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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	14 March 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 252 final - ANNEXES 1 to 4
Subject:	ANNEXES to the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)

Delegations will find attached document COM(2018) 252 final - ANNEXES 1 to 4.

Encl.: COM(2018) 252 final - ANNEXES 1 to 4

EUROPEAN
COMMISSION

Brussels, 14.3.2018
COM(2018) 252 final

ANNEXES 1 to 4

ANNEXES

to the

Proposal for a Regulation of the European Parliament and of the Council

amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)

{SWD(2018) 77 final} - {SWD(2018) 78 final}

ANNEX I

"ANNEX I

Harmonised application form

Application for Schengen Visa

This application form is free


[1]

Family members of EU, EEA or CH citizens shall not fill in fields no.21, 22, 30, 31 and 32 (marked with*).

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

<table>
<tr><td colspan="3">1. Surname (Family name)</td><td rowspan="15">FOR OFFICIAL USE ONLY
Date of application:

Visa application number:

Application lodged at
□ Embassy/consulate
□ Service provider
□ Intermediary
□ Border (Name):
…….
□ Other

File handled by:
Supporting documents:
□ Travel document
□ Means of subsistence
□ Invitation
□ TMI
□ Means of transport
□ Other:

Visa decision:
□ Refused
□ Issued:
□ A
□ C
□ LTV
□ Valid:
From
Until

Number of entries:
□ 1 □ Multiple</td></tr>
<tr><td colspan="3">2. Surname at birth (Former family name(s))</td></tr>
<tr><td colspan="3">3. First name(s) (Given name(s))</td></tr>
<tr><td>4. Date of birth (day-month-year)</td><td>5. Place of birth

6. Country of birth</td><td>7.Current nationality

Nationality at birth, if different:

Other nationalities:</td></tr>
<tr><td>8. Sex
□ Male □ Female</td><td colspan="2">9. Civil status
□ Single □ Married □ Registered Partnership □ Separated □ Divorced □ Widow(er) □ Other (please specify):</td></tr>
<tr><td colspan="3">10. Parental authority/legal guardian: Surname, first name, address (if different from applicant's), telephone no., e-mail address, and nationality</td></tr>
<tr><td colspan="3">11. National identity number, where applicable</td></tr>
<tr><td>15. Number of travel document</td><td>16. Date of issue</td><td>17. Valid until</td><td>18. Issued by (country)</td></tr>
<tr><td colspan="4">12. Personal data of the family member who is an EU, EEA or CH citizen</td></tr>
<tr><td colspan="2">Surname</td><td colspan="2">First name(s)</td></tr>
<tr><td>Date of birth</td><td>Nationality</td><td colspan="2">Number of travel document or ID card</td></tr>
<tr><td colspan="4">13. Family relationship with an EU, EEA or CH citizen
□ spouse ……..□ child ……..□ grandchild ……□ dependent ascendant
□ Registered Partnership ……..□ other</td></tr>
<tr><td colspan="4">14. Type of travel document
□ Ordinary passport □ Diplomatic passport □ Service passport □ Official passport □ Special passport
□ Other travel document (please specify)</td></tr>
<tr><td colspan="2">19. Applicant's home address and e-mail address</td><td colspan="2">Telephone number(s)</td></tr>
</table>

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

20. Residence in a country other than the country of current nationality □ No □ Yes. Residence permit or equivalent …… No. …….. Valid until		
*21. Current occupation		
* 22. Employer and employer's address and telephone number. For students, name and address of educational establishment		
23. (…) Purpose(s) of the journey: □ Tourism…….□ Business…….□ Visiting family or friends ….□ Cultural ……□ Sports …….. □ Official visit □ Medical reasons □ Study □ Airport transit ..…□ Other (please specify):		
24. Additional information on purpose of stay:		
25. Member State(s) of main destination (and other Member States of destination , if applicable)	26. Member State of first entry	
27. Number of entries requested □ Single entry □ Multiple entries Duration of the intended stay (indicate number of days): Intended date of arrival in the Schengen area: Intended date of departure from the Schengen area:		
28.Fingerprints collected previously for the purpose of applying for a Schengen visa or a [touring visa] □ No □ Yes. Date, if known …….. Visa sticker number, if known ……		
29. Entry permit for the final country of destination, where applicable Issued by ……..Valid from ……until ……		
* 30. Surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s)		
Address and e-mail address of inviting person(s)/hotel(s)/temporary accommodation(s)	Telephone and telefax	
*31. Name and address of inviting company/organisation	Telephone and telefax of company/organisation	
Surname, first name, address, telephone , telefax, and e-mail address of contact person in company/organisation		
*32. Cost of travelling and living during the applicant's stay is covered:		
□ by the applicant himself/herself Means of support □ Cash □ Traveller's cheques □ Credit card □ Pre-paid accommodation □ Pre-paid transport	□ by a sponsor (host, company, organisation), please specify …….□ referred to in field 32 or 33 …….□ other (please specify) Means of support □ Cash □ Accommodation provided □ All expenses covered during the stay □ Pre-paid transport □ Other (please specify)	

□ Other (please specify)		

I am aware that the visa fee is not refunded if the visa is refused.

Applicable in case a multiple-entry visa is applied for:

I am aware of the need to have an adequate travel medical insurance for my first stay and any subsequent visits to the territory of Member States.

I am aware of and consent to the following: the collection of the data required by this application form and the taking of my photograph and, if applicable, the taking of fingerprints, are mandatory for the examination of the visa application; and any personal data concerning me which appear on the visa application form, as well as my fingerprints and my photograph will be supplied to the relevant authorities of the Member States and processed by those authorities, for the purposes of a decision on my visa application.

Such data as well as data concerning the decision taken on my application or a decision whether to annul, revoke or extend a visa issued will be entered into, and stored in the Visa Information System (VIS) for a maximum period of five years, during which it will be accessible to the visa authorities and the authorities competent for carrying out checks on visas at external borders and within the Member States, immigration and asylum authorities in the Member States for the purposes of verifying whether the conditions for the legal entry into, stay and residence on the territory of the Member States are fulfilled, of identifying persons who do not or who no longer fulfil these conditions, of examining an asylum application and of determining responsibility for such examination. Under certain conditions the data will be also available to designated authorities of the Member States and to Europol for the purpose of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. The authority of the Member State responsible for processing the data is: [(……..…)].

I am aware that I have the right to obtain in any of the Member States notification of the data relating to me recorded in the VIS and of the Member State which transmitted the data, and to request that data relating to me which are inaccurate be corrected and that data relating to me processed unlawfully be deleted. At my express request, the authority examining my application will inform me of the manner in which I may exercise my right to check the personal data concerning me and have them corrected or deleted, including the related remedies according to the national law of the State concerned. The national supervisory authority of that Member State [contact details: ……..] will hear claims concerning the protection of personal data.

I declare that to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the annulment of a visa already granted and may also render me liable to prosecution under the law of the Member State which deals with the application.

I undertake to leave the territory of the Member States before the expiry of the visa, if granted. I have been informed that possession of a visa is only one of the prerequisites for entry into the European territory of the Member States. The mere fact that a visa has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 6(1) of Regulation (EU) No 2016/399 (Schengen Borders Code) and I am therefore refused entry. The prerequisites for entry will be checked again on entry into the European territory of the Member States.

Place and date	Signature (signature of parental authority/legal guardian, if applicable):

“

ANNEX II

"ANNEX V

LIST OF RESIDENCE PERMITS ENTITLING THE HOLDER TO TRANSIT THROUGH THE AIRPORTS OF MEMBER STATES WITHOUT BEING REQUIRED TO HOLD AN AIRPORT TRANSIT VISA

ANDORRA:

– Autorització temporal (temporary immigration permit – green).

– Autorització temporal per a treballadors d'empreses estrangeres (temporary immigration permit for employees of foreign enterprises – green).

– Autorització residència i treball (residence and work permit – green).

– Autorització residència i treball del personal d'ensenyament (residence and work permit for teaching staff – green).

– Autorització temporal per estudis o per recerca (temporary immigration permit for studies or research – green).

– Autorització temporal en pràctiques formatives (temporary immigration permit for internships and trainings – green).

– Autorització residència (residence permit – green).

CANADA:

– Permanent resident (PR) card.

– Permanent Resident Travel Document (PRTD).

JAPAN:

– Residence card.

SAN MARINO:

– Permesso di soggiorno ordinario (validity one year, renewable on expiry date).

– Special residence permits for the following reasons (validity one year, renewable on expiry date): university attendance, sports, health care, religious reasons, persons working as nurses in public hospitals, diplomatic functions, cohabitation, permit for minors, humanitarian reasons, parental permit.

– Seasonal and temporary working permits (validity 11 months, renewable on expiry date).

– Identity card issued to people having an official residence "residenza" in San Marino (validity of 5 years).

UNITED STATES OF AMERICA:

– Valid, unexpired immigrant visa.

– May be endorsed at the port of entry for one year as temporary evidence of residence, while the I-551 card is pending production.

– Valid, unexpired Form I-551 (Permanent Resident Card).

– May be valid for up to 2 or 10 years – depending on the class of admission.

– If there is no expiration date on the card, the card is valid for travel.

– Valid, unexpired Form I-327 (Re-entry Permit).

– Valid, unexpired Form I-571 (Refugee Travel Document endorsed as "Permanent Resident Alien")."

ANNEX III

"ANNEX VI



STANDARD FORM FOR NOTIFYING GROUNDS FOR REFUSAL, ANNULMENT OR REVOCATION OF A VISA

REFUSAL/ANNULMENT/REVOCATION OF VISA

Ms/Mr _____,

☐ The _____ Embassy/Consulate-General/Consulate/[other competent authority] in _____ _____;

☐ [Other competent authority] of _____;

☐ The authorities responsible for checks on persons at _____

has/have

☐ examined your visa application;

☐ examined your visa, number: _____, issued:_____ [date/month/year].

☐ The visa has been refused ☐ The visa has been annulled ☐ The visa has been revoked

This decision is based on the following reason(s):

1. ☐ a false/counterfeit/forged travel document was presented
2. ☐ justification for the purpose and conditions of the intended stay was not provided
3. ☐ you have not provided proof of sufficient means of subsistence, for the duration of the intended stay or for the return to the country of origin or residence, or for the transit to a third country into which you are certain to be admitted
4. ☐ you have not provided proof that you are in a position to lawfully acquire sufficient means of subsistence, for the duration of the intended stay or for the return to the country of origin or residence, or for the transit to a third country into which you are certain to be admitted

5. ☐ you have already stayed for 90 days during the current 180 day period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity

6. ☐ an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry by …… *(indication of Member State)*

7. ☐ one or more Member State(s) consider you to be a threat to public policy or internal security……..…… *(indication of Member State(s)*

8. ☐ one or more Member State(s) consider you to be a threat to public health as defined in Article 2(19) of Regulation (EC) No 562/2006 (Schengen Borders Code) ……..……. …..…… *(indication of Member State(s)*

9. ☐ one or more Member State(s) consider you to be a threat to its/their international relations: ……*(indication of Member State(s)*

10. ☐ the information submitted regarding the justification for the purpose and conditions of the intended stay was not reliable

11. ☐ there are reasonable doubts as to the reliability of the statements made **as regards……. *(please specify)***

12. ☐ there are reasonable doubts as to the reliability, as to the authenticity of the supporting documents submitted or as to the veracity of their contents

13. ☐ your intention to leave the territory of the Member States before the expiry of the visa could not be ascertained

14. ☐ sufficient proof that you have not been in a position to apply for a visa in advance, justifying application for a visa at the border, was not provided

15. ☐ justification for the purpose and conditions of the intended airport transit was not provided

16 ☐ you have not provided proof of possession of adequate and valid travel medical insurance

17. ☐ revocation of the visa was requested by the visa holder.

Additional remarks:

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

The rules on appeal against decisions on refusal/annulment/revocation of a visa are set out in: *(reference to national law):*

Competent authority with which an appeal may be lodged: *(contact details):*
……

Information on the procedure to follow can be found at: *(contact details):*

……

An appeal procedure must be lodged within: (indication of time-limit):

……

Date and stamp of embassy/consulate-general/consulate/of the authorities responsible for checks on persons/of other competent authorities:

Signature of person concerned: ……..”

ANNEX IV

"ANNEX X

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

A. The legal instrument shall:

(a) enumerate the tasks to be carried out by the external servcie provider, in accodance with Article 43(6) of this Regulation;

(b) indicate the locations where the external service provider is to operate and which consulate the individual application centre refers to;

(c) list the services covered by the mandatory service fee

(d) instruct the service provider to clearly inform the public that other charges cover optional services.

B. In relation to the performance of its activities, the external service provider shall, with regard to data protection:

(a) prevent at all times any unauthorised reading, copying, modification or deletion of data, in particular during their transmission to the diplomatic mission or consular post of the Member State(s) competent for processing an application;

(b) in accordance with the instructions given by the Member State(s) concerned, transmit the data,

– electronically, in encrypted form, or

– physically, in a secured way;

(c) transmit the data as soon as possible:

– in the case of physically transferred data, at least once a week,

– in the case of electronically transferred encrypted data, at the latest at the end of the day of their collection;

– ensure appropriate means of tracking individual application files to and from the consulate.

(d) delete the data five days after their transmission and ensure that ~~the~~ only the name and contact details of the applicant for the purposes of the appointment arrangements, as well as the passport number, are kept until the return of the passport to the applicant and deleted five days thereafter;

(e) ensure all the technical and organisational security measures required to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the cooperation involves the transmission of files and data to the diplomatic mission or consular post of the Member State(s) concerned and all other unlawful forms of processing personal data;

(f) process the data only for the purposes of processing the personal data of applicants on behalf of the Member State(s) concerned;

(g) apply data protection standards at least equivalent to those set out in Regulation (EU) 2016/679[2];

(h) provide applicants with the information required pursuant to Article 37 of Regulation (EC) No 767/2008 .

C. In relation to the performance of its activities, the external service provider shall, with regard to the conduct of staff:

(a) ensure that its staff are appropriately trained;

(b) ensure that its staff in the performance of their duties:

– receive applicants courteously,

– respect the human dignity and integrity of applicants,do not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and

– respect the rules of confidentiality which shall also apply once members of staff have left their job or after suspension or termination of the legal instrument;

(c) provide identification of the staff working for the external service provider at all times;

(d) prove that its staff do not have criminal records and have the requisite expertise;

D. In relation to the verification of the performance of its activities, the external service provider shall:

(a) provide for access by staff entitled by the Member State(s) concerned to its premises at all times without prior notice, in particular for inspection purposes;

(b) ensure the possibility of remote access to its appointment system for inspection purposes;

(c) ensure the use of relevant monitoring methods (e.g. test applicants; webcam);

(d) ensure access to proof of data protection compliance **by the Member State's national data protection authority**, including reporting obligations, external audits and regular spot checks;

(e) report in writing to the Member State(s) concerned without delay any security breaches or any complaints from applicants on data misuse or unauthorised access, and coordinate with the Member State(s) concerned in order to find a solution and give explanatory responses promptly to the complaining applicants

E. In relation to general requirements, the external service provider shall:

(a) act under the instructions of the Member State(s) competent for processing the application;

(b) adopt appropriate anti-corruption measures (e.g. adequate staff remuneration; cooperation in the selection of staff members employed on the task; two-man-rule; rotation principle);

[2] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L119, 4.5.2016, p. 1.

(c) respect fully the provisions of the legal instrument, which shall contain a suspension or termination clause, in particular in the event of breach of the rules established, as well as a revision clause with a view to ensuring that the legal instrument reflects best practice."