

Community code on visas (Visa Code): conditions and procedures for issuing visas

2018/0061(COD) - 11/12/2018 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 401 votes to 222, with 40 abstentions, **amendments** to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

The matter was referred back to the committee for interinstitutional negotiations.

The main amendments adopted in plenary concern the following issues:

Objective: the Regulation seeks to lay down 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, and intended stays by **Sport and Culture Professionals** for up to one year without staying more than 90 days in any 180-day period in any single Member State.

When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the **Charter of Fundamental Rights** of the European Union, relevant international law, including the United Nations Convention Relating to the Status of Refugees.

The European Commission shall present an **electronic visa application, Evisa, by 2025**. The electronic visa application system should be fully accessible for the people with disabilities.

Visa applications: the amended text specifies that visa applications and decisions on applications shall be **examined and taken by consulates**. If the competent Member State is not present or represented in the third country where the applicant lodges the application, the applicant shall be entitled to lodge the application:

- at the consulate of one of the Member States of destination of the intended visit,
- at the consulate of the Member State of first entry, if point (a) is not applicable,
- in all other cases at the consulates of any of the Member States that are present in the country where the applicant lodges the application.

Representation arrangements shall be streamlined and eased and obstacles to the conclusion of such agreements between Member States should be avoided.

Practical arrangements for submitting an application: applications may be lodged no more than **nine months before the start of the intended visit** and, as a rule, no later than 15 calendar days before that start. In justified individual cases of urgency, including when it is necessary on professional grounds, on humanitarian grounds, for reasons of national interest or because of international obligations, the consulate may waive the latter time limit.

In an electronic procedure, in the event of failure to reply within one month of the submission of the application, provision shall be made for a remedy to enable the application to be examined in any event.

Applicants may submit their applications **in person or electronically**. The applicant may not be requested by an external service provider to appear in person for each application in order to collect the biometric identifiers each time. In order to allow external service providers to **verify that biometric identifiers have been collected**, the applicant shall be issued a receipt after the collection of his biometric identifiers.

Members removed the requirement for visa applicants to submit **travel medical insurance** when applying for a short-stay visa.

Visa fees: the visa fee shall be set at **EUR 80**. They shall be **EUR 60** for applicants whose data are already registered in the Visa Information System and whose biometric identifiers have been collected, as well as for applicants who are part of a group travelling for sporting, cultural or educational activities. The visa fees for minors (12-18 years old) shall be set at **EUR 40**.

Children under 12 years of age and family members of a Union citizen referred to in Directive 2004/38/EC shall be **exempt** from fees. Applicants for visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or international obligations, as well as beneficiaries of EU resettlement programmes or relocation programme may also be exempt from fees.

Service fees: the service fee collected by an external service provider shall be harmonised as much as possible. It shall include all costs related to the submission of the visa application, including the transmission of the application and the travel document from the external service provider to the consulate and the return of the travel document to the external service provider.

Decision on the application: applications shall be decided within **10 calendar days** of the date of the lodging of an application, or within **five calendar days** for visa applicants whose data are already recorded in the Visa Information System and whose biometric identifiers have been collected in accordance with the Regulation.

That period may be extended up to a maximum of **30 calendar days** in individual cases, notably when further scrutiny of the application is needed.

Applications shall be decided on without delay in justified individual cases of urgency, including when it is necessary on professional grounds, on humanitarian grounds, for reasons of national interest or because of international obligations.

Multiple-entry visas: these visas shall be issued to regular travellers for a period of validity gradually increasing from 1 year to 5 years provided that the applicant has obtained, within the previous three years, a multiple-entry visa valid for two years and has made legal use of it.

Cooperation on readmission: in the case of satisfactory cooperation or lack of cooperation by certain third countries to readmit their nationals apprehended in an irregular situation and either satisfactory willingness or failure of those third countries to cooperate effectively in the return process, a **restrictive and temporary application of certain provisions** of Regulation (EC) No 810/2009 should be applied to enhance a given third country's cooperation on readmission of irregular migrants, or to encourage its continuation.

The Commission shall regularly assess, **at least once a year**, relevant third countries' cooperation with regard to readmission, taking account of a number of indicators and report the results of its assessment to the European Parliament and the Council.

Visa refusal: the decision to refuse and the reasons for it shall be communicated to the applicant using the standard form, in a language that the applicant understands or can reasonably be assumed to understand.

The deadline for appeal shall be at least **30 calendar days**. Member States shall ensure that consulates have a complaints procedure in place for visa applicants. Information on this procedure shall be published on its website.