

Basic information

2018/0061(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)
Regulation

Procedure completed

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

Amending Regulation (EC) No 810/2009 [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	LÓPEZ AGUILAR Juan Fernando (S&D)	25/04/2018
			Shadow rapporteur BECKER Heinz K. (PPE) STEVENS Helga (ECR) DEPREZ Gérard (ALDE) VERGIAT Marie-Christine (GUE/NGL) VALERO Bodil (Verts/ALE) CORRAO Ignazio (EFDD) VILIMSKY Harald (ENF)	
	Committee for opinion		Rapporteur for opinion	Appointed
	TRAN	Transport and Tourism	UJHELYI István (S&D)	01/06/2018
Council of the European Union				
European Commission	Commission DG		Commissioner	
	Migration and Home Affairs		AVRAMOPOULOS Dimitris	
European Economic and Social Committee				

Key events

Date	Event	Reference	Summary
14/03/2018	Legislative proposal published	COM(2018)0252 	Summary
16/04/2018	Committee referral announced in Parliament, 1st reading		
03/12/2018	Vote in committee, 1st reading		
03/12/2018	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
06/12/2018	Committee report tabled for plenary, 1st reading	A8-0434/2018	Summary
11/12/2018	Decision by Parliament, 1st reading	T8-0495/2018	Summary
11/12/2018	Results of vote in Parliament		
11/12/2018	Matter referred back to the committee responsible for interinstitutional negotiations		
26/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2018)002888	
17/04/2019	Decision by Parliament, 1st reading	T8-0416/2019	Summary
17/04/2019	Results of vote in Parliament		
17/04/2019	Debate in Parliament		
06/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
12/07/2019	Final act published in Official Journal		

Technical information	
Procedure reference	2018/0061(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 2006/0142(COD)
Legal basis	Rules of Procedure EP 61 Treaty on the Functioning of the European Union TFEU 077-p2
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/12554

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary

Committee draft report		PE625.447	08/10/2018	
Amendments tabled in committee		PE629.584	09/11/2018	
Committee opinion	TRAN	PE625.431	04/12/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0434/2018	06/12/2018	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T8-0495/2018	11/12/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0416/2019	17/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2018)002888	26/03/2018	
Draft final act	00029/2019/LEX	20/06/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0252 	14/03/2018	Summary
Document attached to the procedure	SWD(2018)0077 	14/03/2018	
Document attached to the procedure	SWD(2018)0078 	14/03/2018	
Commission response to text adopted in plenary	SP(2019)440	08/08/2019	
Follow-up document	COM(2021)0092 	02/03/2021	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2018)0252	05/06/2018	
Contribution	RO_SENATE	COM(2018)0252	12/06/2018	
Contribution	CZ_SENATE	COM(2018)0252	03/08/2018	
Contribution	FR_SENATE	COM(2018)0252	05/11/2018	

Additional information

Source	Document	Date
EP Research Service	Briefing	

Final act

[Corrigendum to final act 32019R1155R\(01\)](#)
OJ L 020 24.01.2020, p. 0025

[Regulation 2019/1155](#)
OJ L 188 12.07.2019, p. 0025

[Summary](#)

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.

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

2018/0061(COD) - 14/03/2018 - Legislative proposal

PURPOSE: to reform the EU's common visa policy to adapt the rules to evolving security concerns, challenges linked to migration and new opportunities offered by technological developments.

PROPOSED ACT: Regulation of the European Parliament and of 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: the **Visa Code**, which entered into force on 5 April 2010, is a core element of the common visa policy: it lays down harmonised procedures and conditions for processing visa applications and issuing visas.

On the basis of an evaluation report on its implementation, the Commission adopted in April 2014 a [proposal to recast the Visa Code](#) with a view to improving travel to the EU through visa facilitation measures (thereby contributing to tourism and trade) and harmonising the implementation of common rules.

However, the divergence between the positions of the European Parliament and the Council as well as the evolution of the migration situation and the increased threat to security observed in recent years have led the Commission to announce the **withdrawal** of its recast proposal.

This proposal takes account of the outcome of the negotiations on the proposal to recast the Visa Code. While preserving security at the external borders and ensuring the smooth functioning of the Schengen area, the proposed amendments aim to **facilitate the movement of bona fide travellers and to simplify the legal framework of the visa procedure**.

IMPACT ASSESSMENT: the proposal is based on an impact assessment focusing on the three main issues:

- **insufficient financial resources to support visa processing:** the preferred option is a moderate increase of the common visa fee to EUR 80;
- **repeated visa procedures for regular travellers:** the preferred option is a 'one-size-fits-all' multiple entry visas cascade at EU level and the possibility of adapting the cascade to specific countries;
- **insufficient levels of return of irregular migrants to some countries of origin:** the preferred option is targeted negative incentives. Negative measures in the visa area are likely to be most effective in bringing change in third country governments towards cooperation with Member States on the readmission of irregular migrants, although they might need to be combined.

CONTENT: this proposal amends [Regulation \(EC\) No 810/2009](#) of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code). It lays down the procedures and conditions for issuing visas for intended stays on the territory of Member States not exceeding **90 days in any 180-days period**.

The main elements of the proposal are as follows:

Practical modalities for lodging an application: the proposal extends to **six months** the maximum deadline for lodging an application to allow travellers to plan ahead and avoid peak seasons; due to their specific working conditions, seafarers may lodge their application nine months before the intended trip. Minimum deadline for lodging an application has been set to allow Member States time for proper assessment of applications and organisation of work. The proposal clarifies rules on who may lodge the application on behalf of the applicant and a reference is made to professional, cultural, sports or education association or institution as distinct from commercial intermediaries.

Visa fee: the visa fee is increased from EUR 60 to **EUR 80**. The proposed increase of the fee will allow Member State to maintain adequate levels of consular staff to process visa applications. The visa fee for minors (6-12 years of age) will be increased by EUR 5 to EUR 40.

Decision on the application: the general decision making time should be **maximum 10 days**. This delay may be extended to the maximum period for deciding on applications to 45 days in certain circumstances, when further review of the application is required. In case of visa refusal, procedures should ensure an effective judicial remedy.

Multiple entry visas with longer validity: harmonised rules will apply to multiple entry visas to better prevent 'visa shopping' and to reduce costs and save time for Member States and frequent travellers. Such multiple entry visas will be issued to trusted regular travellers with a positive visa history for a gradually increasing period from **1 up to 5 years**. Travellers' fulfilment of entry conditions will be thoroughly and repeatedly verified.

Short-term visas at external borders: to facilitate short-term tourism, Member States will be allowed to issue **single-entry** visas directly at external land and sea borders under temporary, seasonal schemes subject to strict conditions.

Detailed provisions establish safeguards to minimise the irregular migration and security risks. Such visas will be valid for a stay of a **maximum of 7 days** in the issuing Member State only.

Cooperation on readmission: the general provisions on the limited number of supporting documents, the visa fee, fee waiver for holders of diplomatic passports, 10-day processing time and the issuing of multiple entry visas **will not apply to nationals of third countries not cooperating on readmission** on the basis of objective and relevant criteria. The Commission is regularly to assess third countries' cooperation on readmission, taking account of a number of indicators.

The Commission's proposal for the reform of the Visa Information System legal framework (to be presented in spring 2018) will further enhance the security and efficiency of the visa procedure, in particular by taking account of technological developments.

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

2018/0061(COD) - 06/12/2018 - 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 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

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**.

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**. 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.

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.

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.

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.

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.