



Council of the
European Union

Brussels, 31 May 2018
(OR. en)

9540/18

LIMITE

VISA 127
COMIX 284
CODEC 903

Interinstitutional File:
2018/0061 (COD)

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	7173/18, 7173/18 ADD 1, 7981/18, 8475/18, 8800/18
Subject:	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) - Presidency revised text

With a view to the meeting of the JHA Counsellors (Visa) of 8 June 2018, delegations will find in the Annex a Presidency compromise suggestion on the abovementioned proposal. Pending the policy debate scheduled at the JHA Council meeting on 5 June 2018, no compromise has been suggested at this stage for Article 25a. An addendum to the present document, with a Presidency compromise proposal on this provision, will be submitted to delegations shortly after the Council meeting.

New changes compared to the Commission proposal are marked in **bold/underline** for additions and in **~~bold/strikethrough~~** for deletions. Changes already included in the previous Presidency revised texts (doc. 7981/18, 8475/18 and 8800/18) are in underline for additions and ~~strikethrough~~ for deletions.

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)**

[...]

Article 1

Regulation (EC) No 810/2009 is amended as follows:

TITLE I

GENERAL PROVISIONS

Article 1

Objective and scope

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period.

2. *The provisions of this Regulation shall apply to any third-country national who must be in possession of a visa when crossing the external borders of the Member States pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, without prejudice to:*

- (a) *the rights of free movement enjoyed by third-country nationals who are family members of citizens of the Union;*
- (b) *the equivalent rights enjoyed by third-country nationals and their family members, who, under agreements between the Community and its Member States, on the one hand, and these third countries, on the other, enjoy rights of free movement equivalent to those of Union citizens and members of their families.*

3. *This Regulation also lists the third countries whose nationals are required to hold an airport transit visa by way of exception from the principle of free transit laid down in Annex 9 to the Chicago Convention on International Civil Aviation, and establishes the procedures and conditions for issuing visas for the purpose of transit through the international transit areas of Member States' airports.*

Article 2

Definitions

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

1. *‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty;*
2. *‘visa’ means an authorisation issued by a Member State with a view to:*
 - (a) *an intended stay on the territory of the Member States of a duration of no more than 90 days in any 180 days period; or*
 - (b) *transit through the international transit areas of airports of the Member States;*
3. *‘uniform visa’ means a visa valid for the entire territory of the Member States;*
4. *‘visa with limited territorial validity’ means a visa valid for the territory of one or more Member States but not all Member States;*
5. *‘airport transit visa’ means a visa valid for transit through the international transit areas of one or more airports of the Member States;*
6. *‘visa sticker’ means the uniform format for visas as defined by Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas ;*
7. *‘recognised travel document’ means a travel document recognised by one or more Member States for the purpose of crossing the external borders and affixing a visa pursuant to Decision No 1105/2011 of the European Parliament and of the Council.¹*
8. *‘separate sheet for affixing a visa’ means the uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form as defined by Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form ;*
9. *‘consulate’ means a Member State’s diplomatic mission or a Member State’s consular post authorised to issue visas and headed by a career consular officer as defined by the Vienna Convention on Consular Relations of 24 April 1963;*
10. *‘application’ means an application for a visa;*

¹ Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list. OJ L 287, 4.11.2011, p. 9.

11. ‘commercial intermediary’ means a private administrative agency, transport company or travel agency (tour operator or retailer).

12. ‘seafarer’ means any person who is employed, engaged or works in any capacity on board a seagoing ship to which the 2006 Maritime Labour Convention applies in maritime navigation or a ship navigating in international inland waters.

13. ‘electronic signature’ means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign, as defined by Regulation (EU) N° 910/2014².

TITLE II

AIRPORT TRANSIT VISA

Article 3

Third-country nationals required to hold an airport transit visa

1. *Nationals of the third countries listed in Annex IV shall be required to hold an airport transit visa when passing through the international transit areas of airports situated on the territory of the Member States.*

2. *In urgent cases of mass influx of illegal immigrants, individual Member States may require nationals of third countries other than those referred to in paragraph 1 to hold an airport transit visa when passing through the international transit areas of airports situated on their territory. Member States shall notify the Commission of such decisions before their entry into force and of withdrawals of such an airport transit visa requirement.*

3. *Within the framework of the Committee referred to in Article 52(1), those notifications shall be reviewed on an annual basis for the purpose of transferring the third country concerned to the list set out in Annex IV.*

4. *If the third country is not transferred to the list set out in Annex IV, the Member State concerned may maintain, provided that the conditions in paragraph 2 are met, or withdraw the airport transit visa requirement.*

5. *The following categories of persons shall be exempt from the requirement to hold an airport transit visa provided for in paragraphs 1 and 2:*

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

² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, OJ L 257, 28.8.2014, p. 73–114.

- (b) third-country nationals holding a valid residence permit issued by a Member State which does not take part in the adoption of this Regulation or by a Member State which does not yet apply the provisions of the Schengen acquis in full, or third-country nationals holding one of the valid residence permits listed in Annex V issued by Andorra, Canada, Japan, San Marino or the United States of America guaranteeing the holder's unconditional readmission, or holding a valid residence permit for ~~the Caribbean parts~~ one or more of the overseas countries and territories of the Kingdom of the Netherlands of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);
- (c) third-country nationals holding a valid visa for a Member State which does not take part in the adoption of this Regulation, or for a Member State which does not yet apply the provisions of the Schengen acquis in full, or for a country party to the Agreement on the European Economic Area, or for Canada, Japan or the United States of America, or holders of a valid visa for ~~the Caribbean parts~~ one or more of the overseas countries and territories of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba), when travelling to the issuing country or to any other third country, or when, having used the visa, returning from the issuing country;
- (d) *family members of citizens of the Union as referred to in Article 1(2)(a);*
- (e) *holders of diplomatic passports;*
- (f) *flight crew members who are nationals of a contracting Party to the Chicago Convention on International Civil Aviation.*

TITLE III

PROCEDURES AND CONDITIONS FOR ISSUING VISAS

CHAPTER I

Authorities taking part in the procedures relating to applications

Article 4

Authorities competent for taking part in the procedures relating to applications

1. *Applications shall be examined and decided on by consulates or central authorities.*
2. By way of derogation from paragraph 1, the authorities responsible for checks on persons may examine and decide on applications at the external borders of the Member States, in accordance with Articles 35, and 36 ~~[and 36a]~~.
3. *In the non-European overseas territories of Member States, applications may be examined and decided on by the authorities designated by the Member State concerned.*

4. *A Member State may require the involvement of authorities other than the ones designated in paragraphs 1 and 2 in the examination of and decision on applications.*

5. *A Member State may require to be consulted or informed by another Member State in accordance with Articles 22 and 31.*

Article 5

Member State competent for examining and deciding on an application

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

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

2. *The Member State competent for examining and deciding on an application for a uniform visa for the purpose of transit shall be:*

- (a) in the case of transit through only one Member State, the Member State concerned; or*
- (b) in the case of transit through several Member States, the Member State whose external border the applicant intends to cross to start the transit.*

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

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

4. *Member States shall cooperate to prevent a situation in which an application cannot be examined and decided on because the Member State that is competent in accordance with paragraphs 1 to 3 is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6.*

Article 8

Representation arrangements

1. *A Member State may agree to represent another Member State that is competent in accordance with Article 5 for the purpose of examining applications and ~~issuing~~ taking decisions on visas on behalf of that Member State. A Member State may also represent another Member State in a limited manner solely for the collection of applications and the enrolment of biometric identifiers.*

2. ~~The consulate of the representing Member State shall, when contemplating refusing a visa, submit the application to the relevant authorities of the represented Member State in order for them to take the final decision on the application within the time limits set out in Article 23(1), (2) or (3).~~

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

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

- (a) shall specify the duration of the representation, if only temporary, and the procedures for its termination;
- (b) may, in particular when the represented Member State has a consulate in the third country concerned, provide for the provision of premises, staff and payments by the represented Member State.
- (c) it may stipulate that **applications from certain categories of third-country nationals are to be transmitted by the representing Member State to the central authorities of the represented Member State for prior consultation as provided for in Article 22 the central authorities of the represented Member State are to be consulted on applications from certain categories of third-country nationals. This consultation shall not exceed seven calendar days.**

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

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

7. The represented Member State shall notify the Commission of the representation arrangements or the termination of those arrangements at the latest ~~one month~~ 15 calendar days before they enter into force or are terminated, except in cases of *force majeure*.

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

9. If the consulate of the representing Member State decides to cooperate with an external service provider in accordance with Article 43, or with accredited commercial intermediaries as provided for in Article 45, such cooperation shall include applications covered by representation arrangements. The central authorities of the represented Member State shall be informed in advance of the terms of such cooperation.

10. In cases of prolonged technical force majeure, a Member State shall seek temporary representation by another Member State in the given location for all or some categories of visa applicants.

CHAPTER II

Application

Article 9

Practical modalities for lodging an application

1. Applications ~~shall may~~ be lodged no more than six months, ~~and for seafarers in the performance of their duties, no more than nine months~~, before the start of the intended visit, and, as a rule, no later than 15 calendar days before ~~that the~~ the start of the intended visit.

2. Applicants may be required to obtain an appointment for the lodging of an application. The appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested.

3. In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

4. Without prejudice to Article 13, applications may be lodged:

- (a) by the applicant;
- (b) by an accredited commercial intermediary, ~~as referred to in Article 45~~;
- ~~(c) by a professional, cultural, sports or educational association or institution on behalf its members.~~

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

Article 10

General rules for lodging an application

1. Applicants shall appear in person when lodging an application for the collection of fingerprints, in accordance with Article 13 (2), (3) and (7)(b).

2. ~~Consulates may waive the requirement referred to in paragraph 1 when the applicant is known to them for his integrity and reliability.~~

3. *When lodging the application, the applicant shall:*

- (a) *present an application form in accordance with Article 11;*
- (b) *present a travel document in accordance with Article 12;*
- (c) *present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95 or, where the VIS is operational pursuant to Article 48 of the VIS Regulation, in accordance with the standards set out in Article 13 of this Regulation;*
- (d) *allow the collection of his fingerprints in accordance with Article 13, where applicable;*
- (e) *pay the visa fee in accordance with Article 16;*
- (f) *provide supporting documents in accordance with Article 14 and Annex II;*
- (g) *where applicable, produce proof of possession of adequate and valid travel medical insurance in accordance with Article 15.*

Article 11

Application form

1. Each applicant shall submit ~~a manually or, where available electronically, completed and manually or electronically signed~~ an application form, as set out in Annex I. **The application form shall be** ~~completed manually or, where available, electronically. It shall be and signed manually or, where electronic signature is recognized by the Member State competent for examining and deciding on an application, electronically.~~ *Persons included in the applicant's travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising permanent or temporary parental authority or legal guardianship.*

1a. Where the applicant signs the application form electronically, the electronic signature shall meet the requirements for qualified electronic signature as set out in Article 26 of the Regulation (EU) N° 910/2014³.

³ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, OJ L 257, 28.8.2014, p. 73–114.

1aa. The content of the electronic version of the application form, if applicable, shall be as set out in Annex I.

2. *Consulates shall make the application form widely available and easily accessible to applicants free of charge.*

3. The form shall, as a minimum, be available in the following languages:

- (a) the official language(s) of the Member State for which a visa is requested or which handles the ~~case~~ application in representation; and
- (b) the official language(s) of the host country.

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

4. If the official language(s) of the host country ~~application form is not available~~ is/are not integrated into the form, a translation into that/those language(s) in the official language(s) of the host country, a translation of it into that/those language(s) shall be made available separately to applicants.

5. *A translation of the application form into the official language(s) of the host country shall be produced under local Schengen cooperation provided for in Article 48.*

6. *The consulate shall inform applicants of the language(s) which may be used when filling in the application form.*

Article 14

Supporting documents

1. *When applying for a uniform visa, the applicant shall present:*

- (a) *documents indicating the purpose of the journey;*
- (b) *documents in relation to accommodation, or proof of sufficient means to cover his accommodation;*
- (c) *documents indicating that the applicant possesses sufficient means of subsistence both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or that he is in a position to acquire such means lawfully, in accordance with Article 5(1)(c) and (3) of the Schengen Borders Code;*
- (d) *information enabling an assessment of the applicant's intention to leave the territory of the Member States before the expiry of the visa applied for.*

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

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

3. *A non-exhaustive list of supporting documents which the consulate may request from the applicant in order to verify the fulfilment of the conditions listed in paragraphs 1 and 2 is set out in Annex II.*

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

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

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

5. Member States' consulates shall within local Schengen cooperation, as referred to in Article 48, assess the implementation of the conditions laid down in paragraph 1, to take account of local circumstances, and of migratory and security risks.

5a. Where necessary in order to take account of local circumstances as referred to in Article 48, the Commission shall by means of implementing acts adopt a harmonised list of supporting documents to be used in each jurisdiction. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

6. *Consulates may waive one or more of the requirements of paragraph 1 in the case of an applicant known to them for his integrity and reliability, in particular the lawful use of previous visas, if there is no doubt that he will fulfil the requirements of Article 5(1) of the Schengen Borders Code at the time of the crossing of the external borders of the Member States.*

Article 15

Travel medical insurance

1. Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses that might arise in connection with repatriation for medical reasons, urgent medical attention and emergency hospital treatment or death, during their intended stay on the territory of the Member States.
2. Applicants for a uniform visa for multiple entries shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.

In addition, such applicants shall sign the statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance for subsequent stays.

3. *The insurance shall be valid throughout the territory of the Member States and cover the entire period of the person's intended stay or transit. The minimum coverage shall be EUR 30 000.*

When a visa with limited territorial validity covering the territory of more than one Member State is issued, the insurance cover shall be valid at least in the Member States concerned.

4. *Applicants shall, in principle, take out insurance in their country of residence. Where this is not possible, they shall seek to obtain insurance in any other country.*

When another person takes out insurance in the name of the applicant, the conditions set out in paragraph 3 shall apply.

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

6. *The insurance requirement may be considered to have been met where it is established that an adequate level of insurance may be presumed in the light of the applicant's professional situation. The exemption from presenting proof of travel medical insurance may concern particular professional groups, such as seafarers, who are already covered by travel medical insurance as a result of their professional activities.*

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

Article 16

Visa fee

1. Applicants shall pay a visa fee of EUR 80.
2. Children from the age of six years and below the age of 12 years shall pay a visa fee of EUR 40.

[2a. A visa fee of EUR 160 shall apply when the Commission so decides in accordance with Article 25a(5).]

3. ~~The visa fee shall be revised regularly in order to reflect the administrative costs.~~

4. *The visa fee shall be waived for applicants belonging to one of the following categories:*

- (a) children under six years;*
- (b) school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or educational training;*
- (c) researchers from third countries, as defined in ~~Council Directive 2005/71/EC~~ Directive (EU) 2016/801⁴, travelling for the purpose of carrying out scientific research or participating in a scientific seminar or conference;*
- (d) representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.*

5. *The visa fee may be waived for:*

- (a) children from the age of six years and below the age of 12 years;*
- (b) holders of diplomatic and service passports;*
- (c) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations.*

~~Within local Schengen cooperation, Member States shall aim to harmonise the application of these exemptions.~~

6. *In individual cases, the amount of the visa fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests as well as interests in the field of foreign policy, development policy and other areas of vital public interest or for humanitarian reasons.*

7. *The visa fee shall be charged in euro, in the national currency of the third country or in the currency usually used in the third country where the application is lodged, and shall not be refundable except in the cases referred to in Articles 18(2) and 19(3).*

When charged in a currency other than euro, the amount of the visa fee charged in that currency shall be determined and regularly reviewed in application of the euro foreign exchange reference rate set by the European Central Bank. The amount charged may be rounded up and consulates shall ensure under local Schengen cooperation that they charge similar fees.

8. *The applicant shall be given a receipt for the visa fee paid.*

⁴ ~~Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289, 3.11.2005, p. 15).~~ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21–57)

8a. The Commission shall assess the need to revise the amount of the visa fees set out in Article 16(1), (2) and (2a) every ~~two~~three years, taking into account objective criteria, such as the general EU-wide inflation rate as published by Eurostat, and the weighted average of the salaries of Member States' civil servants and, where appropriate, amend the amount of the visa fees by means of delegated acts.

Article 17

Service fee

1. A service fee may be charged by an external service provider referred to in Article 43. *The service fee shall be proportionate to the costs incurred by the external service provider while performing one or more of the tasks referred to in Article 43(6).*

2. *The service fee shall be specified in the legal instrument referred to in Article 43(2).*

~~3. Within the framework of local Schengen cooperation, Member States shall ensure that the service fee charged to an applicant duly reflects the services offered by the external service provider and is adapted to local circumstances. Furthermore, they shall aim to harmonise the service fee applied.~~

4. *The service fee shall not exceed half of the amount of the visa fee set out in Article 16(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 16(2), (4), (5) and (6).*

4a. By derogation from paragraph 4, ~~the service fee shall not exceed the amount of the visa fee, in third countries whose nationals are subject to the visa requirement~~ where ~~no~~the competent Member State has a no consulate for the purpose of collecting visa applications and it is not represented by another Member State the service fee shall, in principle, not exceed the amount of the visa fee. In circumstances where this amount is not sufficient to provide a full service, a higher amount of service fee may be required. In such case, Member States shall notify the Commission of such scheme at the latest three months before the start of its implementation. The notification shall specify the grounds for the determination of the level of the service visa fee, in particular the detailed costs leading to the determination of a higher amount.

~~5. The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.~~

CHAPTER III

Examination of and decision on an application

Article 21

Verification of entry conditions and risk assessment

1. *In the examination of an application for a uniform visa, it shall be ascertained whether the applicant fulfils the entry conditions set out in Article 5(1)(a), (c), (d) and (e) of the Schengen Borders Code, and particular consideration shall be given to assessing whether the applicant presents a risk of illegal immigration or a risk to the security of the Member States and whether the applicant intends to leave the territory of the Member States before the expiry of the visa applied for.*

2. *In respect of each application, the VIS shall be consulted in accordance with Articles 8(2) and 15 of the VIS Regulation. Member States shall ensure that full use is made of all search criteria pursuant to Article 15 of the VIS Regulation in order to avoid false rejections and identifications.*

3. *While checking whether the applicant fulfils the entry conditions, the consulate shall verify:*

- (a) that the travel document presented is not false, counterfeit or forged;*
- (b) the applicant's justification for the purpose and conditions of the intended stay, and that he has sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is in a position to acquire such means lawfully;*
- (c) whether the applicant is a person for whom an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry;*
- (d) that the applicant is not considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of the Schengen Borders Code or to the international relations of any of the Member States, in particular where no alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds;*

- (e) that the applicant is in possession of adequate and valid travel medical insurance, where applicable, covering the period of the intended stay, or, if a uniform visa for multiple entry is applied for, the period of the first intended visit.*

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

5. *The means of subsistence for the intended stay shall be assessed in accordance with the duration and the purpose of the stay and by reference to average prices in the Member State(s) concerned for board and lodging in budget accommodation, multiplied by the number of days stayed, on the basis of the reference amounts set by the Member States in accordance with Article 34(1)(c) of the Schengen Borders Code. Proof of sponsorship and/or private accommodation may also constitute evidence of sufficient means of subsistence.*

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

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

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

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

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

Article 22

Prior consultation of central authorities of other Member States

1. For grounds of public ~~threat~~ **policy, national-internal** security, **international relations** or public health, ~~Aa~~ *Member State may require the central authorities of other Member States to consult its central authorities during the examination of applications lodged by nationals of specific third countries or specific categories of such nationals. Such consultation shall not apply to applications for airport transit visas.*

2. The central authorities consulted shall reply definitively as soon as possible but not later than seven calendar days after being consulted. The absence of a reply within this deadline shall mean that they have no grounds for objecting to the issuing of the visa.

3. Member States shall notify the Commission of the introduction or withdrawal of the requirement of prior consultation, as a rule, at the latest ~~45~~30 calendar days before it becomes applicable. This information shall also be given under local Schengen cooperation in the jurisdiction concerned.

4. *The Commission shall inform Member States of such notifications.*

~~5. From the date of the replacement of the Schengen Consultation Network, as referred to in Article 46 of the VIS Regulation, prior consultation shall be carried out in accordance with Article 16(2) of that Regulation.~~

Article 23

Decision on the application

1. Applications shall be decided within ~~40~~15 calendar days of the date of the lodging of an application which is admissible in accordance with Article 19.

That period may be extended up to a maximum of 60~~45~~ calendar days in individual cases, notably when further scrutiny of the application is needed.

~~3. Exceptionally, when additional documentation is needed in specific cases, the period may be extended up to a maximum of 60 calendar days.~~

4. *Unless the application has been withdrawn, a decision shall be taken to:*

(a) *issue a uniform visa in accordance with Article 24;*

(b) *issue a visa with limited territorial validity in accordance with Article 25;*

(ba) *issue an airport transit visa in accordance with Article 26; or*

(c) *refuse a visa in accordance with Article 32; or*

~~(d) discontinue the examination of the application and transfer it to the relevant authorities of the represented Member State in accordance with Article 8(2).~~

The fact that fingerprinting is physically impossible, in accordance with Article 13(7)(b), shall not influence the issuing or refusal of a visa.

CHAPTER IV

Issuing of the visa

Article 24

Issuing of a uniform visa

1. The period of validity of a visa and the length of the authorised stay shall be based on the examination conducted in accordance with Article 21.

A visa may be issued for one, two or multiple entries. *The period of validity shall not exceed five years.*

~~In the case of transit, the length of the authorised stay shall correspond to the time necessary for the purpose of the transit.~~

Without prejudice to Article 12(a), the period of validity of a single entry visa shall include a 'period of grace' of 15 calendar days.

Member States may decide not to grant such a period of grace for reasons of public policy or because of the international relations of any of the Member States.

2. Provided that the applicant fulfils the entry conditions set out in Article 6(1)(a), (c), (d) and (e) of the Schengen Borders Code, mMultiple-entry visas with a long validity shall be issued for the following validity periods, unless the validity of the visa would exceed that of the travel document:

- (a) for a validity period of one year, provided that the applicant has obtained and lawfully used three uniform visas within the previous two years;
- (b) for a validity period of two years ~~shall be issued~~, provided that the applicant has obtained and lawfully used a previous multiple-entry uniform visa valid for one year within the previous two years;
- (c) for a validity period of five years, provided that the applicant has obtained and lawfully used a previous multiple-entry uniform visa valid for two years within the previous three years.

Airport transit visa and visa with limited territorial validity issued according to Article 25, paragraph 1, shall not be taken into account for the issuance of multiple-entry visas.

2a. By way of derogation from paragraph 2, the validity period of the visa issued may be shortened in individual cases ~~where the applicant has requested a shorter period of validity of a multiple-entry visa or~~ where there are is reasonable doubt that the entry conditions will be met for the entire period or there are reasonable grounds to grant a visa with a shorter period of validity.

2b. By way of derogation from paragraph 2, Member States' consulates shall within local Schengen cooperation as referred to in Article 48, assess whether the rules on the issuing of the multiple entry visas set out in paragraph 2 need to be adapted to take account of local circumstances, and of migratory and security risk,—in view of the adoption of more favourable or more restrictive rules in accordance with paragraph 2d.

2c. Without prejudice to paragraph 2, a multiple entry visa valid for up to five years may be issued to applicants **(such as seafarers)** who prove the need or justify their intention to travel frequently and/or regularly provided that they prove their integrity and reliability, in particular the lawful use of previous visas, their economic situation in the country of origin and their genuine intention to leave the territory of the Member States before the expiry of the visa for which they have applied.

2d. Where necessary on the basis of the assessment referred to in paragraph 2b, the Commission shall by means of implementing acts adopt the rules regarding the condition for the issuing of multiple-entry visas laid down in paragraph 2 to be applied in each jurisdiction in order to take account of local circumstances, of the migratory and security risks ~~and of the cooperation of the third country in question on readmission of irregular migrants in the light of the indicators set out in Article 25a(2)~~, and of its overall relation with the Union. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

3. *The data set out in Article 10(1) of the VIS Regulation shall be entered into the VIS when a decision on issuing such a visa has been taken.*

Article 25a

[...]

Article 27

Filling in the visa sticker

1. The Commission shall by means of implementing acts adopt the details for filling in the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

2. Member States may add national entries in the 'comments' section of the visa sticker. These entries shall ~~neither~~ not duplicate the mandatory entries established in accordance with the procedure referred to in paragraph 1 ~~nor indicate a specific travel purpose~~.

3. *All entries on the visa sticker shall be printed, and no manual changes shall be made to a printed visa sticker.*

4. A visa sticker for a single entry visa may be filled in manually only in case of technical *force majeure*. No changes shall be made to a manually filled in visa sticker.

5. *When a visa sticker is filled in manually in accordance with paragraph 4 of this Article, this information shall be entered into the VIS in accordance with Article 10(1)(k) of the VIS Regulation.*

Article 29

Affixing a visa sticker

1. The ~~printed~~ visa sticker shall be affixed to the travel document.

1a. The Commission shall by means of implementing acts adopt the detailed arrangements for affixing the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

2. *Where the issuing Member State does not recognise the applicant's travel document, the separate sheet for affixing a visa shall be used.*

3. *When a visa sticker has been affixed to the separate sheet for affixing a visa, this information shall be entered into the VIS in accordance with Article 10(1)(j) of the VIS Regulation.*

4. *Individual visas issued to persons who are included in the travel document of the applicant shall be affixed to that travel document.*

5. *Where the travel document in which such persons are included is not recognised by the issuing Member State, the individual stickers shall be affixed to the separate sheets for affixing a visa.*

Article 31

Information of central authorities of other Member States

1. *A Member State may require that its central authorities be informed of visas issued by consulates of other Member States to nationals of specific third countries or to specific categories of such nationals, except in the case of airport transit visas.*

2. Member States shall notify the Commission of the introduction or withdrawal of the requirement for such information at the latest ~~45~~30 calendar days before it becomes applicable. The information shall also be given under local Schengen cooperation in the jurisdiction concerned.

3. *The Commission shall inform Member States of such notifications.*

4. ~~From the date referred to in Article 46 of the VIS Regulation, information shall be transmitted in accordance with Article 16(3) of that Regulation.~~

Article 32

Refusal of a visa

1. *Without prejudice to Article 25(1), a visa shall be refused:*

(a) if the applicant:

(i) presents a travel document which is false, counterfeit or forged;

(ii) does not provide justification for the purpose and conditions of the intended stay;

(iia) does not provide justification for the purpose and conditions of the intended airport transit;

(iii) does not provide proof of sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is not in a position to acquire such means lawfully;

(iv) has already stayed for 90 days during the current 180-day period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity;

(v) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;

(vi) is considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of the Schengen Borders Code or to the international relations of any of the Member States, in particular where an alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds; or

(vii) does not provide proof of holding adequate and valid travel medical insurance, where applicable;

or

(b) if there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the veracity of their contents, the reliability of the statements made by the applicant or his intention to leave the territory of the Member States before the expiry of the visa applied for.

2. *A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI.*

3. Applicants who have been refused a visa shall have the right to appeal. ~~which shall, at a certain stage of the proceedings, guarantee an effective judicial appeal. The judicial appeal shall be considered effective if it enables to review at least the procedural rights of visa applicants.~~ Appeals shall be instituted against the Member State that has taken the final decision on the application and in accordance with the national law of that Member State. ~~In case of a visa issued on the basis of a representation agreement, appeals shall be instituted against the represented Member State.~~ Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI.

4. ~~In the cases referred to in Article 8(2), the consulate of the representing Member State shall inform the applicant of the decision taken by the represented Member State.~~

5. *Information on a refused visa shall be entered into the VIS in accordance with Article 12 of the VIS Regulation.*

CHAPTER VI

Visas issued at the external borders

Article 36

Visas issued to seafarers in transit at the external border

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

- (a) he fulfils the conditions set out in Article 35(1); and*
- (b) he is crossing the border in question in order to embark on, re-embark on or disembark from a ship on which he will work or has worked as a seafarer.*

2. ~~Before issuing a visa at the border to a seafarer in transit, the competent national authorities shall comply with the rules set out in Annex IX, Part 1, and make sure that the necessary information concerning the seafarer in question has been exchanged by means of a duly completed form for seafarers in transit, as set out in Annex IX, Part 2.~~

2a. The Commission shall by means of implementing acts adopt operational instructions for issuing visas at the border to seafarers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

3. *This Article shall apply without prejudice to Article 35(3), (4) and (5).*

Article 36a

~~Visas applied for at the external border under a specific scheme~~

~~1.— In order to promote short term tourism and subject to the conditions set out in this Article, a Member State may decide temporarily to allow the lodging of visa applications at specific land or sea border crossing points to persons fulfilling the entry conditions set out in Article 6 (1) of Regulation (EC) No 2016/399 of the European Parliament and of the Council.~~

~~2.— The duration of the scheme shall be limited to four months in any calendar year and the categories of beneficiary shall be clearly defined and exclude third country nationals falling within the category of persons for whom prior consultation is required in accordance with Article 22 and persons not residing in the country adjacent to the land border crossing point or in a country having direct ferry connections to the sea border crossing point. Those schemes shall only apply to nationals of third countries with which readmission agreements have been concluded and for which the Commission has not taken a decision in accordance with Article 25a(5).~~

~~3.— The Member State concerned shall establish appropriate structures and deploy specially trained staff for the processing of visa applications and the carrying out of all verifications and risk assessment, as set out in Article 21.~~

~~4.— A visa issued pursuant to a specific scheme shall allow for only one entry, be valid only for the territory of the issuing Member State and shall authorise a stay of no more than seven calendar days. No ‘period of grace’ shall be included in the period of validity of the visa.~~

~~5.— Where a visa is refused at the external border pursuant to a specific scheme, the Member State may not impose on the carrier concerned the obligations set out in Article 26 of the Convention Implementing the Schengen Agreement.~~

~~6.— Member States shall notify the Commission of any schemes at the latest six months before the start of their implementation. The notification shall specify the categories of beneficiary, the geographical scope, the organisational arrangements for the scheme and the measures envisaged to ensure compliance with the conditions set out in this Article.~~

~~The Commission shall publish this notification in the Official Journal of the European Union.~~

~~7.— Three months after the end of the scheme, the Member State concerned shall submit a detailed implementation report to the Commission. The report shall contain information on the number of visas applied for, issued and refused (including the citizenship of the persons concerned), the duration of stay and the departure rate (including the citizenship of persons not departing from the territory of the Member State at the expiry of the visa).~~

TITLE IV

ADMINISTRATIVE MANAGEMENT AND ORGANISATION

Article 37

Organisation of visa sections

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

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

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

3. Member States' consulates shall keep archives of applications in paper or electronic format. Each individual file shall contain the relevant information allowing for a reconstruction, if need be, of the background for the decision taken on the application.

Individual application files shall be kept for a minimum of one year from the date of the decision on the application as referred to in Article 23(1) or **and**, in the case of appeal, until the end of the appeal procedure, **whichever is the longest**. **In any case the individual electronic application files shall be kept for the period of validity of the issued visa.**

Article 38

Resources for examining applications and monitoring of consulates

1. Member States shall deploy appropriate staff in sufficient numbers to carry out the tasks relating to the examining of applications, in such a way as to ensure reasonable and harmonised quality of service to the public.

1a. Member States shall ensure that the entire procedure, including the cooperation with external service providers, is monitored by expatriate staff or central authorities of Member States to ensure the integrity of all stages of the procedure.

2. Premises shall meet appropriate functional requirements of adequacy and allow for appropriate security measures.

3. Member States' central authorities shall provide adequate training to both expatriate staff and locally employed staff and shall be responsible for providing them with complete, precise and up-to-date information on the relevant Community and national law.

4. Member States' central authorities shall ensure frequent and adequate monitoring of the conduct of examination of applications and take corrective measures when deviations from the provisions of this Regulation are detected.

Article 40

Forms of cooperation

1. Each Member State shall be responsible for organising the procedures relating to applications.
2. Member States shall:
 - (a) equip their consulates and authorities responsible for issuing visas at the borders with the requisite material for the collection of biometric identifiers, as well as the offices of their honorary consuls, where they make use of them, to collect biometric identifiers in accordance with Article 42;
 - (b) cooperate with one or more other Member States under representation arrangements or any other form of consular cooperation.
3. A Member State may also cooperate with an external service provider in accordance with Article 43.
4. Member States shall notify to the Commission their consular organisation and cooperation in each consular location.
5. In the event of termination of cooperation with other Member States, Member States shall strive to assure the continuity of full service.

~~Article 41~~

~~Cooperation between Member States~~

~~1. Where 'co-location' is chosen, staff of the consulates of one or more Member States shall carry out the procedures relating to applications (including the collection of biometric identifiers) addressed to them at the consulate of another Member State and share the equipment of that Member State. The Member States concerned shall agree on the duration of and conditions for the termination of the co-location as well as the proportion of the visa fee to be received by the Member State whose consulate is being used.~~

~~2. Where ‘Common Application Centres’ are established, staff of the consulates of two or more Member States shall be pooled in one building in order for applicants to lodge applications (including biometric identifiers). Applicants shall be directed to the Member State competent for examining and deciding on the application. Member States shall agree on the duration of and conditions for the termination of such cooperation as well as the cost sharing among the participating Member States. One Member State shall be responsible for contracts in relation to logistics and diplomatic relations with the host country.~~

~~3. In the event of termination of cooperation with other Member States, Member States shall assure the continuity of full service.~~

Article 43

Cooperation with external service providers

1. Member States shall endeavour to cooperate with an external service provider together with one or more Member States, without prejudice to public procurement and competition rules.

2. Cooperation with an external service provider shall be based on a legal instrument that shall comply with the requirements set out in Annex X.

~~3. Member States shall, within the framework of local Schengen cooperation, exchange information about the selection of external service providers and the establishment of the terms and conditions of their respective legal instruments.~~

4. The examination of applications, interviews (where appropriate), the decision on applications and the printing and affixing of visa stickers shall be carried out only by the consulate.

5. External service providers shall not have access to the VIS under any circumstances. Access to the VIS shall be reserved exclusively to duly authorised staff of consulates.

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

(a) providing general information on visa requirements, in accordance with Article 47(1)(a) – (c), and application forms.

(b) *informing the applicant of the required supporting documents, on the basis of a checklist;*

(c) *collecting data and applications (including collection of biometric identifiers) and transmitting the application to the consulate;*

(d) *collecting the visa fee;*

(e) managing the appointments for the applicant, where applicable, at the consulate or at the external service provider.

(f) collecting the travel documents, including a refusal notification if applicable, from the consulate and returning them to the applicant.

7. When selecting an external service provider, the Member State concerned shall assess the reliability and solvency of the organisation or company and ensure that there is no conflict of interests. The scrutiny shall include, as appropriate, the necessary licences, commercial registration, statutes and bank contracts.

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

9. Member States shall be responsible for compliance with the rules on the protection of personal data and ensure that the external service provider is subject to the monitoring by the data protection supervisory authorities pursuant to Article 51(1) of Regulation (EU) 2016/679.

Cooperation with an external service provider shall not limit or exclude any liability arising under the national law of the Member State(s) concerned for breaches of obligations with regard to the personal data of applicants or the performance of one or more of the tasks referred to in paragraph 6. This provision is without prejudice to any action which may be taken directly against the external service provider under the national law of the third country concerned.

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

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

(a) the general information on the criteria, conditions and procedures for applying for a visa, as set out in Article 47(1)(a), (b) and (c), and the content of the application forms provided by the external service provider to applicants.

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

(c) the collection and transmission of biometric identifiers;

(d) the measures taken to ensure compliance with data protection provisions.

To this end, the central authorities or the consulate(s) of the Member State(s) concerned shall, on a regular basis and as a minimum every ~~six~~ twelve months, carry out spot checks on the premises of the external service provider in certain locations with high risk. Member States may agree to share the burden of this regular monitoring.

11a. By 1st ~~January~~ February each year, Member States shall report to the Commission on their cooperation with and monitoring (as referred to in Annex X, point C) of external service providers worldwide.

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

13. Member States shall provide the Commission with a copy of the legal instrument referred to in paragraph 2.

Article 44

Encryption and secure transfer of data

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

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

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

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

Article 45

Member States' cooperation with commercial intermediaries

1. Member States may accept the lodging of applications, but not the collection of biometric identifiers, by ~~a private administrative agency, a transport company or a travel agency, such as a tour operator or a retailer~~ (commercial intermediaries).

2. Such cooperation shall be based on the granting of an accreditation by Member States' relevant authorities. The accreditation shall, in particular, be based on the verification of the following aspects:

- (a) the current status of the commercial intermediary: current licence, the commercial register, contracts with banks;*
- (b) existing contracts with commercial partners based in the Member States offering accommodation and other package tour services;*
- (c) contracts with transport companies, which must include an outward journey, as well as a guaranteed and fixed return journey.*

3. Accredited commercial intermediaries shall be monitored regularly by spot checks involving face-to-face or telephone interviews with applicants, the verification of trips and accommodation, and wherever deemed necessary, the verification of the documents relating to group return.

4. *Within local Schengen cooperation, information shall be exchanged on the performance of the accredited commercial intermediaries concerning irregularities detected and refusal of applications submitted by commercial intermediaries, and on detected forms of travel document fraud and failure to carry out scheduled trips.*

5. *Within local Schengen cooperation, lists shall be exchanged of commercial intermediaries to which accreditation has been given by each consulate and from which accreditation has been withdrawn, together with the reasons for any such withdrawal.*

Each consulate shall make sure that the public is informed about the list of accredited commercial intermediaries with which it cooperates.

Article 47

Information to the general public

1. *Member States' central authorities and consulates shall provide the general public with all relevant information in relation to the application for a visa, in particular:*

- (a) the criteria, conditions and procedures for applying for a visa;*
- (b) the means of obtaining an appointment, if applicable;*
- (c) where the application may be submitted (competent consulate or external service provider);*
- (d) accredited commercial intermediaries;*
- (e) the fact that the stamp as provided for in Article 20 has no legal implications;*
- (f) the time limits for examining applications provided for in Article 23(1), (2) and (3);*
- (g) the third countries whose nationals or specific categories of whose nationals are subject to prior consultation or information;*
- (h) that negative decisions on applications must be notified to the applicant, that such decisions must state the reasons on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;*
- (i) that mere possession of a visa does not confer an automatic right of entry and that the holders of visa are requested to present proof that they fulfil the entry conditions at the external border, as provided for in Article 5 of the Schengen Borders Code.*

2. *The representing and represented Member State shall inform the general public about representation arrangements as referred to in Article 8 before such arrangements enter into force.*

TITLE V

LOCAL SCHENGEN COOPERATION

Article 48

Local Schengen cooperation between Member States' consulates

1. Member States' consulates and the Union delegations shall cooperate within each jurisdiction to ensure a harmonised application of the common visa policy taking into account local circumstances.

To this end, in accordance with Article 5(3) of Council Decision 2010/427 , the Commission shall issue instructions to Union delegations to carry out the relevant coordination tasks provided for in this Article.

1a. Member States and the Commission shall, in particular, cooperate in order to:

- (a) prepare a harmonised list of supporting documents to be submitted by applicants, taking into account Article 14;
- (b) prepare a local implementation of Article 24(2) regarding the issuing of multiple entry visas;
- (c) ensure a common translation of the application form, where relevant;
- (d) establish the list of travel documents issued by the host country and update it regularly;
- (e) draw up a common information sheet;
- (f) monitor, where relevant, the implementation of the derogations set out in Article 25a(5) and (6).

~~2. Within local Schengen cooperation a common information sheet shall be established on uniform visas and visas with limited territorial validity and airport transit visas, namely, the rights that the visa implies and the conditions for applying for it, including, where applicable, the list of supporting documents as referred to in paragraph 1(a).~~

3. Member States under local Schengen cooperation shall exchange the following information:

- (a) quarterly statistics on uniform visas, visas with limited territorial validity, and airport transit visas applied for, issued, and refused;

- (b) information with regard to the assessment of migratory and/or security risks, in particular on:
 - (i) the socioeconomic structure of the host country;
 - (ii) sources of information at local level, including social security, health insurance, fiscal registers and entry-exit registrations;
 - (iii) the use of false, counterfeit or forged documents;
 - (iv) irregular immigration routes;
 - (v) trends in fraudulent behaviour;
 - (vi) trends in refusals;
 - ~~(vii) statistics on asylum claim where the applicant entered the Schengen area on a visa registered in VIS;~~
- (c) information on cooperation with external service providers and with transport companies;
- (d) information on insurance companies providing adequate travel medical insurance, including verification of the type of coverage and possible excess amount.

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

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

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

~~*On the basis of these reports, the Commission shall draw up an annual report within each jurisdiction to be submitted to the European Parliament and the Council.*~~

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

6a. An annual report shall be drawn up within each jurisdiction by 31 December each year. On the basis of these reports, the Commission shall draw up an annual report on the state of local Schengen cooperation to be submitted to the European Parliament and the Council.

TITLE VI

FINAL PROVISIONS

Article 50

~~Amendments to the Annexes~~

~~Measures designed to amend non-essential elements of this Regulation and amending Annexes I, II, III, IV, V, VI, VII, VIII and XII shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(3).~~

Article 50a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. Powers to adopt delegated acts referred to in Article 16(8a) shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 16(8a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 16(8a), shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 50b

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 50a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.

Article 51

Instructions on the practical application of this Regulation

The Commission shall by means of implementing acts adopt the operational instructions on the practical application of the provisions of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

Article 52

Committee procedure

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

* * * *

Annex I is replaced by the text set out in Annex I to this Regulation;

Annex V is replaced by the text set out in Annex II to this Regulation;

Annex VI is replaced by the text set out in Annex III to this Regulation;

Annexes VII, VIII and IX are deleted;

The text set out in Annex IV to this Regulation replaces Annex X.

Article 2

Monitoring and evaluation

1. Three years after [the date of entry into force of this Regulation], the Commission shall produce an evaluation of the application of this Regulation. This overall evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation.
2. The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, where necessary, appropriate proposals.

Article 3

Entry into force

1. This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.
2. It shall apply from [six months after the day of entry into force].

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

“ANNEX I

Harmonised application form

Application for Schengen Visa

This application form is free



5

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.

1. Surname (Family name)				FOR OFFICIAL USE ONLY Date of application:
2. Surname at birth (Former family name(s))				
3. First name(s) (Given name(s))				
4. Date of birth (day-month-year)	5. Place of birth 6. Country of birth	7. Current nationality Nationality at birth, if different: Other nationalities:		Application lodged at ☐ Embassy/consulate ☐ Service provider ☐ Intermediary ☐ Border (Name): ☐ Other
8. Sex ☐ Male ☐ Female	9. Civil status ☐ Single ☐ Married ☐ Registered Partnership ☐ Separated ☐ Divorced ☐ Widow(er) ☐ Other (please specify):			
10. Parental authority (in case of minors) /legal guardian: Surname, first name, address (if different from applicant's), telephone no., e-mail address, and nationality				
11. National identity number, where applicable				
12. Type of travel document ☐ Ordinary passport ☐ Diplomatic passport ☐ Service passport ☐ Official passport ☐ Special passport ☐ Other travel document (please specify)				
153. Number of travel document	164. Date of issue	175. Valid until	186. Issued by (country)	Visa decision: ☐ Refused ☐ Issued: ☐ A ☐ C ☐ LTV
127. Personal data of the family member who is an EU, EEA or CH citizen if applicable				
Surname		First name(s)		

⁵ No logo is required for Norway, Iceland, Liechtenstein and Switzerland.

Date of birth	Nationality	Number of travel document or ID card	☐ Valid: From Until Number of entries: ☐ 1 ☒ Two ☐ Multiple Number of days
138. Family relationship with an EU, EEA or CH citizen if applicable ☐ spouse ☐ child ☐ grandchild ☐ dependent ascendant ☐ Registered Partnership ☐ other			
14. Type of travel document ☐ Ordinary passport ☐ Diplomatic passport ☐ Service passport ☐ Official passport ☐ Special passport ☐ Other travel document (please specify)			
19. Applicant's home address and e-mail address		Telephone number(s)	
20. Residence in a country other than the country of current nationality ☐ No ☐ Yes. Residence permit or equivalent No. Valid until			
*21. Current occupation			
* 22. Employer and employer's address and telephone number. For students, name and address of educational establishment			
23. (...) Purpose(s) of the journey: ☐ Tourism..... ☐ Business..... ☐ Visiting family or friends ☐ Cultural ☐ Sports ☐ Official visit ☐ Medical reasons ☐ Study ☐ Airport transit ☐ Other (please specify):			
24. 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 ☒ Two- entries ☐ Multiple entries <u>Duration of the first intended stay (indicate number of days):</u> Intended date of arrival in the Schengen area: <u>Duration of the first intended stay (indicate number of days):</u> Intended date of departure from the Schengen area: <u>Desired validity of a multiple entry visa:</u>			
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 ☐ Other (please specify)		☐ by a sponsor (host, company, organisation), please specify ☐ referred to in field <u>30 or 31</u> 32 or 33 ☐ other (please specify) Means of support ☐ Cash ☐ Accommodation provided ☐ All expenses covered during the stay ☐ Pre-paid transport ☐ 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 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.
- ~~– 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.
- ~~– 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 VI

⁶**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 _____ **[on behalf of (name of represented Member State)]**;☐ [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

⁶ No logo is required for Norway, Iceland, Liechtenstein and Switzerland.

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 562/2006/2016/399 (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. ☐ **there are reasonable doubts as to** 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 holder⁷.

⁷ Revocation of a visa based on this reason is not subject to the right of appeal.

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 concerned⁸: ”

⁸ If required by national law.

“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 service provider, in accordance with Article 43(6) of this Regulation;
- (a) indicate the locations where the external service provider is to operate and which consulate the individual application centre refers to;
- (b) list the services covered by the mandatory service fee
- (c) 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 at the latest five ten 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) 2016/679⁹;
- (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);

⁹ 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.

- (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);
 - (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.”
-