Basic information

2014/0094(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Union Code on Visas (Visa Code). Recast Repealing Regulation (EC) No 810/2009 2006/0142(COD) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

Council of the European Union	Council configuration	Meetings	Date
	Justice and Home Affairs (JHA)	3336	2014-10-09
	Justice and Home Affairs (JHA)	3319	2014-06-05
	Justice and Home Affairs (JHA)	3415	2015-10-09
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	MALMSTRÖM Cecilia	

Key events

Date	Event	Reference	Summary
01/04/2014	Legislative proposal published	COM(2014)0164	Summary
05/06/2014	Debate in Council		
03/07/2014	Committee referral announced in Parliament, 1st reading		
09/10/2014	Debate in Council		
09/10/2015	Debate in Council		
16/03/2016	Vote in committee, 1st reading		
16/03/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
25/04/2016	Committee report tabled for plenary, 1st reading	A8-0145/2016	Summary
03/07/2018	Proposal withdrawn by Commission		

Technical information

Procedure reference	2014/0094(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 810/2009 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Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/8/00416

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE557.179	09/09/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0145/2016	25/04/2016	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0164	01/04/2014	Summary
Document attached to the procedure	SWD(2014)0067	01/04/2014	
Document attached to the procedure	SWD(2014)0068	01/04/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2014)0164	04/06/2014	
Contribution	PT_PARLIAMENT	COM(2014)0164	11/06/2014	
Contribution	ES_PARLIAMENT	COM(2014)0164	18/06/2014	
Contribution	CZ_SENATE	COM(2014)0164	30/10/2014	
Contribution	FR_ASSEMBLY	COM(2014)0164	24/12/2015	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2932/2014	10/09/2014	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Union Code on Visas (Visa Code). Recast

2014/0094(COD) - 01/04/2014 - Legislative proposal

PURPOSE: to recast and amend Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (**Visa Code**).

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council. BACKGROUND: Article 57(1) of Regulation (EC) No 810/2009 on the Visa Code requires the Commission to send the European Parliament and the Council an evaluation of its application two years after all the provisions of the Visa Code have become applicable (i.e. 5 April 2013). The evaluation may be accompanied by a proposal for an amendment of the Regulation. This is the aim of this proposed Regulation.

The proposed amendments, while maintaining security at the external borders and ensuring the good functioning of the Schengen area, **make travel easier for legitimate travellers** and **simplify the legal framework in the interest of Member States**, e.g. by allowing more flexible rules on consular cooperation.

The proposal intends to make the access to the Schengen area easier for legitimate travellers will facilitate visiting friends and relatives and doing business. It will boost economic activity, tourism and job creation.

IMPACT ASSESSMENT: the Commission examined the proposal and concluded that there were to main problem areas: (i) the overall length and costs (direct and indirect) and the cumbersome nature of the procedures; (ii) insufficient geographical coverage in visa processing. In this regard, the issuing of multiple-entry visas (MEVs) with a long validity accompanied by certain **procedural facilitations** was considered the only win-win solution.

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

CONTENT: the proposed Regulation aims to facilitate the procedural rules applicable to regular travellers in order to ease mobility in the EU. It is presented as part of a package of two parallel proposals which seek to clarify and simplify the visa scheme in general.

The main objectives of the legislative package include:

- reducing the deadline from 15 to **10 days** for processing and taking a decision;
- making it possible to lodge visa applications in other EU countries consulates if the Member State competent for processing the visa application is neither present nor represented;
- **substantial facilitations for regular travellers** including mandatory issuing of multiple entry visas valid for three years;
- simplified application form and allowing for online applications;
- possibility for Member States to devise **special schemes** granting visas at the borders for up to 15 days in one Schengen State;
- possibility for Member States to facilitate the issuing of visa for visitors attending major events;
- a new type of visa (Touring-visa (parallel proposal)) allowing legitimate travellers to circulate in the Schengen area for up to 1 year (without staying in one Member State for more than 90 days in any 180-day period).

Reducing the deadline: it is proposed to reduce the deadline for processing and making a decision on a visa application is reduced from 15 to 10 days. The maximum deadline for lodging an application has been increased from **three to six months** before the intended trip, to allow travellers to plan ahead and avoid peak seasons.

Furthermore, the list of supporting documents will be simplified and become **exhaustive** and the enhanced harmonisation of these requirements at local level will ensure equal treatment of visa applicants.

The often costly obligatory travel medical insurance will be abolished.

Establishing a clearer set of procedural rules and speeding up the process with the introduction of mandatory criteria for obtaining a multiple entry visa (MEV) valid for three years and subsequently for five years for 'VIS registered regular' travellers. Applicants whose data are registered in the Visa Information System (VIS) and who have previously lawfully used at least two visas within the past 12 month period will benefit from these facilitations. This change of rules is also possible thanks to the roll out of the Visa Information System (VIS), which is expected to be completed in 2015, enabling Member States' consulates to access the visa applicants' 'history'.

General procedural facilitations:

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the principle of all applicants having to lodge the application in person has been abolished. Generally, applicants will only be required to appear in person at the consulate

- or the external service provider for the **collection of fingerprints** to be stored in the Visa Information System (VIS);
- the general visa application form (Annex I) has been simplified and a reference has been made to the use of electronic filling in of the application form: the standard form for notifying and motivating refusal, annulment or revocation of a visa has been be revised to include a specific ground for refusal of an airport transit visa and to ensure that the person concerned is properly informed about appeal procedures;
- the list of supporting documents in Annex II is no longer a "non-exhaustive list" and a distinction has been made between unknown applicants and VIS registered regular travellers as regards the supporting documents to be submitted. The provisions regarding the preparatory work on drawing up lists adapted to local circumstances in local Schengen cooperation have been reinforced;
- the provisions on visa fee waivers have become mandatory rather than optional to ensure **equal treatment** of applicants. Certain categories eligible to visa fee waivers have been enlarged to cover minors up to 18 years (previously the age of six).

Special schemes: provisions have been included to provide certain procedural facilitations for close relatives of Union citizens so as to contribute to improving their mobility, in particular by **facilitating family visits**.

The following cases are set out:

- the provisions provide for facilitations for family members intending to visit Union citizens residing in the territory of the Member State of which they are nationals and for family members of Union citizens living in a third country and wishing to visit together the Member State of which the EU citizens are nationals;
- Member States may, where the EU citizen exercises the right to move and reside freely in their territory, require the family member who is a non-EU national to have an entry visa. Member States must grant such persons every facilityto obtain the necessary visas, which must be issued free of charge as soon as possible and on the basis of an accelerated procedure.

Visas applied for at the external border under a temporary scheme: in view of promoting short term tourism, a Member State may decide to temporarily issue visas (upon notification and publication of the organisational modalities of the scheme) at the external border to persons fulfilling specific conditions. This should, in principle, **remain exceptional**.

Exemptions in the case of international events: Member States should be free to define the exact supporting documents to be submitted by visa applicants in order to prove the fulfilment of the entry conditions required by this Regulation. Where such a harmonised list of supporting documents exists, in order to provide facilitations for visa applicants, Member States should be allowed to provide **certain exemptions** from that list when major international events are organised in their territory. These events should be large scale and of particular importance due to their tourism and/or cultural impact (for instance, universal exhibitions and sports championships).

Enlarging consular cooperation: according to the proposal, if the Member State competent for processing the visa application is neither present nor represented in a given third country, the applicant is entitled to apply **at any of the consulates present ('mandatory representation')**.

Flexible rules should be established to allow Member States to optimise the sharing of resources and to increase consular coverage. Cooperation among Member States ("Schengen Visa Centres"), could take any form adapted to local circumstances aiming at **increasing geographical consular coverage**, reducing Member States' costs, increasing the visibility of the European Union and improving the service offered to visa applicants.

In this regard, representation arrangements should be streamlined and obstacles for the conclusion of such arrangements among Member States should be avoided and the representing Member State should be responsible for carrying out the entire processing of visa applications without involvement of the represented Member State.

External service providers: Member States' use of external service provider is no longer to be the last resort solution. Family members of Union citizens exercising their right to free movement and close relatives of Union citizens not exercising their right to free movement as well as applicants who can justify a case of emergency should be given an **immediate appointment**.

It is provided that Member States should annually report to the Commission on the cooperation with external service providers, including the monitoring of the service providers.

Statistics: Annex VII is amended to provide for the collection of all relevant data in a sufficiently disaggregated form allow for proper assessment.

Information to the public: the Commission should create a common Schengen visa internet website and develop a template for the information to be given to visa applicants.

Other technical amendments include:

- the deletion of the reference to the specific travel purpose "transit" given that short stay visas are not purpose bound;
- establishing harmonised rules on the handling of situations of loss of identity document and valid visa.

DELEGATED ACTS: in accordance with Article 290 of the TFEU, the power to amend non-essential elements of Regulation is delegated to the Commission in respect of the **list of third countries whose nationals are required to hold an airport transit visa** when passing through the international transit areas of airports situated on the territory of the Member States (Annex III) and the **list of residence permits entitling the holder to transit through the airports** of Member States without being required to hold an airport transit visa (Annex IV).

The Commission should be empowered to adopt implementing acts establishing the list of supporting documents to be to be used in each location to take account of local circumstances, details for filling in and affixing of the visa stickers and the rules for issuing visas to seafarers at the external borders. Therefore, the previous annexes VII, VIII and IX should be deleted.

Union Code on Visas (Visa Code). Recast

2014/0094(COD) - 25/04/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Juan Fernando LÓPEZ AGUILAR (S&D, ES) on the proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast).

The committee recommended that Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Objectives of the Visa Code: the Union Code on Visas - a main element of the common policy on visa- should also aim to **secure a high level of security, tackle irregular immigration and facilitate legitimate travel.** It should contribute to generating growth and be coherent with other Union policies, such as external relations, trade, education, culture and tourism.

The proposed regulation establishes the conditions and procedures for issuing visas for transit and for intended stays on the territory of Member States for a maximum period of 90 days in any 180 days.

Members specified that the regulation, including the provision regarding an intended stay not exceeding 90 days, **shall apply without prejudice to a possible application for international protection on the territory of the Member States and to the rights of refugees** and persons requesting international protection, in particular as regards non-refoulement.

Airport transit visas: the proposal provides that nationals of the third countries listed in Annex III of the Regulation should be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of Member States.

Members considered that a Member State **may prolong the application of the airport transit visa requirement only twice** where the lifting of the requirement would lead to a substantial influx of irregular migrants. Where a substantial influx of irregular migrants in a Member State persists even after the prolongation referred to above, the Member State concerned shall request the Commission to modify Annex III.

Persons in need of international protection shall be exempt from the requirement for an airport transit visa.

Consular territorial competence: Members proposed that a consulate shall decide to examine and decide on an application when it considers it necessary on **humanitarian grounds, for reasons of national interest or because of international obligations** incumbent on it, particularly under the 1951 Convention relating to the Status of Refugees (1951 Geneva Convention) or other relevant European or international instruments.

Persons seeking international protection may **apply for a European humanitarian visa directly at any consulate or embassy of the Member States**. Once granted following an assessment, such a humanitarian visa shall allow its holder to enter the territory of the Member State issuing the visa for the sole purpose of lodging in that Member State an application for international protection, as defined in Directive 2011/95/EU.

Applications: applications may be lodged **nine months** (rather than six months) before and no later than 15 calendar days before the start of the intended visit. 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 order to take steps towards a modernisation of the visa application procedure, the report proposes to make the **application form available in electronic format** so that those who would like to do so can make use of it.

In addition, consulates may provide for the possibility of lodging an application online and of sending travel document, as well as supporting documents in case the original is required, by mail.

VIS registered applicants shall not be required to appear in person when lodging an application, where their biometric identifiers have been entered into the VIS less than 59 months before.

Where a Member State cooperates with an external service provider, that Member State shall maintain the **possibility for applicants to lodge their applications directly at its own consulates**, except where security considerations do not allow for such a possibility.

After the collection of the biometric identifiers, the applicant shall be issued with a receipt.

Travel medical insurance: persons to whom a uniform visa for one or two entries is to be issued shall prove that they are in possession of adequate and valid travel medical insurance to cover: (i) any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention, emergency hospital treatment or death, during their stay or stays on the territory of the Member States; (ii) the entire period of the person's intended stay or transit.

Failure to present a valid travel medical insurance shall lead to the revocation of the visa.

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.**

Visa fees: visa applicants whose data is registered in the VIS and whose biometric identifiers have been collected, and nationals of third countries with which the European Union has signed a readmission agreement, shall pay a visa fee of **EUR 40.**

Recipients of a visa with limited territorial validity issued on **humanitarian grounds** are exempt from visa fees.

Exemption from standard period of visa validity: when issuing a visa on humanitarian or international protection grounds, Member States shall grant an exemption from the standard '90 days in any 180 days' period of validity, for a period of 12 months, renewable, based on an assessment of the situation in the country of origin or of residence of the third-country national, awarding special attention to the circumstances of persons requesting international protection.

Close relatives and family members of Union citizens: applications of close relatives of the Union citizens and of family members of Union citizens as referred to in Directive 2004/38/EC shall be assessed taking into account the right to respect for private and family life as expressed in the Charter of Fundamental Rights of the European Union. When a family member of a Union citizen arrives at the border without holding the necessary visa, the **Member State concerned must, before turning him back, give the person concerned every reasonable opportunity to obtain the necessary documents** or have them brought to him within a reasonable period of time to corroborate or prove by other means that he is covered by the right of free movement. If he succeeds in doing so and if there is no evidence that he poses a risk to the public policy, public security or public health requirements, the visa must be issued to him without delay at the border.

Refusals of applications of close relatives and of family members of Union citizens shall be **justified in a detailed way and in writing**. A family member may be refused a visa exclusively if the national authorities: (i) demonstrate that the visa applicant is a genuine, present and sufficiently serious threat to public policy, public security or public health; or (ii) demonstrate that there was abuse or fraud. Applicants who have been refused a visa shall have the right to appeal including the right to a **judicial remedy.**

Members added a new clause stating that **all consulates** should have a procedure for claiming compensation and publish this procedure on their website.

Cooperation between Member States: the Commission proposes to delete several arrangements with regard to such cooperation. On the other hand, the committee considers that the current optional forms of cooperation between Member States (co-location and Common Application Centres) should remain. It proposes that Member States should aim to establish **Schengen Visa Centres** in order to share resources, increase consular coverage, and improve the service offered to visa applicants, increase the visibility of the Union and enhance the uniform application of the Regulation.

External service providers: the Commission proposes to provide for the possibility of cooperation with an external service provider without any conditions or restrictions. Members consider that this contrasts with the current Visa Code in force whose philosophy is that outsourcing is permitted but only "as a last resort" after it had been ascertained that other options cannot be chosen. Accordingly, Members introduced amendments **specifying the particular circumstances under which external services providers should be considered**.

At the same time, Members proposed that the **monitoring of providers should be strengthened** and the Commission needs to be better informed on cooperation in order to be able to correctly assess the implementation of the legal provisions on the ground.

Information for the public: Members introduced amendments aiming to ensure more detailed information should be given to applicants so that they can prepare the application properly in advance.

The Schengen visa internet website shall be available in all official languages of the Union and the main language of the five third countries with the highest number of Schengen visa applications. It shall be accessible in all formats necessary to ensure accessibility for people with disabilities. In addition, that website shall provide the contact details of, and the web links to, the consulates of the Member States competent for examining a visa application.

Implementing acts: Members want to maintain the Annex as an integral part of the Visa Code instead of providing for the power to adopt the content of the current annexes at a later stage by implementing acts. In order to ensure the necessary flexibility to be able to adapt the annexes when necessary, they suggest that changes to the annexes of the Regulation may be made by delegated acts.