo.

¹ IO L 176, 10.7.1999, lch. 36.

² IO L 176, 10.7.1999, lch. 31.

³ IO L 176, 10.7.1999, lch. 53.

- (26) Maidir leis an Eilvéis, is éard atá sa Rialachán seo forbairt ar fhorálacha acquis Schengen de réir bhrí an Chomhaontaithe a síníodh idir an tAontas Eorpach, an Comhphobal Eorpach agus Cónaidhm na hEilvéise maidir le comhlachas Chónaidhm na hEilvéise i dtaca le cur chun feidhme, cur i bhfeidhm agus forbairt acquis Schengen¹, a thagann faoin réimse dá dtagraítear in Airteagal 4(1) de Chinneadh 2004/860/CE² ón gComhairle maidir le síniú an Chomhaontaithe seo, thar ceann an Chomhphobail Eorpaigh, agus maidir le cur i bhfeidhm sealadach forálacha áirithe den Chomhaontú sin³.
- (27) Is forbairt é an Rialachán seo ar fhorálacha acquis Schengen nach nglacann an Ríocht Aontaithe páirt iontu, i gcomhréir le Cinneadh 2000/365/CE ón gComhairle an 29 Bealtaine 2000 maidir leis an iarraidh ó Ríocht Aontaithe na Breataine Móire agus Thuaisceart Éireann páirt a ghlacadh i gcuid d'fhorálacha acquis Schengen⁴. Dá bhrí sin, níl an Ríocht Aontaithe rannpháirteach i nglacadh an Rialacháin seo agus níl sí faoi cheangal aige ná faoi réir a chur i bhfeidhm.
- (28) Is forbairt é an Rialachán seo ar fhorálacha acquis Schengen nach nglacann Éire páirt iontu, i gcomhréir le Cinneadh 2002/192 92/CE ón gComhairle an 28 Feabhra 2002 maidir leis an iarraidh ó Éirinn páirt a ghlacadh i gcuid d'fhorálacha acquis Schengen⁵. Dá réir sin, níl Éire rannpháirteach i nglacadh an Rialacháin agus níl sí faoi cheangal aige ná faoi réir a chur i bhfeidhm.
- (29) Forálacha atá sa Rialachán seo, seachas Airteagal 22 de, a thógann ar acquis Schengen nó a bhfuil baint ar shlí eile acu leis laistigh de bhrí Airteagal 3(2) d'Ionstraim Aontachais 2003,

TAR ÉIS AN RIALACHÁN SEO A GHLACADH:

¹ Doic. 13054/04 ón gComhairle a bhfuil rochtain air ag <http://register.consilium.eu.int>

² IO L 370, 17.12.2004, lch. 78.

³ IO L 368, 15.12.2004, lch. 26 agus OJ L 370, 17.12.2004, lch. 78.

⁴ IO L 131, 1.6.2000, lch. 43.

⁵ IO L 64, 7.3.2002, lch. 20.

TEIDEAL I: Forálacha ginearálta

Airteagal 1¹

Cuspóir agus raon feidhme

1. Sa Rialachán seo leagtar síos na rialacha do phróiseáil iarratas ar víosaí i leith tréimhsí fanachta a bheartaítear i gcríoch na mBallstát, nach faide ná trí mhí laistigh d'aon tréimhse sé mhí.
2. Beidh feidhm ag na rialacha seo maidir le haon náisiúnach tríú tír, a gcaithfidh víosa a bheith aige agus na teorainneacha seachtracha á dtrasnú aige de bhun Rialachán (CE) Uimh. 539/2001², gan dochar don méid seo a leanas:
 - (a) na cearta saorghluaiseachta atá ag náisiúnaigh tríú tíortha ar baill teaghlaigh de shaoránaigh de chuid an Aontais iad³,
 - (b) na cearta coibhéiseacha a theachtann náisiúnaigh tríú tíortha, a bhfuil cearta saorghluaiseachta acu atá coibhéiseach le cearta shaoránaigh an Aontais agus a gcuid teaghlach faoi chomhaontuithe idir an Comhphobal agus a Bhallstáit, ar thaobh amháin, agus idir an Comhphobal agus na tríú tíortha sin, ar an taobh eile³.
3. Sainmhínítear leis an Rialachán seo freisin liosta⁴ na dtríú tíortha a dteastaíonn víosa idirthurais aerfoirt óna náisiúnaigh agus leagtar síos leis na rialacha do phróiseáil iarratas ar víosaí d'idirthuras tríd na limistéir idirthurais idirnáisiúnta in aerfoirt na mBallstát.

¹ SE: scrutiny reservation.

² IO L 81, 21.3.2001, lch. 1.

³ COM emphasised that paragraphs a) and b) only referred to existing rights of these categories of persons and did not create any new ones. COM would be willing to clarify the text if need be.

⁴ FR suggested the following formulation of this paragraph as this delegation was not in favour of introducing one single list of third countries whose nationals require ATVs: "3. This Regulation also defines the lists of third countries whose nationals require an airport transit visa and establishes the rules for processing visa applications for transit through the international transit areas of Member States' airports."

Airteagal 2¹
Sainmhínithe

Chun críocha an Rialacháin seo, beidh feidhm ag na sainmhínithe seo a leanas:

- (1) ciallaíonn "náisiúnach tríú tír" aon duine nach saoránach de chuid an Aontais é, de réir bhrí Airteagal 17(1) den Chonradh;
- (2) ciallóidh "víosa" údarú arna eisiúint ag Ballstát d'fhonn:
 - (a) dul isteach² sa Bhallstát sin nó i líon Ballstát ar feadh tréimhse beartaithe fanachta nach faide ná trí mhí san iomlán³;
 - (b) dul isteach ar idirthuras trí chríoch an Bhallstáit sin nó trí chríoch líon Ballstát; nó
 - (c) dirthuras a dhéanamh tríd na limistéir idirthurais idirnáisiúnta in aerfoirt Bhallstáit.
- (3) Ciallaíonn "víosa aonfhoirmeach" víosa atá bailí do chríoch iomlán na mBallstát, agus ar ceann díobh seo a leanas é:
 - (a) "víosa gearrfhanachta" (víosa de chineál "C") a thugann teideal don sealbhóir fanacht ar feadh tréimhse nach faide ná trí mhí in aon tréimhse sé mhí ón dáta a rachaidh sé isteach den chéad uair i gcríocha na mBallstát⁴;
nó

¹ **SE**: scrutiny reservation.

² Responding to queries from **AT** and **PT** who wished to include the fact that mere possession of a visa does not confer automatic right of entry, **COM** recalled that that principle was a right flowing from the issued visa and should not be contained in the definition. The principle is covered by Article 24 of the draft Visa Code.

³ Replying to a question from **AT**, who wished to add a reference to multi-annual visa, **COM** noted that this definition had been copied for Regulation 539/2001. **HU** wished to add a reference to double-entry visa.

⁴ **HU** found that there ought to be a reference to the number of entries in the same way as in the definition of a transit visa. **COM** would reflect on this.

- (b) "víosa idirthurais"¹ (víosa de chineál "B") a thugann teideal don sealbhóir, agus é ag taisteal ó thríú tír amháin go tríú tír eile, dul trí chríocha na mBallstát uair amháin, dhá uair, nó, go heisceachtúil, líon mór uaireanta, agus nach faide aon idirthuras díobh ná cúig lá.
- (4) ciallaíonn "víosa a bhfuil bailíocht chríochach teoranta aici" (víosa de chineál "LTV B" nó "LTV C") víosa gearrghanachta² a thugann teideal don sealbhóir fanacht nó idirthuras a dhéanamh i gcríoch an Bhallstáit a eisiúnn í nó fanacht nó idirthuras a dhéanamh i gcríoch líon Ballstát³.
- (5) ciallaíonn "víosa idirthurais aerfoirt" (víosa de chineál "A") víosa a cheanglaítear a bheith ag náisiúnaigh ó thríú tíortha áirithe chun idirthuras a dhéanamh trí limistéir idirthurais idirnáisiúnta in aerfoirt na mBallstát, mar eisceacht ó phrionsabal an tsaor-idirthurais a leagtar síos in Iarscríbhinn 9 a ghabhann le Coinbhinsiún Chicago um Eitlíocht Shibhialta Idirnáisiúnta.
- (6) ciallaíonn "doiciméad taistil aitheanta" doiciméad taistil arna eisiúint ag tríú tír, a gcaithfidh a náisiúnaigh víosa a bheith acu agus na teorainneacha seachtracha á dtrasnú acu de bhun Rialachán (CE) Uimh. 539/2001, agus arna aithint ag na Ballstáit chun críocha víosaí a ghreamú de⁴.
- (7) ciallaíonn "greamán víosa" an fhormáid aonfhoirmeach do víosaí mar a shainmhínítear i Rialachán (CE) Uimh. 1683/95 í agus riocht fisiciúil na víosaí mar a shainmhínítear i mír 3, i mír 4 agus i mír 5 é.

¹ **FR**, supported by **AT**, was of the opinion that the distinction between visa "B" and "C" was artificial and noted that the distinction added an element of unnecessary complication in practice. **FR** found that after the flat rate handling fee had been introduced there was no justification for maintaining the distinction. **COM** would be open to convincing arguments for abolishing the "B" visa, but was surprised that this issue was only raised now, given the problems described by the two delegations.

² **SK** suggested the following formulation of this paragraph:
 "(4) "visa with limited territorial validity" (type "LTV B" or "LTV C" visa) means a short-stay **and transit** visa entitling the holder only to stay in or transit through the territory of the issuing Member State or several Member States."

³ **COM** confirmed that even if an LTV was issued on the basis of the lack of recognition by one Member State of the applicant's travel document, the LTV issued – although allowing the holder to travel to 14 member states, it would not be a "uniform" visa in the sense of the definition in Article 2(3).

⁴ **COM** recognised that this definition did not cover travel documents issued by for instance international organisations and would reflect upon a better formulation. **HU** suggested that if this definition were to remain in the text reference should be made to the various organisations etc issuing travel documents as well as to "holders" of these documents rather than "nationals".

- (8) ciallaíonn "leathán ar leith le haghaidh víosa a ghreamú de" an fhormáid aonfhoirmeach do na foirmeacha a ngreamaítear an víosa díobh a eisíonn na Ballstáit chuig daoine a bhfuil doiciméid taistil ina seilbh acu nach n-aithníonn an Ballstát a dhréachtaigh an fhoirm, mar a shainmhínítear i Rialachán (CE) Uimh. 333/2002 í¹ ².

¹ **HU** found that the definition should also refer to the use of the separate sheet, when the applicant's passport has no more free pages to affix the visa. **COM** noted that this practical aspect was known, but that in the definition had to stick to the title of the Regulation

² **HU** suggested that the following definition be added "**consulate**": "**diplomatic mission or consular post entitled to issue uniform visas**" in order to avoid having to use the long formulation throughout the text.

TEIDEAL II: Iarratais ar víosaí a fháil agus a phróiseáil

Caibidil I

Na húdaráis a ghlacfaidh páirt i bpróiseáil iarratas ar víosaí

Airteagal 3

Na húdaráis atá inniúil ar iarratais ar víosaí a phróiseáil

1. Gan dochar d'Airteagal 37, ní bheidh ach misin taidhleoireachta nó poist chonsalacha¹ na mBallstát i dteideal iarratais ar víosaí a phróiseáil.

¹ **BE** wished to add a reference to central authorities as these are involved as well and in charge of extending visas in the Schengen territory. **NO**, **SE**, **NL**, **AT**, **DK** and **LT** supported this suggestion, whereas

FR noted that extension of visas of persons already present in the Schengen territory should be distinguished from issuance of entry visas.

EE wondered whether "processing" was not a too general term. **PL** warned against mixing up "central authorities" and "competent authorities".

FR recalled that in French DOM-TOM did not belong to the Schengen territory and that prefectures were in charge of issuing visas in these locations. **COM** agreed that a provision should be added to cover this situation, but suggested that such text might fit better in Title V "Final Provisions".

COM maintained that diplomatic missions and consular posts are responsible for the processing of visa applications and drew delegations' attention to the articles that specifically referred to cases where central authorities were involved in the processing: Articles 6, 8, 9 and 28. A cross reference to these provisions could be added in the text. As far as **COM** was concerned the draft Regulation only contained one exception from the principle set out in Article 3 (1), i.e. Article 37 ("outsourcing").

BE, **DK**, **SE** and **NO** did not find that such cross reference would cover all cases. **IT** was not in favour of such specification and found that the current wording was adequate as diplomatic missions and consular posts are the ones who process visa applications although consulting central authorities during the processing.

FR found that it could be useful to introduce a clear distinction between the different parts of the handling of visa applications: submission, processing, issuance.

AT noted that Austrian authorities cannot extend visas in Austria. In case such a request be made, a full examination of the application starts from scratch. **COM** referred to the existing Schengen acquis in relation to extension of visa which is applicable to all Member States applying that acquis and reminded delegations that the Visa Code will be directly applicable in Member States.

2. De mhaolú ar mhír 1, féadfaidh na húdaráis a bheidh freagrach as seiceálacha ar dhaoine, i gcásanna eisceachtúla, víosaí gearrfhanachta agus víosaí idirthurais a eisiúint ag an teorainn [...] ¹.

Airteagal 4

Inniúlacht chríochach

1. Déanfaidh náisiúnaigh tríú tíortha iarratas ar víosa ag misean taidhleoireachta nó ag post consalach Ballstáit sa tír ina bhfuil cónaí ² orthu ^{3 4}.

¹ **DK, PL, BE, SE, LT, NL** and **AT** wondered whether the reference to seafarers was necessary. The **Chair** suggested that this reference be deleted. **COM** could accept this. **NL** could accept such deletion but did not agree that issuance of visa to seafarers at the border be considered as an exception: **NL** suggested that text to this effect be added somewhere in the draft Code that "short stay and transit visa maybe issued to seamen at the border."

² **CZ** suggested to add "legal" in order to ensure that only legally residing persons can apply for a visa.

³ **HU** suggested to insert "or origin" and add the following:
"The consulate located in the applicant's country of origin has to consult (by e-mail, fax) with the consulate located in the applicant's country of residence, if there is such consulate."
SI and **AT** supported the first part of the suggestion.
COM noted that the word "country of residence" has been chosen deliberately as it has both a legal and practical meaning contrary to "country of origin".

⁴ **LT** mentioned that all Schengen States were not present in all third countries and therefore applicants might be forced to apply for a visa in a country other than his/her country of residence, because a diplomatic mission or consular post might cover a jurisdiction of several countries and the text should take account of such situations as well. **COM** would reflect on how to express this.

2. De mhaolú ar mhír 1, féadfaidh náisiúnaigh tríú tíortha, a bheidh i láthair go dleathach i dtríú tír seachas an tír ina bhfuil cónaí orthu, iarratas ar víosa a thaisceadh sa tríú tír sin. Caithfidh na hiarratasóirí sin bonn cirt a thabhairt¹ le haghaidh an t-iarratas a bheith á taisceadh sa tír sin agus ní fhéadfaidh aon amhras a bheith ann faoi rún a bheith ag an iarratasóir filleadh² ar an tír ina bhfuil cónaí air nó uirthi. Sa chás sin, féadfar³ dul i gcomhairle le misean taidhleoireachta nó le post consalach sa tír ina bhfuil cónaí ar an iarratasóir nó le húdaráis láir an Bhallstáit eisiúna.

Airteagal 5

An Ballstát a bheidh freagrach as iarratas ar víosa a phróiseáil

1. Is é an misean taidhleoireachta nó an post consalach a bheidh freagrach as iarratas ar víosa gearrfhanachta a phróiseáil:
- (a) misean taidhleoireachta nó post consalach an Bhallstáit ar ina chríoch atá ceann scríbe aonair nó príomhcheann scríbe⁴ na cuairte suite⁵, nó
 - (b) mura bhféadfar an Ballstát ina bhfuil an príomhcheann scríbe a chinneadh, misean taidhleoireachta nó post consalach an Bhallstáit a mbeartaíonn an t-iarratasóir a theorainn sheachtrach a thrasnú d'fhonn dul isteach i gcríoch na mBallstát.

¹ **IT** wondered what "justification" referred to and found that it was superfluous as the applicant would always have to have a valid reason for applying for a visa.

² **NL** wondered whether it was appropriate to refer to "doubts about the intention to return to the country of residence", as this is not listed as a ground for refusal

³ **BE** and **DE** were of the opinion that this requirement should remain mandatory. **COM** recalled that the current rules required such consultation only in case of doubt. **IT** found this paragraph redundant as it describes what is current practice. **COM** recalled that the draft Regulation sets out the rights and obligations of visa applicants, and the rules should be spelt out.

⁴ **AT** and **DE** did not find this definition satisfactory. **COM** noted that the text of the CCI was merely practical guidelines but if Member States wished some of the elements to be added, COM would be open to suggestions. **BE** wished to maintain the wording of Part II, section 1.1, a) and b), emphasising that such specification ought to be inserted into the legal instrument rather than contained in the separate "Instructions". Such addition would "legally" clarify which Member State mission would be responsible for examining a given visa application.

⁵ "When the Member State responsible for processing the application does not have a consulate in the applicant's country of residence, the applicant may apply for a visa at any consulate of the Member State concerned."

Nuair a dhéanfar iarratas ar víosa do dhul isteach iolrach, is é Ballstát an ghnáthchinn scríbe¹ a bheidh freagrach as an iarratas a phróiseáil. Ní eiseofar víosaí den sórt sin ach sa tír ina bhfuil cónaí ar an iarratasóir².

2. Is é an misean taidhleoireachta nó an post consalach a bheidh freagrach as iarratas ar víosa idirthurais a phróiseáil:
 - (a) i gcás idirthurais trí Bhallstát amháin, misean taidhleoireachta nó post consalach an Bhallstáit lena mbaineann; nó
 - (b) i gcás idirthurais trí níos mó ná Ballstát amháin, misean taidhleoireachta nó post consalach an Bhallstáit a mbeartaíonn an t-iarratasóir a theorainn seachtrach a thrasnú le tús a chur leis an idirthuras.
3. Is é an misean taidhleoireachta nó an post consalach a bheidh freagrach as iarratas ar víosa idirthurais aerfoirt³ a phróiseáil:
 - (a) i gcás idirthurais aerfoirt amháin, misean taidhleoireachta nó post consalach an Bhallstáit ar ina chríoch atá an t-aerfort idirthurais; nó
 - (b) i gcás idirthuras dhá aerfort nó idirthurais ilaerfoirt, misean taidhleoireachta nó post consalach an Bhallstáit ar ina chríoch atá an chéad aerfort idirthurais⁴.

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¹ **IT** and **PT** found that this wording problematic. **NL** suggested that this me changed to "main destination". **COM** recalled that the second paragraph of Article 5 was not covered in the current acquis and the reason for adding a reference to "usual destination" was to give concrete expression to the main destination in the case of an application for a multiple entry visa.

² **NL** wished to delete "only in the applicant's country of residence, as business travellers would often be compelled to apply for a visa outside their country of residence. **COM** maintained that the diplomatic mission in the applicant's country of residence would always be the most appropriate for examining the application and was of the opinion that business travellers would plan trips well in advance. However, should the need arise for applying elsewhere than in one's country of residence, Article 4 (2) would apply.
SI and **HU**: scrutiny reservation. **BE** and **DE** wished to maintain the text, **DE** adding that flexibility must be added in relation to multiple entry business visa. **FR** suggested this addition: "unless special circumstances apply"

³ Cf.: **FR** comment in introduction, page 2

⁴ **BE** and **FR** gave examples of how this formulation could give rise to problems of interpretation and wished the text to be clarified. **COM** would reflect on these practical aspects but referred delegations to the definition of an "internal flight" in the "Schengen Borders Code" (Article 2 (3)).

Airteagal 6

Inniúlacht maidir le víosaí a eisiúint chuig náisiúnaigh tríú tíortha a bheidh i láthair go dleathach laistigh de chríoch Ballstáit

Déanfaidh náisiúnaigh tríú tíortha a bheidh ag fanacht go dleathach i gcríoch Bhallstáit, gan cead cónaithe de chuid an Bhallstáit sin a bheith ina seilbh, a cheadóidh dóibh taisteal gan víosa a bheith ina seilbh dá bhforáiltear in Airteagal 5(1)(b) agus in Airteagal 34(1)(a) de Chód Teorainneacha Schengen, agus a bhfuil cúiseanna acu, agus bonn cirt leo, le taisteal chuig Ballstát eile tugtha acu, iarratas ar víosa ag misean taidhleoireachta nó post consalach an Bhallstáit chinn scríbe.

Airteagal 7

Socruithe maidir le hionadaíocht

1. Gan dochar d'Airteagal 5, féadfaidh misean taidhleoireachta nó post consalach Ballstáit comhaontú go ndéanfaidh sé ionadaíocht do Bhallstát eile maidir le hiarratais ar víosaí gearrfhanachta, ar víosaí idirthurais agus ar víosaí idirthurais aerfoirt a phróiseáil. Sonróidh an socrú ré na hionadaíochta, mura bhfuil inti ach ionadaíocht shealadach, agus na nósanna imeachta maidir leis an socrú sin a fhoirceannadh, mar aon le socruithe maidir leis an bhféidearthacht go soláthródh an Ballstát a mbeidh ionadaíocht á déanamh dó áitreabh, foireann agus íocaíochtaí.

Féadfar a fhoráil leis na socruithe déthaobhacha sin go ndéanfaidh an Ballstát a mbeidh ionadaíocht á déanamh aici iarratais ar víosaí ó aicmí áirithe de náisiúnaigh tríú tíortha a tharchur chuig údarais an Bhallstáit a mbeidh ionadaíocht á déanamh dó le haghaidh comhairle roimh ré, dá bhforáiltear in Airteagal 9(3).

- [2. Féadfaidh Ballstát ionadaíocht a dhéanamh freisin do Bhallstát amháin eile nó níos mó chun iarratais a fháil agus chun aitheantóirí bithmhéadracha a chlárú, agus chun na gcríoch sin amháin. Déanfar comhaid agus sonraí a fháil agus a tharchur chuig an bpost consalach a mbeidh ionadaíocht á déanamh dó agus na rialacha ábhartha cosanta sonraí agus slándála á n-urramú.]¹

¹ Níor scrúdaíodh an mhír seo mar is cuid í den togra ar leith a leasaíonn an CCI, atá faoi scrúdú faoi láthair.

3. Cuirfidh an Ballstát a mbeidh ionadaíocht á déanamh dó socruithe nua maidir le hionadaíocht, nó socruithe foirceannadh den sórt sin, in iúl don Choimisiún trí mhí ar a dhéanaí¹ sula dtiocfaidh an comhaontú i bhfeidhm nó sula bhfoirceannfar é.
4. Cuirfidh an Ballstát a mbeidh ionadaíocht á déanamh aici ar an eolas, go comhuaineach², misin taidhleoireachta agus poist chonsalacha na mBallstát eile agus toscaireacht an Choimisiúin Eorpaigh sa dlínse lena mbaineann, an tráth a gcríochnófar na socruithe maidir le hionadaíocht agus an tráth a dtiocfaidh na socruithe sin i bhfeidhm³.
5. Déanfaidh misean taidhleoireachta nó post taidhleoireachta an Bhallstáit a mbeidh ionadaíocht á déanamh aici [...] ⁴ na rialacha uile maidir le hiarratais ar víosaí gearrfhanachta, ar víosaí idirthurais agus ar víosaí idirthurais aerfoirt⁵ a leagtar amach sa Rialachán seo a chomhlíonadh agus beidh feidhm ag na tráthanna eisiúna a leagtar amach in Airteagal 20(1).

¹ **PT** found this provision problematic, as such representation might be necessary in situations of emergency. **FR, AT, IT, BE, DK** and **NL** wished to delete the reference to 3 months. **COM** emphasised that it was important to increase the transparency of the visa policy and for applicants to know where they should apply for a visa (the 3 months period corresponds to the deadline set for applying for a visa (cf Article 10 (1)), and moreover experience had shown that Member States often notify agreements of representation several months after they have entered into force. As for notification of "temporary representation", **COM** would not be opposed to reformulate the text, but wondered whether this would be necessary as such ad hoc representation seemed to be very rare. As major sports events are planned a long time in advance notification on temporary representation related to such events could be made according to the deadline proposed in the text.

² **COM** noted that a more vague term had been chosen for the representing Member State to inform other diplomatic missions locally.

³ The **Chair** suggested to add: "and when they terminate" in order for this provision to be parallel to the provision in paragraph 3. **COM** approved this addition.

⁴ **BE** found this sentence redundant and suggested that it be deleted. **COM** could accept that.

⁵ Replying to a question from **HU**, **COM** noted that due to their specific nature, it would not seem appropriate that this type of visa be issued in representation.

6. Nuair a bheidh sé beartaithe ag misean taidhleoireachta nó ag post consalach an Bhallstáit a mbeidh ionadaíocht á déanamh aici diúltú d'iarratas, cuirfear an comhad iomlán [faoi bhráid údaráis láir]¹ an Bhallstáit a mbeidh ionadaíocht á déanamh dó chun go ndéanfaidh siad an cinneadh críochnaitheach maidir leis an iarratas roimh dheireadh na teorann ama a leagtar amach in Airteagal 20(1).
7. Má chinneann misean taidhleoireachta nó post consalach an Bhallstáit a mbeidh ionadaíocht á déanamh aici comhoibriú le hidirghabhálaithe tráchtála nó fochonraitheoireacht a dhéanamh ar chuid de phróiseas láimhseála na víosaí², cumhdóidh na socruithe sin iarratais a láimhseáiltear tri bhíthin ionadaíochta freisin. Cuirfear údaráis láir an Bhallstáit a mbeidh ionadaíocht á déanamh dó ar an eolas go cuí roimh ré, áfach³.

¹ Some delegations (NL, AT, PT) expressed concern about the implication of this provision. FI suggested to replace the text in square brackets by the following: "sent to the nearest regional embassy". Thus the obligation to motivate refusals (cf. Article 23) would be done by the represented Member State, which would make possible appeal procedures easier. SE and SI supported this suggestion. BE found the suggestion good but maintained a scrutiny reservation. EE supported the Finnish suggestion but noted that this should only be an option as it would not make sense to transmit all this when all information would be stored in the VIS.

DK and LT preferred the original proposal.

IT wondered why this would be necessary as the representing Member State should take upon itself to take all decisions in relation to applications.

FR recalled that the problem with "refusals in representation" arise in the case of dispute, as national rules govern appeal etc. However, since the introduction of the handling fee to be paid upon application, additional problems had been created. FR could accept that not too voluminous files be transmitted to central authorities, and suggested that this be an option in order to maintain as many solutions as possible.

COM maintained that this was a legal problem and not one of trust when it came to negative decisions on visa applications and referred to examples of unsatisfactory situations encountered on the ground where applicants were not formally refused but advised to contact the nearest mission of the represented Member State which might be situated far away. Therefore, COM maintained the text, acknowledging that transfer of files would be facilitated by VIS. COM drew delegations' attention to Article 19 (1) which introduced the concept of "inadmissibility" of applications, noting that this might be an element that would reduce the scale of the problems related to representation.

² NL wondered what the difference was between the cooperation with commercial intermediaries and outsourcing was.

³ COM informed delegations that this paragraph had been added because of practical experience in New Delhi ("TM 2004"), but suggested that this paragraph be examined, once the separate proposal amending the CCI had been dealt with.

IT could not accept that the represented Member State should have a say on the way the representing Member State organised its consular post, recalling that the system of representation is based on works on a voluntary basis. AT supported this point of view.

Airteagal 8

Comhairle roimh ré le húdaráis láir na mBallstát féin

1. Féadfaidh Ballstát a cheangal ar a mhisin taidhleoireachta nó ar a phoist chonsalacha dul i gcomhairle¹ lena údarás láir sula n-eiseofar víosaí do náisiúnaigh de thríú tíortha áirithe nó d'aicmí sonracha de náisiúnaigh den sórt sin.

Leagtar amach in Iarscríbhinn I na tríú tíortha ar ina leith a cheanglaítear dul i gcomhairle maidir lena náisiúnaigh, nó maidir le haicmí áirithe dá náisiúnaigh.

2. Ní dhéanfaidh an chomhairle sin dochar don teorainn ama² a leagtar amach in Airteagal 20(1) le haghaidh scrúdú a dhéanamh ar iarratais ar víosaí³.
3. Má dhéanann Ballstát ionadaíocht do Bhallstát eile de bhun Airteagal 7(1), seolfaidh údaráis láir an Bhallstáit a mbeidh ionadaíocht á déanamh aici an chomhairle dá bhforáiltear i mír 1.

¹ **PL** suggested that border control authorities when issuing visa should not be obliged to carry out such consultation. **COM** suggested that this matter be raised in relation to Article 32, if necessary.

² **IT** found the formulation too vague and suggested this text: "within the time limits set out in...".

³ **HU** and **DE** found that this would not allow enough time to carry out necessary checks. **COM** referred to the explanatory memorandum (11752/1/06, page 8-9).

Airteagal 9¹

Comhairle roimh ré le húdaráis láir Bhallstát eile agus faisnéis roimh ré a thabhairt dóibh

1. Féadfaidh Ballstát a cheangal ar údaráis láir Bhallstát eile dul i gcomhairle lena údaráis láir sula n-eiseoidh siad víosaí do náisiúnaigh tríú tíortha sonracha nó d'aicmí sonracha de náisiúnaigh den sórt sin.

Leagtar amach in Iarscríbhinn II na tríú tíortha ar ina leith a cheanglaítear dul i gcomhairle maidir lena náisiúnaigh, nó maidir le haicmí sonracha dá náisiúnaigh².

¹ Alternative text submitted by **HU** after the meeting on 14-15.11.2006:

HU suggests that the "simplified" consultation as proposed in paragraph 3 becomes general practice and suggests reformulating the first three paragraphs of Article 9, by changing the order of the paragraphs as follows:

"1. A Member State may require that its central authorities be informed of visas issued by diplomatic missions or consular posts of other Member States to nationals of specific third countries or to specific categories of such nationals.

*The third countries in respect of whose nationals or specific categories of **nationals such information is required shall be as set out in Annex II.***

*2. A Member State **may furthermore** require the central authorities of other Member States to consult its central authorities before issuing visas to nationals of specific third countries or specific categories of such nationals.*

*The third countries in respect of whose nationals or specific categories of nationals **such consultation is required are marked by (*) in Annex II.***

3. The central authorities consulted shall react within three working days of receiving the request. The absence of a reply from the consulted authorities within this deadline shall be deemed an authorisation for the consulting central authorities to allow their diplomatic mission or consular post to issue the visa."

- ² **COM** recalled that currently these lists are not available to the public, but had proposed that they be published for the sake of transparency and such disclosure might also make Member States more cautious about adding third countries for which consultation was required. **FR, NL** and **IT** were not in favour of making this information publicly available because of the likely negative political repercussions. **COM** noted that a final compromise might be to keep secret who had launched the request for prior consultation but to publish the list of third countries subject to such consultation. However, this provision should also be examined in the light of the introduction of mandatory motivation of refusals.

2. Gníomhóidh na húdaráis láir a rachfar i gcomhairle leo laistigh de thrí¹ lá oibre² ón lá a bhfaighidh siad iarratas. Mura bhfaighfear freagra ó na húdaráis a ndeachthas i gcomhairle leo laistigh den teorainn ama seo, measfar gur údarú an méid sin do na húdaráis láir a bheidh tar éis dul i gcomhairle ligean dá misean taidhleoireachta nó dá bpost consalach an víosa a eisiúint³.
3. Féadfaidh Ballstát a cheangal nach gcuirfear a údaráis láir ar an eolas ach maidir le víosaí a eiseoidh misin taidhleoireachta nó poist chonsalacha Ballstát eile chuig náisiúnaigh tríú tíortha sonracha nó chuig aicmí sonracha de náisiúnaigh den sórt sin. Cuirtear (*) leis na tríú tíortha a n-éilítear an faisnéis sin i leith a náisiúnach in Iarscríbhinn II⁴.
4. Déanfar comhairle roimh ré agus tabharfar faisnéis roimh ré i gcomhréir le hAirteagal 14(2) de Rialachán VIS Uimh.⁵.

¹ **BE** and **IT** found this deadline too short, other delegations suggested different deadlines: 5 working days (**NL**), 7 working days (**SK**, **PL**). **FR** wondered why current deadlines could not be maintained.
COM recalled that the current system does not function well and it has been stated at several occasions that only in extremely few cases a response was given by the consulted Member State. In addition previous attempts to change the system had revealed that in many cases Member States merely wish to be informed and therefore the distinction between "consultation" and "information" had been introduced. The **Chair** recalled that sometimes the prolonged issuing times give rise to political problems.

² A number of delegations wondered what 3 working days meant.
The Council Legal Service referred to the existing Community legislation on deadlines, of which the 2 basic elements are that the day which triggers the deadline does not count and if the deadline would never start on a holiday but be postponed to the first working day after that. (cf. Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits, OJ L 038, 15/02/1980, p. 35).

³ **DK**: scrutiny reservation.

⁴ **IT** and **ES** supported this provision.

⁵ **COM** informed delegations that the basic idea would be to carry out the consultation via the VIS and should the draft Regulation be adopted before the VIS was operational, it might be necessary to introduce a transitional period.

5. Má dhéanann Ballstát ionadaíocht do Bhallstát eile de bhun Airteagal 7(1), seolfaidh údaráis láir an Bhallstáit a mbeidh ionadaíocht á déanamh aici an chomhairle dá bhforáiltear i mír 1 agus/nó an fhaisnéis dá bhforáiltear i mír 3¹.

¹ **PL** suggested that this provision could be made more flexible but adding the following: "unless agreed differently between the representing and the represented Member States". **COM** would reflect upon this.

Caibidil II

An tIarratas

Airteagal 10

Socruithe praiticiúla maidir leis an iarratas a chur isteach

1. Ní chuirfear iarratais isteach níos mó ná trí mhí roimh thosach na cuairte a bheidh beartaithe^{1 2}.
2. Féadfar a cheangal ar iarratasóirí³ coinne a fháil le haghaidh iarratas a chur isteach. Féadfar an coinne seo a shocrú go díreach leis an misean taidhleoireachta nó leis an bpost consalach nó trí eadránaí, i gcás inar infheidhme. Beidh⁴ an coinne ann laistigh de dhá sheachtain⁵.

¹ **FR** suggested the following addition: "or before the expiry date of a multiple entry visa with a long validity." .

² **AT** was of the opinion that the following formulation of paragraph 1 would be more appropriate: "Visas shall be issued no more than three months before the start of the planned visit"

³ **NL** wished to replace this word by "Foreigners subject to visa requirements", but **COM** found that the definition in Article 2(1) was sufficient.

⁴ **HU** wished to replace this word by "should".

⁵ A number of delegations (**AT, IT, BE, ES, LT, BG, PL**) found this deadline too short, particularly in peak seasons. **AT** added that this type of provision should go into the Instructions on how to apply the Code. Further to the general comments made about the contents of the Code and the practical Instructions (see introduction), **COM** emphasised that the length of the deadline could be reviewed but that a fixed deadline was not to be considered merely as a practical detail. **COM** reminded delegations that Member States were obliged to establish decent procedures and fair treatment of applicants. **BE** was of the opinion that if a fixed deadline was introduced, the consequences of failure to meet that deadline would have to be established. **BE** suggested that the text be worded as follows: "within a reasonable deadline", and then the deadline could be quantified in the Instructions.

FR and **IT** supported this suggestion given the enormous diversity of situations/third countries/circumstances under which visas are issued, meaning that a fixed deadline could never be applied throughout the world.

- 3.¹ Ceadófar d'iarratasóirí a n-iarratas a chur isteach gan coinne a bheith acu roimh ré nó tabharfar coinne dóibh láithreach² i gcásanna a mbeidh bonn cirt cuí tugtha dóibh cuí nó i gcásanna éigeandála a mbeidh bonn cirt leo.
4. Má tá an fhaisnéis a sholáthraítear mar thacaíocht don iarratas neamhiomlán, cuirfear in iúl don iarratasóir na doiciméid eile a theastaíonn³. Tabharfar cuireadh don iarratasóir an fhaisnéis/na doiciméid bhreise a sholáthar go pras⁴ agus cuirfear in iúl dó nó di go ndearbhófar, laistigh de mhí féilire amháin⁵ ón dáta ar tugadh an cuireadh sin, go bhfuil an t-iarratas neamh-inghlactha mura soláthrófar⁶ an fhaisnéis a éilítear.

¹ **LU** found that this provision should be transferred to the future Instructions. Explaining the link between paragraphs (2) and (3), **COM** noted that the purpose was to allow Member States to cooperate with an external service provider for receiving applications, while maintaining the possibility for applicants to apply directly at the consulate.

EE found that the wording of paragraphs 2 and 3 was too imprecise. **COM** recalled that - as stated by several delegations - this was the current practice and the Commission had merely translated that practice into a general rule.

² **FR** and **NL** wondered what this word implied.

³ **COM** would consider the suggestion made by **HU** and **LV** to draw up a uniform form for the request for additional documents.

⁴ **DK** and **LV** wondered what this word implied.

⁵ **SE**, **IT** and **LV** found that 2 weeks would be more appropriate to avoid that consulates had to store large numbers of incomplete files, whereas **BE** and **LU** found 1 month appropriate. **COM** maintained that a universal deadline was necessary.

⁶ **NL** was of the opinion that a distinction should be made between essential documents (i.e. passport) and additional documents and entered a scrutiny reservation on this paragraph. **COM** was willing to consider the idea of such a distinction in relation to Article 12.

NO entered a reservation because according to national Norwegian law as all decisions taken in relation to visa applications, including declaring them "inadmissible" (Article 19 (1)), had to be motivated and could be appealed.

Sonraí bithmhéadracha a ghabháil

1. Baileoidh na Ballstáit aitheantóirí bithmhéadracha arb éard a bheidh iontu, íomhá den aghaidh agus deich gcinn de mhéarloirg ón iarratasóir i gcomhréir leis na cosaintí a leagtar síos sa Choinbhinsiún Eorpach chun Cearta an Duine agus Saoirsí Bunúsacha a Chosaint agus sa Choinbhinsiún um Chearta an Linbh.

Ceanglófar ar gach iarratasóir a bheith i láthair go pearsanta tráth a mbeidh a céad iarratas á chur isteach aige nó tráth a mbeidh a céad iarratas á chur isteach aici. Baileofar na haitheantóirí bithmhéadracha seo a leanas an tráth sin:

- (a) grianghraf a scanadh nó a tógadh tráth a ndearnadh an t-iarratas agus
 - (b) deich gcinn de mhéarloirg, a tógadh agus na méara leata agus a gabhadh go digiteach.
2. I gcás aon iarratais ina dhiaidh sin, cóipeálfar na haitheantóirí bithmhéadracha ón gcéad iarratas, ar choinníoll nach sine an iontráil deiridh ná 48 mí. Tar éis na tréimhse seo, measfar gur "céad iarratas" é iarratas a dhéanfar ina dhiaidh sin.

* This Article was not examined as it is part of the draft Regulation amending the CCI (13610/2/06).

¹ **FR** wondered whether the chronology of events in Article 10 was logic: Paragraphs 1-3 concerned "access to the counters" whereas paragraph 4 dealt with "certain aspects of the examination". **FR** suggested that if the concept of a "complete file" was introduced, an exhaustive list of necessary supporting documents should be drawn up in order to have a clear definition of "conditions for admissibility". **HU** shared this point of view. **COM** suggested that the possible moving of Article 10 (4) to another Article be discussed when Articles 12 and 19 were examined. **COM** drew delegations' attention to the fact that Article 12 listed the criteria of admissibility (necessary documentation) which were then presented one by one in Articles 13-15. However, **COM** would consider the French suggestions.

AT found that the expression "declared inadmissible" was not accurate enough. Currently a visa is either issued or the application is refused on the basis of material or formal grounds. **CZ** agreed with **FR** and **AT**.

3. Beidh na ceanglais theicniúla don ghrianghraf agus do na méarloirg i gcomhréir leis na caighdeáin idirnáisiúnta mar a shonraítear iad i ndoiciméad EIES 9303 cuid 1 (pasanna) an 6ú heagrán¹.
4. Foireann cháilithe, chuí-údaraithe an mhisin taidhleoireachta nó an phoist chonsalaigh, nó foireann an tsoláthróra seirbhíse sheachtraigh dá dtagraítear in Airteagal 37(c), faoi mhaoirseacht an mhisin taidhleoireachta nó an phoist chonsalaigh, a thógfaidh na sainaitheantóirí bithmhéadracha.

I gcomhréir le hAirteagal 4(1), le hAirteagal 5 agus le hAirteagal 6(5) agus (6) de Rialachán VIS, is í an fhoireann chuí-údaraithe chonsalach amháin a iontrálfaidh sonraí sa Chóras Faisnéise Víosáí (VIS).

5. Beidh na hiarratasóirí seo a leanas díolmhaithe ón gceanglas méarloirg a thabhairt:
 - (a) Leanaí faoi aois a 6 bliana;
 - (b) Daoine a bhfuil sé dodhéanta go fisiciúil méarlorgú a dhéanamh orthu. Más féidir méarlorgú a dhéanamh ar níos lú ná deich gcinn de na méara, tógfar an líon sin de mhéarloirg faoi seach.

Féadfaidh Ballstát foráil a dhéanamh do dhíolmhaithe ón gceanglas aitheantóirí bithmhéadracha a bhailiú do shealbhóirí pasanna taidhleoireachta, do phasanna seirbhíse/oifigiúla agus do phasanna speisialta.

I ngach ceann de na cásanna seo, cuirfear isteach an iontráil "ní bhaineann" sa VIS.

6. I gcás gach láithreach, trealmhóidh na Ballstáit a n-oifig chonsalach leis an ábhar is gá chun aitheantóirí bithmhéadracha a ghabháil/a bhailiú nó, gan dochar do na roghanna maidir le hionadaíocht dá bhforáiltear in Airteagal 7, cinnfidh siad ar cheann de na foirmeacha comhair a gcuirtear síos orthu in Airteagal 37 a úsáid.

¹ The technical requirements are the same as for the passports delivered by Member States to their nationals in accordance with Regulation (EC) No 2252/2004.

Iarratas ar víosa a thíolacadh¹

- 1.² Déanfaidh an t-iarratasóir, tráth a mbeidh iarratas ar víosa á dhéanamh aige nó aici:
- (a) an fhoirm iarratais dá dtagraítear in Airteagal 13 a chomhlánú;
 - (b) doiciméad taistil bailí a thíolacadh a mbeidh dáta éaga air a bheidh trí mhí ar a laghad³ tar éis an dáta a mbeidh sé beartaithe aige imeacht ó chríoch na mBallstát, agus a bhfuil leathanach amháin⁴ nó níos mó saor ann le haghaidh an víosa⁵ a ghreamú de;
 - (c) doiciméid tacaíochta a chur ar fáil, i gcomhréir le hAirteagal 14 agus le hIarscríbhinn IV⁶, lena gcruthaítear cuspóir agus ré an fhanachta;

¹ **DE** noted that the general principle of the necessity of a personal interview with each applicant (as well as possible exemptions) should be stated explicitly in the Regulation. **DE** also found that restructuring of Articles 12,14,15,18 and 23 was called for in order to introduce a clear distinction between a) material requirements b) procedural requirements, and c) legal rights of appeal. **EE**, **NL**, **FR** and **AT** supported the points raised by **DE**, **FR** adding that the basic conditions of "admissibility" should be presentation of a filled in application form, a valid travel document and payment of the administrative fee. Then the second part of the supporting documents should prove fulfilment of the entry conditions as referred to in the SBC; means of subsistence; appropriate TMI; means of repatriation; socio-economic situation in the country of residence. **COM** drew delegations' attention to Article 11 (to be taken on board once the amendment of the CCI had been agreed upon) which contained the key to the issue of personal appearance (upon first application).

² **FR** found it peculiar that this paragraph listed a number of requirements and supporting documents without substantiating these. **COM** would reconsider this paragraph but in principle these elements constituted the "conditions of admissibility".

³ **DK** suggested adding "in principle" as other deadlines might apply. **COM** recalled that 3 months was the validity period applied in current legislation but if Member States require longer periods in practice, account could be taken of that.

⁴ **FR** was of the opinion that at least 2 pages must be free in order to allow for affixing the sticker and stamps (the latter at the border).

⁵ **LT** preferred the current version of this provision in the CCI, finding this formulation too restrictive.

⁶ **COM** emphasised that this structure was identical to the one contained in the SBC.

- (d) fianaise a chur ar fáil go bhfuil cóir mhaireachtála leordhóthanach aige/aici, i gcomhréir le hAirteagal 5(3) de Chód Teorainneacha Schengen¹;
 - (e) gabháil a shonraí bithmhéadracha nó a sonraí bithmhéadracha a cheadú i gcomhréir le hAirteagal 11(2);
 - (f) an táille láimhseála dá bhforáiltear in Airteagal 16 a íoc.
2. Más infheidhme, tabharfaidh an t-iarratasóir cruthúnas go bhfuil árachas liachta taistil leordhóthanach aige i gcomhréir le hAirteagal 15². Féadfaidh misin taidhleoireachta agus poist chonsalacha na mBallstát comhaontú, faoi shocruithe áitiúla comhair chonsalaigh, nach mbeidh an cruthúnas sin le cur ar fáil ach nuair a eiseofar an víosa³.

¹ **NL** found that the reference to the SBC should be left out as the situation at the borders is different from the situation when a person applies for a visa at the consular post. **DK** supported this suggestion, adding that it should not be compulsory for all applicants to prove that they had sufficient means of subsistence, i.e. for instance bona fide business travellers. In reaction to a comment made by **BE**, the **Chair** reminded delegations that the previous Annex 7 to the CCI had been repealed the SBC and the means of subsistence necessary for entering the Schengen area were now referred to in Article 5(1) of that Regulation. **COM** reminded delegations that proof of sufficient means of subsistence was one of the conditions for entry and thus for obtaining a visa.

² **FR**, supported by **AT**, wished that exemptions from this requirement be allowed for and preferred the formulation in the CCI (Part V, 1.4, 9th paragraph, page 30 (12357/1/05). **COM** emphasised that entry conditions, conditions for obtaining a visa and conditions for circulating within the Schengen area were identical, whereas the means of proving that the person concerned were in possession of sufficient means of subsistence differed. **LU** agreed with this and drew delegations attention to the fact that even bona fide applicants could be requested to present proof of sufficient means of subsistence at the border, cf. also Article 41 of the draft Regulation. **COM** noted that Article 12 (2) and Article 15 were based on the revised Guidelines drawn up in 2005 and updated in 2006 after the introduction of TMI (9654/06 VISA 137 COMIX 482) but would be open to amending this text.

³ **EE** and **LV** were of the opinion that TMI should be part of the supporting documents and presented upon application and never when the visa is issued. **BE** and **FR** supported this point of view, arguing that it caused problems for consular authorities when the TMI was presented upon issuance only. **NO** found that it was difficult to require the applicant to pay for an insurance before he/she knew whether a visa would be granted, and suggested that text be added referring to "prior confirmation".

3. Más infheidhme, déanfar stampa, a ndéantar cur síos air in Airteagal 17, a ghreamú de phas an iarratasóra¹.

Airteagal 13

An fhoirm iarratais

1. Déanfaidh iarratasóirí ar víosa an fhoirm iarratais², a leagtar amach in Iarscríbhinn III, a chomhlánú agus a shíniú. Déanfaidh daoine a bheidh ag tionlacan an iarratasóra agus a áirítear i ndoiciméad taistil an iarratasóra foirmeacha iarratais leithleacha a chomhlánú.
2. Cuirfidh an misean taidhleoireachta nó an post consalach an fhoirm iarratais ar fáil d'iarratasóirí saor in aisce agus beidh sí ar fáil go forleathan agus beidh rochtain éasca uirthi i bhfoirm cóipe crua agus i bhfoirm leictreonach.
3. Beidh an fhoirm ar fáil sna teangacha seo a leanas^{3 4}:
 - (a) teanga oifigiúil nó teangacha oifigiúla an Bhallstáit a bhfuil víosa á hiarraidh ina leith;
 - (b) teanga oifigiúil nó teangacha oifigiúla na tíre óstaí; nó
 - (c) teanga oifigiúil nó teangacha oifigiúla na tíre óstaí agus teanga oifigiúil nó teangacha oifigiúla an Bhallstáit a bhfuil víosa á hiarraidh ina leith.

¹ **IT** and **AT** noted that this was not worth while as all information would be stored in VIS. **COM** drew delegations' attention to Article 17 (5), whereby this provision would be abolished once data is being transmitted to the VIS.

² **AT** and **FR** found this formulation more appropriate: "the applicant shall submit a filled in and signed application form" and a provision should be added indicating that in the case of minors this should be done by the parental authority. **COM** found that it was necessary to differentiate between filling in, signature and category of applicant. **IT** was of the opinion that the application form should be signed in the presence of consular staff. **COM** noted that this would be the ideal solution but wondered how this would work in practice when applications are handed in via travel agencies etc.

³ **NL** and **CZ** suggested the deletion of subparagraphs (b) and (c).

⁴ **COM** emphasised that it was important not to mix up the form and the filling in of the form and what might seem to be a simple procedural issue (availability of the application form in various relevant languages) is problematic, as can be seen from the many complaints from visa applicants that the Commission receives.

I dteannta na dteangacha dá dtagraítear sa chéad fhomhír, féadfar an fhoirm a chur ar fáil i gceann eile de theangacha oifigiúla an Aontais Eorpaigh.

Más rud é nach mbeidh an fhoirm ar fáil ach i dteangacha oifigiúla an Bhallstáit a bhfuil víosa á hiarraidh ina leith, cuirfear aistriúchán ar an bhfoirm iarratais ar fáil d'iarratasóirí, go leithleach, i dteanga oifigiúil nó i dteangacha oifigiúla na tíre óstaí.

Táirgfear aistriúchán ar an bhfoirm iarratais i dteanga oifigiúil nó i dteangacha oifigiúla na tíre óstaí faoi shocruithe áitiúla comhair chonsalaigh¹.

4. Cuirfear an teanga (na teangacha) a fhéadfar a úsáid chun an fhoirm iarratais a chomhlánú in iúl d'iarratasóirí.¹

¹ **HU** found that these provisions should be contained in the practical Instructions.

Doiciméid tacaíochta

1. Tabharfaidh an t-iarratasóir¹ na doiciméid seo a leanas ar fáil:

- (a) doiciméid a léiríonn cuspóir² an turais³;
- (b) doiciméid a bhaineann le cóiríocht⁴;

¹ **SE** and **IT** wished to replace this word by "may" or "should". **FR** supported this, noting that bona fide applicants (for instance business men) should be exempted from providing all documentation. This would also free consular staff to focus on more problematic applicants. **FR** preferred the wording used in the CCI. **COM** recalled that all applicants were obliged to present these documents. Bona fide persons could then possibly be granted multiple entry visa with a long validity. But when such person applied another time, their bona fide "status" would have to be proved again.

² **FR** noted that this should be translated into "motif de voyage".

³ Responding to a query from **ES**, **COM** drew delegations' attention to Article 18 (6), from which it could be deducted that persons applying for an airport transit visa would for obvious reasons not have to provide proof of journey/stay. **COM** could accept adding "without prejudice to Article 18 (6)". **ES** suggested that the heading of (1) be reformulated: "Persons applying for a uniform visa."

⁴ **LV** supports the introduction of a new harmonised form providing proof of invitation, sponsorship and accommodation, considering that such a measure will contribute to a more harmonised implementation of the common visa policy. However, the Draft Regulation in its current wording provides for the possibility to use this form only in paper format. While recognising the usefulness of this possibility (especially in the cases when the paper format is the only possible format to be used, for instance in the case of "representation"), **LV** is of the opinion that such a restriction on the format is inconsistent with the aim of a more efficient processing of visa applications. Referring to the current national Latvian practice, **LV** believes that Member States must be allowed to use this form also in electronic format. Processing and storing of invitations electronically present substantial advantages in the comparison to the paper format invitations, as the electronic procedure simplifies and accelerates the administrative procedures connected with the submission and approval of the invitations. The electronic processing of the invitation relieves both the involvement of the invitee in the process of visa issuance and the work of the diplomatic and consular representations. This procedure ensures that the invitee in most of the cases has to come to the responsible authority only once ("one-stop agency" principle) and does not have to submit a confirmed invitation to the responsible representation. At the same time employees of the diplomatic and consular representation who have direct access to the database can check the status of the invitation much faster and easier. Furthermore, the electronic processing and storing of the invitations reduces the risk of falsification and misuse and provides the possibility, where appropriate, of checking previous invitations submitted by the same invitee and thus the use of the electronic form of invitation makes the process of the approval of the invitations simpler and safer, securing both fast and effective examination of visa applications and adequate control of the illegal immigration.

- (c) doiciméid a léiríonn na meáin airgeadais atá ar fáil chun na costais chothaithe a chumhdach¹;
- (d) doiciméid a léiríonn go bhfuil rún ag an iarratasóir filleadh ar an tír imeachta².

3

Leagtar amach in Iarscríbhinn V⁴ an fhoirm lena soláthraítear cruthúnas ar chuireadh, ar urraíocht agus ar chóiríocht.

- 2. Leagtar amach in Iarscríbhinn IV liosta neamhchhuimsitheach de dhoiciméid tacaíochta a fhéadfaidh an misean taidhleoireachta nó an post consalach a iarraidh ar an iarratasóir ar víosa, d'fhonn comhlíonadh na gcoinníollacha a leagtar amach in Airteagal 12 (1)(c) agus (d) a fhíorú.
- 3. Laistigh den chomhar consalach áitiúil, déanfar measúnacht ar an ngá atá leis na liostaí de na doiciméid tacaíochta atá in Iarscríbhinn IV a chomhlánú agus a chomhchuibhiú, laistigh de gach dlínse, d'fhonn imthosca áitiúla a chur san áireamh.

¹ **NL** was of the opinion that the financial means should also cover the travel costs. According to **COM**, the means of subsistence covered both the costs of travel and of stay. This could be spelt out but coherence with the SBC should be maintained.

² **FR** suggested the following formulation: "documents allowing to assess the applicant's intention to return to the country of departure." **COM** could accept this.

³ **FR** wished to add "(e) proof of travel medical insurance". **COM** was not in favour of this suggestion, emphasising that presenting proof of TMI was could not be considered as presenting a supporting document, but rather as one of the conditions to be fulfilled before a visa could be issued.

FI wondered whether the photograph ought not to be mentioned somewhere. **COM** noted that the photo was to be attached to the application form and therefore there was no need to mention it specifically.

⁴ **DK** and **NO** wished to continue to use national forms. **COM** noted that the purpose of introducing a harmonised form was precisely to avoid that everybody used different forms.

Árachas liachta taistil

1. Cruthóidh iarratasóirí ar víosaí gearrfhanachta agus ar víosaí idirthurais¹ go bhfuil árachas taistil leordhóthanach, bailí acu chun aon chostais a d'fhéadfadh eascairt i dtaca le hathdhúichiú ar chúiseanna liachta, le haghaidh córa liachta práinní agus/nó le haghaidh cóireála éigeandála in ospidéal a chumhdach².
Gan dochar don abairt dheireanach d'Airteagal 12(2), tiolacfar cruthúnas ar árachas taistil nuair a thaiscfear an t-iarratas³.
2. Cruthóidh iarratasóirí a bheidh ag déanamh iarratais ar víosaí dul isteach iolraigh⁴ a mbeidh bailíocht fhada acu go bhfuil árachas liachta taistil leordhóthanach acu a chumhdaíonn tréimhse na chéad chuairte a bheidh beartaithe.

Chomh maith leis sin, déanfaidh na hiarratasóirí sin an ráiteas, a leagtar amach san fhoirm iarratais, a shíniú lena ndearbhaíonn siad go bhfuil a fhios acu gur gá árachas liachta taistil a bheith acu le haghaidh cuairteanna ina dhiaidh sin.

¹ **BE** considered it exaggerated to insist on this for persons applying for a transit visa (of a validity of 1-5 days) and found that against that background it was even more illogical that persons applying for a visa at the border would be exempt from having a TMI (sub-paragraph (5)). **COM** would not insist on maintaining the requirement for persons applying for a transit visa.

Replying to a query from **FR**, **COM** confirmed that ATVs were not covered.

² **FR** wished to add a reference to "*aide sociale*". **COM** wondered what type of expenses these would be.

³ **BE** was of the opinion that for practical reasons the proof of TMI should always be presented at the time of submission of the application, adding that if the proof is presented only when the applicant collects the visa, the whole purpose of TMI would be undermined. **ES** and **LV** supported these points of view, adding that a harmonised practice would prevent visa shopping.

NO, **DK** and **PT** preferred to maintain the two options.

⁴ Replying to a query from **SI**, **COM** noted that it was the multiple entry aspect that was important and not the duration of stays or the length of validity of the visa.

3. Caithfidh an t-árachas a bheith bailí ar fud chríoch na mBallstát agus tréimhse iomlán fanachta nó idirthurais an duine a chumhdach. Is é EUR 30 000 an t-íosmhéid cumhdaigh a bheidh i gceist.

Nuair a eiseofar víosa a bhfuil bailíocht chríochach theoranta aici, nó ar víosa idirthurais í, féadfar an cumhdach árachais a theorannú don Bhallstát (do na Ballstáit) lena mbaineann¹.

4. Déanfaidh iarratasóirí, i bprionsabal, árachas a thógáil amach sa Stát ina bhfuil cónaí orthu. I gcás nach mbeidh sé seo indéanta, ba cheart dóibh iarracht a dhéanamh árachas a thógáil amach i dtír éigin eile.

Féadfaidh an duine a shíneoidh an fhoirm dá bhforáiltear in Iarscríbhinn V árachas a thógáil amach thar ceann an iarratasóra, agus beidh feidhm ag na coinníollacha a leagtar amach i mír 3 sa chás sin².

5. Beidh sealbhóirí pasanna taidhleoireachta³, maraithe⁴ a chumhdaítear le Coinbhinsiún ILO Uimh. 108 agus 185, agus náisiúnaigh tríú tíortha a dhéanfaidh iarratas ar víosa ag an teorainn⁵ díolmhaithe ón gceanglas árachas taistil leordhóthanach bailí a shealbhú⁶.
6. Féadfar measúnacht ar an ngá atá le díolmhaithe breise a dhéanamh laistigh den chomhar consalach áitiúil⁷.

¹ **HU** suggested the deletion of the reference to "transit". **COM** noted that this type of visa had been added due to the maximum length of such a visa, which implied that the holder could only travel via a rather limited number of Schengen States.

² **NL** suggested that it be spelt out that the insurance should be subscribed in the name of the person travelling. **COM** could accept such an amendment.

³ Replying to a query from **IT**, **COM** noted that this general exemption concerned a clearly defined category of persons, contrary to what is the case for holders of service passports.

⁴ **FR** wished to delete the reference to seafarers as the insurance provided for under the ILO convention covered matters other than TMI. **COM** suggested that **FR** submit an alternative text.

⁵ Responding to a query from **LU**, **COM** recalled that visas could only exceptionally (in most cases for reasons of urgency) be applied for at the border, and therefore this exemption was justified. Moreover, it would in most cases be impossible to obtain an insurance at the border.

⁶ **HU** suggested that a reference to family member of EU citizens be added. **COM** recalled that all provisions concerning family members of EU citizens were governed by Directive 2004/38.

⁷ **FR** was not in favour of this provision.

7. Féadfar a mheas gur comhlíonadh an ceanglas maidir le hárachas i gcás ina suítear go bhféadfar a thoimhdiú go bhfuil leibhéal leordhóthanach¹ árachais ann i bhfianaise ghairm bheatha an iarratasóra. D'fhéadfadh sé go mbainfeadh an díolúine seo le grúpaí gairmiúla áirithe a mbeadh cumhdach árachas liachta taistil acu cheana féin de thoradh a ngníomhaíochtaí gairmiúla.
8. Déanfar measúnacht laistigh den chomhar consalach áitiúil i ndlínse áirithe ar cé acu an bhfuil sé indéanta árachas liachta taistil iomchuí a fháil.
9. Agus measúnacht á déanamh ar cé acu an bhfuil an t-árachas leordhóthanach déanfaidh misin taidhleoireachta nó poist chonsalacha a fhionnadh cé acu an mbeadh éilimh i gcoinne na cuideachta árachais inghnóthaithe², i mBallstát³.
10. I gcás ina mbeifear tar éis an ceanglas maidir le hárachas liachta taistil a shealbhú a tharscaoileadh, greamófar an cód seo a leanas, "N-INS", i roinn "barúlacha" an ghreamáin víosa.

¹ **BE** suggested that guidelines as to the assessment of the "adequate level" be added in the practical Instructions to be drawn up later. **COM** would consider a more appropriate and "legal" wording.

² Responding to a comment made by **FR**, and referring to the reservation made by FR in relation to paragraph (6), **COM** noted that the purpose of paragraphs (6) and (8) was to allow "LCC" to agree on alternative solutions.

³ **BE** recalled that previously there also had been a reference to Switzerland and Liechtenstein.

Airteagal 16

An táille láimhseála¹

1. Nuair a bheidh iarratas ar víosa á thaisceadh ag iarratasóirí íocfaidh siad táille láimhseála² EUR 60, táille a fhreagraíonn do na costais riaracháin a ghabhann leis an iarratas ar víosa a phróiseáil. Is in EURO nó in airgeadra náisiúnta na tríú tíre³ ina ndéanfar an t-iarratas a dhéanfar an táille a mhuirearú agus ní bheidh sí inaisíoctha.

¹ **NL** suggested that given the issues related to the fees charged for "outsourced services", a more precise definition of what is exactly covered by "handling" should be drawn up. **COM** noted that this issue would be dealt with in detail when the separate draft proposal amending the CCI was to be examined again. As far as the Commission Services were concerned, the "handling" covered all aspects from the reception of the application until the final decision on the application, adding that this tallied with the feasibility study drawn up by **FR** in relation to the recent increase of the handling fee. **FR** recalled that the result of the feasibility study had been that the administrative expenses amounted to 60 EUR. Recognising that the current Schengen acquis does not contain a precise definition of what "handling" covers, **COM** emphasised that "administrative expenses" related to the handling of visa applications should cover all tasks related to this handling, irrespective of whether external service providers performed parts of these tasks.

² **NL** also suggested adding that it is the consular representation who decides the currency to be used. **COM** could accept such an addition if considered relevant by delegations.

³ **HU**, supported by **AT** and **DE**, suggested the addition of "the currency usually used in the third country concerned" and of "US \$", as it would not be possible for applicants to pay in EUR throughout the world. **COM** would consider the addition of US \$, recalling that this reference had been deleted when the flat rate had been introduced in 2003. **BG** suggested that it should be agreed in the LCC which currency is to be used by all consular representations in a given location. **COM** would consider this suggestion. Recalling the situation in Luanda as reported by **IT** in a previous meeting (see 6110/07 VISA 50 COMIX 150, page 9), **IT** strongly advocated that the EUR be used as a reference currency (not as the currency to be used for the actual payment) and the ECB exchange rate be used. **COM** could accept this suggestion.

2. Tabharfar admháil d'iarratasóirí ar an táille a íocadh¹. Luafar ar an admháil nach bhfuil an táille láimhseála inaisíoctha².
3. Má dhéanfar an táille láimhseála a mhuirearú in airgeadra náisiúnta na tríú tíre ina ndéantar an t-iarratas, cuirfidh misin taidhleoireachta agus poist chonsalacha na mBallstát i bhfeidhm an ráta tagartha malairte coigríche arna bhunú ag an mBanc Ceannais Eorpach³. Áiritheoidh siad go ndéanfaidh na Ballstáit uile méid na táille láimhseála in airgeadra náisiúnta a oiriúnú an tráth céanna.
4. Déanfar an táille láimhseála a tharscaoileadh i gcás iarratasóirí ar víosa a bhaineann le ceann de na catagóirí seo a leanas:
 - (a) leanaí faoi 6 bliana;
 - (b) daltaí scoile, mic léinn, mic léinn iarchéime agus múinteoirí a bheidh á dtionlacan agus iad ag gabháil de thurais chun críche staidéir nó chun críche oiliúna oideachais; agus
 - (c) taighdeoirí ó thríú tíortha a bheidh ag taisteal laistigh den Chomhphobal chun taighde eolaíochta, faoi mar a mhínítear i Moladh (Uimh. 2005/761/CE) an 28 Meán Fómhair 2005 ó Pharlaimint na hEorpa agus ón gComhairle é, a sheoladh⁴.

¹ **AT** found this superfluous and **HU** found that a receipt should only be given upon request.

² **LV**, supported by **NL**, **FI** and **BG** suggested that this information be added on the application form as applicants who pay the handling fee via bank transfer will not receive a receipt as described in this paragraph. **ES** preferred to maintain the Commission's proposal. **COM** noted that the main purpose was to inform the applicant and thus it might be a better idea to add this information in the application form.

³ **PT**, **BE**, **FR**, **IT**, **NL**, **SI** and **AT**: scrutiny reservation. According to these delegations this provision would create problems for their respective national accounts departments. **NL** wondered how often this exchange rate was adjusted. **COM** would verify this. **HU** recalled that the EUR had not yet been introduced in all Member States, and suggested the following addition: "or the exchange rate applied by their respective central bank." **IT** supported this and suggested that paragraphs 1, 2 and 3 be reworded to make them more readable. **COM** was not in favour of the suggestion made by **HU**, fearing that it would give rise to further problems.

⁴ **EE** and **LV** suggested the addition of a general exemption for holders of diplomatic passports (a new paragraph (d)). **HU** suggested that reference to possible exemptions from paying the handling fee for holders of diplomatic and service passports be added in the practical Instructions to be drawn up later. **COM** would follow the wishes of delegations in this matter, but recalled that by virtue of paragraph (5) Member States could exempt any individual applicant from paying the handling fee.

5. I gcásanna aonair, féadfar méid na táille a dhéanfar a mhuirearú a tharscaoileadh nó a laghdú i gcomhréir leis an dlí náisiúnta nuair a fhónann an beart seo chun leasanna cultúrtha a chur chun cinn mar aon le leasanna i réimse an bheartais eachtraigh, an bheartais forbartha, i réimsí eile a bhfuil leas poiblí bunriachtanach ag gabháil leo nó ar chúiseanna daonnúla.
6. Go dtí an 1 Eanáir 2008, íocfaidh náisiúnaigh tríú tíortha a mbeidh sainordú tugtha ag an gComhairle don Choimisiún comhaontú um éascú víosaí a chaibidil ina leith faoin 1 Eanáir 2007 táille láimhseála 35 EUR¹.
7. Nuair is gá do shealbhóir LTV a eisíodh i gcomhréir le hAirteagal 21(1), an tríú mír, taisteal — le linn tréimhse bailíochta na víosa sin — chuig Ballstát nach bhfoláitear i mbailíocht chríochach an LTV, ní dhéanfar aon táille láimhseála a mhuirearú as an dara hiarratas ar víosa a phróiseáil².

¹ **NL, EE** and **HU** requested that a reference to the visa facilitation agreements already concluded should also be added. Replying to a query from **PL**, **COM** noted that the agreements currently under negotiation would be covered if, by the dates indicated, they had been initialled and signed by not yet entered into force.

² **AT, DE, FR** and **EL**: scrutiny reservation. **COM** noted that if an applicant is issued with an LTV as a result of a SIS alert, this could be considered as that person's individual responsibility. On the other hand, if a person is issued an LTV because a given Member State does not recognise the travel document that he/she holds, the person concerned has no influence on that situation. According to the Commission, it is therefore not justified - in the latter case - that the person concerned should have to reapply for a visa (and pay a second fee) since the reasons were beyond his/her control.

8. Déanfar an táille a mhéadú faoi dhó i gcásanna ina gcuirfidh an t-iarratasóir isteach an t-iarratas ar víosa trí lá nó níos lú roimh dháta an imeachta bheartaithe mura bhfuil cosaint air sin¹.

Airteagal 17

Stampa lena léirítear gur taisceadh iarratas

1. Chun taisceadh comhuaineach iarratas iolrach ar víosa a sheachaint, stampálfaidh misean taidhleoireachta nó post consalach an Bhallstáit a ndéanfar iarratas chuige doiciméad taistil an iarratasóra chun a thaispeáint go ndearnadh iarratas ar víosa. Cuirfear an stampa ar an gcéad leathanach a bheidh ar fáil sa doiciméad taistil nach mbeidh aon iontrálacha ná aon stampaí air, nuair a gheobhaidh an misean taidhleoireachta nó an post consalach an t-iarratas.²
2. Ní bheidh aon impleacht dhlíthiúil ag an stampa i gcás iarratas a dhéanfar ina dhiaidh sin.
3. Leagfar amach an stampa ar nós na heiseamláire atá in Iarscríbhinn VI agus greamófar i gcomhréir leis an Iarscríbhinn sin é.

¹ **FR** found that what could seem as an additional service to the applicant, would add to the complexity of the various fees that apply and could be detrimental to the quality of the examination of the application and even give the impression that a visa could be obtained if a double fee was paid. **PT, LV, IT, BE**: scrutiny reservation.

NL preferred to delete this provision. **SE** wondered what "without justification" meant. While acknowledging that the collection of fees had become rather complicated because of the visa facilitation agreements, **ES** preferred to maintain this provision in order to prevent pressure on consular staff due to "last minute" applications. **HU** was in favour of maintaining the provision, but specifying that a fast track examination did not mean that a visa was automatically issued.

COM would not insist on this provision which was meant to compensate for the extra efforts made by consular staff. **COM** wondered whether it actually entailed additional costs to examine an application speedily? **PL** was of the opinion that - also in the light of the widespread use of external service providers charging additional fees for their services - such a "fast track" fee would be politically sensitive. **ES** emphasised that applicants were never obliged to submit their applications via a service provider, but if he/she chose to do so, he/she would have to pay for the services.

² **HU** noted that the stamp only served a purpose when a visa has not been issued or when the applicant needed to make use of the passport during the examination of the application. **COM** recalled the numerous examples of uncertainty among applicants and third countries' authorities as to the actual value of this stamp. Therefore a systematic use of the stamp would prevent such misunderstanding that were bound to occur if the stamp is only put in the passport in case of refusal. **IT** expressed doubts about the utility of this provision.

4. Ní stampálfar pasanna taidhleoireachta. Comhaontófar ar chur chuige comhchuibhithe i dtaobh cé acu an maolófar an ceanglas i gcás catagóirí eile daoine laistigh den chomhar consalach áitiúil¹.
5. Scoirfidh forálacha an Airteagail seo d'fheidhm a bheith acu maidir le misin taidhleoireachta agus maidir le poist chonsalacha na mBallstát ón dáta a dtarchuirfidh siad na sonraí maidir le víosaí chuig an VIS².

¹ **FR** was not in favour of such exemptions.

² **FR** suggested the following formulation: "... from the date where the VIS is fully operational." **COM** recalled the regional roll-out of the VIS and it would seem archaic to continue to use the "application stamp" when a Member State had started transmitting data to the VIS.

Caibidil III
Iarratais ar víosaí a scrúdú agus a phróiseáil

Airteagal 18

An t-iarratas a scrúdú

1. Agus iarratais ar víosaí agus doiciméid tacaíochta á scrúdú, tabharfar aird ar leith ar bhaol na hinimirce neamhdhlíthiúla agus ar shlándáil na mBallstát agus ar intinn an iarratasóra filleadh ar ais¹.

¹ Replying to queries from **BE** and **NL**, who found that the references to "risk of illegal immigration" and "intention to return" were overlapping, the **Commission representative (COM)** emphasised that assessing an applicant's intention to return was a means of assessing the risk of illegal immigration and therefore both expressions should be maintained, although the sentence could be redrafted as follows: "... and, **in particular**, the applicant's intention of returning.". **HU** suggested that both terms be added in Article 23 (1).

2. Má bhíonn aon¹ amhras ann faoi chuspóir fhanacht an iarratasóra nó faoina intinn filleadh ar ais, nó faoin doiciméadacht a tíolacadh, féadfar glaoch ar an iarratasóir chun agallaimh ag misean taidhleoireachta nó ag post consalach an Bhallstáit a bheidh freagrach as an iarratas a scrúdú chun go gcuirfeadh sé faisnéis bhreise ar fáil².

¹ **IT** found this formulation too vague. If an applicant is called for a second interview there must be well-founded and serious reasons of doubt. **FR**, supported by **DE** and **SI**, suggested deleting "any" and to replace "may" by "shall". **DE** wondered whether the interview mentioned here just concerns an additional "in depth" interview after having submitted the application. The principle of personal appearance when submitting the application to the diplomatic mission or consular post should remain mandatory, unless the applicant falls under one of the exemptions (e.g. a bona-fide applicant).

² **NL** and **BE**, supported by **LT**, suggested adding a reference to "doubt of identity" in which case the applicant should be called for a further interview, **BE** adding that it would be more logic to combine paragraphs (2) and (7) and delete the reference in (7) to issuance or not of a visa. **BE** suggested the following alternative formulation of paragraph (2):

"Visa applicants can either initially be requested to provide further documentary proof, or be invited then or later to an interview ...". **IT** shared the points of view of **BE**, noting that the current drafting gave the impression that submission was distinct from the interview, which ought not to be the case. Applicants could be called for second interview.

Referring to Article 37 (b) (part of the draft Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications), **HU** wondered whether staff at CACs would have the right to conduct interviews, and suggested that "diplomatic mission or consular post be replaced by "competent authorities". **FR** supported this suggestion and **COM** would consider it.

COM drew delegations' attention to a number of "contradictions" which should be borne in mind in relation to "personal appearance" - "interview" - "collection of biometric data":

- in reality a large number of persons are currently exempted from personal appearance;
- according to the previously mentioned draft Regulation, all applicants had to submit the first application in person, but would be exempted for subsequent applications within a period of 48 months;
- in future large numbers of persons were likely to be considered as bona fide persons who would not have to apply for a visa in person.

For these reasons, **COM** found that it would be too delicate to use a too precise formulation.

3. Ceadófar an VIS (an Córas Faisnéise Víosaí) i ndáil le gach iarratas ar víosa i gcomhréir le hAirteagal 5 agus le hAirteagal 13 den Rialachán VIS¹.
4. Fionnfar leis an scrúdú ar an iarratas víosa an gcomhlíonann an t-iarratasóir na coinníollacha iontrála a shonraítear in Airteagal 5(1) de Chód Teorainneacha Schengen agus fíorófar leis na nithe seo a leanas:
- (a) bailíocht agus barántúlacht an doiciméid taistil a chuirfidh an t-iarratasóir i láthair²;
- (b) tríd an SIS (Córas Faisnéise Schengen) agus na bunachair sonraí náisiúnta a cheadú, nach baol an duine sin d'ord poiblí, do shlándáil inmheánach, do shláinte phoiblí, ná do chaidreamh idirnáisiúnta aon Bhallstáit³;

¹ DE suggested the following alternative formulation:

"In respect of each visa application the VIS shall, **as a rule**, be consulted in accordance with Articles 5 and 13 of the VIS Regulation. **In well-founded exceptional cases (technical problems) a visa may be issued without prior consultation of the VIS if the failed consultation process is repeated and made up for as soon as possible without any negligent delay or the part of the responsible authority. In such a case, the visa issued shall have limited territorial validity.**"

COM would consider this suggestion in relation to Article 21 (1)

² HU suggested that it be described in the additional Instructions how to proceed when a false or counterfeit document is detected: how to inform the central/ local authorities, other Member States' representations, etc.

³ BE, NL and FR wished to keep these two criteria separate like it is currently done in the CCI and in the Schengen Borders Code (SBC). FR suggested the following addition "..., **in particular** by consulting the SIS and ...".

Although these criteria are separated in the SBC (Article 5 (1) (c) and (d), COM preferred the suggestion by FR.

PT wondered whether there ought to be a reference to the applicant's possible family link with an EU citizen, but COM found that this was not right place. The Chair reminded delegations that it is indicated in the application form whether the applicant is a family member of an EU citizen.

- (c) trí na doiciméid tacaíochta dá dtagraítear in Airteagal 14 agus in Iarscríbhinn IV a sheiceáil, pointí imeachta agus cinn scríbe an náisiúnaigh tríú tíre lena mbaineann agus cuspóir an fhanachta bheartaithe;
- (d) nuair is iomchuí, víosaí aonfhoirmeacha a eisíodh roimhe sin ar dhoiciméad taistil an náisiúnaigh tríú tíre lena mbaineann, d'fhonn a fhíorú nach bhfuil ré uasta aon fhanachta a údaraíodh i gcríoch na mBallstát sáraithe aige¹;
- (e) go bhfuil cóir leordhóthanach mhaireachtála ag an iarratasóir do ré an fhanachta bheartaithe agus chun filleadh ar an tír bhunaidh nó don idirthuras chuig tríú Stát [inar cinnte go scaoilfear isteach é]² nó go bhfuil sé in inmhe an chóir sin a fháil go dleathach. San fhíorú sin cuirfear san áireamh na méideanna tagartha³, dá dtagraítear in Airteagal 5(3) de Chód Teorainneacha Schengen agus an cruthúnas ar chóiríocht nó an cruthúnas go nglanfar costas, mar a shonraítear san fhoirm a leagtar amach in Iarscríbhinn V.
- (f) go bhfuil leibhéal leordhóthanach árachais liachta taistil⁴ ag an iarratasóir, nuair is iomchuí⁵ ⁶.

¹ **COM** was not in favour of adding any reference to checks of entry and exit stamps, as suggested by **HU**, but found that such practical information could be put into the Instructions (cf. Article 45).

² **NL** wished to replace this phrase by "where access is guaranteed". The **Chair** reminded delegations that the current wording corresponded to SBC, Article 5 (3).

³ **EE** found that a reference should be added to the accommodation arrangement for all applicants. **COM** noted that verification of accommodation is only to be carried out on the basis of Annex V, whereas this paragraph concerns a more general verification of the means of subsistence (cf. also Article 14 (1) and Annex IV).

⁴ **FR** referred to the comments made in relation to Annex V to the draft Visa Code (6060/2/07, page 27). **COM** recalled that Article 15 (1) covered expenses in relation to repatriation.

⁵ **PT** maintained that proof of TMI should only be submitted when the visa is issued.

⁶ **NL** wondered whether there ought not to be a specific reference in paragraph (4) to verification of the applicant's intention to return. **DE** supported this suggestion. **COM** found such an addition superfluous given the general reference in paragraph (1). **COM** was not in favour of moving paragraph (4) into Article 20 as that would be detrimental to the coherence of the draft Regulation.

5. Más náisiúnach é an t-iarratasóir de thríú tír a liostaítear in Iarscríbhinn II, rachfar i gcomhairle le húdaráis láir an Bhallstáit nó na mBallstát lena mbaineann i gcomhréir le hAirteagal 14(1) agus (2) de Rialachán an VIS.
6. Ní chuirfear i gcrích ach¹ na seiceálacha dá dtagraítear i mír 4(a), (b) agus (d) ar náisiúnaigh tríú tíortha a bheidh ag déanamh iarratais ar víosa idirthurais aerfoirt. I gcásanna den sórt sin fíorófar cuspóir an turais ar aghaidh².
7. Má bhíonn aon amhras ann faoi bharántúlacht na ndoiciméad a thíolacfar nó faoi fhírinneacht an méid a bheidh iontu, faoi iontaofacht na ráiteas a thaifeadfar i rith an agallaimh nó faoi chuspóir fhanacht an iarratasóra nó faoina intinn filleadh ar ais, ní eiseoidh an misean taidhleoireachta nó an post consalach³ an víosa.^{4 5}

¹ **COM** could accept a deletion of "only", as suggested by some delegations.

² **BE** wondered why (a) and (d) should be verified for applicants of ATVs as the main point was to check the itinerary and the relevance of the transit. **COM** would reflect on this comment.

³ **PL** suggested that "diplomatic mission or consular post" be replaced by "competent authorities" in order to cover situations where a visa is applied for at the border. **COM** would consider this suggestion.

⁴ **LT**, **IS** and **HU** suggested adding a reference to the grounds for refusal listed in Article 23 (1).

PL and **AT** suggested that paragraph (7) be deleted and added in Article 23 (1), whereas **PT** preferred to maintain it in Article 18 with a slight amendment of the text: "If any doubt **remains....**", and noting that Article 23 (1) concerned situations where there was certainty as to the ground on which the application could be refused.

IT and **SE** noted that "doubt" was not enough to motivate a refusal. The **Council Legal Service representative (CLS)** supported the suggestion from **PL**. **COM** would consider adapting the text to ensure legal clarity.

⁵ Referring to Annex 12, Part 1, **DE** suggested that a reference be made to verification by diplomatic missions or consular posts of applications from seafarers either in this article, in a separate Article or in the final provisions.

1. I gcás nach soláthróidh an t-iarratasóir an fhaisnéis bhreise a éilítear de bhun Airteagal 10(4) laistigh de mhí fhéilire amháin⁶ ón dáta a dtabharfar an cuireadh chun faisnéis bhreise/doicmeádacht bhreise a sholáthar, dearbhófar go bhfuil an t-iarratas neamh-inghlactha.

¹ **NL:** scrutiny reservation

² **COM** recalled that a full system of refusal, motivation of refusal and right of appeal had been introduced in the draft Code. The procedures implementing these requirements should be set up at national level (cf. Article 23). The notion of inadmissibility had been introduced to formalise what is currently the practice among Member States who in their statistics often distinguish between "refused" (after examination of the application) and "rejected" visa (the application has not been accepted).

³ See also 6060/2/07, pages 2 and 5

⁴ **AT** supported the principle but feared that it would create legal problems, among others in relation to the handling fee. **IT** added that if the applicant had paid the handling fee, the application should be examined.

BE was not in favour of this article, noting that an application could only be rejected if the applicant refused to give biometric data (in future) or if the travel document was not valid. If the notion of inadmissibility should be retained the wording would have to be changed and it should be indicated that if the applicant does not submit certain documents, the consular authorities reserve the right not to examine the application.

⁵ **HU** suggested that the title be changed to: "Procedure to follow in case of incomplete documentation".

⁶ **IT** found this period too long. **SI** wondered how 1 month should be interpreted. **PT** noted that sometimes 1 month would not be long enough for the applicant to get hold of certain documents. **COM** recalled that in the context of applications for short stay visa the supporting documentation would be easier accessible than in the case of applications for longer stays.

A number of delegations were in favour of introducing the notion of inadmissibility but the application should be rejected at the submission (**FR, PL**), whereas **HU** suggested that it be left at the discretion of the consulate to set a deadline. **ES** suggested 10 days and **LU** 2 weeks. **SE** were in favour of either of these.

COM was not in favour of rejecting applications at the counter accompanied by an explanation to the applicant of which documents were missing (suggestion by **NL**), as this could give rise to visa shopping

IS noted that according to national law all administrative acts, such as declaring an application inadmissible, had to be motivated. **BE** noted that similar provisions exist in national Belgian law.

COM drew delegations attention to the fact that a declaration on inadmissibility would not have negative implications for the person concerned, which was for instance the implications of a rejection of an unfounded application for asylum. **COM** added that this provision should also be seen in the context of representation: currently applications are not rejected because a Member State cannot reject (refuse) on behalf of another.

2. Sna cásanna dá dtagraítear i mír 1, cuirfidh an misean taidhleoireachta nó an post consalach an fhaisnéis stádais ar ais san VIS, dá dtagraítear in Airteagal 8(2) den Rialachán VIS.
3. I gcás ina ndearbhófar go bhfuil an t-iarratas neamh-inghlactha, ní bheidh aon cheart achomhairc ag an iarratasóir¹.

¹ CLS noted that this provision was not acceptable, referring to the general and recognised principle of right of appeal stipulated by national administrative law and Community law. However, CLS found it appropriate to separate the cases of formal refusal of an application and inadmissibility of an application.

Cinneadh maidir le hiarratas ar víosa

1. Déanfaidh misin taidhleoireachta agus poist chonsalacha¹ na mBallstát cinneadh faoi iarratais ar víosaí laistigh de 10² 3 lá oibre ón dáta a dtíolacfar an t-iarratas, nó tar éis an dáta a gcomhlánófar an comhad. Féadfar 30⁴ lá ar a mhéid a chur leis an tréimhse sin i gcásanna ar leith, go háirithe nuair a bheidh gá le grinnscrúdú breise ar an iarratas, lena n-áirítear an staid dá dtagraítear in Airteagal 7(6)⁵.

¹ **NL** recalled that central authorities are also involved in the decision making, adding that the term "visa authorities" which is used in the draft VIS Regulation might be more appropriate. **DK**, **SE** and **NO** referred to the comments made in relation to Article 3 (15560/1/06, page 3).

² **FR** entered as reservation as to the deadlines of 10 and 30 days in this paragraph, finding that the implementation of these deadlines, which had been copied from the visa facilitation agreement with Russia, should be evaluated first. **AT** supported this point of view. In order to fix realistic deadlines, **BE** suggested that these be fixed according to the procedures involved (interview/"5B consultation"/representation etc), adding that it might be more appropriate if the deadline started running (possibly from the date where the application was complete). **SI** and **ES** supported the Belgian point of view. **COM** would consider this suggestion.

NL suggested replacing the reference to a specific number of days by "a reasonable period". **SK**, **HU**, **DK**, **SE** and **NO** found these deadlines too short. **HU** suggested the deletion of "in individual cases".

³ Referring to Article 9 (2), **PL** found this deadline too long.

⁴ According to **PL** it should be possible to prolong this deadline by 30 days.

⁵ **COM** took note of the general reluctance expressed by delegations in relation to the harmonised deadlines, but emphasised that it was unthinkable to draw up a Code on Visas without referring to this essential aspect of the visa processing as large differences in issuing times is a cause for visa shopping. **COM** reminded delegations that the deadlines for responding to prior consultation have been shortened (cf. Article 9) and a system of "information" rather than consultation has been proposed. The **Chair** wondered what would be the consequence if the prescribed deadlines were not respected.

2. Cinnfidh na misin taidhleoireachta nó na poist chonsalacha tréimhse bailíochta na víosa agus fad an fhanachta údaraithe ar bhonn na faisnéise uile a bheidh ar fáil dóibh a bhaineann le cuspóir agus le ré an fhanachta nó an idirthurais a bheartaítear, agus aird á tabhairt ar staid shonrach an iarratasóra Deonófar "tréimhse bhreise"¹ seacht lá i gcás víosaí idirthurais iontrála amháin agus ATVanna (Víosaí Idirthurais Aerfoirt) agus deonófar cúig lá dhéag i gcás víosaí idirthurais iontrála amháin² "C".

¹ **CZ** and **NL** were not in favour of granting systematically a "period of grace" of a fixed number of days, but suggested adding "may be up to seven/fifteen days" or adding "in principle". **FR** was of the opinion that only a single "period of grace" of 15 days should be retained as a recommendation.

Replying to a comment from **HU** and **EE**, the **representative of the Commission (COM)** noted that the validity of the passport was irrelevant in this context. **COM** also recalled that the formulation and the length of the periods had been copied from the existing examples set out in Annex 13 to the CCI, but **COM** would consider an explicit indication that the "period of grace" concerns the validity of the visa and not the duration of stay and that the length of such a period should be assessed on a case by case basis.

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

3. Féadfar víosaí iliontrála¹ a eisiúint a mbeidh uastréimhse bailíochta 5 bliana² acu agus a thabharfaidh teideal don sealbhóir roinnt iontrálacha a dhéanamh, fanachtaí ar feadh trí mhí nó roinnt idirthuras a dhéanamh i rith aon tréimhse leathbhliana.

Tá na critéir seo a leanas ábhartha go háirithe maidir leis an gcinneadh víosaí den sórt sin a eisiúint:

- (a) riachtanas an iarratasóra taisteal go minic agus/nó go tráthrialta de bharr a stádais ghairme nó de bharr a stádais teaghlaigh, amhail fir ghnó agus mná gnó, státseirbhísigh i mbun teagmhálacha oifigiúla tráthrialta le Ballstáit agus le hinstiúidí an Chomhphobail, baill de theaghlaigh shaoránaigh an Aontais, baill de theaghlaigh náisiúnach tríú tíortha a bhfuil cónaí orthu sna Ballstáit, maraithe,^{3 4 5}

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

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

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

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

⁴ Delegations' attention is drawn to the conclusions drawn by the Visa Working Party in June 2003: *Issuance of visas to seamen signing off the ship* (15803/02 FRONT 148 VISA 187 COMIX 721, 6579/03 FRONT 16 VISA 33 COMIX 114: *"The Chair noted that Part I, 2.1.2 of the Common Consular Instructions deals with transit visas without mentioning a maximum period of validity for such visas, while various examples of transit visas are set out in Annex 13 of the CCI. The Chair concluded from the discussion that delegations considered that a dual entry transit visa with a period of validity of up to one year could be issued to a seaman where the competent authority is satisfied that he/she has produced the requisite supporting documents proving the existence of a contract with a shipping company (such contracts typically have a duration of 9-12 months). This would help to avoid the practical problems raised in the above-mentioned documents. The Chair added that it would be advisable to clarify the relevant parts of the CCI at some stage in order to introduce specific language on the maximum period of validity for transit visas, as well as additional examples of possible transit visas."*

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

- (b) ionracas agus iontaofacht an iarratasóra, go háirithe úsáid dhlíthiúil víosaí Schengen¹ roimhe sin, a staid eacnamaíoch sa tír bhunaidh² agus a intinn mhacánta filleadh ar ais ar an tír sin.

3

4. Déanfaidh misin taidhleoireachta agus poist chonsalacha na mBallstát⁴ na sonraí a leagtar amach in Airteagal 10(1) den Rialachán VIS a iontráil san VIS nuair a chinnfear víosa a eisiúint.

¹ **LT** suggested that a reference be made to national visas as well (including short-stay visas issued by Member States who do not yet apply the Schengen acquis in full). **COM** recalled that the VIS would contain no information on neither short stay visas issued by "nMS" nor national visas

PL suggested the deletion of the reference to "Schengen" in order to cover all visas.

Although recognising that in practice the possession of for instance a Canadian visa is sometimes taken into consideration when an application is examined, **COM** was not in favour of including a reference to the correct use of visas from non-Schengen countries because on the one hand any such correct use cannot be verified and on the other hand the legal basis for issuing visas by non-Schengen countries is unknown.

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

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

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

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

Víosai a bhfuil Bailíocht Chríochach Theoranta acu

1. Eiseofar víosa a bhfuil bailíocht chríochach theoranta (LTV) aici sna cásanna eisceachtúla seo a leanas¹:
 - (a) i gcás ina measfaidh misean taidhleoireachta nó post consalach gur gá, ar chúiseanna daonnúla, ar chúiseanna leasa náisiúnta nó de bharr oibleagáidí idirnáisiúnta, maolú a dhéanamh ar an bprionsabal nach foláir na coinníollacha iontrála a leagtar síos in Airteagal 5(1) de Chód Teorainneacha Schengen a chomhlíonadh;
 - (b) i gcás ina measfaidh misean taidhleoireachta nó post consalach gur gá, ar chúiseanna daonnúla, ar chúiseanna leasa náisiúnta nó de bharr oibleagáidí idirnáisiúnta, víosa a eisiúint, cé go bhfuil an nós imeachta réamhchomhairliúcháin tar éis agóidí a spreagadh ón mBallstát a ndeachthas i gcomhairle leis² nó más amhlaidh nach ndearnadh aon réamhchomhairliúchán ar chúiseanna práinne (ar chúiseanna daonnúla, ar chúiseanna leasa náisiúnta nó de bharr oibleagáidí idirnáisiúnta)³;
 - (c) i gcás ina n-eiseoidh misean taidhleoireachta nó post consalach víosa nua fanachta ar chúiseanna práinne, a dtabharfaidh an t-iarratasóir bonn cirt dóibh, i rith na tréimhse céanna sé mhí chuig iarratasóir a bhain úsáid cheana, le linn na tréimhse sé mhí seo⁴, as víosa a cheadaigh fanacht ar feadh trí mhí.

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

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

³ **BE** suggested that this sub-paragraph be split into two as reference is made to two different criteria for issuing LTVs. **COM** would consider this. **AT** suggested that it be specified that in individual cases such LTVs could be valid for more than the issuing Member State. **COM** feared that such a provision would completely alter the idea of an LTV and create "traditional LTVs" and "LTVs upon request". **FR** and **EL** were not in favour of this suggestion from **AT** either.

⁴ **NL** suggested that this calculation be clarified in the Instructions.

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

I gcásanna dá dtagraítear sa chéad fhomhír, is do chríoch an Bhallstáit a d'eisigh í amháin a bheidh an víosa bailí¹.

Má bhíonn doiciméad taistil i seilbh an iarratasóra nach dtabharfaidh Ballstát amháin nó níos mó aitheantas dó ach go dtabharfaidh roinnt Ballstát aitheantas dó, eiseofar víosa a bheidh bailí do chríocha na mBallstát a thabharfaidh aitheantas don doiciméad. Mura dtabharfaidh an Ballstát a d'eisigh an víosa aitheantas do dhoiciméad taistil an iarratasóra, beidh an víosa bailí don Bhallstát sin amháin².

2. Maidir le húdaráis láir an Bhallstáit ar eisigh a mhisean taidhleoireachta nó a phost consalach LTVanna sna cásanna a gcuirtear síos orthu i bpointe (a) agus i bpointe (b) den chéad fhomhír de mhír 1, déanfaidh siad an fhaisnéis ábhartha a scaipeadh ar an toirt³ ar údaráis láir na mBallstát eile.

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

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

³ **FR** wondered how this should be done. The **Chair** suggested that this be specified in the Instructions. **IT** was of the opinion that the transmission of such information was of little relevance. **COM** emphasised that the draft proposal had been adapted to reality: the existing requirement on informing other Member States about all cases of issuance of LTVs had been eased and only the cases linked to "sensitive" applicants had been retained and the exchange of information should be carried out at central level only. Finally **COM** drew delegations' attention to Article 16 (3) of the VIS Regulation (*"The procedure set out in paragraph 2 may also apply for the transmission of information on the issuance of visas with limited territorial validity and other messages related to consular cooperation as well as"*). **COM** was not in favour of adding a reference to (c) as suggested by **DE**, as such cases could not be considered "sensitive". **SI** wondered what the percentages of LTVs issued was. **COM** invited delegations to find the precise figures in the recently published statistics, but noted that currently France, Greece, Italy and Germany issue the highest number of LTVs. **The Chair** drew delegations' attention to the heading of Article 21, where it is stated that LTVs should only be issued exceptionally.

Víosai idirthurais aerfoirt

1. Cuirfear de cheangal ar náisiúnaigh na dtríú tíortha a áirítear sa liosta¹ a leagtar amach in Iarscríbhinn VII² a bheith i seilbh víosa idirthurais aerfoirt ar a mbealach trí limistéar idirthurais idirnáisiúnta aerfort atá suite ar chríoch na mBallstát.
2. Díolmhaítear na catagóirí daoine seo a leanas ón gceanglas dá bhforáiltear i mír 1, is é sin, víosa idirthurais aerfoirt a bheith ina seilbh acu:
 - (a) sealbhóirí víosa aonfhoirmí gearrfhanachta nó víosa idirthurais³ arna eisiúint ag Ballstát⁴;
 - (b) náisiúnaigh tríú tíortha a bhfuil ina seilbh acu ceadanna cónaithe arna n-eisiúint ag Andóra, ag an tSeapáin, ag Ceanada, ag Monacó, ag San Mairíne nó ag Stáit Aontaithe Mheiriceá lena ráthófar go bhfillfidh an sealbhóir ar ais gan choinníoll⁵ agus a liostaítear in Iarscríbhinn VIII⁶;

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

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

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

² Set out on page 15 of this document.

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

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

⁵ **IT** wished to add a reference to the Vatican.

⁶ Set out on page 16 of this document.

- (c) baill de theaghlaigh shaoránaigh an Aontais¹;
- (d) sealbhóirí pasanna taidhleoireachta²;
- (e) criú eitilte ar náisiúnaigh iad de Pháirtí conarthach i gCoinbhinsiún Chicago um Eitlíocht Shibhialta Idirnáisiúnta³.

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

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

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

Airteagal 23¹
Víosa a dhiúltú²

1. Gan dochar d'Airteagal 21(1), diúltófar víosa³ a eisiúint:
 - (a) má thaispeánann an t-iarratasóir doiciméad atá bréagach nó góchumtha nó brionnaithe⁴;
 - (b) mura gcruthóidh an t-iarratasóir go bhfuil cóir leordhóthanach mhaireachtála aige do ré iomlán an fhanachta, agus chun filleadh ar a thír bhunaidh nó imeachta nó go mbeidh sé in inmhe cóir den sórt sin a fháil go dleathach⁵;

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

² **FI** and **EE** entered a reservation on this article.

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

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

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

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

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

⁵ **LU** suggested that the issue of "sponsorship" be highlighted.

- (c) mura gcuirfidh an t-iarratasóir fianaise leordhóthanach ar fáil lena gcosnófaí cuspóir agus ré an fhanachta;
- (d) mura gcuirfidh an t-iarratasóir cruthúnas ar fáil go bhfuil árachais liachta taistil dóthanach aige, i gcás inar iomchuí;
- (e) má d'fhan an t-iarratasóir ar feadh trí mhí cheana féin i rith tréimhse sé mhí ar chríoch na mBallstát;
- (f) más duine é an t-iarratasóir ar eisíodh foláireamh ina leith san SIS nó i gclár náisiúnta chun críocha na hiontrála a dhiúltú;
- (g) má mheastar gur bagairt é an t-iarratasóir d'ord poiblí, do shlándáil inmheánach, do shláinte phoiblí nó do chaidreamh idirnáisiúnta an Aontais Eorpaigh nó a mBallstát.

2. Tabharfar an cinneadh ina luafar na cúiseanna sonracha^{1 2} a bhí le víosa a dhiúltú trí bhíthin na foirme caighdeánaí a leagtar amach in Iarscríbhinn IX³. Úsáidfear an fhoirm sin chomh maith nuair a dhiúltófar víosa ag an teorainn.

-
- ¹ **PL**, supported by **LV**, suggested the deletion of this word.
LV, PL, BE and **FR** entered as specific reservation on this paragraph. **FR** added that systematic motivation of all refusals would be a too heavy burden, in particular if a legal dispute (falling under national competence) would follow. **IT** shared this point of view, noting that Italian authorities do not motivate refused applications for short stay visas for the purpose of tourism or business.
ES could not accept the introduction of systematic motivation of refusal of applications for short stay visa.
HU was of the opinion that reasons should only be given upon request from the refused applicant.
DK could accept the principle of systematic refusal but preferred to continue to use the national form.
EE noted that a negative side effect of introducing systematic motivation and a right to appeal against refusals could be loss of control of the issuance of visa, because consular staff might prefer to issue visas rather than refusing them in order to avoid the cumbersome procedures. Therefore **EE** suggested giving the form an informative character.
- ² **COM** recalled that these provisions and the form are strictly in line with the SBC and the Standard form for refusal of entry at the border set out in Annex V, Part B, to the SBC. **COM** added that the introduction of mandatory motivation of refusal and right of appeal are fundamental issues for the Commission. **COM** noted that delegations' fear of the number of court cases was exaggerated, adding that an applicant who had been refused because his passport was invalid was unlikely to appeal the refusal. Referring to the common visa policy, **COM** noted that Member States could not maintain a discretionary power in relation to the right of appeal. **FR** found that a distinction should be made between what falls under Community legislation and what falls under national competence, i.e. contentious appeals, therefore **FR** suggested the maintenance of paragraph 2) and the deletion of paragraph 3).
PL and **IT** supported this suggestion.
- ³ As Norwegian authorities are obliged to motivate all refusals according to a national form, **NO** would prefer if the form in IX would just set out minimum standards for the grounds to be given. **NL** supported the suggestion of adding more grounds. **COM** would not be opposed to adding more boxes in the standard form depending on the outcome of discussions of Article 23, but reminded delegations that the reference to national legislation would not be valid once this Regulation entered into force, as a Regulation is directly applicable by Member States.

3. Beidh cearta achomhairc ag iarratasóirí ar diúltaíodh víosaí dóibh¹. Seolfar achomhairc i gcomhréir leis an dlí náisiúnta². Tabharfar do na hiarratasóirí sonrú i scríbhinn maidir leis na pointí teagmhála ina bhféadfar faisnéis a thabhairt faoi ionadaithe atá inniúil gníomhú ar son na n-iarratasóirí i gcomhréir leis an dlí náisiúnta³.
4. I gcásanna dá dtagraítear in Airteagal 7(6), cuirfidh misean taidhleoireachta nó post consalach an Bhallstáit a mbeidh ionadaíocht á déanamh aici an t-iarratasóir ar an eolas faoin gcinneadh a ghlacfaidh an Ballstát a mbeidh ionadaíocht á déanamh dó.
5. Ní dhéanfaidh diúltú aon difear d'iarratas víosa sa todhchaí agus is ar a thuillteanais féin a mheasfar an t-iarratas⁴.

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

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

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

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

BE was in favour of maintaining the text as proposed by the Commission, finding that delegations' concern that refused applicants would massively appeal such negative decisions was exaggerated. The majority of refused applicants just apply again. **EL** shared this point of view, noting that Greek law already provides for refused applicants' right to appeal. Replying to a comment from **NL**, **COM** noted that nothing prevented Member States from maintaining a double system of appeal (i.e. an administrative and a judicial procedure). The aim of this provision is only to enshrine the right to appeal.

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

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

*Airteagal 24***Ceartha a eascraíonn as víosa a eisíodh**

Ní bhronntar ceart iontrála uathoibríoch le seilbh víosa gearrfhanachta nó víosa idirthurais.

*Airteagal 25***Greamán víosa a chomhlánú**

1. Agus an greamán víosa á chomhlánú, cuirfidh misin taidhleoireachta agus poist chonsalacha² na mBallstát isteach na hiontrálacha éigeantacha a shonraítear in Iarscríbhinn X agus comhlánfaidh siad an crios meaisín-inléite dá bhforáiltear i ndoiciméad ICAO 9303, Cuid 1n, an 6ú heagrán (Meitheamh 2006).
2. Féadfaidh Ballstáit iontrálacha náisiúnta a chur leis an roinn dar teideal "barúlacha" den ghreamán víosa nach ndéanfaidh dúbláil ar na hiontrálacha éigeantacha in Iarscríbhinn X.
3. Beidh gach iontráil ar an ngreamán víosa clóbhualte. Is i gcás force majeure teicniúil amháin a líonfar isteach na greamáin víosa de láimh³.

¹ **COM** noted that a reference to Article 12 of the VIS Regulation should be added. "Information on refused visas shall be entered into the VIS in accordance with Article 12 of the VIS Regulation."

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

³ **EE** wondered whether this provision was still relevant, given the fact that visa stickers must be issued with a photo of the holder (cf. also Annex X, point 9). **AT** wondered whether such cases should be notified. **LU** found that exchange of such information had no added value.

Airteagal 26

Greamáin a comhlánaíodh a dhéanamh neamhbhailí

1. Ní dhéanfar aon athrú¹ de láimh ar ghreamán víosa clóbhuailte^{2 3}.
2. Scríosfar an greamán i gcás ina n-aimseofar earráid ar ghreamán nach bhfuil greamaithe den víosa go fóill.
3. I gcás ina n-aimseofar earráid tar éis an greamán a ghreamú den phas, déanfar an greamán neamhbhailí trí chrois dhearg⁴ a tharraingt ar an ngreamán agus greamófar greamán nua.
4. Má aimsítear earráid tar éis na sonraí ábhartha a chur isteach san VIS i gcomhréir le hAirteagal 8 den Rialachán VIS, ceartófar an earráid i gcomhréir le hAirteagal 21(1) den Rialachán VIS.

Airteagal 27

Greamáin víosa a ghreamú

1. Greamófar an greamán víosa clóbhuailte ar a mbeidh na sonraí dá bhforáiltear in Airteagal 25 agus in Iarscríbhinn X leis an gcéad leathanach glan den phas nach mbeidh aon iontrálacha nó stampaí air - seachas an stampa a chuirfidh in iúl gur tiolacadh iarratas.

Ailíneofar an greamán le himeall leathanaigh an doiciméid taistil agus greamófar den imeall sin é. Ailíneofar an crios meaisín-inléite le himeall an leathanaigh.

¹ HU suggested adding "additional".

² EL suggested replacing "printed" by "completed"

³ HU suggested that this paragraph be moved to Article 25. NL wondered how this provision tallied with Article 31 (1).

⁴ NL wondered why this provision had been introduced. HU suggested that the following indication be added in such cases, in order to avoid problems for the holder at the border or when applying for a new visa: "cancelled without prejudice".

2. ^{1 2}Cuirfear stampa an mhisin taidhleoireachta eisiúna nó stampa an phoist chonsalaigh³ eisiúna sa roinn dar teideal "BARÚLACHA" sa chaoi is go sínfidh sé amach thar an ngreamán ar leathanach an doiciméid taistil.
- Is i gcásanna⁴ inar gá comhlánú na ranna a bheidh le scanadh go leictreonach a chur ar ceal, agus sna cásanna sin amháin, a chuirfear an stampa sa roinn sin chun nach bhféadfar úsáid a bhaint as. Is iad rialacha náisiúnta an Bhallstáit a chinnefidh toirt agus ábhar an stampa agus an dúch a úsáidfear.
3. ⁵D'fhonn athúsáid an ghreamáin víosa a ghreamaítear den fhoirm i bhformáid aonfhoirmeach a chosc, cuirfear séala an mhisin taidhleoireachta nó na hoifige consalaí ar dheis, greamófar an séala ar an ngreamán agus ar an bhfoirm araon ar bhealach nach gcuirfeadh an séala isteach ar léamh na gceannteideal ná ar léamh na mbarúlacha agus nach n-iontrálfadh an séala an crios meaisín-inléite má comhlánaíodh é.
4. I gcás nach dtabharfaidh an Ballstát a d'eisigh an víosa aitheantas do dhoiciméad taistil an iarratasóra, is é an leathán leithleach le haghaidh víosa a ghreamú de a úsáidfear⁶.
5. Greamófar de dhoiciméad taistil an iarratasóra víosaí ar leith a eiseofar do dhaoine a bheidh ag taisteal i dteannta an iarratasóra i gcomhréir le hAirteagal 13(1) agus a bheidh san áireamh sa doiciméad taistil sin. I gcás nach dtabharfaidh an Ballstát a d'eisigh an víosa aitheantas don doiciméad taistil ina mbeidh daoine a bheidh ag taisteal i dteannta an iarratasóra san áireamh, greamófar na víosaí ar leith den leathán leithleach le haghaidh víosaí a ghreamú de.

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

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

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

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

⁵ **PT** suggested to invert paragraphs 3 and 4 and to read "separate sheet" instead of "uniform format". **COM** will reflect on these two comments.

⁶ **COM** will check whether a reference to Art.10(1)(j) is needed here as **SI** suggested.

Caibidil IV

Tréimhse bailíochta víosa a eisíodh a mhodhnú

Airteagal 28¹

Fadú

1. Fadófar² tréimhse bailíochta agus/nó ré fanachta víosa gearrfhanachta nó víosa idirthurais a eisíodh, ar iarratas ón sealbhóir má bhíonn ar a chumas cruthúnas a sholáthar ar force majeure, ar chúiseanna daonnúla, ar chúiseanna tromchúiseacha gairme agus/nó ar chúiseanna pearsanta³.
2. Ní bheidh de thoradh ar fhadú víosa dá bhforáiltear i mír 1, i gcúinsí ar bith, go n-athrófar cineál na víosa nó ré an fhanachta ar faide í ná trí mhí (gearrfhanacht) nó 10 lá (idirthuras).
3. Mura gcinneadh an t-údarás riaracháin a fhadóidh an víosa a mhalairt, beidh an bhailíocht chríochach chéanna ag an víosa fhadaithe agus a bhí ag an víosa bhunaidh.
4. Is é údarás riaracháin an Bhallstáit a mbeidh náisiúnach an tríú tír i láthair ar a chríoch tráth a mbeidh iarratas ar fhadú á dhéanamh aige a bheidh inniúil ar víosa a fhadú.

Tabharfaidh Ballstáit fógra don Choimisiún faoi na húdaráis a bheidh inniúil as víosaí a fhadú.

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

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

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

1) extension for force majeure and humanitarian reasons

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

COM will consider these suggestions.

5. Déanfar táille EUR 30¹ a mhuirearú as víosa a fhadú.
6. Is i bhfoirm stampa² a dhéanfar fadú ar na víosaí aonfhoirmeacha, a thiocfaidh leis an eiseamláir a leagtar amach in Iarscríbhinn XI. Greamóidh an t-údarás inniúil a shéala díobh freisin.
7. Iontrálfar faisnéis faoi víosaí a fadaíodh san VIS i gcomhréir le hAirteagal 12 den Rialachán VIS.

Airteagal 29

Neamhniú

1. Féadfaidh³ na dreamanna seo a leanas víosa a neamhniú:
 - (a) an misean taidhleoireachta eisiúna nó an post consalach eisiúna d'fhonn cosc a chur ar an sealbhóir ó dhul isteach ar chríoch na mBallstát, más léir tar éis an víosa a eisiúint nach gcomhlíonann an sealbhóir na coinníollacha a bhí mar bhonn cirt d'eisiúint na víosa,
 - (b) na húdaráis rialaithe teorann i gcomhréir le forálacha Airteagal 13(1) agus le hIarscríbhinn V, Cuid A, (2) de Chód Teorainneacha Schengen.
2. Iontrálfar san VIS faisnéis faoi víosaí a neamhníodh i gcomhréir le hAirteagal 11 den Rialachán VIS.
3. Má dhéanann údaráis rialaithe teorann Ballstáit seachas an Ballstát eisiúna víosa a neamhniú de bhun mhír 1(b), cuirfear in iúl don Bhallstát eisiúna gur neamhníodh a víosaí.

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

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

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

Airteagal 30

Víosa a chúlghairm

1. Féadfar víosa a chúlghairm sna cásanna seo a leanas:
 - (a) ag an misean taidhleoireachta eisiúna nó ag an bpost consalach eisiúna ar iarratas ón sealbhóir agus sa chás sin ní mór stampa a ghreamú den ghreamán víosa ag léiriú gur ar iarratas ón sealbhóir a cúlghaireadh an víosa;
 - (b) ag na húdaráis inniúla tar éis don sealbhóir dul isteach i gcríoch na mBallstát, mura gcomhlíonann an sealbhóir na coinníollacha maidir le dul isteach a thuilleadh mar a leagtar amach in Airteagal 5(1) de Chód Teorainneacha Schengen iad¹.
2. Iontrálfar san VIS faisnéis faoi víosaí a cúlghaireadh i gcomhréir le hAirteagal 11² den Rialachán VIS.
3. Má chúlgaireann údaráis inniúla Ballstáit seachas an Ballstát eisiúna an víosa de bhun mhír 1(b), cuirfear in iúl don Bhallstát eisiúna gur cúlghaireadh a víosaí³.

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.

Airteagal 31

Ré fanachta a údaraíodh le víosa a chiorrú

1. Féadfaidh na húdaráis rialaithe teorann¹ a chinneadh go gcorrófar ré an fhanachta a údaraíodh le víosa² má shuítear nach bhfuil modh leordhóthanach cothabhála³ ag an sealbhóir don ré fanachta a bhí beartaithe ar dtús⁴.
2. Iontrálfar san VIS faisnéis faoi chiorrú ré an fhanachta a údaraíodh le víosa, i gcomhréir le hAirteagal 11 den Rialachán VIS.

Caibidil V

Víosaí a eisítear ag teorainneacha seachtracha

Airteagal 32

Víosaí a eisítear ag teorainneacha seachtracha

1. Ní fhéadfar víosaí gearrfhanachta nó víosaí idirthurais a eisiúint ag teorainneacha seachtracha ach amháin i gcás ina mbeidh na coinníollacha seo a leanas á gcomhlíonadh⁵:
 - (a) i gcás ina gcomhlíonfaidh an t-iarratasóir na coinníollacha a leagtar síos in Airteagal 5(1) de Chód Teorainneacha Schengen;
 - (b) i gcás nach raibh deis ag an iarratasóir iarratas a dhéanamh ar víosa roimh ré;

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) i gcás ina dtíolacfaidh an t-iarratasóir doiciméid tacaíochta a thugann bunús le mórchúiseanna dul isteach nárbh fhéidir iad a thuar¹; agus
- (d) go meastar gur cinnte go bhfillfidh an t-iarratasóir ar a thír bhunaidh nó ar a thír idirthurais trí Stáit nach Ballstáit iad a bhfuil acquis Schengen á chur i bhfeidhm go hiomlán acu.
2. I gcás ina ndéanfar iarratas ar víosa ag an teorainn sheachtrach, tarscaoilfear an ceanglas go mbeadh árachas liachta taistil ag an iarratasóir².
3. De réir mar is iomchuí, féadfaidh víosa a eiseofar ag teorainn sheachtrach a bheith ina
- (a) víosa gearrfhanachta chun dul isteach uair amháin, a thabharfaidh teideal don sealbhóir fanacht ar feadh uastréimhse 15 lá sna Ballstáit go léir; nó
- (b) víosa idirthurais chun dul isteach uair amháin, a thabharfaidh teideal don sealbhóir fanacht ar feadh ré nach faide ná 5 lá, víosa a bheidh bailí do gach Ballstát.
4. I gcás nach gcomhlíonfar na coinníollacha a leagtar síos in Airteagal 5(1) de Chód Teorainneacha Schengen, féadfaidh na húdaráis a bheidh freagrach as an víosa a eisiúint ag an teorainn, víosa a eisiúint a mbeidh bailíocht chríochach teoranta aici do chríoch an Bhallstáit eisiúna amháin, i gcomhréir le hAirteagal 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. I bprionsabal, ní eiseofar víosa ag an teorainn chuig náisiúnach tríú tíre a bheidh sa chatagóir daoine a gceanglaítear réamhchomhairliúchán a bheith ann maidir leo, i gcomhréir le hAirteagal 9.

I gcásanna eisceachtúla, áfach, féadfar víosa a eisiúint chuig daoine den sórt sin ag an teorainn i gcomhréir le hAirteagal 21(1)(b) a mbeidh bailíocht chríochach theoranta aici, do chríoch an Bhallstáit a d'eisigh an víosa agus don chríoch sin amháin.

6. Beidh feidhm ag na forálacha a leagtar amach in Airteagal 23 agus in Iarscríbhinn IX maidir le bonn cirt¹ agus maidir le fógra a thabhairt faoi dhiúltuithe agus maidir leis na féidearthachtaí achomharc a dhéanamh².

Airteagal 33³

Víosaí a eiseofar chuig maraithe⁴ idirthurais ag an teorainn sheachtrach

1. Féadfar víosa idirthurais a eisiúint chuig maraí a bhfuil de cheanglas air víosa⁵ a bheith ina sheilbh agus é ag trasnú theorainneacha seachtracha na mBallstát sna cásanna seo a leanas:

(a) i gcás ina gcomhlíonfaidh sé na coinníollacha a leagtar amach in Airteagal 32(1) agus

(b) i gcás ina mbeidh sé ag dul trasna na teorann a bheidh i gceist chun dul ar bord loinge, chun dul ar bord loinge an athuair nó chun teacht i dtír ó long a mbeidh sé ag obair uirthi nó a raibh sé ag obair uirthi mar mharaí⁶.

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.

³ **EL** and **CY** entered a reservation.

⁴ **SK** asked whether there is a distinction to be made between seamen and seafarers.

⁵ **FI** and **DE** are of the opinion that the possibility of issuing collective visas should be foreseen. **COM** is not favourable to keeping this kind of visas.

⁶ **PT** was of the opinion that it should be left open to Member States to allow seamen to disembark without a visa and proposed to add the following drafting at the end of this point "...or for the purpose of a licence to go ashore." **COM** took note of the proposal. **BE** warned that the PT proposal could constitute an example of incompatibilities between the FAL Convention and EC Law in relation to the seamen, which was on the agenda of SCIFA/Mixed Committee on 21 November 2007.

2. Sula n-eiseoidh siad víosa ag an teorainn chuig maraí idirthurais, comhlíonfaidh na húdaráis inniúla náisiúnta na rialacha a shonraítear in Iarscríbhinn XII, Cuid 1, agus cinnteoidh siad gur malartaíodh an fhaisnéis is gá maidir leis an maraí a bheidh i gceist trí bhíthin foirme comhlánaithe le haghaidh maraithe idirthurais, mar a shonraítear in Iarscríbhinn XII, Cuid 2¹.
3. Beidh feidhm ag an Airteagal seo gan dochar d'Airteagal 32(3), (4) agus (5)².

¹ **NO** asked whether seamen have to hold both a passport's number and a seamen book. **COM** replied that Annex XII, Part 2 had been taken out from Regulation (EC) No 415/2003 and that the Member States have been applying this Regulation since then without any problem. **COM** is ready to amend the drafting if necessary.

² On the request of BE and NL, **COM** proposed to add a reference to 32(2) and (6).

TEIDEAL III: Bainistíocht riaracháin agus eagrú

Airteagal 34¹

Eagrú na rannán víosaí

- 1². Beidh na Ballstáit freagrach as³ rannáin víosaí a gcuid misean taidhleoireachta agus a bpost consalach⁴ a eagrú.

Ionas nach dtiocfaidh meath ar leibhéal na foraireachta agus ionas nach gcuirfear brú ar leibhéal áitiúil ar an bhfoireann, bunófar uainscéim do chomhaltaí foirne a bheidh ag déileáil go díreach le hiarratasóirí. Gan dochar do chaighdeán na seirbhísí nó don eolas ar thascanna, déanfar uainiú ar an bhfoireann gach sé mhí⁵ ar a laghad. Tabharfar aird ar leith ar struchtúir shoiléire oibre a bheith ann agus ar fhreagrachtaí a leithdháileadh/a roinnt go glan maidir le cinntí críochnaitheacha a dhéanamh faoi iarratais ar víosaí. Ní bheidh rochtain ar an VIS agus ar an SIS agus ar fhaisnéis eile a bheidh faoi rún ach ag comhaltaí cuí-údaraíthe buana den fhoireann ar easaoránaigh iad⁶. Glacfar bearta cuí chun rochtain neamhúdaraíthe ar bhunachair sonraí den sórt sin a chosc.

¹ SE entered a reservation on the whole article.

² NL entered a reservation.

³ COM proposed to change the lay-out in order to have "Member States shall be responsible" covering the provisions of the whole article.

⁴ NL and SI proposed to replace "diplomatic missions and consular posts" by Visa authorities throughout the text.

⁵ NL, BE, SE, SK, EE, PT, DK, NO, EL, FR, CY and FI were of the opinion that a 6 months period is too short and stressed that rotation is sometimes impossible when there is only one person. LV and IT agreed on the principle of rotation but stressed on the need for flexibility in applying that principle. LU proposed to delete the two first sentences of this subparagraph. FR suggested to delete the whole subparagraph.

⁶ NL, BE, SE, SK, DK and FI proposed to replace "duly authorised expatriate permanent staff members" by "duly authorised staff" as in VIS Regulation. LU was of the opinion that the choice should be left up to the Member State concerned. LT proposed to delete the term "expatriate".

2. Beidh stóráil agus láimhseáil na ngreamán víosa faoi réir beart dianslándála chun an chalaois agus an caillteanas a sheachaint¹. Clárófar greamáin víosa a eisíodh agus greamáin víosa a cuireadh ar ceal araon².
3. Coimeádfaidh misin taidhleoireachta agus poist chonsalacha na mBallstát cartlanna ina mbeidh cóipeanna páipéir de na hiarratais ar víosaí. I ngach comhad beidh an fhoirm iarratais, cóipeanna de na doiciméid ábhartha tacaíochta, taifead de na seiceálacha a rinneadh agus cóip den víosa a eisíodh³, ionas go mbeidh an fhoireann in ann an cúlra a bhí leis an gcinneadh a rinneadh faoin iarratas a athchruthú, más gá. Coinneofar na comhaid aonair go ceann cúig bliana i gcás ina n-eiseofar víosa agus i gcás ina ndiúltófar í⁴.

¹ **SK** and **FR** proposed to delete the first sentence, finding it too technical to be introduced here.

² **DE** found the paragraph too technical for a legal text. It should appear in the Manual Handbook. Moreover **DE** added that the list of visa stickers and the stickers themselves should be stored apart to avoid the loss of information about the visa No. in case of theft.

³ **NL, DE, DK, BE** and **LV** were of the opinion that a copy of the visa is unnecessary because it is already stored in VIS.

⁴ **EE, HU** and **SE** did not agree with the requirements contained in this paragraph. **SE, DK, NO, BE, LV** and **PT** wanted to have "copies" only instead of "paper copies". **SK** agreed with Commission proposal and proposed some flexibility on the question of electronic or paper copies. Moreover **SK** is of the opinion that the end of the first subparagraph is not needed. **COM** emphasised that delegations had opposed an electronic copy to be made in the framework of the discussions of the VIS Regulation. The **Chair** stressed on the need for keeping the paper form because it contains the signature of the applicant by which she/he recognises that the information given in the form is correct. **SE, NL, DK, BE, LV** and **CZ** found 5 years a too long period. **LT** stressed that a difference should be made between negative decisions on visa applications (5 years would be fine) and positive decisions (a shorter period should be foreseen). **FR** entered a scrutiny reservation on the whole paragraph. **NL, DE** and **BE** asked when the counting period starts: at the date of approval, date of application...? **COM** replied it should be on the date of the decision taken. **HU** stated that the wording about invalidated, revoked, cancelled, refused visas should be aligned. **COM** agreed to rectify it. **BE** entered a scrutiny reservation on the principle of keeping documents when the visa is issued.

**Acmhainní chun iarratais ar víosaí a phróiseáil agus chun monatóireacht a dhéanamh ar
mhisin taidhleoireachta agus ar phoist chonsalacha**

1. Cuirfidh na Ballstáit líon leordhóthanach de chomhaltaí foirne iomchuí ar fáil chun na tascanna a bhaineann le hiarratais ar víosaí a sheoladh, ar chaoi agus go n-áiritheofar go ndéileálfar go héifeachtach agus ar leibhéal comhchuibhithe le hiarratais agus le hiarratasóirí ina misin taidhleoireachta agus ina bpoist chonsalacha². Ba cheart d'aon áitreabh riachtanais iomchuí feidhmiúla na leormhaitheasa a shásamh agus bearta slándála iomchuí a cheadú.
2. Cuirfidh údaráis láir na mBallstát oiliúint leormhaith ar na comhaltaí foirne easaoránacha agus ar na comhaltaí foirne a bheidh fostaithe go háitiúil agus beidh siad freagrach as faisnéis iomlán, bheacht, a bheidh cothrom le dáta a chur ar fáil faoin dlí ábhartha Comhphobail agus faoin dlí ábhartha náisiúnta.
3. Cinnteoidh údaráis láir na mBallstát go ndéanfar monatóireacht rialta leormhaith ar an gcaoi a bpróiseálfar na hiarratais ar víosaí agus glacfaidh siad gníomhartha ceartúcháin nuair a bhraitear aon chlaontaí ó na forálacha.

¹ **FR** and **NL** proposed to delete the whole article.

² **CZ** emphasised that recommendations should be made about the number of employees to be hired in relation to the level of difficulties the staff could encounter given the level of illegal migration in the place concerned. **PL** was of the opinion that a acceptable work burden and remuneration must be addressed in relation to consulates confronted with a high level of illegal immigration. **IT** found it too hard to insert that kind of information in a legal document. **BE** referred to Recital 10 of the proposal for the Regulation and stated that was sufficient to address the matter. **COM** insisted on the importance of maintaining those provisions, especially the terms "sufficient numbers" for the EP in relation to the need for outsourcing.

Airteagal 36¹

Iompar na gcomhaltaí foirne a mbeidh iarratais ar víosaí á bpróiseáil acu

1. Áiritheoidh misin taidhleoireachta agus poist chonsalacha na mBallstát go gcuirfear fáilte chúirtéiseach roimh na hiarratasóirí.
2. Léireoidh comhaltaí foirne na gconsalachtaí meas ar dhínit an duine agus iad i mbun a ndualgas. Beidh aon bhearta a ghlacfar i gcoibhneas leis na cuspóirí a bheidh á saothrú leis na bearta sin.
3. Fad a bheidh a dtascanna á gcomhlíonadh acu, ní dhéanfaidh an fhoireann chonsalach leatrom ar dhaoine bunaithe ar ghnéas, ar thionscnamh ciníoch nó eitneach, ar reiligiún nó ar chreideamh, ar mhíchumas, ar aois nó ar chlaonadh gnéis.

Airteagal 37

Cineálacha comhair maidir le hiarratais ar víosaí a fháil

Féadfaidh na Ballstáit na cineálacha seo a leanas comhair a dhéanamh:

- (a) an "comhlonnú": próiseálfaidh comhaltaí foirne ó phoist taidhleoireachta agus ó mhisin chonsalacha ceann amháin nó níos mó de na Ballstáit na hiarratais (lena n-áirítear na haitheantóirí bithmhéadracha) a sheolfar chucu ag post consalach agus ag misean taidhleoireachta Ballstáit eile agus roinnfidh siad trealamh an Bhallstáit sin. Comhaontóidh na Ballstáit lena mbaineann maidir le ré an chomhlonnaithe agus maidir leis na coinníollacha a bhaineann lena fhoirceannadh agus maidir leis an táille riaracháin a bheidh le fáil ag an mBallstát a mbeidh a phost taidhleoireachta nó a mhisean consalach á úsáid.

¹ NL, FR, IT, EE and SK entered a reservation arguing this is not to be kept in legal provisions but rather in recitals.

- (b) "Ionaid Choiteanna Iarratais": cuirfear foirne phoist taidhleoireachta agus mhisin chonsalacha dhá Bhallstát nó níos mó i dteannta a chéile in aon fhoirgneamh amháin chun na hiarratais ar víosaí (lena n-áirítear na haitheantóirí bithmhéadracha) a sheolfar chucu a fháil. Treorófar na hiarratasóirí chuig an mBallstát a bheidh freagrach as an iarratas ar víosa a phróiseáil. Beidh comhaontú idir na Ballstáit maidir le ré an chomhair seo agus maidir leis na coinníollacha a bhaineann lena fhoirceannadh, chomh maith le comhaontú faoi na costais a roinnt idir na Ballstáit a bheidh rannpháirteach. Beidh Ballstát amháin freagrach as na conarthaí maidir le loighistic agus maidir le caidreamh taidhleoireachta leis an tír óstach.
- (c) Comhar le soláthróirí seachtracha seirbhíse: i gcás, ar chúiseanna a bhaineann leis an láthair a mbeidh an post consalach lonnaithe inti, nach iomchuí an misean taidhleoireachta nó an oifig chonsalach a threalmhú chun aitheantóirí bithmhéadracha a ghabháil/ a bhailiú nó chun comhlonnú a eagrú nó chun Ionad Coiteann Iarratais a eagrú, féadfaidh Ballstát nó líon Ballstát dul i gcomhar le soláthraí seachtrach seirbhíse chun iarratais ar víosaí (lena n-áirítear aitheantóirí bithmhéadracha) a fháil. I gcás den sórt sin, fanfaidh an Ballstát nó na Ballstáit lena mbaineann faoi dhliteanas as comhlíonadh na rialacha cosanta sonraí maidir le hiarratais ar víosaí a phróiseáil.

Airteagal 38

An comhar le soláthraithe seirbhíse seachtracha

1. Is san fhoirm seo a leanas a bheidh an comhar le soláthraithe seachtracha seirbhíse:
 - (a) feidhmeoidh an soláthraí seachtrach seirbhíse mar lárionad glaonna a sholáthróidh faisnéis ghinearálta faoi na ceanglais maidir le hiarratas a dhéanamh ar víosa agus beidh sé i bhfeighil chóras na gcoinní; agus/nó

- (b) cuirfidh an soláthraí seirbhíse seachtrach faisnéis ghinearálta ar fáil faoi na ceanglais a bhaineann le hiarratas a dhéanamh ar víosa, baileoidh sé na hiarratais, na doiciméid tacaíochta agus na sonraí bithmhéadracha ó iarratasóirí ar víosa agus baileoidh sé an táille láimhseála (dá bhforáiltear in Airteagal 16) agus tarchuirfidh sé na comhaid a comhlánaíodh agus na sonraí chuig misean taidhleoireachta nó chuig post consalach an Bhallstáit a bheidh inniúil ar an iarratas a phróiseáil.

2. Roghnóidh na Ballstáit lena mbaineann soláthraí seachtrach seirbhíse a mbeidh ar a chumas na bearta teicniúla agus eagraíochtúla slándála agus na bearta oiriúnacha teicniúla agus eagraíochtúla a áirithiú a iarrfaidh an Ballstát nó a iarrfaidh na Ballstáit chun sonraí pearsanta a chosaint ar scríosadh trí thaisme nó ar scríosadh mídhleathach, nó ar chaillteanas trí thaisme, ar nochtadh neamhúdaráithe nó ar rochtain neamhúdaráithe, go háirithe nuair a bhaineann an phróiseáil le sonraí a tharchur thar líonra chomh maith le comhaid a ghlacadh agus a tharchur chuig an bpost consalach, agus chun iad a chosaint ar gach cineál próiseála neamhdhleathaí eile.

Agus soláthraithe seirbhíse seachtracha á roghnú acu, déanfaidh misin taidhleoireachta nó poist chonsalacha na mBallstát mionscrúdú ar shócmhainneacht agus ar iontaofacht na cuideachta (lena n-áirítear na ceadúnais a bheidh riachtanach, clárú tráchtála, reachta na cuideachta, conarthaí bainc agus áiritheoidh sé nach mbeidh easaontacht leasanna ar bith i gceist.

3. Ní bheidh rochtain ag na soláthraithe seachtracha seirbhíse ar an VIS ar chúis ar bith. Forchoimeádfar rochtain ar an VIS go heisiach do chomhaltaí foirne cuí-údaráithe na misean taidhleoireachta nó na bpost consalach.

4. Cuirfidh an Ballstát nó na Ballstáit lena mbaineann conradh i gcrích leis an soláthraí seirbhíse seachtrach i gcomhréir le hAirteagal 17 de Threoir 95/46/CE. Sula gcuirfear conradh den sórt sin i gcrích, cuirfidh misean taidhleoireachta nó post consalach an Bhallstáit lena mbaineann, laistigh den chomhar consalach áitiúil, an chúis a bhfuil an conradh riachtanach in iúl do mhisin taidhleoireachta agus do phoist chonsalacha na mBallstát eile agus do thoscaireacht an Choimisiúin.
5. De bhreis ar na hoibleagáidí a shonraítear in Airteagal 17 de Theoir 95/46/CE, beidh forálacha freisin sa chonradh a dhéanfaidh an méid seo a leanas:
- (a) na freagrachtaí sonracha a bheidh ar an soláthraí seirbhíse a shainiú;
 - (b) a cheangal ar an soláthraí seirbhíse gníomhú faoi threoracha na mBallstát a bheidh freagrach agus gan na sonraí a phróiseáil ach chun críocha sonraí pearsanta iarratas ar víosaí a phróiseáil thar ceann na mBallstát a bheidh freagrach i gcomhlíonadh Threoir 95/46;
 - (c) a cheangal ar an soláthraí seirbhíse an fhaisnéis a cheanglaítear a thabhairt faoi Rialachán VIS a sholáthar do na hiarratasóirí;
 - (d) foráil go mbeidh rochtain ag comhaltaí foirne consalacha ar áitreabh an tsoláthraí seirbhíse gach uile thráth;
 - (e) a cheangal ar an soláthraí seirbhíse rialacha rúndachta a urramú (lena n-áirítear na sonraí a bailíodh i ndáil le hiarratais ar víosaí a chosaint);
 - (f) clásal fionraí agus foirceannta a bheith iontu.

6. Déanfaidh an Ballstát nó na Ballstáit lena mbaineann monatóireacht ar chur chun feidhme an chonartha, lena n-áirítear:
- (a) an fhaisnéis ghinearálta a sholáthair an soláthraí seirbhíse do na hiarratasóirí ar víosaí;
 - (b) na bearta teicniúla agus eagraíochtúla slándála agus na bearta oiriúnacha teicniúla agus eagraíochtúla a iarrfaidh an Ballstát nó a iarrfaidh na Ballstáit chun sonraí pearsanta a chosaint ar scríosadh trí thaisme nó ar scríosadh mídhleathach, nó ar chailteanas trí thaisme, ar nochtadh neamhúdairithe nó ar rochtain neamhúdairithe, go háirithe nuair a bhaineann an phróiseáil le sonraí a tharchur thar líonra chomh maith le comhaid a fháil agus a tharchur chuig an bpost consalach, agus chun iad a chosaint ar gach cineál próiseála neamhdhleathaí eile;
 - (c) aitheantóirí bithmhéadracha a ghabháil;
 - (d) na bearta a glacadh le comhlíonadh na bhforálacha cosanta sonraí a áirithiú.
7. Ní rachaidh méid iomlán na dtáillí a ghearrfaidh an soláthraí seirbhíse seachtrach as an iarratas ar víosa a phróiseáil thar an táille a leagtar amach in Airteagal 16.
8. Cuirfidh foireann chonsalach an Bhallstáit nó na mBallstát lena mbaineann oiliúint ar an soláthraí seirbhíse a thiocfaidh leis an eolas a bheidh ag teastáil chun seirbhís iomchuí agus faisnéis leordhóthanach a thairiscint do na hiarratasóirí ar víosaí.

Gnéithe eagraíochtúla

1. Cuirfidh misin taidhleoireachta agus poist chonsalacha na mBallstát faisnéis chruinn ar taispeáint maidir leis an modh chun coinne a fháil agus chun iarratas ar víosa a thíolacadh.
2. Is cuma cén saghas comhair a roghnófar, féadfaidh na Ballstáit a chinneadh go gcoimeádfar an fhéidearthacht go bhféadfaí rochtain dhíreach a thabhairt d'iarratasóirí chun iarratas ar víosa a thíolacadh in áitreabh a misin taidhleoireachta nó a bpoist chonsalacha. Áiritheoidh na Ballstáit go nglacfar agus go bpróiseálfar iarratais ar víosaí ar bhonn leanúnach, i gcás ina ndéanfar foirceannadh tobann ar an gcomhar le Ballstáit eile nó le soláthraí seirbhíse seachtrach d'aon chineál.
3. Cuirfidh na Ballstáit in iúl don Choimisiún an chaoi a mbeidh sé beartaithe acu glacadh agus próiseáil iarratas ar víosaí a eagrú i ngach láthair chonsalach. Áiritheoidh an Coimisiún go ndéanfar an fhaisnéis seo a fhoilsiú go hiomchuí.

Soláthróidh na Ballstáit na conarthaí sin a chuirfidh siad i gcrích don Choimisiún.

Tíolacadh iarratas ar víosaí ag idirghabhálaithe tráchtála

1. I gcás athiarratas² de réir bhrí Airteagal 11(2), féadfaidh na Ballstáit cead a thabhairt dá misin taidhleoireachta nó dá bpoist chonsalacha³ dul i gcomhar le hidirghabhálaithe tráchtála (i.e. le gníomhaireachtaí príobháideacha riaracháin, le gníomhaireachtaí iompair⁴ nó taistil (tionscnóirí turais agus miondíoltóirí); dá ngairfear "idirghabhálaithe tráchtála" ina dhiaidh seo) chun iarratais, doiciméid tacaíochta agus an táille láimhseála a bhailiú agus chun na comhaid a comhlánaíodh a tharchur⁵ chuig misean taidhleoireachta nó chuig post consalach an Bhallstáit a bheidh inniúil ar an iarratas a phróiseáil.
2. Sula dtabharfar creidiúnú d'idirghabhálaithe tráchtála a mbeidh na tascanna a bhfuil cur síos orthu i mír 1 á gcomhlíonadh acu, dearbhóidh misin taidhleoireachta agus poist chonsalacha na gnéithe seo a leanas go háirithe:
 - (a) stádas reatha an idirghabhálaí: ceadúnas reatha, an clár tráchtála, conarthaí le bainc;
 - (b) na conarthaí reatha atá acu le comhpháirtithe tráchtála atá bunaithe sna Ballstáit agus a thairgeann cóiríocht agus seirbhísí eile ar cuid de thurais réamháirithe iad;
 - (c) conarthaí atá acu le haerlínte, a gcaithfidh turais amach agus turais shocraithe fillte ráthaithe a bheith iontu.

¹ **FR** entered a reservation on the whole article.

² **NL** proposed to have "subsequent" applications.

³ **BE** and **HU** asked why the external service providers were not referred to as well. **ES** entered a reservation on any differentiation between travel agencies and external service providers. **COM** replied that under the provisions of Chapter VIII, Point 5, of the CCI a clear distinction is to be made between commercial intermediaries and external service providers because the first ones intervene in the framework of a contract with the visa applicants where the other ones are only bound by legal commitments regarding the visa authorities.

⁴ **EE** and **LT** asked what was meant by "transport agency". **COM** indicated that different kinds of transport were covered: air, road, ...

⁵ **DE** proposed to add the returning of passports.

3. Déanfar monatóireacht leanúnach¹ ar idirghabhálaithe creidiúnaithe tráchtála trí spotseiceálacha ina n-áireofar agallaimh duine le duine nó agallamh ar an teileafón le hiarratasóirí, fíorú na dturas agus na cóiríochta, fíorú go bhfuil an t-árachas liachta taistil a chuirtear ar fáil leordhóthanach agus go gclúdaíonn sé taistealaithe aonair, agus aon uair ar féidir é², na doiciméid maidir leis an ngrúpa a bheith ag filleadh a fhíorú.
4. Laistigh den chomhar consalach áitiúil, malartófar faisnéis faoi aon mhírialtachtaí a braitheadh, faoi dhiúltú iarratas a thíolaic idirghabhálaithe tráchtála, agus faoi chineálacha calaoise a braitheadh a bhain le doiciméid taistil agus faoi mhainneachtain turais sceidealta a dhéanamh.
5. Laistigh den chomhar consalach áitiúil, malartófar liostaí d'idirghabhálaithe tráchtála ar thug gach misean consalach nó post consalach creidiúnú dóibh nó ar baineadh creidiúnú díobh, mar aon leis na cúiseanna ar baineadh an creidiúnú díobh³.

Áiritheoidh gach misean consalach agus gach post consalach go mbeidh an pobal ar an eolas faoin liosta idirghabhálaithe creidiúnaithe a mbeidh sé ag comhoibriú leo.

Airteagal 41

Faisnéis don phobal i gcoitinne

1. Cuirfidh na Ballstáit agus a misin chonsalacha nó a bpoist chonsalacha gach faisnéis ábhartha⁴ ar fáil don phobal i gcoitinne maidir le hiarratas ar víosa a dhéanamh⁵:
 - (a) na critéir, na coinníollacha agus na nósanna imeachta chun iarratas a dhéanamh ar víosa;
 - (b) an modh chun coinne a fháil, más iomchuí;
 - (c) an áit ar chóir an t-iarratas a chur faoina bráid (misean taidhleoireachta inniúil nó post consalach inniúil, ionad coiteann iarratais nó soláthraí seachtrach seirbhíse)⁶.

¹ NL and BE found this wording in contradiction with "spot checks". DE entered a scrutiny reservation.

² HU proposed to add "...and deemed necessary...".

³ IT and LT are in favour of a positive list instead of a negative one.

⁴ SK was of the opinion that "actual information" would constitute a better wording.

⁵ SE asked whether information on a web site was sufficient.

⁶ SK proposed to include the visa fees. NL proposed to have Art. 39(1) under Art.41(1) because it concerns information on appointments only made with diplomatic missions and consular posts, not with external service providers. COM disagreed because Art.39(1) must be read together with the different forms of cooperation referred to in Art. 39

2. Cuirfidh an Ballstát a mbeidh ionadaíocht á déanamh aige agus an Ballstát a mbeidh ionadaíocht á déanamh dó, an pobal i gcoitinne ar an eolas faoi aon socruithe a dhéanfar maidir le hionadaíocht dá bhforáiltear in Airteagal 7 trí mhí sula dtiocfaidh socruithe den sórt sin i bhfeidhm¹. Is éard a bheidh san fhaisnéis sin sonraí na gcatagóirí iarratasóirí a d'fhéadfadh a bheith ann a chaithfidh iarratas a dhéanamh go díreach ag misean taidhleoireachta nó ag post consalach an Bhallstáit a mbeidh ionadaíocht á déanamh dó.
3. Cuirfear in iúl don phobal i gcoitinne agus d'údaráis na tíre óstaí nach bhfuil aon impleachtaí dlí ag an stampa dá bhforáiltear in Airteagal 17².
4. Cuirfear in iúl don phobal i gcoitinne na teorainneacha ama a bheidh ann le haghaidh scrúdú a dhéanamh ar iarratais ar víosaí dá bhforáiltear in Airteagal 20(1). Cuirfear an pobal ar an eolas freisin maidir leis na tríú tíortha a bhfuil a náisiúnaigh nó catagóirí sonracha de náisiúnaigh den sórt sin faoi réir réamhchomhairliúcháin mar a shonraítear in Iarscríbhinn I agus in Iarscríbhinn II³.
5. Cuirfear in iúl don phobal i gcoitinne gur gá fógra a thabhairt don iarratasóir faoi chinntí diúltacha ar iarratais ar víosaí, agus gur gá do chinntí den sórt sin na cúiseanna a bhí leo a lua agus go bhfuil ceart chun achomhairc ag iarratasóirí ar diúltaíodh a n-iarratais. Tabharfar faisnéis maidir leis na féidearthachtaí maidir le hachomharc a dhéanamh, an t-údarás dlíthiúil a bheidh inniúil agus an teorainn ama a bheidh ann chun achomharc a dhéanamh⁴.

¹ **PL, DK, NO, IT, EE, DE, NL, PT, HU** and **SE** found the deadline too long and asked for more flexibility. **BE** stressed that the general rule could be 3 months but particular circumstances could allow for a shorter period. **COM** opposed to amending its proposal because MS know this kind of representation long in advance.

² **COM** informed delegations that this provision should no longer stay once the VIS Regulation enters into force.

³ **DE** referred to its position on Art. 8 & 9. **DE** and **SK** insisted that confidentiality should be maintained regarding the countries for which prior consultation is applicable. **NL** opposed to 2nd sentence. **PT** suggested deleting the whole paragraph. **COM** stressed that this provision must be maintained. **IT** agreed with **COM**.

⁴ **SE** entered a scrutiny reservation, referring to its comments on Art. 23.

6. Cuirfear an pobal i gcoitinne ar an eolas nach leor víosa a bheith ina sheilbh ag duine le haghaidh cead isteach uathoibríoch¹ a thabhairt dó agus go bhféadfadh sé go n-iarrfaí ar shealbhóirí víosaí doiciméid tacaíochta a thaispeáint ag an teorainn.
7. Cuirfear an pobal i gcoitinne ar an eolas faoin ráta malairte a chuirfidh misin taidhleoireachta agus poist chonsalacha na mBallstát i bhfeidhm nuair a bheidh an táille láimhseála á muirearú in airgeadra áitiúil².

¹ NL suggested to replace "automatic right" with "irrevocable right", and in Art. 24 as well.
² SK and PL proposed to remove this paragraph to (1).

TEIDEAL IV: An Comhar Consalach Áitiúil

Airteagal 42¹

Comhar consalach áitiúil mhisin taidhleoireachta agus poist chonsalacha na mBallstát

1. D'fhonn a áirithiú go ndéanfar an comhbheartas víosa a chur i bhfeidhm go comhchuibhithe, ag cur cúinsí áitiúla san áireamh, nuair is iomchuí, oibreoidh misin taidhleoireachta agus poist chonsalacha na mBallstát agus an Coimisiún i gcomhar le chéile laistigh de gach dlínse agus déanfaidh siad measúnú ar an ngá a bheidh ann na nithe seo a leanas, go háirithe, a bhunú²:
 - (a) liosta comhchuibhithe de dhoiciméid tacaíochta a bheidh le tíolacadh ag iarratasóirí, agus Airteagal 14 agus Iarscríbhinn IV á gcur san áireamh;
 - (b) critéir chomhionanna chun iarratais ar víosaí a scrúdú, go háirithe maidir leis an gceanglas go mbeadh árachas liachta taistil ag an iarratasóir (lena n-áirítear na heisceachtaí agus an baol nach bhféadfaí árachas liachta taistil a fháil go háitiúil), an táille láimhseála, úsáid an stampa a léiríonn go ndearnadh iarratas ar víosa agus ábhair a bhaineann leis an bhfoirm iarratais;
 - (c) critéir chomhionanna chun déileáil leis na cineálacha éagsúla doiciméad taistil atá ann agus liosta cuimsitheach de na doiciméid taistil a bheidh eisithe ag an tír óstach, a thabharfar cothrom le dáta go rialta.

¹ **FR** suggested deleting this article because it is not normative and indicated it should be removed to Practical Handbook. **BE** and **PL** disagreed because legally binding measures are needed to foster the Local Consular Cooperation (LCC) between MS.

² **DE** suggested to add a point (e) along these lines: "a harmonised approach to checks on return including the length, scope and method of the measures to be applied (e.g. random control of boarding cards and interviews upon return).".

- (d) cur chuige comhchuibhithe maidir le comhar le soláthraithe seachtracha seirbhíse agus le hidirghabhálaithe tráchtála.

Maidir le ceann amháin nó níos mó de phointí (a) go (d), má dhearbhaíonn an measúnú laistigh den chomhar consalach áitiúil gur gá cur chuige comhchuibhithe áitiúil, glacfar bearta maidir le cur chuige comhchuibhithe den sórt sin de bhun an nós imeachta dá bhforáiltear le hAirteagal 46(2)¹.

2. Laistigh den chomhar consalach áitiúil, bunófar leathán coiteann faisnéise maidir leis an víosa ghearrfhanachta, an víosa idirthurais agus maidir leis na víosaí idirthurais aerfoirt (na cearta atá intuigthe léi, na coinníollacha a bhaineann le hiarratas a dhéanamh uirthi).
3. Malartófar an fhaisnéis seo a leanas laistigh den chomhar consalach áitiúil:
 - (a) staitisticí míosúla² maidir leis na víosaí gearrfhanachta a eisíodh, na víosaí a bhfuil bailíocht chríochach teoranta acu a eisíodh, na víosaí idirthurais agus na víosaí idirthurais aerfoirt a eisíodh, chomh maith leis an líon iarratas ar víosaí a diúltaíodh;
 - (b) faisnéis faoi na nithe seo a leanas:
 - (i) struchtúr socheacnamaíoch na tíre óstaí;
 - (ii) foinsí faisnéise ar leibhéal áitiúil (faoi tslándáil shóisialta, faoi árachas sláinte, faoi chláir fhioscacha, faoi chlárú ar dhul isteach agus ar imeacht etc.);
 - (iii) doiciméid bhréige agus doiciméid ghóchumtha a úsáid;
 - (iv) bealaí inimirce neamhdhleathaí;
 - (v) diúltuithe;
 - (vi) comhar le cuideachtaí aerlíne;
 - (vii) cuideachtaí árachais a sholáthraíonn árachas liachta taistil leordhóthanach (lena n-áirítear an cineál cumhdaigh a fhíorú, agus méid an bharrachais a d'fhéadfadh a bheith i gceist).

¹ NL found it unclear: on what basis the decisions are going to be adopted. COM informed delegations Art.46(2) is based on Comitology procedure.

² NL was in favour of "regular" rather than "monthly". COM wanted the text to be maintained.

4. Eagrófar cruinnithe comhair chonsalaigh áitiúil idir na Ballstáit agus an Coimisiún uair sa mhí¹ chun déileáil go sonrach le saincheistean oibríochtúla maidir le cur i bhfeidhm an chomhbheartais víosa. Is é an Coimisiún² a thionólfaidh na cruinnithe seo, mura socrófar a mhalairt ar iarratas ón gCoimisiún laistigh den dlínse.

Féadfar cruinnithe faoi aon ábhar amháin a eagrú agus fo-ghrúpaí a bhunú chun staidéar a dhéanamh ar shaincheistean laistigh den chomhar consalach áitiúil³.

5. Tarraingeofar suas tuarascálacha faoi chruinnithe comhair chonsalaigh áitiúil ar bhonn córasach agus scaipfear go háitiúil iad. Féadfaidh an Coimisiún tarraingt suas na dtuarascálacha a tharmligean chuig Ballstát⁴. Seolfaidh misean taidhleoireachta nó post consalach gach Ballstáit na tuarascálacha chuig a n-údarais láir⁵.
Bunaithe ar na tuarascálacha seo, tarraingoidh an Coimisiún suas tuarascáil bhliantúil laistigh de gach dlínse a chuirfear faoi bhráid na Comhairle.
6. Féadfar cuireadh a thabhairt, ar bhonn ad hoc, d'ionadaithe ar mhisin taidhleoireachta nó ar phoist chonsalacha na mBallstát nach bhfuil acquis an Chomhphobail maidir le víosaí á chur i bhfeidhm acu⁶, nó d'ionadaithe tríú tíortha, a bheith rannpháirteach i gcruinnithe chun faisnéis a mhalartú faoi ábhair shonracha a bhaineann le víosaí a eisiúint.
7. Déanfaidh an Coimisiún saincheistean ar ceistean leasa ghinearálta iad nó ar ceistean iad nach féidir a réiteach go háitiúil a chur faoi bhráid na Comhairle⁷ chun go scrúdódh sí iad⁸.

¹ **NL, BE, HU, PL, EL, IT** and **SK** were of the opinion that the once a month requirement is too hard to apply and wanted more flexibility.

² The **Chair** was in favour of meetings convened by the Presidency.

³ **NL** found those organisational details too explicit and suggested removing them in the Practical Handbook.

⁴ **IT** and **DE** stated that the reports should be drawn up by the Commission.

⁵ **NL** found those organisational details too explicit and suggested removing them in the Practical Handbook.

⁶ **HU** suggested to refer to nMS already partially applying the Schengen acquis. **COM** agreed to have the sentence redrafted in order to cover those nMS. **NO** stressed on the importance to make sure NO is not excluded from the LCC and the Schengen cooperation.

⁷ **COM** informed delegations that the Visa WP was to be understood here.

⁸ The **Chair** informed delegations that they could send their questions on that item directly to the Commission.

TEIDEAL V: Forálacha críochnaitheacha

Airteagal 43

Socruithe eisceachtúla

Cuirfidh na Ballstáit a bhfuil óstáil á déanamh acu ar na Cluichí Oilimpeacha agus ar na Cluichí Para-Oilimpeacha i bhfeidhm na nósanna imeachta sonracha agus na coinníollacha lena n-éascaítear víosaí a eisiúint a leagtar amach in Iarscríbhinn XIII¹.

Airteagal 44²

Leasuithe ar na hIarscríbhinní

- (2) Leasófar Iarscríbhinní III, IV, V, VI, VIII, IX, X agus XI³ i gcomhréir leis an nós imeachta dá dtagraítear in Airteagal 46(2).
- (3) Gan dochar d'Airteagal 47(2)⁴, cinnfear na hathruithe a dhéanfar ar Iarscríbhinn I agus ar Iarscríbhinn II i gcomhréir leis an nós imeachta a leagtar amach in Airteagal 46(2).

Airteagal 45

Treoracha maidir leis an gCód Víosa a chur i bhfeidhm go praiticiúil

Tarraingeofar suas, i gcomhréir leis an nós imeachta dá dtagraítear in Airteagal 46(2), treoracha oibríochtúla lena mbunófar na cleachtais chomhchuibhithe agus na nósanna imeachta comhchuibhithe a bheidh le leanúint ag poist thaidhleoireachta agus ag misin chonsalacha na mBallstát nuair a bheidh iarratais ar víosaí á bpróiseáil acu.

¹ **FR** stated that the specific procedures and conditions about visas, as referred to in Annex XIII were problematic regarding security. **COM** emphasised that those procedures were successfully applied for the Olympic games in Athens.

² **FR** and **NL** entered a scrutiny reservation on Art. 44, 45, 46.

³ Following **COM** a reference to Annex XII is to be added.

⁴ **DE** and **IT** challenged the need to have a reference to Art. 47(2).

Airteagal 46

Coiste

1. Tabharfaidh coiste dá ngairfear "an Coiste Víosáí" anseo feasta, cúnamh don Choimisiún.
2. I gcás ina ndéanfar tagairt don mhír seo, beidh feidhm ag Airteagal 5 agus ag Airteagal 7 de Chinneadh 1999/468/CE, ag féachaint d'fhorálacha Airteagal 8 de agus ar choinníoll nach modhnóidh na bearta cur chun feidhme a ghlacfar i gcomhréir leis an nós imeachta seo bunfhorálacha an Rialacháin seo.

Trí mhí a bheidh sa tréimhse dá bhforáiltear in Airteagal 5(6) de Chinneadh 1999/468/CE.
3. Glacfaidh an Coiste Víosáí a rialacha nós imeachta.

Airteagal 47

Fógra

1. Tabharfaidh na Ballstáit fógra don Choimisiún faoi na nithe seo a leanas:
 - (a) Staid na hionadaíochta dá dtagraítear in Airteagal 7;
 - (b) liosta de na tríú tíortha a gceanglaítear na nósanna imeachta faisnéise dá dtagraítear in Airteagal 9(3) a leanúint ina leith¹;
 - (c) na hiontrálacha breise náisiúnta a chuirtear sa mhír "barúlacha" den ghreamán víosa dá dtagraítear in Airteagal 25(2);

¹ LT asked whether this information should be published.

- (d) na húdaráis a bheidh inniúil as víosaí a fhadú, dá dtagraítear in Airteagal 28(4);
- (e) staideanna an chomhair dá dtagraítear in Airteagal 37¹;
- (f) staitisticí maidir leis na cineálacha uile víosaí a eiseofar gach sé mhí (1 Márta agus 1 Meán Fómhair gach bliain féilire) ag úsáid an tábla aonfhoirmigh² chun staitisticí a mhalartú³.

Cuirfidh an Coimisiún an fhaisnéis a dtugtar fógra fúithi in iúl de bhun mhír 1 ar fáil do na Ballstáit agus don phobal trí fhoilseachán leictreonach a thabharfar cothrom le dáta go leanúnach.

2. Cuirfidh Ballstáit in iúl don Choimisiún aon athruithe a mheastar a thiocfaidh ar na liostaí de na tríú tíortha a gceanglaítear an réamhchomhairliúchán a dhéanamh ina leith nó na nósanna imeachta a leanúint dá dtagraítear in Airteagal 8 agus in Airteagal 9.

Airteagal 48

Aisghairmeacha

1. Déantar ionadú ar Airteagal 9 go hAirteagal 17 den Choinbhinsiún chun Comhaontú Schengen an 14 Meitheamh 1985 a chur chun feidhme.

¹ **PL** suggested to merge points (a) and (e).

² **NL** and **IT** suggested to have annual statistics and **NL** asked what was meant by "uniform table".

³ **FR** suggested to remove those provisions on a new paragraph 3. Moreover **FR** was of the opinion that the statistics should be annually only and not published.

2. Aisghairfear an méid seo a leanas:

- (a) Na Teagaisc Choiteanna Chonsalacha, lena n-áirítear na hIarscríbhinní.
- (b) Cinntí Choiste Feidhmiúcháin Schengen an 14 Nollaig 1993 (SCH/Com-ex (93) 21), (SCH/Com-ex (93)24) (SCH/Com-ex (94) 25), (SCH/Com-ex (98)12) SCH/Com-ex (98)57.
- (c) Gníomhaíocht chomhpháirteach 96/197/JHA an 4 Márta 1996 a ghlac an Chomhairle ar bhonn Airteagal K.3 den CEA maidir le socruithe i dtaobh idirthurais aerfoirt¹.
- (d) Rialachán (CE) Uimh. 789/2001.
- (e) Rialachán (CE) Uimh. 1091/2001.
- (f) Rialachán (CE) Uimh. 415/2003.

3. Déanfar tagairtí do na hionstraimí a aisghaireadh a fhorléiriú mar thagairtí don Rialachán seo agus léifear i gcomhréir leis an tábla comhghaoil atá in Iarscríbhinn XIV iad.

¹ **FR** entered a scrutiny reservation.

Airteagal 49

Teacht i bhfeidhm

Tiocfaidh an Rialachán sin i bhfeidhm ar an bhfichiú lá tar éis a fhoilsithe in *Irisleabhar Oifigiúil an Aontais Eorpaigh*.

Beidh feidhm aige 6 mhí tar éis an dáta a dtiocfaidh sé i bhfeidhm. Beidh feidhm ag Airteagal 46 agus ag Airteagal 47 ón dáta a dtiocfaidh sé i bhfeidhm.

Beidh an Rialachán seo ina cheangal go huile agus go hiomlán agus beidh sé infheidhme go díreach i ngach Ballstát i gcomhréir leis an gConradh ag bunú an Chomhphobail Eorpaigh.

Arna dhéanamh sa Bhruiséil,

Thar ceann Pharlaimint na hEorpa

An tUachtarán

Thar ceann na Comhairle

An tUachtarán

**LIOSTA DE NA TRÍÚ TÍORTHA A nIARRTAR RÉAMHCHOMHAIRLIÚCHÁN LE
hÚDARÁIS LÁIR NA mBALLSTÁT FÉIN INA LEITH, DE BHUN AIRTEAGAL 8 DE
CHÓD AN CHOMHPHOBAIL MAIDIR LE VÍOSAÍ**

Faoi chuimsiú aon chomhaontuithe maidir le hionadaíocht, rachaidh údarais láir an Bhallstáit a mbeidh ionadaíocht á déanamh aici i gcomhairle le húdarais an Bhallstáit a mbeidh ionadaíocht á déanamh dó, de bhun Airteagal 9(2) de Chód an Chomhphobail maidir le Víosaí.

**LIOSTA DE NA TRÍÚ TÍORTHA A nIARRTAR RÉAMHCHOMHAIRLIÚCHÁN NÓ
FAISNÉIS Ó ÚDARÁIS LÁIR BALLSTÁT EILE INA LEITH, DE BHUN AIRTEAGAL 9
DE CHÓD AN CHOMHPHOBAIL
MAIDIR LE VÍOSAÍ**

Ciallaíonn an comhartha (*) nach bhfuil á lorg ach an fhaisnéis sin a bhaineann le víosaí a eisíodh, de bhun Airteagal 9(3) de Chód an Chomhpobail maidir le Víosaí.

**IARSCRÍBHINN III:****FOIRM IARRATAIS CHOMHCHUIBHITHE***Stamp Embassy or
Consulate*

Photo

Iarratas ar Víosa Schengen

Tá an fhoirm iarratais seo saor in aisce

1. Sloinne nó Sloinnnte			D'ÚSÁID AMBASÁIDE /CONSALACHTA AMHÁIN	
2. Sloinne (sloinnnte) breithe (sloinne nó sloinnnte roimhe sin)				Dáta a ndearnadh an t- iarratas:
3. Céadainmneacha				
4. Dáta breithe (bliain-mí-lá)	5. Áit agus tír bhreithe	6. Náisiúntacht	Dream ar cuireadh faoina mbráid é ☐ ambasáid/consalacht ☐ An Lárionad um Anailís ar Dhoiciméid Ghóchumtha ☐ gníomhaireacht taistil Ainm: ☐ soláthraí seirbhíse Ainm: ☐ Eile Ainm: Comhad láimhsithe ag:	
7. Gnéas ☐ Fireann ☐ Baineann		8. Stádas Pósta: ☐ Singil ☐ Pósta ☐ Scartha ☐ Colscartha ☐ Baintreach ☐ Baintreach fir ☐ Eile	An Víosa: ☐ Diúltaithe ☐ Deonaithe ☐ LTV ☐ A ☐ B ☐ C ☐ D Dul isteach: ☐ 1 ☐ 2 ☐ Iolrach Bailí ó:..... go:.....	
9. Cén cineál doiciméid taistil atá agat: ☐ Gnáthphas ☐ Pas Taidhleoireachta ☐ Pas seirbhíse ☐ Pas Oifigiúil ☐ Pas speisialta ☐ Doiciméad taistil eile (sonraigh an doiciméad le do thoil):				
10. Uimhir an doiciméid taistil	11. Eisithe ag Bailí go dtí			
12. Má tá cónaí ort i dtír nach í do thír bhunaidh í, an bhfuil cead agat filleadh ar an tír sin? Tá/ níl (uimhir agus bailíocht).....				
* 13. Gairm reatha				
* 14. Fostóir agus seoladh agus uimhir teileafóin an fhostóra. I gcás daltaí, ainm agus seoladh na hinstiúide oideachais.				
15. Ballstát ar ann atá do Príomhcheann scríbe				
16. An líon uaireanta a n-iarrtar dul isteach ☐ Dul isteach uair amháin ☐ Dul isteach faoi dhó ☐ Dul isteach iolrach		17. Ré an fhanachta nó ré an idirthurais Iarrtar víosa chun: ☐ fanacht, sonraigh líon na laethanta _____ ☐ Idirthurais aerfoirt		
18. Víosaí a eisíodh roimhe seo (a eisíodh i gcaitheamh na dtrí bliana seo caite)				
19. Cead dul isteach don tír dheireanach is ceann scríbe (i gcás iarratais ar idirthuras nó i gcás iarratais ar víosa idirthurais aerfoirt) Arna eisiúint ag: Bailí go dtí:				

Ní gá do bhaill teaghlaigh de chuid shaoránaigh an AE nó an LEE na fearainn a mharcáiltear le * a chomhlánú (céile, leanbh nó sinsear cleithiúnach). Caithfidh baill teaghlaigh de chuid shaoránaigh an AE nó an LEE doiciméid a sholáthar chun an gaol seo a chruthú agus fearann xx a líonadh isteach.

20. Cúis taistil Turasóireacht, Gnó, cuairt a thabhairt ar an teaghlach nó ar chairde, Cultúr, Spórt, Cuairt Oifigiúil, Cúiseanna liachta Cúis eile (sonraigh í, le do thoil):			D'ÚSÁID AMBASÁIDE /CONSALACHTA AMHÁIN					
* 21. Dáta a bhfuil sé beartaithe teacht		* 22. Dáta a bhfuil sé beartaithe imeacht						
* 23. Ainm an óstaigh sna Ballstáit. Mura bhfuil sé infheidhme, tabhair ainm na hóstlainne nó tabhair an seoladh sealadach sna Ballstáit								
Seoladh (agus seoladh ríomhphoist an óstaigh)		Teileafón agus Facs						
24. Ainm agus seoladh an teagmhálaí (agus na cuideachta nó na heagraíochta)		Teileafón (agus facs) na cuideachta nó na heagraíochta						
Ainm, seoladh, Teileafón (agus facs) (agus seoladh ríomhphoist) an teagmhálaí sa chuideachta nó san eagraíocht:								
* 25. An é an t-iarratasóir féin a íocfaidh na costais taistil agus na costais chothabhála i rith a thréimhse fanachta? ☐ Aon urraitheoir eile? ☐ Modh cothabhála i rith an fhanachta Airgead tirim, Seiceanna taistil, Cártaí creidmheasa, Cóiríocht, Eile:								
* 26. Más tá an costas taistil agus an costas maireachtála á chumhdach ag óstach/ag cuideachta/ag eagraíocht, sonraigh an modh cothabhála a bheidh agat i rith do thréimhse fanachta Airgead tirim, Seiceanna taistil, Cártaí creidmheasa, Cóiríocht, Eile: Ar tiolacadh cruthúnas ar chuireadh, ar urraíocht agus ar chóiríocht? ☐								
27. Árachas sláinte agus taistil. ☐ Níl sé infheidhme Ainm na cuideachta árachais Bailí go dtí								
28. Sonraí pearsanta bhall an teaghlaigh ar saoránach den AE nó den LEE é. <table border="1"> <tr> <td colspan="2">Ainm</td> <td>Céadainm</td> </tr> <tr> <td>Dáta breithe</td> <td>Náisiúntacht</td> <td>Uimhir an phas</td> </tr> </table>			Ainm		Céadainm	Dáta breithe	Náisiúntacht	Uimhir an phas
Ainm		Céadainm						
Dáta breithe	Náisiúntacht	Uimhir an phas						
Gaol teaghlaigh le saoránach AE nó LEE ☐ céile ☐ leanbh ☐ cleithiúnaí sinsearach								
29. Seoladh baile agus seoladh ríomhphoist an iarratasóra		Uimhir Teileafóin						
30. Áit agus Dáta		31. Síniú (do mhionaoisigh, síniú an choimeádaí/ an chaomhnóra)						

Ráiteas atá le síniú i gcás ina bhfuil iarratas á dhéanamh ar víosa dul isteach iolraigh (cf. fearann uimh. 16)

Tá sé cruthaithe agam go bhfuil árachas liachta taistil leordhóthanach agam do mo chéad fhanacht/do mo chéad idirthuras agus tuigim gur gá go mbeadh árachas leordhóthanach taistil agam do chuairteanna a thabharfaidh mé ina dhiaidh seo ar chríoch na mBallstát.

Síniú

BARLÚLACHA AR IARSCRÍBHINN III:

COM recalled that the uniform application form had been introduced only in 2002 and that no revolutionary changes had been introduced as the original version seemed on the whole to be satisfactory. However, a few amendments had been made in order to

- take account of certain choices made in the draft Regulation: i.e. the reference to D+C visas and group visa had been deleted, and a statement in relation to TMI (to be signed in case a multiple entry visas had been issued) had been added;
- anticipate the amendment of Regulation 539/2001: change of wording in field no 9 making them match the wording of Regulation 1932/2006;
- anticipate the VIS: a number of fields in the current application form had been deleted, as they concerned information judged less pertinent when certainty about the applicant's identity would be ensured by the collection of biometric identifiers and the final data protection statement had been adapted to take account of the storage of data in the VIS.

NL, supported by **FR**, suggested that for practical reasons the layout of the application form be changed so that the photo would be placed to the right and the embassy stamp to the left. **COM** could accept this change. **COM** would reflect further on the lay out (incl. the electronic presentation) and possible changes to be made for the purpose of on-line filling in of the form.

IT suggested that the title be reformulated in this manner: "Application for a visa for a Schengen State" as the form should be used both for applications for Schengen visas and national visas. **COM** could accept a deletion of the reference to "Schengen".

Responding to a query from **EE**, **COM** emphasised that this was a harmonised form, which among other things served as a means of exchange of information among Member States (and would in future be the basis of the entry of data into the VIS), and therefore any "national" deviation is unacceptable.

Ad Fields 1-3: **FR** drew delegations' attention to the problems in relation to the filling in of these fields in countries where the Latin alphabet was not used, meaning that the entries in the application form did not correspond to what was in the passport, noting that it had to be ensured that the entries in the application form corresponded to the information contained in the applicant's travel document.

Ad Field 4: DK wished to the date of birth to be indicated in this manner: "day-month-year".

Although current order was copied from the CCI and did not seem to have given rise to problems, **COM** could accept this.

Ad Field 6: BE wished to maintain a reference to "original nationality"(field 8 of Annex16 to the CCI). **COM** was of the opinion that information on original nationality was only of interest in a limited number of cases and ought therefore not to be part of standard form. **COM** repeated that the fact that reference was made to this entry in the draft VIS Regulation was not an argument for keeping it in the draft Visa Code. The changes to the acquis made in the Visa Code would later be reflected in an amendment to the VIS Regulation.

SE wished to add a field on "current residence address" as well as additional information on spouse and children of the applicant. **COM** failed to see the purpose of such addition, given that all applicants would have to submit individual applications. Moreover a link between applications would be provided for in the VIS.

EL wished to reinsert a reference to the name of the applicant's father as this information was essential for the verification of the applicant's identity. **NL** and **HU** supported this suggestion.

Ad Field 10-11: FR was not in favour of the deletion of the "date of issue" of the travel document, given certain practices of issuing several travel documents simultaneously. **COM** acknowledged the problem but was of the opinion that the solution would not be to amend the application form but rather to add a provision establishing that the travel document presented with the application should have been issued within the last five years.

Ad Field 12: Although this text had been taken over from the current application form, **IT** was of the opinion that it should be clarified that the applicant would have to declare by some means that he/she had the right to return to his/her country of residence.

Ad Field 14: IT found that indication of "student, name and address of educational establishment" did not add much. **COM** noted that this was essential information on the applicant's "status".

Ad Field 15: IT and **HU** wished to add information on Member State of first entry. Noting that expressions like "destination of first entry" and "main destination" were often confusing for applicants, **FR** wondered whether clearer formulations could be found. **COM** suggested: ""Member State (s) visited".

Ad Fields 16 and 17: **FR** found these acceptable but wished to add a reference to "length of validity" as requested by the applicant. **ES** did not agree, noting that a reference to multiple entry was sufficient. **NL** wished a reference to "long stay" to remain in. **SE** suggested that fields 21-22 be moved to follow immediately after 17.

Ad Field 18: **HU** and **FR** wondered why this was in and whether it only concerned previous Schengen visa. **COM** noted that it covered all previous visas, adding that the formulation should maybe be clarified although such visas would often still be in the applicant's travel document. Once the VIS became operational the information in relation to Schengen visa would be recorded there. **DK** wished to reintroduce a reference to "previous stays in a Schengen State" (Field 28 of current application form). **COM** found this superfluous as information on previous visas issued would in future be recorded in the VIS.

Ad Field 20: **HU** wished to add "study". **IT** and **FR** found that this field should be moved to the top of the form. **BE** suggested that the title be in plural ("Purpose(s) of travel"). Although all formulations had been taken over from the CCI, **COM** could accept **HU** and **BE** suggestions.

Ad Fields 21 and 22: **NL**, **HU**, **IT** and **FR** found that family members of EU citizens should also fill in these fields. **HU** wondered what should be indicated in field 22 in the case of an application for a multiple entry visa. **COM** recalled why there had to be a reference (in the form of "fields not to be filled in") to the rights enjoyed by family members of EU citizens under Directive 38/2004/EC, but **COM** understood delegations' concern in relation to the intentions of stay of family members and would consider removing the *.

Ad Field 23: **NL** wished to add date of birth of the host. **DE** agreed, wishing to add also sex and address. **COM** could accept adding date of birth and address but wondered what would be the added value of indication of the person's sex, recalling that applicants would have to submit a number of supporting documents together with the application form and that in order to meet Member States' public order and other security concerns a number of instruments and procedures were already in place (i.e. "prior consultation", Visa. SIS).

IT wished to formulate field 23 as follows: "Name and **first name** of host in the Member States. If not applicable, give name of hotel **and/or** temporary address in the Member States.".

FR found that this field should also be filled in by family members of EU citizens. **COM** emphasised that this request went beyond purely operational concerns and that prior control of the right to free movement enjoyed by this category of persons was unacceptable and contrary to the above mentioned Directive, adding that family members of EU citizens could not be considered to present illegal immigration risk, and therefore the * in relation to fields 23, 25 and 26 should remain. In relation to fields 23-25, **COM** noted that the formulations could be clarified in order to distinguish between "private" and "public" matters.

Ad Field 27: **BE** wondered whether the applicant could be requested to fill this in. **FR** suggested that "not applicable" be deleted but that "expiry date" had to be maintained as it would square with a requirement that the TMI should always be presented upon application and not room for manoeuvre should be allowed for in LSC (cf. Article 15 (8)). **COM** understood the concerns and suggested that in cases where the proof of TMI was only presented upon issuance of the visa, the expiry date of the TMI could be added in the vertical column by consular staff.

Ad Field 28: **DK** suggested the addition of ID card number. **COM** could accept this. Responding to a query from **IT**, **COM** noted that only the categories of persons covered by Directive 38/2004/EC were mentioned.

Ad Field 28: *"Family relationship with an EU or EEA citizen"*: some delegations questioned the meaning of "dependent ascendant". **COM** noted that the terminology should correspond to the one used in Directive 38/2004/EC. **COM** took upon himself to clarify this matter.

Ad Field 29: **NL** suggested that this field follow directly after field no 11.

Ad Field 31: **FR** suggested the addition of "parental authority" as "custodian/guardian" does not cover all cases.

DK wished to reintroduce fields 36 and 42 of the current application form

Statement related to TMI: **NL** found that it was inconvenient that persons applying for a multiple-entry visa had to sign twice (i.e. field 31 statement) and suggested that the two be combined.

VERTICAL COLUMN: "For Embassy/Consulate use only":

IT found that generally the previous lay out and formulation was clearer.

BE, supported by **NL** and **HU**, was not in favour of indicating in the form where the application has been submitted and travel agencies ought not to be associated with CACs and service providers. **ES**, on the contrary, wished the reference to travel agencies to remain in. **COM** found that information on the circumstances (via which intermediary) under which the application had been submitted was important but would consider deleting the option "embassy/consulate".

Commenting on a point raised by **IT**, **COM** noted that it could be considered to distinguish between the person who "handled" and the one who "processed/examined" the application. **COM** would consider reinserting the same references to supporting documents as in the current CCI version.

HU suggested that reference be made to situations of "representation" in case the application is eventually handed over to the Member State of destination.

IT found that reference to "D" visa should be maintained. **NL** regretted the deletion of both D and D+C visas.

COM would consider reinserting the entry "valid for: ..."

RÁITEAS ATÁ LE SÍNIÚ AG AN IARRATASÓIR¹:

Tuigim agus glacaim leis² an méid seo a leanas : go bhfuil tógáil mo ghrianghraif agus mo mhéarlorg éigeantach chun an t-iarratas ar víosa a scrúdú. Déanfar aon sonraí a bhaineann liom atá le feiceáil ar an bhfoirm iarratais ar víosa, chomh maith le mo mhéarloirg agus mo ghrianghraf a chur ar fáil d'údaráis ábhartha na mBallstát agus próiseálfaidh na húdaráis sin iad, chun cinneadh a dhéanamh faoi m'iarratas ar víosa.

Déanfar na sonraí sin chomh maith leis an gcinneadh a glacadh faoi m'iarratas, nó an cinneadh faoi cibé acu an ndéanfar víosa a eisíodh a chur ar neamhní, a tharraingt siar nó a fhadú a iontráil san VIS agus a stóráil ann go ceann tréimhse cúig bliana, áit a mbeidh rochtain orthu ag na húdaráis a bheidh inniúil ar sheiceálacha ar víosaí a sheoladh ag teorainneacha seachtracha agus laistigh de na Ballstáit, ag na húdaráis inimirce agus tearmainn sna Ballstáit chun a fhíorú an bhfuil na coinníollacha do dhul isteach dleathach i gcóir na mBallstát, d'fhanacht agus do chónaí ar chríoch na mBallstát á gcomhlíonadh, chun daoine a shainaithint nach bhfuil na coinníollacha seo á gcomhlíonadh acu nó nach bhfuil siad á gcomhlíonadh a thuilleadh acu, agus chun iarratas ar thearmann a scrúdú agus chun freagracht as scrúdú den sórt sin a chinneadh. Faoi choinníollacha áirithe beidh na sonraí ar fáil freisin d'údaráis a bheidh freagrach as slándáil inmheánach na mBallstát. Is é an t-údarás a bheidh freagrach as na sonraí a phróiseáil: *[Aireacht Gnóthaí Inmheánacha/Gnóthaí Eachtracha an BS lena mbaineann agus sonraí teagmhála]*.

Tuigim go bhfuil sé de cheart agam go gcuirfí in iúl dom, in aon cheann de na Ballstáit, na sonraí a bhaineann liom agus atá ar taifead san VIS agus sonraí an Bhallstáit a tharchuir na sonraí sin, agus iarratas a dhéanamh go gceartófaí aon sonraí a bhaineann liom nach bhfuil cruinn agus go scriosfaí aon sonraí a taifeadadh go mídhleathach. Ar iarratas sonrach uaim³, cuirfidh an t-údarás consalach a mbeidh m'iarratas á phróiseáil aige in iúl dom an bealach a bhféadfaidh mé an ceart atá agam a agairt chun na sonraí pearsanta a bhaineann liom a sheiceáil agus chun iad a chur á gceartú nó á scriosadh, lena n-áirítear na réitigh ghaolmhara atá ann i gcomhréir le dlí náisiúnta an Bhallstáit lena mbaineann. Tabharfaidh údarás náisiúnta maoirseachta an Bhallstáit seo *[sonraí teagmhála]*, cúnamh dom agus cuirfidh sé comhairle orm chun na cearta seo a agairt.

¹ **NL** and **FR**: Scrutiny reservation. **IT** found the statement should be made simpler and clearer. **COM** emphasised that the wording of the statement had mainly been taken over from the current application form, but that certain parts had been added for the purpose of storage of data in the VIS and for the access by border control authorities to this data because the visa applicant/holder would have to address those who had entered the data.

² **E** wished to delete the word "consent" as it gives the impression that consent is sufficient. According to data protection experts a reference to a legal provision must be in (i.e. Article 2 (h) of the Data Protection Directive). **PT** found that "consent" was not the appropriate word as the taking of fingerprints and a digital photo is mandatory for the submission of an application.

³ **BE** found that the statement gave the impression that the applicant/holder of a visa could only complain or ask for the correction of data at the consulate. According to this delegation it had to be specified which authorities are responsible. **COM** noted that it would not be possible to list all the authorities responsible in all Member States. The applicant/holder of a visa could seek information at the consulate who might then guide him/her elsewhere.

Dearbhaím go bhfuil na sonraí uile atá tugtha agam cruinn a mhéid is eol dom agus go bhfuil siad iomlán. Tuigim go mbeidh sé de thoradh ar aon ráiteas bréagach go ndiúltófar m'iarratas nó go neamhneofar víosa a eisíodh cheana agus go bhféadfadh sé go ndlífí mé a ionchúiseamh faoi dhlí an Bhallstáit atá ag deileáil leis an iarratas.

Geallaim go bhfágfaidh mé críoch na mBallstát nuair a rachaidh an víosa in éag, má dheonaítear í. Cuireadh in iúl dom nach bhfuil i seilbh víosa ach ceann de na réamhriachtanais le haghaidh dul isteach i gcríoch Eorpach na mBallstát. Ní chiallaíonn sé, toisc gur deonaíodh víosa dom, go mbeidh mé i dteideal cúitimh má theipeann orm forálacha ábhartha Airteagal 5(1) de Chód Teorainneacha Schengen a chomhlíonadh agus go ndiúltaítear cead isteach dom dá bharr sin. Seiceálfar na réamhriachtanais le haghaidh dul isteach arís ar dhul isteach i gcríoch Eorpach na mBallstát.

LIOSTA NEAMHCHUIMSITHEACH DE DHOICIMÉID TACAÍOCHTA¹

Féadfaidh na doiciméid seo a leanas a bheidh i measc na ndoiciméad tacaíochta, dá dtagraítear in Airteagal 14, a bheidh le tíolacadh ag iarratasóirí ar víosa:

A. DOICIMÉADACHT A BHAINNEANN LE CUSPÓIR AN TURAIS

(1) do thurais gnó:

- (i) cuireadh ó ghnólacht nó ó údarás chun freastal ar chruinnithe, ar chomhdhálacha nó ar imeachtaí a bhaineann le trádáil, le tionscail nó leis an obair;
- (ii) doiciméid eile a léiríonn gurb ann do chaidreamh trádála nó do chaidreamh chun críocha oibre;
- (iii) ticéid iontrála d'aontaí agus do chomhdhálacha, más iomchuí;
- (iv) doiciméid a chruthaíonn gníomhaíochtaí gnó na cuideachta;
- (v) doiciméid a chruthaíonn [stádas][staid] fostaíochta an iarratasóra sa chuideachta.

(2) do thurais a dtugtar fúthu chun críocha eile seachas chun críocha an staidéir nó cineálacha eile oiliúna:

- (i) deimhniú go bhfuil an t-iarratasóir ar an rolla in institiúid teagaisc chun freastal ar chúrsaí gairme nó ar chúrsaí teoiriciúla faoi chuimsiú na bunoiiliúna agus na hardoiiliúna;
- (ii) cárta scoláire nó teastais do na cúrsaí ar freastalaíodh orthu;

¹ By way of presentation, **COM** noted that this non-exhaustive list had been drawn up in order to structure the supporting documents necessary for different purposes better. In addition, account had been taken of the analogue list set out in Annex I to the SBC, as the entry conditions to be fulfilled by visa applicants and by persons wishing to cross the external borders are identical. **COM** emphasised that the non-exhaustive list corresponded to the approach followed in the SBC and according to Article 14(3), the list could be adapted to local circumstances

- (3) do thurais ar tugadh fúthu chun críocha eile seachas chun críocha turasóireachta nó ar chúiseanna príobháideacha:
- (i) doiciméid maidir le lóistín:
 - cuireadh ón óstach má táthar le fanacht le hóstach;
 - doiciméad ón mbunaíocht atá le lóistín a chur ar fáil nó aon doiciméad eile a chuireann in iúl an chóiríocht atá beartaithe;
 - (ii) doiciméid maidir leis an gcúrsa taistil:
 - dearbhú gur cuireadh an turas eagraithe in áirithe nó aon doiciméad eile a chuireann in iúl na pleananna taistil atá beartaithe;
- (4) i gcás turas a dtugtar fúthu chun críocha imeachtaí polaitiúla, eolaíochta, cultúrtha, spóirt nó creidimh nó ar chúiseanna eile¹:
- cuirí, ticéid iontrála, clárúithe nó cláir ina luaitear, aon uair is féidir é, ainm na heagraíochta óstaí agus fad na cuairte nó aon doiciméad iomchuí eile a léiríonn cuspóir na cuairte.

¹ EE wished to add a reference to "humanitarian reasons", "funerals", "pilgrimage" either in this paragraph or in a separate point (5). PL and PT were not in favour of this addition, PT drawing the attention to point (3): ".. for private reasons" which could cover such travel purposes.

B. DOICIMÉADACHT A CHEADAÍONN MEASÚNÚ A DHÉANAMH AR AN RÚN ATÁ AG AN IARRATASÓIR FILLEADH¹

- 1) ticéad fillte;
- 2) cruthúnas ar acmhainní airgeadais²;
- 3) cruthúnas ar fhostaíocht: ráitis baine;
- 4) cruthúnas ar mhaoin eastáit réadaigh;
- 5) cruthúnas go bhfuil an t-iarratasóir imeasctha sa tír ina bhfuil sé ina chónaí: ceangail teaghlaigh; stádas gairmiúil.

C. DOICIMÉADACHT MAIDIR LE STAID TEAGHLAIGH AN IARRATASÓRA

- 1) toiliú ó thuismitheoirí (nuair nach lena thuismitheoirí a bheidh an mionaoiseach ag taisteal);
- 2) cruthúnas go bhfuil ceangail teaghlaigh aige leis an duine a bhfuil cuireadh á thabhairt aige dó.

3

¹ IT suggested that a reference to "hotel reservation" be added. COM found this unnecessary as presentation of the return ticket would prove the applicant's intention to return.

² LU wondered why this should be requested when the applicant was also asked to present proof of bearing of costs, adding that the proof of return would maybe sufficient. COM stressed that the purpose of this requirement was to assess the applicant's financial situation in the place of residence. However, COM recalled that the same supporting documents might serve several purposes and would thus be repeated.

³ FR suggested the addition of "family member of an EU citizen". COM would consider this, noting that overlapping with the application form should be avoided.

**FOIRM CHOMHCHUIBHITHE MAR CHRUTHÚNAS AR CHÓIRÍOCHT AGUS/ NÓ
MAR CHRUTHÚNAS AR CHOSTAIS A IOMPAR¹**

[An Ballstát]

Cruthúnas ar chóiríocht* cruthúnas ar chostais a iompar*

**i gcomhréir le hAirteagal 14.1(1) den Chód Víosai
chun críocha cuireadh a thabhairt do náisiúnach tríú tíre atá faoi réir na hoibleagáide víosa**

(Próiseálann agus eisíonn an t-údarás inniúil an fhoirm seo saor in aisce)

Déanaimse, thíos-sínithe		
Sloinne	Ainm	
Dáta breithe	Áit bhreithe	
Náisiúntacht		
Uimhir an Chárta Aitheantais	Uimhir an phas	
Uimhir an cheada cónaithe:		
Dáta eisiúna	Áit eisiúna	
Seoladh:		
Úinéir	Tionónta	
Gairm bheatha:		
Dearbhú go bhfuil ar mo chumas cóiríocht a chur ar fáil do*:		
1. Sloinne	Ainm	Náisiúntacht
Dáta breithe	Áit bhreithe	
Seoladh		
Gaol atá agam leis an duine a bhfuil cuireadh á thabhairt agam dó		
Uimhir an phas		
2. Sloinne	Ainm	Náisiúntacht
Dáta breithe	Áit bhreithe	
Seoladh		
Gaol atá agam leis an duine a bhfuil cuireadh á thabhairt agam dó		
Uimhir an phas		
3. Bailí ó	Bailí go dtí	
ag an seoladh thuasluaite.		
ag an seoladh tánaisteach seo a leanas:		
Dearbhú go bhfuil ar mo chumas costais chothabhála agus aisdúichiú a iompar *		
- don duine/do na daoine a luaitear faoi* 1. 2.		
- i rith na tréimhse a shonraítear faoi 3.		

* Cuir tic sna boscaí cuí le do thoil

Faisnéis bhreise:

Beidh síntiús árachais dá gcuid féin ag na daoine a luaitear* faoi 1 agus faoi 2 , ar feadh ré an fhanachta, mar a éilítear le hAirteagal 12(1)(b) den Chód maidir le Víosáí.

Tá síntiús árachais sláinte agam thar a gceann i rith tréimhse an fhanachta.

Tuigim go mbeidh na sonraí pearsanta atá san fhoirm seo á stóráil agus á láimhseáil ag na seirbhísí a gheobhaidh an fhoirm, go mbeidh siad á stóráil sa Chóras Faisnéise Víosáí (VIS) agus go dtabharfar rochtain d'údaráis na mBallstát eile orthu agus go mbeidh sé de cheart agam iad a chur á n-athrú nó á scriosadh, go háirithe má bhíonn siad míchruinn.

Is eol dom [*liosta d'fhorálacha náisiúnta le cur isteach ag an mBallstát lena mbaineann*]:

- tagairt do na pionóis a chuirfear má thugtar sonraí bréige;
- tagairt do phionóis a chuirfear má éascaítear fanacht mhírialta.

-

- caithfear bunchóip an ráitis seo, agus stampa ón údaráis inniúil uirthi, a thaispeáint laistigh de shé mhí do na húdaráis chonsalacha a bheidh inniúil as scrúdú a dhéanamh ar na hiarratais ar víosaí a rinne an duine nó na daoine ar tugadh cuireadh dóibh.

Dearbhaím dar m'fhocal, go bhfuil an fhaisnéis a chuir mé ar fáil fíor.

Arna léamh agus arna fhorghnó

Finnéithe ar dheimhniú shín.....

Dáta agus Síniú an duine a bhfuil cuireadh á thabhairt dó Dáta Stampa an údaráis inniúil

Doiciméid atá le cur i gceangal leis seo:

- **cóip de chárta aitheantais an duine a bhfuil cuireadh á thabhairt dó nó de leathanach bithshonraí a phas nó a pas;**
- **cruthúnas ar chónaí (eg. gníomhais teidil maoine, comhaontú cíosa, billí leictreachais/uisce/gáis;**
- **cruthúnas ar ioncam (duillín pá, admháil pinsin, doiciméad oifigiúil ina luaitear méid an ioncaim);**
- **más infheidhme, polasaí árachais sláinte an duine nó na ndaoine ar tugadh cuireadh dó nó dóibh.**

Lena húsáid ag na húdaráis inniúla amháin an Roinn seo	
Cruthúnas ar chóiríocht ☐ Níor fíoraíodh na coinníollacha cóiríochta Measadh go bhfuil na coinníollacha cóiríochta ag teacht leis an gcuireadh atá beartaithe	Cruthúnas ar chostais a iompar Leibhéal acmhainní airgeadais an duine a bhfuil cuireadh á thabhairt dó nó di Níor fíoraíodh é Measadh go bhfuil sé leordhóthanach i ndáil leis na méideanna tagartha atá infheidhme agus i ndáil le ré fanachta an duine ar tugadh cuireadh dó nó di nó na ndaoine ar tugadh cuireadh dóibh
Dáta:..	Ait:
Stampa an údaráis inniúil:	

¹ Féach fonóta 4 ar lch. 32

² **FR** would therefore like to make the following comments:

- There is no entry [in French version of form] for the host's nationality. The gender of the host and of the invitee are not requested; this is an important element, as the forename is not always enough for identification purposes.
- The passport number of the invitee and a copy of the invitee's passport or identity card must be produced. It is not stated that the prospective host must go in person to the town hall to fill out the proof-of-accommodation form.
- There is only room on the form for the details for two invitees, which is a problem if children who are minors have to be accounted for.
- There is no entry for any previous proof-of-accommodation forms issued to the host. Such information is essential to enable the authorities to detect abuses.
- While the form contains the line "declare being able to bear living costs and repatriation [costs]", repatriation costs are covered by insurance and there is no mention of the requisite EUR 30 000 cover. Unlike the French regulations, the form makes no provision for the host's explicit undertaking to meet the foreigner's living expenses should he default, unless the host's declaration on page 1 of the form that he can bear the living and repatriation costs is to be considered an equivalent undertaking. Moreover, the draft form makes no mention of the documents that the host must produce as evidence of his means.
- With reference to the evidence to be produced of the host's means, unlike the French form the Commission's draft does not mention a specific amount (e.g. the guaranteed minimum wage (SMIC) in France).
- The Commission's harmonised form makes no provision for the consular services to inform mayors whether or not visas have been issued. The reply-coupon system applied by France could be used for this purpose. There is no box for the stamps of the consular authorities or border control (entry) evidencing that they have carried out their checks. The entry "date and signature of the invitee" should read "date and signature of the applicant".
- There is no mention in the draft European form of any fees to be paid by the prospective host (stamp duty in France is currently EUR 15) nor is there any reference to a home visit to check on the state of the accommodation being provided. The reformed proof-of-accommodation form arrangements under the Act of 26 November 2003 targeted the host facilities, in particular the conditions of accommodation, in order to avoid abuses on the part of hosts. The harmonised form makes no specific reference to the accommodation (surface area, number of rooms, number of occupants, sanitary arrangements, etc.).
- The Commission's proposed harmonised form covers visa applicants only. Under French legislation a proof-of-accommodation form is also required for nationals of non-visa third countries. What kind of proof of accommodation form should be issued to such persons?

- **BARLÚLACHA GINEARÁLTA AR IARSCRÍBHINN V**

COM recalled that the existing Annex 15 to the CCI on "*Specimen of harmonised forms providing proof of invitation, sponsorship and accommodation*" only contained specimen of such forms drawn up by four Member States, despite the fact that according to information provided on the websites of a number of Member States' MFA, such forms (albeit not notified) are used. This is not satisfactory, and is moreover problematic for border guards, and therefore the Commission had judged necessary to draw up a harmonised form.

NL wondered whether it was useful to have one form for two purposes. **COM** recognised that the two issues were legally distinct and that the consequences were different, but found that given the clearly distinct purposes this should not be a problem.

LV, supported by **EE** and **LT**, suggested that use of electronic versions of this form be provided for in order to allow for the storage of the information in the national database. **COM** would not be opposed to this option.

EE, **SI** and **LT** wondered whether the form could be used both when the inviting party was a natural person and a legal person.

LT, supported by **DE**, **FR** and **HU**, was of the opinion that the form should contain security features.

NO was in favour of introducing a harmonised form but emphasised that the use should not be mandatory, i.e. not systematic use for all applicants. **DK**, **ES**, **HU** and **SE** were also in favour of optional use of the form.

EE wondered whether the document would be handed over to the applicant, so that he/she could show it at the border.

LV, **CZ**, **SK**, **HU**, **DE** and **FR** were of the opinion that a fee should be charged for this form. **COM** was categorically against this as there was a growing tendency to charge applicants with all sorts of additional fees.

LU and **BE** noted that there is no legal basis for retrieving the money from an inviting person in case the applicant went to a Schengen State different from the one where the inviting person lived.

BE was of the opinion that that this issue should be covered in general terms and maybe only in an article. **COM** recognised the problem of retrieving coverage of costs of living if the inviting person lived in another country. As far as the concerns in relation to the use of this form in the case of "representation", **COM** recalled that the system of representation was based on mutual confidence which should be "*élargie*". to local authorities.

- **BARÚLACHA AR PHOINTÍ SONRACHA**

HU suggested the addition of "original surname" in the form.

FR wished to add the following information in the form:

- gender of the host and the invitee, (DE supported this suggestion)
- passport number of the invitee and a copy of this passport or identity card,
- possibility of adding details of more than two invitees,
- reference to previous proof-of-accommodation forms,
- indication that the prospective host must fill in the form personally,
- reference to a specific amount (e.g. in France: the guaranteed minimum wage (SMIC),
- reference to the evidence to be produced of the host's means,
- box for the stamps of the consular authorities or border control (entry) evidencing that they have carried out their checks.
- a "reply-coupon" system in order for the consular services to inform mayors whether or not visas have been issued,
- the entry "date and signature of the invitee" should read "date and signature of the applicant".
- reference to a home visit to check on the state of the accommodation in order to avoid abuses on the part of hosts.
- specific reference to the accommodation (surface area, number of rooms, number of occupants, sanitary arrangements, etc.).

In addition, **FR** noted that while the form contains the line "declare being able to bear living costs and repatriation [costs]", repatriation costs are covered by insurance and there is no mention of the requisite EUR 30 000 cover and therefore **FR** suggested that provision be made for the host's explicit undertaking to meet the foreigner's living expenses should he default, unless the host's declaration on page 1 of the form that he can bear the living and repatriation costs is to be considered an equivalent undertaking. Reference should be made to the documents that the host must produce as evidence of his means. Finally, **FR** wondered which proof of accommodation form should be used in the case of nationals from third countries not subject to visa requirements.

PL suggested the following formulation under "Additional information" (top of 2nd page of form):
"..subscribe(s) to their own travel medical insurance for the duration of the stay **and for repatriation for health reasons**, as required by...".

DE found that the declaration should also cover the costs of a compulsory repatriation.

DE, supported by **PL**, were of the opinion that declarations in points 1 and 3 of the form were ambiguous and the aspect of obligation ought to be strengthened.

PL suggested that addition in the last indent of "Documents to be attached" of a reference to **travel health insurance policy**...".

**FORMÁID AONFHOIRMEACH AN STAMPA A LÉIRÍONN GUR TAISCEADH
IARRATAS AR VÍOSA ***

...¹ víosa ...² R/ ...³

xx/xx/xxxx⁴⁵ .

Sampla:

Víosa C	FR	R/ IT
22/04/2006	Consulat de France	
Djibouti		

* **SE:** scrutiny reservation.

¹ Cód an víosa a ndearnadh iarratas uirthi.

² Cód an Bhallstáit a bhfuil an t-iarratas á phróiseáil aige.

³ Cód an Bhallstáit a bhfuil ionadaíocht á déanamh dó ag an mBallstát a bhfuil an t-iarratas ar víosa á phróiseáil aige, más infheidhme.

⁴ Dáta a ndearnadh an t-iarratas (sé dhigit: xx lá, xx mí, xxxx bliain)

⁵ An t-údarás a bhfuil an t-iarratas ar víosa á phróiseáil aige

**LIOSTA COMHCHOITEANN DE THRÍÚ TÍORTHA A LIOSTAÍTEAR I RIALACHÁN
(CE) UIMH 539/2001, IARSCRÍBHINN I, A bhFUIL DE CHEANGLAS AR A
NÁISIÚNAIGH VÍOSA IDIRTHURAS AERFOIRT A BHEITH ACU AGUS IAD AG DUL
TRÍ LIMISTÉAR IDIRTHURAS IDIRNÁISIÚNTA AERFORT ATÁ LONNAITHE I
gCRÍOCH NA mBALLSTÁT**

AN AFGANASTÁIN

AN BHANGLAIDÉIS

CONGÓ (Poblacht Dhaonlathach an Chongó)

AN EIRITRÉ

AN AETÓIP

GÁNA

AN IARÁIN

AN IARÁIC

AN NIGÉIR

AN PHACASTÁIN

AN tSOMÁIL

SRÍ LANCA

**LIOSTA DE NA CEADANNA CÓNAITHE A THUGANN TEIDEAL DÁ SEALBHÓIRÍ
IDIRTHURAS A DHÉANAMH TRÍ AERFOIRT NA mBALLSTÁT GAN É A BHEITH DE
CHEANGAL ORTHU VÍOSA IDIRTHURAS AERFOIRT A BHEITH ACU**

ANDÓRA:

- *Tarjeta provisional de estancia y de trabajo* (cead cónaithe agus oibre sealadach) (bán). Chuig oibrithe séasúracha a eisítear iad seo; braithfidh tréimhse na bailíochta ar ré na fostaíochta, ach ní rachaidh sí riamh thar 6 mhí. Ní féidir an cead seo a athnuachan
- *Tarjeta provisional de estancia y de trabajo* (cead cónaithe agus oibre) (bán). Eisítear an cead seo go ceann 6 mhí agus féadfar é a athnuachan go ceann bliana eile
- *Tarjeta provisional de estancia y de trabajo* (cead cónaithe) (bán). Eisítear an cead seo go ceann 6 mhí agus féadfar é a athnuachan go ceann bliana eile
- *Tarjeta provisional de estancia y de trabajo* (cead cónaithe sealadach) (bándearg). Eisítear an cead seo go ceann bliana amháin agus féadfar é a athnuachan faoi dhó, go ceann bliana sa dá chás
- *Tarjeta provisional de estancia y de trabajo* (gnáthchead cónaithe sealadach) (buí). Eisítear an cead seo go ceann 3 bliana agus féadfar é a athnuachan go ceann 3 bliana eile
- *Tarjeta provisional de estancia y de trabajo* (cead cónaithe speisialta) (uaine). Eisítear an cead seo go ceann 5 bliana agus féadfar é a athnuachan, go ceann 5 bliana eile i ngach cás
- *Autorización de residencia (údarú cónaithe)* (uaine). Eisítear an cead seo go ceann bliana agus féadfar é a athnuachan, go ceann 3 bliana i ngach cás
- *Tarjeta provisional de estancia y de trabajo (údarú cónaithe agus oibre sealadach)* (bándearg). Eisítear an cead seo go ceann 2 bhliain agus féadfar é a athnuachan go ceann 2 bhliain eile
- *Tarjeta provisional de estancia y de trabajo* (gnáthúdarú cónaithe agus oibre) (buí). Eisítear an cead seo go ceann 5 bliana
- *Tarjeta provisional de estancia y de trabajo* (údarú speisialta cónaithe agus oibre) (uaine). Eisítear an cead seo go ceann 10 mbliana agus féadfar é a athnuachan, go ceann 10 mbliana eile i ngach cás

CEANADA:

- Cárta buanchónaitheora (cárta plaisteach)
-

AN tSEAPÁIN:

- Cead dul isteach an athuair sa tSeapáin

MONACÓ:

- *Carte de séjour de résident temporaire* de Monaco (cead cónaitheora shealadaigh)
- *Carte de séjour de résident ordinaire* de Monaco (cead gnáthchónaitheora)
- *Carte de séjour de résident privilégié* (cead cónaitheora phribhléidigh)
- *Carte de séjour de conjoint de ressortissant monégasque* (cead cónaithe do chéile náisiúnaigh Mhonacaigh)

SAN MAIRÍNE:

- *Permesso di soggiorno ordinario (validità illimitata)* [Cead gnáthchónaithe) (gan aon dáta éaga)].
- *Permesso di soggiorno continuativo special (validità illimitata)* [Cead buanchónaithe speisialta (gan aon dáta éaga)]
- *Carta d'identità de San Marino (validità illimitata)* [Cárta aitheantais San Mairíne) (gan aon dáta éaga).]

STÁIT AONTAITHE MHEIRICEÁ:

- Foirm I-551 cárta buanchónaitheora (bailí go ceann idir 2 bhliain agus 10 mbliana)
- Foirm I-551 Cárta admhála ar chlárú eachtrannaigh (bailí go ceann idir 2 bhliain agus 10 mbliana)
- Foirm I-551 Cárta admhála ar chlárú eachtrannaigh (gan aon dáta éaga)
- Foirm I-327 Doiciméad dul isteach athuair (bailí go ceann 2 bhliain - eisítear chuig sealbhóirí I-551 é)
- Cárta eachtrannaigh chónaithigh (bailí go ceann 2 bhliain nó 10 mbliana nó gan aon dáta éaga. Ní rathaíonn an doiciméad seo go bhfillfidh an sealbhóir ach amháin i gcás nach rachaidh a fhanacht nó a fanacht lasmuigh de SAM thar bhliain.)
- Cead dul isteach an athuair (bailí go ceann 2 bhliain. Ní rathaíonn an doiciméad seo go bhfillfidh an sealbhóir ach amháin i gcás nach rachaidh a fhanacht nó a fanacht lasmuigh de SAM thar dhá bhliain.)
- Stampa cónaithe shealadaigh bailí i bpas bailí (bailí go ceann bliana ón dáta a n-eiseofar é)

FOIRM CHAIGHDEÁNACH CHUN FÓGRA A THABHAIRT FAOI VÍOSA A BHEITH Á DIÚLTÚ AGUS CHUN NA CÚISEANNA A BHÍ LEIS AN DIÚLTÚ SIN A THABHAIRT

MISEAN TAIDHLEOIREACHTA NÓ

POST CONSALACH BALLSTÁIT ¹⁾



1

DIÚLTÚ VÍOSA

i gcomhréir le hAirteagal 23 de Chód an Chomhphobail maidir le víosaí

A _____ a chara,

Rinne Ambasáid/ Ard-Chonsalacht/ Consalacht an/na _____ i/in/sa

_____ scrúdú ar d'iarratas ar víosa an xx Mí 200x [thar ceann (*ainm an Bhallstáit a bhfuil ionadaíocht á déanamh air*)]. Diúltaíodh an víosa.

Tá diúltú do víosa bunaithe ar cheann amháin nó níos mó de na cúiseanna seo a leanas a choisceann víosa a eisiúint ²⁾(*marcáilte le tiC*):

- ☐ **tíolacadh doiciméad bréagach/doiciméad góchumtha/doiciméad brionnaithe ³⁾**
- ☐ **ní fhéadfaí cuspóir nó coinníollacha d'fhanachta a fhionnadh**
- ☐ **ní fhéadfaí a fhionnadh go bhfuil rún agat filleadh ar do tír bhunaidh**
- ☐ **níor chruthaigh tú go bhfuil cóir leordhóthanach mhaireachtála agat don tréimhse agus don chineál fanachta, ná go bhfuil sé d'acmhainn agat filleadh ar an tír bhunaidh nó ar an tír idirthurais;**
- ☐ **d'fhan tú ar feadh trí mhí cheana ⁴⁾ i rith tréimhse 6 mhí ar chríoch na mBallstát.**
- ☐ **tá foláireamh eisithe chun cead isteach a dhiúltú**
- ☐ **i gCóras Faisnéise Schengen (SIS) ag(an Ballstát a bhí i gceist)**
- ☐ **sa chlár náisiúnta**
- ☐ **measann Ballstát amháin nó níos mó Ballstát gur bagairt tú do bheartas poiblí, do shlándáil inmheánach, do shláinte phoiblí, nó do chaidreamh idirnáisiúnta ceann amháin nó níos mó de Bhallstáit an Aontais Eorpaigh (*caithfidh gach Ballstát na tagairtí ábhartha a shonrú don reachtaíocht náisiúnta faoinar diúltaíodh cead isteach.*) ⁵⁾**
- ☐ **níor sholáthair tú cruthúnas leordhóthanach ar phráinne chun iarratas ar víosa a dhéanamh ag an teorainn**

6)

Dáta agus Stampa an mhisin taidhleoireachta nó an phoist chonsalaigh

Síniú an duine lena mbaineann

¹ Ní gá lógó don Iorua, don Íoslainn ná don Eilvéis.

(Féach freisin na barúlacha ar Airteagal 23)

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

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

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

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

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

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

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

AN GREAMÁN VÍOSA A LÍONADH ISTEACH

I. Roinn na n-iontrálacha comhchoiteanna

1.1. Ceannteideal "BAILÍ DO":

Taispeántar faoin gceannteideal seo an chríoch ina bhfuil an sealbhóir víosa i dteideal taisteal. Caithfear an ceannteideal seo a chomhlánú ar cheann de na bealaí seo a leanas:

- (a) Stáit Schengen;
- (b) Stát Schengen nó Stáit Schengen dá bhfuil bailíocht an víosa teoranta (sa chás seo úsáidtear na giorrúcháin seo a leanas)¹:

A = An Ostair

BNL = An Bheilg, an Ísiltír agus Lucsamburg²

CY=An Chipir

CZE=Poblacht na Seice

D = An Ghearmáin

DK = An Danmhairg

E = An Spáinn

EST = An Eastóin

F = An Fhrainc

FIN = An Fhionlainn

GR= An Ghréig

H= An Ungáir

I= An Iodáil

LT = An Liotuáin

LVA= An Laitvia

M= Málta

P= An Phortaingéil

PL = An Pholainn

S = An tSualainn

SK = An tSlóvaic

SVN = An tSlóivéin

IS = An Íoslainn

N = An Iorua

- (c) An Ballstát (de réir na ngiorrúchán in (b)) a d'eisigh an víosa fadfhanachta náisiúnta

1.2. Nuair a bheidh an greamán á úsáid chun an víosa aonfhoirmeach gearrfhanachta nó idirthurais a eisiúint, cuirtear an nath "Stáit Schengen" isteach sa cheannteideal "bailí do:", i dteanga an Bhallstáit a d'eisigh an víosa.

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

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

1.3. Nuair a bheidh an greamán á úsáid chun víosaí a eisiúint a chuireann srian ar chead isteach nó ar fhanacht i gcríoch Ballstáit, nó ar imeacht aisti, cuirtear sa cheannteideal seo ainm an Bhallstáit dá bhfuil dul isteach, fanacht agus imeacht as teoranta, i dteanga an Bhallstáit sin.

1.4. Nuair a bheidh an greamán á úsáid chun víosaí a eisiúint a bhfuil bailíocht chríochach theoranta acu de bhun na míre deiridh d'Airteagal 21(1) den Rialachán seo, féadfar na roghanna seo a leanas a úsáid do na cóid a bheidh le cur isteach:

- (a) cóid a iontráil do na Ballstáit lena mbaineann;
- (b) na focail "Stáit Schengen" a iontráil agus an comhartha lúide idir lúibíní ina dhiaidh sin agus cóid na mBallstát sin nach bhfuil an víosa bailí dá gcríocha.

2. Ceannteideal "ÓN ... GO dTÍ AN":

Léiríonn an ceannteideal seo tréimhse fanachta an tsealbhóra, mar a údaraítear leis an víosa í. Scríobhtar "ÓN" agus an dáta ónar féidir leis an sealbhóir víosa dul isteach sa chríoch a bhfuil an víosa bailí di:

- scríobhtar an lá ina dhá dhigit, nialas ar an gcéad cheann acu mura mbeidh sa lá a bheidh i gceist ach aon digit amháin.
- dais chothrománach.
- scríobhtar an mhí ina dhá digit, nialas ar an gcéad cheann acu mura mbeidh sa mhí a bheidh i gceist ach aon digit amháin.
- dais chothrománach.
- scríobhtar an bhliain ina dhá digit arb iad an dá dhigit dheireanacha den bhliain iad.

Mar shampla: 05-12-07 = 5 Nollaig 2007.

Scríobhtar dáta lá deireanach thréimhse fanachta údaráithe an tsealbhóra víosa i ndiaidh "GO dTÍ AN". Caithfidh an sealbhóir víosa a bheith imithe as an gcríoch a bhfuil an víosa bailí di faoi mheán oíche ar an dáta seo.

Scríobhtar an dáta seo mar a scríobhtar an chéad dáta thuas.

3. Ceannteideal "LÍON UAIREANTA A CHEADAÍTEAR DUL ISTEACH":

Léiríonn an ceannteideal seo líon na n-uaireanta a cheadófar do shealbhóir víosa dul isteach sa chríoch a bhfuil an víosa bailí di, i.e. tagraíonn sí do líon na dtréimhsí fanachta a fhéadfaidh a bheith scaipthe thar an tréimhse bailíochta uile, féach 4.

Féadfaidh dul isteach uair amháin, faoi dhó, nó níos minice ná sin a bheith i gceist¹. Scríobhtar an uimhir seo ar thaobh na láimhe deise den chuid réamhchlóite, le "01", "02" nó leis an ngiorrúchán "IOL", i gcás ina n-údaróidh an víosa dul isteach breis agus faoi dhó.

I gcás víosa idirthurais, ní fhéadfar a údarú ach dul isteach uair amháin nó dul isteach faoi dhó (iontráiltear "01" nó "02"). Taispeánfar líon uaireanta níos airde ná sin leis an nod "IOL".

Ní bheidh an víosa bailí a thuilleadh nuair is ionann líon iomlán na n-uaireanta a d'imigh an sealbhóir as an gcríoch agus líon na n-uaireanta dul isteach a údaráíodh, fiú mura mbeidh líon na laethanta a údaráíodh leis an víosa ídithe aige.²

4. Ceannteideal "RÉ NA FANACHTA ... LAETHANTA":

Taispeánann an ceannteideal seo líon na laethanta a fhéadfaidh an sealbhóir fanacht sa chríoch a bhfuil an víosa bailí di. D'fhéadfadh sé gur laethanta i ndiaidh a chéile a bheadh i gceist, nó, ag brath ar líon na laethanta a údaraítear, d'fhéadfadh sé go mbeadh roinnt tréimhsí i gceist idir an dá dháta a luadh i mír 2, ag cur an líon uaireanta a údaráíodh dul isteach i mír 3 san áireamh³.

Scríobhtar líon na laethanta a údaraítear sa spás bán idir "RÉ NA FANACHTA" agus "LAETHANTA", i bhfoirm dhá dhigit, nialas ar an gcéad cheann acu más lú ná 10 líon na laethanta.

Is é líon uasta na laethanta is féidir a iontráil faoin gceannnteideal seo 90 in aon leathbhliain ar leith⁴.

Nuair a eiseofar víosa a bheidh bailí go ceann breis agus sé mhí, ciallóidh 90 lá 90 lá in aon tréimhse 6 mhí.

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

² **HU** suggested that this paragraph be moved to the Instructions.

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

⁴ **HU** suggested that the third and fourth paragraphs moved to the Instructions.

5. Ceannteideal "ARNA HEISIÚINT I/IN/SA... AN ...":

Tugann an ceannteideal seo ainm an bhaile ina bhfuil an misean taidhleoireachta nó an post consalach a bhfuil an víosa á heisiúint aige lonnaithe. Taispeántar dáta na heisiúna tar éis "AN".

Scríobhtar dáta na heisiúna mar a scríobhtar an dáta dá dtagraítear in 2.

6. Ceannteideal "UIMHIR AN PHAS":

Léirítear leis an gceannnteideal seo uimhir an doiciméid taistil a bhfuil an greamán víosa greamaithe de.

I gcás ina mbeidh an duine ar eisíodh an víosa dó san áireamh i bpas an chéile, i bpas máthar nó athar, sonrófar uimhir dhoiciméad taistil an duine sin.

I gcás nach n-aithneoidh an Ballstát a bhfuil an víosa á heisiúint aige doiciméad taistil an iarratasóra, úsáidfear an fhormaid aonfhoirmeach don leathán ar leith le haghaidh víosa a ghreamú de chun an víosa a ghreamú.

Ní hí uimhir an phas atá le hiontráil faoin gceannnteideal seo, i gcás ina ngreamófar an greamán víosa den leathán ar leith, ach an uimhir chlóghrfach chéanna atá ar an bhfoirm, a bhfuil sé cinn de dhigití inti.

7. Ceannteideal "CINEÁL NA VÍOSA":

Chun rudaí a éascú do na húdaráis rialaithe, sonróidh an ceannteideal seo cineál na víosa de réir na litreacha A,B,C, agus D mar a leanas:

- A: víosa idirthurais aerfoirt
- B: víosa idirthurais
- LTV B: víosa idirthurais a bhfuil bailíocht chríochach theoranta aici²
- C: víosa gearrfhanachta
- LTV C: víosa gearrfhanachta a bhfuil bailíocht chríochach theoranta aici
- D: víosa fadrfhanachta náisiúnta³

8. Ceannteideal "SLOINNE AGUS CÉADAINM":

Scríobhtar an chéad fhocal atá sa bhosca "sloinne" agus ansin an chéad fhocal atá sa bhosca "céadainm" i ndoiciméad taistil an tsealbhóra víosa san ord sin. Fíoróidh an misean taidhleoireachta nó an post consalach gurb ionann an sloinne agus an céadainm atá sa doiciméad taistil agus atá le hiontráil faoin gceannnteideal seo agus sa roinn a ndéanfar scanadh leictreonach uirthi, agus an t-ainm agus an céadainm atá san iarratas ar víosa.

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

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

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

9¹.

I Iontrálacha éigeantacha atá le cur isteach sa roinn "BARÚLACHA"²

- (a) Cód lena léirítear "Ní gá árachas"

I gcás ina mbeidh díolúine ag an sealbhóir víosa ón gceanglas árachas liachta taistil a bheith aige, mar a leagtar amach in Airteagal 15, iontrálfar an cód "N-INS" sa roinn seo.

- (b) Cód a thaispeánann gur cuireadh isteach cruthúnas go raibh cóiríocht faighte agus/ nó gurb é an duine a bhfuil cuireadh á thabhairt dó a iompróidh na costais.

I gcás inar chuir an t-iarratasóir isteach

- cruthúnas go raibh cóiríocht faighte, agus iarratas á dhéanamh ar víosa, cuirfear an cód, "Iarscríbhinn V - H³" leis.
- cruthúnas go n-iomprófar na costais, agus iarratas á dhéanamh ar víosa, cuirfear an cód, "Iarscríbhinn V - G" leis.

Nuair a chuirfear cruthúnas ar an dá rud isteach, cuirfear an cód "Iarscríbhinn V-H+G" leis.

II Iontrálacha náisiúnta sa roinn "BARÚLACHA"

Beidh na barúlacha a bhaineann le forálacha náisiúnta sa roinn seo freisin i dteanga an Bhallstáit a bhfuil an víosa á heisiúint aici. Ní bheidh athrá sna barúlacha seo ar a mbeidh sna barúlacha éigeantacha dá dtagraítear i gcuid 1 den Iarscríbhinn seo.

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

² **PL** was not in favour of the addition of such codes.

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

III Roinn don ghrianghraf

Cuirfear grianghraf daite den sealbhóir víosa sa spás a áirítear chuige sin.

Cloífear leis na rialacha seo a leanas i ndáil leis an ngrianghraf a chuirfear ar an ngreamán víosa.

Beidh méid an chinn ó smig go baithis idir 70 % agus 80 % de mhéid dhromchla ingearach an ghrianghraif.

Is iad seo a leanas na ceanglais a bheidh i gceist maidir le híosghléineacht:

- 300 picteilín in aghaidh an orlaigh (ppi) neamhchomhbhrúite, más le scanadh atá an grianghraf,
- 720 ponc in aghaidh an orlaigh (dpi) más grianghraf é atá le priondáil go lándaite.

IV Roinn meaisín-inléite

Is éard a bheidh sa roinn seo dhá líne a mbeidh 36 carachtar iontu (OCR B-10 cpi).

**FORMÁID AONFHOIRMEACH DON STAMPA CHUN RÉ NA FANACHTA A
ÚDARAÍODH LE VÍOSA A FHADÚ**

Uimhir na VÍOSA:	
7.3.06 ¹	15.3.06 ²
30 ³	35 ⁴
Ausländeramt ⁵	20.2.06 ⁶

-
- ¹ Dáta a rachaidh an tréimhse bailíochta in éag.
² Fad na chéad tréimhse fanachta.
³ An dáta nua a rachaidh an tréimhse bailíochta in éag.
⁴ Fad nua na fanachta údaraithe.
⁵ An tÚdarás a bhfuil an cinneadh faoin síneadh á ghlacadh aige.
⁶ An dáta a ndearnadh cinneadh faoin síneadh.

**Cuid 1: TREORACHA OIBRÍOCHTÚLA LE hAGHAIDH VÍOSAÍ A EISIÚINT AG AN
TEORAINN DO MHAIRNÉALAIGH IDIRTHURAS ATÁ FAOI RÉIR CEANGLAS
VÍOSAÍ**

Is é cuspóir na dtreoracha oibríochtúla seo, rialacha a sholáthar don mhalartú faisnéise idir údaráis inniúla na mBallstát a bhfuil acquis an Chomhphobail á chur i bhfeidhm acu i ndáil le mairnéalaigh idirthurais atá faoi réir ceanglas víosaí. A mhéid gur ar bhonn na faisnéise a malartaíodh a eiseofar víosa ag an teorainn, is ar an mBallstát a eiseoidh an víosa a bheidh an fhreagracht.

Chun críocha na dtreoracha oibríochtúla seo:

Ciallaíonn "calafort Ballstáit": calafort ar teorainn sheachtrach Ballstáit é

Ciallaíonn "aerfort Ballstáit": aerfort ar teorainn sheachtrach Ballstáit é; agus

I. Clárú ar shoitheach atá ar ancaire nó a bhfuiltear ag súil leis i bport Ballstáit

(a) dul isteach i gcríoch na mBallstát trí aerfort atá suite i mBallstát eile²

- cuirfidh an chuideachta loingseoireachta nó a gníomhaire in iúl do na húdaráis inniúla i gcalafort an Bhallstáit ina bhfuil an long ar ancaire nó ina bhfuil súil léi go bhfuil mairnéalaigh atá faoi réir ceanglas víosa le dul isteach ann trí aerfort Ballstáit. Síneoidh an chuideachta loingseoireachta nó a gníomhaire ráthaíocht i ndáil leis na mairnéalaigh sin;

¹ PT intends to present a note on technical specifications about this Annex.

² NL proposed to delete the end of the sentence from "...via an airport...".

- dearbhóidh na húdaráis inniúla sin a luaithe is féidir cibé acu an bhfuil an fhaisnéis a chuir an chuideachta loingseoireachta nó an gníomhaire ar fáil cruinn agus féachfaidh siad an gcomhlíontar na coinníollacha eile le haghaidh dul isteach i gcríoch an Bhallstáit. Fíorófar freisin an cúrsa taistil laistigh de chríoch na mBallstát e.g. trí imscrúdú ar na ticéid aerlíne;
 - trí fhoirm chuí-chomhlánaithe do mhairnéalaigh idirthurais atá faoi réir ceanglas víosa (mar a leagtar amach in Iarscríbhinn XIII, Cuid 2 í), a fhacsáil, a sheoladh tríd an bpost leictreonach nó a sheoladh trí mhodh eile, cuirfidh na húdaráis inniúla ag an gcalafort Ballstáit in iúl do na húdaráis inniúla ag an aerfort Ballstáit a bhfuil na mairnéalaigh ag teacht isteach tríd maidir le torthaí an fhíoraithe agus sonróidh siad cé acu an féidir víosa a eisiúint, i bprionsabal, ag an teorainn;
 - i gcás ina gcinnfear go bhfuil an fhaisnéis atá ar fáil fíor agus ina dtiocfaidh an toradh go soiléir le dearbhú nó le doiciméid an mhairnéalaigh, féadfaidh na húdaráis inniúla ag an aerfort Ballstáit trína dtagtar isteach nó amach víosa idirthurais a eisiúint ag an teorainn a mbeidh uasbhailíocht cúig lá aici. Chomh maith leis sin, i gcásanna den sórt sin, cuirfear stampa dul isteach nó stampa imeachta Ballstáit ar dhoiciméad taistil an mhairnéalaigh dá dtagraítear thuas, agus tabharfar don mhairnéalach é;
- (b) dul isteach i gcríoch Ballstát thar teorainn talún nó farraige atá suite i mBallstát eile
- is ionann an nós imeachta agus an nós imeachta maidir le dul isteach trí aerfort Ballstáit ach amháin go gcuirfear ar an eolas na húdaráis inniúla ag an bpost teorainn trína dtagann an mairnéalach isteach i gcríoch an Bhallstáit.

II. Mairnéalaigh a éiríonn as seirbhís ar shoitheach a tháinig isteach i gcalafort Ballstáit.

- (a) imeacht ó chríoch na mBallstát trí aerfort atá suite i mBallstát eile
 - cuirfidh an chuideachta loingseoireachta nó a gníomhaire in iúl do na húdaráis inniúla ag an gcalafort Ballstáit sin go bhfuil mairnéalaigh ag dul isteach ann atá faoi réir ceanglas víosa agus atá le héirí as seirbhís agus imeacht as críoch na mBallstát trí aerfort Ballstáit. Síneoidh an chuideachta loingseoireachta nó a gníomhaire ráthaíocht i ndáil leis na mairnéalaigh sin;
 - dearbhóidh na húdaráis inniúla sin a luaithe is féidir cibé acu an bhfuil an fhaisnéis a chuir an chuideachta loingseoireachta nó an gníomhaire ar fáil cruinn agus féachfaidh siad an gcomhlíontar na coinníollacha eile le haghaidh dul isteach I gcríoch na mBallstát. Dearbhófar freisin an cúrsa taistil laistigh de chríoch an Bhallstáit e.g. trí imscrúdú ar na ticéid aerlíne;
 - i gcás ina bhfíorófar go bhfuil an fhaisnéis atá ar fáil fíor, féadfaidh na húdaráis inniúla víosa idirthurais a eisiúint a mbeidh uasbhailíocht cúig lá aici;
- (b) imeacht as críoch na mBallstát thar teorainn talún nó farraige atá suite i mBallstát eile.
 - is ionann an nós imeachta agus an nós a úsáidtear i gcás imeacht trí aerfort Ballstáit.

III. Aistriú ó shoitheach a tháinig isteach i gcalafort Ballstáit chuig soitheach a sheolfaidh ó chalafort atá suite i mBallstát eile

- cuirfidh an chuideachta loingseoireachta nó a gníomhaire in iúl do na húdaráis inniúla ag an gcalafort Ballstáit sin go bhfuil mairnéalaigh ag dul isteach ann atá faoi réir ceanglas víosa agus atá le héirí as seirbhís agus imeacht as críoch na mBallstát trí chalafort Ballstáit eile. Síneoidh an chuideachta loingseoireachta nó a gníomhaire ráthaíocht i ndáil leis na mairnéalaigh sin;
- dearbhóidh na húdaráis inniúla sin a luaithe is féidir cibé acu an bhfuil an fhaisnéis a chuir an chuideachta loingseoireachta nó an gníomhaire ar fáil cruinn agus féachfaidh siad an gcomhlíontar na coinníollacha eile le haghaidh dul isteach i gcríoch na mBallstát. Rachfar i dteagmháil leis na húdaráis inniúla ag an gcalafort Ballstáit óna bhfágfaidh na mairnéalaigh críoch na mBallstát ar long chun chríocha an scrúdaithe sin. Déanfar seiceáil le cinntiú go bhfuil an long a n-imeoidh siad inti ar ancaire ann nó go bhfuil súil léi ann. Fíorófar freisin an cúrsa taistil laistigh de chríoch na mBallstát;
- i gcás ina bhfíorófar go bhfuil an fhaisnéis atá ar fáil fíor, féadfaidh na húdaráis inniúla víosa idirthurais a eisiúint a mbeidh uasbhailíocht cúig lá aici.

IARSCRÍBHINN XII: Cuid 2¹

FOIRM DO MHAIRNÉALAIGH IDIRTHURAIS ATÁ FAOI RÉIR CEANGLAS VÍOSAÍ			
d'ÚSÁID OIFIGIÚIL:			
EISITHEOIR: (STAMPA) SLOINNE/ CÓD AN OIFIGIGH		FAIGHTEOIR: ÚDARÁS	
SONRAÍ MAIDIR LEIS AN tACH:			
SLOINNE (SLOINTE):	1A	RÉAMHAINM (RÉAMHAINMNEACHA):	1B
NAISIÚNTACHT:	1C	CÉIM/GRÁD:	1D
ÁIT BHREITHE:	2A	DÁTA BREITHE:	2B
UIMHIR AN PHAS:	3A	UIMHIR AN LEABHAIR MAIRNÉALAIGH:	4A
DÁTA EISIÚNA:	3B	DÁTA EISIÚNA:	4B
TRÉIMHSE BAILÍOCHTA:	3C	TRÉIMHSE BAILÍOCHTA:	4C
SONRAÍ MAIDIR LEIS AN SOITHEACH AGUS MAIDIR LEIS AN nGNÍOMHAIRE LOINGSEOIREACHTA:			
AINM AN GHNÍOMHAIRE LOINGSEOIREACHTA:		5	
AINM AN tSOITHIGH:		BRATACH:	
DÁTA TEACHTA:		ÁIT AS AR THÁINIG AN SOITHEACH:	
DÁTA IMEACHTA:		CEANN SCRÍBE AN tSOITHIGH:	
SONRAÍ MAIDIR LE GLUAISEACHT AN MHAIRNÉALAIGH			
CEANN SCRÍBE AN MHAIRNÉALAIGH:			9
NA CÚISEANNA ATÁ LEIS AN IARRATAS: AISTRI ☐ AG ÉIRÍ AS SEIRBHÍS ☐			
CLÁRÚ ☐			
MODH IOMPAIR	GLUAISTEÁN	TRAÉIN ☐	EITLEÁN ☐
DÁTA :	TEACHTA:	IDIRTHURAIS:	IMEACHTA:
GLUAISTEÁN* ☐ CLÁRUIMHIR: SONRAÍ NA hEITILTE TRAÉIN* ☐ CÚRSA AN TURAI: AM: UIMHIR NA hEITILTE:			
Dearbhú foirmiúil arna shíniú ag an ngníomhaire loingseoireachta nó ag úinéir na loinge lena ndeimhnítear gurb é a bheidh freagrach as fanacht an mhairnéalaigh agus i gcás inar gá, gurb é a bheidh freagrach as a athdhúichiú.			

*= le comhlánú má tá an fhaisnéis ar fáil

¹ NL proposed to add the phone number and the IMO number of the ship. DE supported NL on the IMO number.

CUR SÍOS MIONSONRAITHE AR AN bhFOIRM

Baineann na chéad cheithre phointe le céannacht an mhairnéalaigh

(1)	A. Sloinne (Sloinnte) ¹
	B. Réamhainm (réamhainmneacha)
	C. Náisiúntacht
	D. Céim/Grád
(2)	A. Áit bhreithe
	B. Dáta breithe
(3)	A. Uimhir an phas
	B. Dáta eisiúna
	C. Tréimhse bailíochta
(4)	A. Uimhir an leabhair mairnéalaigh
	B. Dáta eisiúna
	C. Tréimhse bailíochta

Déantar idirdhealú idir pointe 3 agus pointe 4 ar mhaithe le soiléireacht, ós rud é gur féidir pas nó leabhar mairnéalaigh a úsáid chun críocha céannachta ag brath ar náisiúntacht an mhairnéalaigh agus ag brath ar an mBallstát a bhfuil sé ag dul isteach ann.

Baineann na chéad cheithre phointe eile leis an ngníomhaire loingseoireachta agus leis an soitheach.

- (5) Ainm an ghníomhaire loingseoireachta (an duine aonair nó an chorparáid atá i láthair chun ionadaíocht a dhéanamh ar úinéir na loinge i ngach ábhar a bhaineann le dualgais úinéir na loinge ó thaobh an soitheach a fheistiú).

¹ Tabhair an sloinne (na sloinnte) atá ar an bpas, le do thoil.

(6)	A. Ainm an tsoithigh:
	B. An bhratach (faoina bhfuil an soitheach trádála seo ag seoladh)
(7)	A. Dáta theacht i dtír an tsoithigh
	B. Calafort ónar tháinig an soitheach
	Tagraíonn an litir "A" don dáta a dtiocfaidh an soitheach i dtír sa chalafort ina gcláróidh an mairnéalach.
(8)	A. Dáta imeachta an tsoithigh
	B. Ceann scríbe an tsoithigh (an chéad chalafort eile)

Tugann pointe 7A agus pointe 8A faisnéis maidir leis an méid ama a fhéadfaidh mairnéalach a chaitheamh ag taisteal chun clárú. Ba chóir a chuimhneamh go mbeidh an cúrsa a leantar go mór faoi réir cur isteach gan choinne agus faoi réir fachtóirí seachtracha amhail stoirmeacha, cliseadh etc.

Soiléiríonn na chéad cheithre phointe eile na cúiseanna a bhí le turas an mhairnéalaigh agus a cheann scríbe.

- (9) Is é an "ceann scríbe deireanach" deireadh thuras an mhairnéalaigh. D'fhéadfadh sé gurbh é seo an calafort a bhfuil sé le clárú ann nó an tír ar a bhfuil a thriall más ag éirí as seirbhís atá sé.
- (10) Na cúiseanna atá leis an iarratas
- (a) I gcás clárú, is é an ceann scríbe deireanach an calafort ina gcláróidh an mairnéalach.
 - (b) I gcás aistriú go soitheach eile laistigh de chríoch na mBallstát, is é an calafort ina gcláróidh an mairnéalach freisin é. I gcás aistriú chuig soitheach eile atá suite lasmuigh de chríoch na mBallstát, caithfear a mheas gur éirí as seirbhís atá i gceist.
 - (c) I gcás ina mbeifear ag éirí as seirbhís, d'fhéadfadh sé tarlú ar chúiseanna éagsúla, amhail deireadh an chonartha, tionóisc ag an obair, cúiseanna práinneacha teaghlaigh etc.

(11) Modh iompair

Liosta de na modhanna a d'úsáid an mairnéalach idirthurais atá faoi réir ceanglais víosa laistigh de chríoch na mBallstát d'fhonn a cheann scríbe deireanach a bhaint amach. Síltear gurb iad na trí fhéidearthacht seo a leanas a bheidh i gceist ar an bhfoirm:

(a) Gluaisteán (nó cóiste)

(b) Traein

(c) Eitleán

(12) Dáta teachta (i gcríoch na mBallstát)

Baineann sé seo go príomha le mairnéalach ag an gcéad aerfort Ballstáit nó ag an gcéad phointe trasnaithe teorann Ballstáit (os rud é nach aerfort a bheidh i gceist i gcónaí) ag an teorainn sheachtrach trína mian leis teacht isteach i gcríoch na mBallstát.

Dáta an idirthurais

Is é seo an dáta a dhíchlaróidh an mairnéalach i gcalafort i gcríoch na mBallstát agus a dtabharfaidh sé aghaidh ar chalafort eile atá suite freisin i gcríoch na mBallstát.

Dáta imeachta

Is é seo an dáta a dhíchlaróidh an mairnéalach i gcalafort i gcríoch na mBallstát chun aistriú chuig soitheach eile i gcalafort atá suite lasmuigh de chríoch na mBallstát nó an dáta a dhíchlaróidh an mairnéalach i gcríoch na mBallstát agus chun filleadh ar an mbaile (lasmuigh de chríoch na mBallstát).

Nuair a chinnfear na trí mhodh taistil, ba cheart an fhaisnéis a bhfuil fáil uirthi maidir leis na modhanna sin a sholáthar:

- (a) gluaisteán, cóiste: cláruimhir
 - (b) traen: ainm, uimhir, etc.
 - (c) sonraí na heitilte, dáta, am, uimhir
- (13) Dearbhú foirmiúil á shíniú ag an ngníomhaire loingseoireachta nó ag úinéir na loinge lena ndeimhnítear gurb é a bheidh freagrach as fanacht an mhairnéalaigh agus i gcás inar gá, gurb é a bheidh freagrach as a athdhúichiú.

Más i ngrúpa a bheidh na mairnéalaigh ag taisteal, caithfidh gach duine acu na sonraí a líonadh isteach maidir le pointí 1A go 4C.

**NÓSANNA IMEACHTA SONRACHA AGUS COINNÍOLLACHA A ÉASCAÍONN
EISIÚINT VÍOSAÍ DO BHAILL DEN TEAGHLACH OILIMPEACH ATÁ AG GLACADH
PÁIRTE SNA CLUICHÍ OILIMPEACHA AGUS SNA CLUICHÍ PARA-OILIMPEACHA**

Caibidil I

CUSPÓIR AGUS SAINMHÍNITHE

Airteagal 1

Cuspóir

Na nósanna imeachta agus na coinníollacha sonracha seo a leanas a éascaíonn iarratais ar víosaí agus a éascaíonn eisiúint víosaí aonfhoirmeacha gearrfhanachta do bhaill den teaghlach Oilimpeach ar feadh ré Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*].

Chomh maith leis sin, beidh feidhm ag forálacha ábhartha *acquis* an Chomhphobail maidir le nósanna imeachta chun iarratas a dhéanamh ar víosa aonfhoirmeach agus chun an víosa aonfhoirmeach a eisiúint.

Airteagal 2

Sainmhínithe

Chun críocha an Rialacháin seo:

- 1) I gcomhthéacs a bhfuil á bheartú chun na nósanna imeachta a éascú chun iarratais ar víosaí a dhéanamh thar ceann ball den teaghlach Oilimpeach ar feadh ré Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] agus chun víosaí a eisiúint dóibh, ciallaíonn "eagraíochtaí atá freagrach" na heagraíochtaí oifigiúla, i dtéarmaí na Cairte Oilimpí, atá i dteideal liostaí de bhaill an teaghlaigh Oilimpigh a chur faoi bhráid Choiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] d'fhonn cártaí creidiúnaithe a eisiúint do na Cluichí;

- 2) Ciallaíonn "ball den teaghlach Oilimpeach" aon duine ar comhalta é den Choiste Idirnáisiúnta Oilimpeach, den Choiste Idirnáisiúnta Para-Oilimpeach, de Chomhaontais Idirnáisiúnta, de na Coistí Náisiúnta Oilimpeacha agus Para-Oilimpeacha agus de Choistí Eagrúcháin na gCluichí Oilimpeacha agus de na cumainn náisiúnta, amhail lúthchleasaithe, moltóirí/réiteoirí, traenálaithé agus teicneoirí spóirt eile, pearsanra míochaine atá ceangailte le foirne nó fir nó mná spóirt aonair agus tuairisceoirí atá creidiúnaithe ag na meáin, feidhmeannaigh shinsearacha, deontóirí, urraitheoirí nó daoine eile ar tugadh cuireadh oifigiúil dóibh agus a thoilíonn a bheith faoi threoir na Cairte Oilimpí, a ghníomhaíonn faoi rialú agus faoi údarás an Choiste Idirnáisiúnta Oilimpigh, a chuirtear san áireamh ar na liostaí de na heagraíochtaí atá freagrach agus a bhfuil creidiúnú tugtha dóibh ag Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] mar rannpháirtithe i gCluichí Oilimpeacha agus/ nó i gCluichí Para-Oilimpeacha [*bliain*];
- 3) Ciallaíonn "cártaí creidiúnaithe Oilimpeacha" á n-eisiúint ag Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] i gcomhréir le [*tagairt don reachtaíocht náisiúnta*] ceann amháin de dhá dhoiciméad shlána, ceann amháin do na Cluichí Oilimpeacha agus ceann amháin do na Cluichí Para-Oilimpeacha agus grianghraf den sealbhóir ar gach ceann díobh, a dheimhníonn céannacht an bhaill den teaghlach Oilimpeach agus a údaraíonn rochtain ar na háiseanna ina réachtáiltear na comórtais agus imeachtaí sceidealta eile ar feadh ré na gCluichí;
- 4) Ciallaíonn "ré na gCluichí Oilimpeacha agus na gCluichí Para-Oilimpeacha " an tréimhse ó ... go ...do Chluichí Oilimpeacha Geimhridh [*bliain*] agus an tréimhse ó ... go... do Chluichí Para-Oilimpeacha [*bliain*];
- 5) Ciallaíonn "Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*]" an Coiste a bunaíodh an [*tagairt d'fhorálacha náisiúnta*] chun Cluichí Oilimpeacha agus Cluichí Para-Oilimpeacha [*bliain*] a eagrú i/in/sa..., a dhéanann cinneadh faoi chreidiúnú a thabhairt do bhaill den teaghlach Oilimpeach a mbeidh páirt á glacadh sna Cluichí sin acu;
- 6) Ciallaíonn "seirbhísí atá freagrach as víosaí a eisiúint" na seirbhísí a ainmníodh i/in/sa [*an Ballstát a bhfuil na Cluichí Oilimpeacha agus na Cluichí Para-Oilimpeacha á n-eagrú aige*] chun na hiarratais a scrúdú agus chun víosaí a eisiúint chuig baill den teaghlach Oilimpeach.

Caibidil II

VÍOSAÍ A EISIÚINT

Airteagal 3 *Coinníollacha*

Ní fhéadfar víosa a eisiúint de bhun an Rialacháin seo ach amháin i gcás:

- (a) ina mbeidh an duine lena mbaineann ainmnithe ag ceann amháin de na heagraíochtaí atá freagrach agus é creidiúnaithe ag Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] mar rannpháirtí sna Cluichí Oilimpeacha agus/nó sna Cluichí Para-Oilimpeacha;
- (b) ina mbeidh i seilbh an duine lena mbaineann doiciméad bailí taistil a údaraíonn dó teorainneacha seachtracha a thrasnú, dá dtagraítear in Airteagal 5 de Chód Teorainneacha Schengen ¹.
- (c) nach duine é ar eisíodh foláireamh ina leith chun críocha cead isteach a dhiúltú;
- (d) nach measfar gur bagairt é do bheartas poiblí, do shlándáil náisiúnta nó do chaidreamh idirnáisiúnta aon cheann de na Ballstáit.

Airteagal 4 *Iarratas a chur isteach*

1. I gcás ina ndéanfaidh eagraíocht atá freagrach liosta de na daoine atá roghnaithe chun páirt a ghlacadh sna Cluichí Oilimpeacha agus/nó sna Cluichí Para-Oilimpeacha, féadfaidh sí, i dteannta le hiarratas ar chárta creidiúnaithe Oilimpeach do na daoine atá roghnaithe, iarratas tiomsaitheach a chur isteach ar víosaí do na daoine sin atá roghnaithe agus a bhfuil de cheangal orthu víosa a bheith ina seilbh acu i gcomhréir le Rialachán (CE) Uimh. 539/2001, seachas i gcás ina mbeadh cead cónaithe ina seilbh acu, eisithe ag Ballstát, nó cead cónaithe á eisiúint ag an Ríocht Aontaithe nó ag Éirinn, i gcomhréir le Treoir 2004/38/CE.

¹ IO L 105, 13.4.2006.

2. Seolfar iarratais thiomsaitheacha ar víosaí do na daoine lena mbaineann chuig Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] ag an tráth céanna a sheolfar iarratais ar chárta creidiúnaithe Oilimpigh i gcomhréir leis an nós imeachta a bhunaigh sé.
3. Cuirfear isteach iarratas amháin ar víosa in aghaidh an duine do dhaoine a ghlacfaidh páirt i gCluichí Oilimpeacha agus/nó i gCluichí Para-Oilimpeacha [*bliain*].
4. Seolfaidh Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] chuig na seirbhísí atá freagrach as víosaí a eisiúint, na hiarratais thiomsaitheacha ar víosaí a luaithe is féidir, mar aon le cóipeanna d'iarratais ar chárta creidiúnaithe Oilimpigh do na daoine uilig lena mbaineann, ar a mbeidh a n-ainm iomlán, a náisiúntacht, a ngnéas, dáta agus áit a mbreithe agus uimhir, cineál agus dáta éaga a bpas.

Airteagal 5

Scrúdú a dhéanamh ar an iarratas tiomsaitheach ar víosaí agus an cineál víosa a eiseofar

1. Is iad na seirbhísí atá freagrach as víosaí a eisiúint a eiseoidh an víosa, tar éis scrúdú a dhéanamh le cinntiú go bhfuil na coinníollacha a leagtar amach in Airteagal 3 á gcomhlíonadh.
2. An víosa a eiseofar is an víosa aonfhoirmeach, gearrfhanachta, dul isteach iolraigh í, lena n-údarófar fanacht nach faide ná 3 mhí ar feadh ré Chluichí Oilimpeacha agus/nó Chluichí Para-Oilimpeacha [*bliain*].
3. I gcás nach gcomhlíonann an ball den teaghlach Oilimpeach lena mbaineann na coinníollacha a shonraítear i bpointe (c) nó (d) d'Airteagal 3, féadfaidh na seirbhísí atá freagrach as víosaí a eisiúint víosa a eisiúint a mbeidh bailíocht chríochach theoranta aici i gcomhréir le hAirteagal 21 den Chód maidir le Víosaí.

Airteagal 6
Foirm na víosa

1. Dhá uimhir a bheidh sa víosa agus iontrálfar iad ar an gcárta creidiúnaithe Oilimpeach. An chéad uimhir is uimhir na víosa í. I gcás víosa aonfhoirmí, beidh seacht (7) gcarachtar san uimhir sin, sé (6) dhigit agus an litir "C" rompu. I gcás víosa a mbeidh bailíocht chríochach theoranta aici, beidh ocht (8) gcarachtar san uimhir sin, (6) dhigit agus na litreacha "XX" rompu¹. An dara huimhir is uimhir phas an duine lena mbaineann atá inti.
2. Seolfaidh na seirbhísí atá freagrach as víosaí a eisiúint na huimhreacha víosa ar aghaidh chuig Coiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*] chun chríocha cártaí creidiúnaithe a eisiúint.

Airteagal 7
Táillí a tharscaoileadh

Ní dhéanfar na seirbhísí atá freagrach as víosaí a eisiúint aon táillí a ghearradh as próiseáil na n-iarratas ar víosaí ná as eisiúint na víosaí.

¹ Following **COM** a reference to the ISO code of the organising country should be added here.

Caibidil III

FORÁLACHA GINEARÁLTA AGUS CRÍOCHNAITHEACHA

Airteagal 8

Víosa a chealú

I gcás ina leasófar liosta na ndaoine a bheidh ina rannpháirtithe i gCluichí Oilimpeacha agus Para-Oilimpeacha [*bliain*] sula gcuirfear tús leis na Cluichí, cuirfidh na heagraíochtaí atá freagrach é sin in iúl gan aon mhoill do Choiste Eagrúcháin Chluichí Oilimpeacha agus Chluichí Para-Oilimpeacha [*bliain*], ionas gur féidir cártaí creidiúnaithe na ndaoine a baineadh den liosta a tharraingt siar. Cuirfidh an Coiste Eagrúcháin é sin in iúl do na seirbhísí atá freagrach as víosaí a eisiúint agus cuirfidh sé líon na víosaí atá i gceist in iúl freisin.

Cealóidh na seirbhísí atá freagrach as víosaí a eisiúint víosaí na ndaoine atá i gceist. Cuirfidh siad é sin in iúl láithreach do na húdaráis atá freagrach as seiceálacha teorann agus cuirfidh na húdaráis sin an fhaisnéis sin ar aghaidh chuig údaráis inniúla na mBallstát eile.

Airteagal 9

Seiceálacha ag na teorainneacha seachtracha

1. Ní dhéanfar seiceáil ar theacht isteach dóibh ar bhaill den teaghlach Oilimpeach ar eisíodh víosaí dóibh i gcomhréir leis an Rialachán seo, nuair a thrasnóidh siad teorainneacha seachtracha na mBallstát seachas seiceáil go gcomhlíonann siad na coinníollacha a leagtar amach in Airteagal 3.

2. Ar feadh ré na gCluichí Oilimpeacha agus/nó na gCluichí Para-Oilimpeacha:
- (a) greamófar stampaí dul isteach agus stampaí imeacha den chéad leathanach glan de phas na mball sin den teaghlach Oilimpeach dá bhfuil sé sin riachtanach i gcomhréir le hAirteagal 10(1) de Chód Teorainneacha Schengen. Ar dhul isteach den chéad uair, sonrófar uimhir na víosa ar an leathanach céanna;
 - (b) measfar go bhfuil na coinníollacha maidir le dul isteach dá bhforáiltear in Airteagal 5(1) (c) de Chód Teorainneacha Schengen comhlíonta a luaithe a chreidiúnófar go cuí ball den teaghlach Oilimpeach.
3. Beidh feidhm ag mír 2 maidir le baill den teaghlach Oilimpeach ar náisiúnaigh tríú tíortha iad, cibé acu an mbeidh siad faoi réir an cheanglais víosa faoi Rialachán (CE) Uimh. 539/2001 nó nach mbeidh.
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