

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

2018/0061(COD) - 12/07/2019 - Final act

PURPOSE: to update rules on short-stay visas in order to improve conditions for travellers in good standing and strengthen the tools available to meet the challenges posed by irregular migration.

LEGISLATIVE ACT: Regulation (EU) 2019/1155 of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)

CONTENT: this Regulation amends [Regulation \(EC\) No 810/2009](#) of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code). It 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 this Regulation, Member States shall act in full compliance with Union law, including the Charter of Fundamental Rights of the European Union.

The main elements of the amending by-law are as follows:

Practical procedures for submitting a visa 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.

The Regulation specifies the rules on the persons authorised to submit the application on behalf of the applicant and distinguishes between professional, cultural, sporting or educational associations or institutions on the one hand and commercial intermediaries on the other.

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 indicating a certain amount of information, including the identity of the person responsible, the applicant's identity data, the address of the accommodation, the length and purpose of the stay. These requirements may be waived in the case of an applicant known to the consulate or the central authorities for his integrity and reliability.

Decision on the application

The general deadline for adopting a decision on the visa application shall be a maximum of 15 days. That period may be extended up to a maximum of 45 calendar days in individual cases, notably when further scrutiny of the application is needed. In justified individual cases of urgency, the decision on a request shall be taken without delay. In the event of a visa refusal, the procedures must guarantee effective judicial recourse.

Visa fees

The visa fee is set at EUR 80 (EUR 40 for children aged 6 to under 12). Participants in seminars, conferences or sporting, cultural or educational events organised by non-profit organisations, aged up to 25 years, may be exempt from the payment of visa fees.

In some cases, the amount of visa fees may be reduced or waived where the measure is used to promote cultural or sporting interests or interests in the field of foreign policy, development policy and other areas of essential public interest, or where it meets humanitarian considerations or international obligations.

The Regulation also creates a mechanism to assess, every three years, the need to revise the amount of visa fees.

Multiple-entry visas with a long validity period

The Regulation introduces a harmonised approach for issuing multiple-entry visas, which shall allow regular travellers whose visa records meet the conditions to benefit from a period of validity gradually extending from 1 to 5 years.

Cooperation on readmission

The Commission shall regularly assess, at least once a year, the cooperation of third countries in the field of readmission. The assessment shall take into account all the third country's cooperation in the field of migration, in particular in the fields of border management, prevention and control of migrant smuggling, as well as prevention of the 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.

Strengthening of resources and staff

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

Where applications are examined and decided on by central authorities, the Member States shall provide specific training to ensure that the staff of those central authorities have sufficient and updated country-specific knowledge of local socio-economic circumstances, and complete, precise and up-to-date information on relevant Union and national law.

ENTRY INTO FORCE: 1.8.2019.

APPLICATION: from 2.2.2020.