

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

2018/0061(COD) - 17/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 428 votes to 123 with 56 abstentions, a legislative resolution on 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).

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission's proposal as follows:

Updating the rules on short-stay visas

The Regulation establishes the procedures and conditions for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-day period. When applying the Regulation, Member States shall act in full compliance with Union law, including the Charter of Fundamental Rights of the European Union. Decisions on applications under the Regulation shall be taken on an individual basis.

Visa applications

Visa applications should be examined and decided on by consulates or, by way of derogation, central authorities. Member States should ensure that central authorities have sufficient knowledge of local circumstances of the country where the application is lodged in order to assess the migratory and security risk, as well as sufficient knowledge of the language to analyse documents, and that consulates are involved, where necessary, to conduct additional examination and interviews.

A Member State may agree to represent another Member State that is competent for the purpose of examining and deciding on applications 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.

If a Member State is neither present nor represented in the third country where the applicant is to lodge the application, that Member State shall endeavour to cooperate with an external service provider.

Rules for making an application

Applications shall 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 the start of the intended visit. In justified individual cases of urgency, the consulate or the central authorities may allow the lodging of applications later than 15 calendar days before the start of the intended visit. Applicants may lodge their applications electronically, where available. The application form shall be signed. It may be signed manually or, where electronic signature is recognised by the Member State competent for examining and deciding on an application, electronically.

Member States may require applicants to present proof of sponsorship or of private accommodation, or of both, by completing a form drawn up by each Member State, which shall indicate

required information regarding the identity (surname, name, date of birth, place of birth and nationality) of the applicant. These requirements may be waived in the case of an applicant known to the consulate or the central authorities for his integrity and reliability.

In justified individual cases of urgency, the decision regarding an application shall be made without delay.

Visa fees

Applicants shall pay a visa fee of EUR 80. The visa fee may be waived for: (i) children from the age of six years and below the age of 18 years; (ii) holders of diplomatic and service passports; (iii) participants in seminars, conferences, sports, cultural or educational events organised by non-profit organisations, aged 25 years or less.

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, interests in the field of foreign policy, development policy and other areas of vital public interest, or for humanitarian reasons or because of international obligations.

The amount of the visa fee should be revised every three years on the basis of objective assessment criteria.

Multiple-entry visas

A harmonised approach to the issuance of multiple-entry visas has been introduced. Such visas would be issued to regular travellers for a period of validity, progressively extending from one year to five years provided that the applicant has obtained, over the previous three years, a multiple-entry visa valid for two years and made use of it legally.

Cooperation with regard to irregular migrants

The amended Regulation provides for the application of restrictive measures where there is a lack of cooperation by certain third countries to readmit those of their nationals who have been apprehended in an irregular situation, and failure by those third countries to cooperate effectively in the return process.

The Commission should assess regularly, at least once a year, third countries' cooperation with regard to readmission. The assessment should take into account the overall cooperation of that third country in the field of migration, in particular in the areas of border management, of prevention of and the fight against migrant smuggling and of prevention of transit of irregular migrants through its territory. Where the Commission considers that the third country is not cooperating, it should submit a proposal to the Council to adopt an implementing decision on specific restrictive provisions on processing of visas and visa fees. Where, however, the Commission considers that a third country is cooperating sufficiently, it should be possible for the Commission to submit a proposal to the Council to adopt an implementing decision, providing for reduction of the visa fee, reduction of the time within which decisions on an are to be made, or increase in the period of validity of multiple-entry visas.

Refusal of a visa

Applicants who have been refused a visa have the right to appeal. During the appeal procedure, the applicants should be given access to all relevant information for their case, in accordance with national law. Member States shall ensure that a procedure is in place that allows applicants to submit complaints regarding the conduct of staff at consulates and the application process.

Consulates or central authorities shall keep a record of complaints and the follow-up given.