Basic information

2011/0223(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Community Code on Visas: harmonised application Amending Regulation (EC) No 810/2009, Visa Code 2006/0142(COD) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MICHEL Louis (ALDE)	11/10/2011

Council of the European Union

Council configuration	Meetings	Date
Education, Youth, Culture and Sport	3144	2012-02-10

European Commission

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
30/08/2011	Legislative proposal published	COM(2011)0516	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading		
05/12/2011	Vote in committee, 1st reading		
08/12/2011	Committee report tabled for plenary, 1st reading	A7-0441/2011	Summary
19/01/2012	Decision by Parliament, 1st reading	T7-0003/2012	Summary
19/01/2012	Results of vote in Parliament		
10/02/2012	Act adopted by Council after Parliament's 1st reading		
15/02/2012	Final act signed		
15/02/2012	End of procedure in Parliament		
29/02/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0223(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 810/2009, Visa Code 2006/0142(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/06717

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE475.875	09/11/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0441/2011	08/12/2011	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0003/2012	19/01/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00075/2011/LEX	15/02/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0516	30/08/2011	Summary
Commission response to text adopted in plenary	SP(2012)171	03/03/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2012/0154
OJ L 058 29.02.2012, p. 0003

Community Code on Visas: harmonised application

2011/0223(COD) - 08/12/2011 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Louis MICHEL (ADLE, BE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 of 13 July 2009 establishing a Community Code on Visas (Visa Code).

The Committee supports the Commission proposal but recommends that the European Parliament's position, adopted at first reading under the ordinary legislation procedure, should make **two technical amendments correcting recitals 10 and 11** of the proposal.

- **Recital 10** is amended as follows: as regards Cyprus, this Regulation constitutes an act building upon or otherwise related to the Schengen acquis within the meaning of **Article 3(1)** of the 2003 Act of Accession (as opposed to Article 3(2) as proposed by the Commission);
- **Recital 11** is amended as follows: as regards Romania and Bulgaria, this Regulation constitutes an act building upon or otherwise related to the Schengen acquis within the meaning of **Article 4(1)** of the 2005 Act of Accession (as opposed to Article 4(2) as proposed by the Commission).

The Committee considers that these recitals should follow the same logic as Recital 38 of the Visa Code and refer, respectively, to Article 3(1) of the 2003 Act of Accession and Article 4(1) of the 2005 Act of Accession, given that the provisions on airport transit visas are binding and apply to Cyprus, Romania and Bulgaria as from their accession date.

Community Code on Visas: harmonised application

2011/0223(COD) - 19/01/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 607 votes to 23, with 11 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 of 13 July 2009 establishing a Community Code on Visas (Visa Code).

Parliament adopted its position at first reading under the ordinary legislation procedure. The technical amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. These are as follows:

- as regards Cyprus, this Regulation constitutes an act building upon or otherwise related to the Schengen acquis within the meaning of **Article 3 (1)** of the 2003 Act of Accession;
- as regards Romania and Bulgaria, this Regulation constitutes an act building upon or otherwise related to the Schengen acquis within the meaning of **Article 4(1)** of the 2005 Act of Accession.

Community Code on Visas: harmonised application

2011/0223(COD) - 15/02/2012 - Final act

PURPOSE: to amend Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) in order to clarify the rules on transit through international areas of airports to ensure legal certainty and transparency.

LEGISLATIVE ACT: Regulation (EU) No 154/2012 of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

BACKGROUND: in accordance with the Visa Code, operational instructions on the practical application of the provisions of Regulation (EC) No 810 /2009 have been drawn up by the Commission Decision establishing the Handbook for the processing of visa applications and the modification of issued visas adopted on 19 March 2010.

During the preparation of the Handbook, it has been observed that the formulation of Article 3 (5) (b) and (c) relating to the exemption from airport transit visa (ATV) requirements was unclear. As the Handbook cannot create legally binding obligations on Member States, it is necessary to amend the Visa Code to establish legal certainty and a harmonised application of the rules. Such clarification is of practical importance for individual travellers and for airline companies. Such clarification is of practical importance for individual travellers and for airline companies.

CONTENT: according to Regulation (EC) No 810/2009, third country nationals subject to the airport transit visa requirement who hold a valid visa issued by a Member State, Canada, Japan or the United States of America or who hold a valid residence permit issued by a Member State, Andorra, Canada, Japan, San Marino or the United States of America are exempted from the ATV requirement.

This Regulation seeks solely to clarify that:

- third country nationals holding a valid visa or residence permit issued by a Member State not applying the common visa policy in full are to be covered by the ATV exemption;
- the ATV exemption covers the persons holding a valid visa when they travel to the third country that issued the visa, to any other third country, and, when having used the visa, they return from the third country that issued the visa.

ENTRY INTO FORCE: 20/03/2012.

Community Code on Visas: harmonised application

2011/0223(COD) - 30/08/2011 - Legislative proposal

PURPOSE : to amend Regulation (EC) No 810/2009 of 13 July 2009 establishing a Community Code on Visas (Visa Code) with a view to clarifying the rules on transit through international areas of airports to ensure legal certainty and transparency.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Regulation (EC) No 810/2009 became applicable on 5 April 2010. In accordance with Article 51 of the Visa Code operational instructions on the practical application of the provisions of the Regulation have been drawn up by the Commission Decision establishing the Handbook for the processing of visa applications and the modification of issued visas adopted on 19 March 2010.

During the preparation of the Handbook, it has been observed that the formulation of Article 3 (5) (b) and (c) relating to the exemption from airport transit visa (ATV) requirements was unclear. As the Handbook cannot create legally binding obligations on Member States, it is necessary to amend the Visa Code to establish legal certainty and a harmonised application of the rules. Such clarification is of practical importance for individual travellers and for airline companies.

IMPACT ASSESSMENT: the two aspects covered by the proposal have been discussed in the Visa Committee and in the Visa Working Party and Member States have supported the Commission taking the initiative for a limited amendment of the Visa Code.

LEGAL BASIS: Article 77 (2) (a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: according to Regulation (EC) No 810/2009, third country nationals subject to the airport transit visa requirement who hold a valid visa issued by a Member State, Canada, Japan or the United States of America or who hold a valid residence permit issued by a Member State, Andorra, Canada, Japan, San Marino or the United States of America are exempted from the ATV requirement.

This proposal is restricted to a technical amendment involving the clarification of the existing text with a view to specifying that:

- third country nationals holding a valid visa or residence permit issued by a Member State not applying the common visa policy in full are to be covered by the ATV exemption;
- the ATV exemption covers the persons holding a valid visa when they travel to the third country that issued the visa, to any other third country, and when having used the visa they return from the third country that issued the visa.

BUDGETARY IMPACT: the proposal has no impact of the Union’s budget