

AMENDMENTS 001-078

by the Committee on Civil Liberties, Justice and Home Affairs

Report

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Visa Code

A8-0434/2018

Proposal for a regulation (COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The European Union's common short-stay visa policy has been an integral part to the establishment of an area without internal borders. Visa policy ***should remain an essential tool for facilitating tourism and business, while helping counter security risks and the risk of irregular migration to the Union.***

Amendment

(1) The European Union's common short-stay visa policy has been an integral part to the establishment of an area without internal borders. ***A visa policy which respects human rights and fundamental freedoms should facilitate travel by third-country nationals to the EU while guaranteeing free movement of persons and maintaining the security of people within EU territory. The common visa policy should be consistent with other Union policies, including those on freedom of movement, residence and mobility.***

Amendment 2

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Despite numerous calls from the European Parliament in particular for new safe and legal access arrangements for migrants and refugees seeking to come to Europe, there is still no genuine harmonised European right of asylum and no legal framework for European humanitarian visas, these being the sole responsibility of the Member States. However, all consulates should be able to grant the opportunity to enter the European Union safely to any person seeking special protection on the basis of the exceptions provided for in this Regulation on humanitarian grounds or in order to comply with international obligations, in particular the 1951 Convention Relating to the Status of Refugees.

Amendment 3

Proposal for a regulation Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) When applying this Regulation, Member States should respect their respective obligations under international law, in particular the United Nations Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention on the Rights of the Child and other relevant international instruments.

Amendment 4

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The visa application procedure should be as easy as possible for applicants. It should be clear which Member State is competent for examining an application for a visa in particular where the intended visit covers several Member States. Where possible, Member States should allow for application forms to be completed and submitted electronically. Deadlines should be established for the various steps of the procedure in particular to allow travellers to plan *ahead* and avoid peak seasons in consulates.

Amendment

(4) The visa application procedure should be as easy ***and at reasonable costs*** as possible for applicants. It should be clear which Member State is competent for examining an application for a visa in particular where the intended visit covers several Member States. Member States should allow for application forms to be completed and submitted electronically. Deadlines should be established for the various steps of the procedure in particular to allow travellers to plan ***a reasonable time in advance*** and avoid peak seasons in consulates. ***As part of the further development of the acquis towards a truly common visa policy, procedures and conditions for issuing visas should be further harmonised and their uniform application be reinforced.***

Amendment 5

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The issuing of a visa to a person seeking protection constitutes a means of allowing such person to access the territory of the Member States in a safe manner. When considering consular territorial competence, the admissibility of a visa application or the possibility of issuing a visa with limited territorial validity, consulates should, therefore, pay particular attention to persons seeking protection. For such persons, Member States should make use of the exemptions on humanitarian grounds or because of international obligations provided for in this Regulation.

Amendment 6

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Visa applications and decisions on applications are examined and taken by consulates. Member States should ensure that they are present or represented by another Member State in third countries whose nationals are subject to the visa requirement and ensure that consulates have sufficient knowledge of the local situation to ensure the integrity of the visa application procedure.

Amendment 7

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) Member States should not be obliged to maintain the possibility of direct access for the lodging of applications at the consulate in places where an external service provider has been mandated to collect visa applications on its behalf, without prejudice to the obligations imposed on Member States by Directive 2004/38/EC¹⁸, in particular its Article 5(2).

deleted

¹⁸ Council Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 229, 29.6.2004, p. 35.

Amendment 8

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Applicants should not be required to present travel medical insurance when lodging an application for a short-stay visa. It is a disproportionate burden for visa applicants and there is no evidence that holders of short-stay visas present a bigger risk in terms of public medical expenditure in Member States than visa-exempted third country nationals.

Amendment 9

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The visa fee should ensure that sufficient financial resources are available to cover the expenses of visa processing, including appropriate structures and sufficient staff to ensure the quality and integrity of the examination of visa applications. The amount of the visa fee should be revised ***on a two-yearly basis*** on the basis of objective criteria.

(6) The visa fee should ensure that sufficient financial resources are available to cover the expenses of visa processing, including appropriate structures and sufficient staff to ensure the quality, ***speed*** and integrity of the examination of visa applications. The amount of the visa fee should be revised ***every two years*** on the basis of objective ***assessment*** criteria.

Amendment 10

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The arrangements for the reception of applicants should duly respect human dignity and fundamental rights, as referred to in the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms. Visa applications should be processed on a non-discriminatory basis and in a professional manner which respects

applicants.

Amendment 11

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) To ensure that nationals of third countries subject to the visa requirement can lodge their visa application ***in their place of residence even if no Member State is present for the purpose of collecting applications***, external service providers should be enabled to ***provide the necessary service*** for a fee exceeding the general maximum level.

Amendment

(7) To ensure that nationals of third countries subject to the visa requirement can lodge their visa application ***as close as possible to their place of residence***, external service providers should be enabled to ***collect applications*** for a fee exceeding the general maximum level.

Justification

Member States must guarantee direct access to their consulate or to a consulate of a Member State with which it has a representation agreement.

Amendment 12

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Representation arrangements should be streamlined and obstacles to the conclusion of such arrangements among Member States should be avoided. The representing Member State should be responsible for the entire processing of visa applications without the involvement of the represented Member State.

Amendment

(8) Representation arrangements should be streamlined ***and eased*** and obstacles to the conclusion of such arrangements among Member States should be avoided. The representing Member State should be responsible for the entire processing of visa applications without the involvement of the represented Member State.

Amendment 13

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) Given the differences in local circumstances ***notably with regard to migratory and security risks, as well as*** the relationships that the Union maintains with specific countries, Member States' diplomatic missions and consular posts in individual locations ***should*** assess the need to adapt the general provisions to allow for a more favourable ***or more restrictive*** application. More favourable approaches in issuing multiple-entry visas with a long period of validity should take into account, in particular, the existence of ***trade agreements covering the mobility of business persons***, and the third country's cooperation ***on the readmission of irregular migrants***.

Amendment 14

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In case of lack of cooperation ***of*** certain third countries to readmit their nationals apprehended in an irregular situation and 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 on the basis of a transparent mechanism based on objective criteria, be applied to enhance a given third country's cooperation on readmission of irregular migrants.

Amendment 15

Proposal for a regulation

Recital 12

Text proposed by the Commission

(10) Given the differences in local circumstances and the relationships that the Union maintains with specific countries, Member States' diplomatic missions and consular posts in individual locations ***may*** assess the need to adapt the general provisions to allow for a more favourable application ***of the visa regime***. ***These*** more favourable approaches in issuing multiple-entry visas with a long period of validity should take into account, in particular, the existence of agreements covering the mobility of ***nationals of the countries concerned***, and the third country's cooperation.

Amendment

(11) In case of ***satisfactory cooperation or a*** 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 on the basis of a transparent mechanism based on objective criteria, be applied to enhance a given third country's cooperation on readmission of irregular migrants, ***or to encourage its continuation***.

(12) Applicants who have been refused a visa should have the right to appeal which should, ***at a certain stage of the proceedings***, guarantee an effective judicial appeal. ***More*** detailed information on the refusal grounds and procedures for appeal of negative decisions should be provided in the notification of the refusal.

(12) Applicants who have been refused a visa should have the right to appeal which should guarantee an effective ***and prompt*** judicial appeal. Detailed information on the refusal grounds and procedures for appeal of negative decisions should be provided in the notification of the refusal.

Amendment 16

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) The issuing of visas at the external border should ***remain exceptional***. ***However***, to promote short term tourism, Member States ***should be authorised to*** issue visas at the external border on the basis of temporary schemes, for which the organisational arrangements should be notified and published. Such schemes should ***be limited in scope and*** comply with the general rules for processing visa applications. ***The validity of the visa issued should be limited to the territory of the issuing Member State.***

Amendment

(13) The issuing of visas at the external border should ***enable Member States, inter alia***, to promote short term tourism; Member States ***may*** issue visas at the external border on the basis of temporary schemes, for which the organisational arrangements should be notified and published. Such schemes should comply with the general rules for processing visa applications.

Amendment 17

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) This Regulation respects fundamental rights and observes the rights and principles recognised in particular by international treaties and the Charter of Fundamental Rights of the European Union. In particular, it seeks to ensure full respect for the right to protection of personal data as set out in Article 16 TFEU, the right to private and family life as set out in Article 7, the right to asylum as set out in Article 18 and the

rights of the child as set out in Article 24 of that Charter, and protection of vulnerable publics.

Amendment 18

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) 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 suited to local circumstances in order to increase geographical consular coverage, reduce Member States' costs, increase the visibility of the Union and improve the service offered to visa applicants.

Amendment

(16) 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 suited to local circumstances in order to increase geographical consular coverage, reduce Member States' costs, increase the visibility of the Union and improve the service offered to visa applicants. ***The common visa policy should contribute to generating growth and be coherent with other Union policies, such as those concerning external relations, trade, education, culture and tourism.***

Amendment 19

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Electronic visa application systems developed by Member States ***help*** to facilitate application procedures for applicants and consulates. A common solution ***allowing*** full digitisation should be developed, making full use of the recent legal and technological developments.

Amendment

(17) Electronic visa application systems developed by Member States ***are essential in order*** to facilitate application procedures for applicants and consulates. A common solution ***ensuring*** full digitisation should be developed ***by 2025 in the form of an online platform and an EU E-visa, thereby*** making full use of the recent legal and technological developments, ***to allow visa application online to accommodate the needs of applicants and attract more visitors to the Schengen area. The electronic visa application system should***

be fully accessible for the people with disabilities. Straightforward and streamlined procedural guarantees should be strengthened and uniformly applied.

Amendment 20

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) When applying Regulation (EC) No 810/2009, Member States should respect their respective obligations under international law, in particular the United Nations Convention Relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention on the Rights of the Child and other relevant international instruments.

Amendment 21

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The necessary measures shall be taken to implement this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purposes of making technical amendments to the Annexes to this Regulation.

Amendment 22

Proposal for a regulation
Recital 27 b (new)

Text proposed by the Commission

Amendment

(27b) Appropriate measures should be adopted for the monitoring and evaluation of this Regulation in relation to harmonisation of the processing of visa applications. Monitoring and evaluation should also seek to monitor full respect for fundamental rights by Member States when processing applications, as well as the application of the principle of non-discrimination and the protection of personal data.

Amendment 23

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EC) No 810/2009
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation establishes 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.;

1. This Regulation establishes 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.***

Justification

Both the EU and specific types of legitimate travellers would benefit from a special regime allowing such travellers to stay longer than 90 days in any 180-day period in the Schengen area. The amendment is in line with what was proposed in the touring visa. The maximum duration of the stay for that category will be determined by the competent authority when deciding on the validity of the visa or multiple entry visa before issuance. This amendment would promote cultural and sport exchanges, as well as economic growth resulting from such travellers requiring food, accommodation, and EU services.

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new) Regulation (EC) No 810/2009 Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 1, the following paragraph is added:

‘3a. 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 (‘the Charter’), relevant international law, including the United Nations Convention Relating to the Status of Refugees (‘the Geneva Convention’), obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights. In accordance with the general principles of Union law, decisions under this Regulation shall be taken on an individual basis.’;

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 1 b (new)

Regulation (EC) No 810/2009

Article 1 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(1b) In Article 1, the following paragraph is added:

(3b) The European Commission shall present an electronic visa application, E-visa, by 2025.

Justification

The Union needs an online platform for efficient and transparent visa processing and an EU e-visa, avoiding multiple electronic visa application systems developed by Member States by 2025.

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point d

Regulation (EC) No 810/2009

Article 2 – point 12 a (new)

Text proposed by the Commission

Amendment

***12a. Sport and Culture Professionals:
Third-country nationals who are not
citizens of the Union within the meaning
of Article 20(1) of the Treaty, and belong
to the following categories: performing
artists and their support staff, elite sports
persons and their support staff and, where
applicable, family members of those
categories, who have been able to
demonstrate clearly the administrative
and logistical obstacles to organising a
tour or a competition in several Member
States in the Schengen area lasting more
than three months.***

Justification

Defining Sport and Culture Professionals is necessary to clearly lay out the scope of the exception to the 90/180 day rule applicable to stays in the Schengen area. Furthermore, it facilitates the ability to draft specific rules for such group, i.e. stricter rules, derogations, etc. This definition is in line with the Touring Visa proposal.

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a (new)

Regulation (EC) No 810/2009

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

(3) in Article 3(5) points (b) and (c) are replaced by the following:

(3) in Article 3(5) points (b) and (c) are replaced by the following:

"(b) third-country nationals holding a valid residence permit issued by a Member State which does not take part in the adoption of this Regulation or by a Member State which does not yet apply the provisions of the Schengen acquis in full, or third-country nationals holding

one of the valid residence permits listed in Annex V issued by Andorra, Canada, Japan, San Marino or the United States of America guaranteeing the holder's unconditional readmission, or holding a residence permit for the Caribbean parts of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);

(c) third-country nationals holding a valid visa for a Member State which does not take part in the adoption of this Regulation, or for a Member State which does not yet apply the provisions of the Schengen acquis in full, or for a country party to the Agreement on the European Economic Area, or for Canada, Japan or the United States of America, or holders of a valid visa for the Caribbean parts of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba), when travelling to the issuing country or to any other third country, or when, having used the visa, returning from the issuing country;"

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 810/2009

Article 5 – paragraph 1 b

Text proposed by the Commission

(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days; or;

Amendment

(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State ***where the host organisation or undertaking is located, if applicable, or the Member State*** whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days or, ***if the main destination cannot be ascertained, the Member States through whose external border the applicant intends to enter the territory of the Member States;***

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 5 a (new)

Regulation (EC) No 810/2009

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(5a) In Article 5, the following paragraph is inserted:

‘2a. If the Member State that is competent in accordance with points (a) or (b) of paragraph 1., is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 10, the applicant shall be entitled to lodge the application:

(a) at the consulate of one of the Member States of destination of the intended visit,

(b) at the consulate of the Member State of first entry, if point (a) is not applicable,

(c) 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.

If the consulate of the Member State that is competent in accordance with paragraph 1 or the consulate of the Member State referred to in the first subparagraph of this paragraph are located at a distance of more than 500 km from the applicant’s place of residence, or if a return journey by public transport from the applicant’s place of residence would require an overnight stay, and if the consulate of another Member State is located closer to the applicant’s place of residence, the applicant shall be entitled to lodge the application at the consulate of the latter Member State.’;

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 5 b (new)

Regulation (EC) No 810/2009

Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(5b) In Article 5, the following paragraph is inserted:

‘2b. If the Member State that is competent in accordance with paragraphs 1 or 2 has, in accordance with Article 8, established a representation arrangement with another Member State for the purpose of considering applications and issuing visas on its behalf, the applicant shall submit his or her application to the consulate of the representing Member State.’;

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point -a (new)

Regulation (EC) No 810/2009

Article 8 – paragraph 1

Present text

Amendment

1. A Member State may agree to represent another Member State that is competent in accordance with Article 5 for the purpose of examining applications and issuing visas 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.

‘1. Without prejudice to Article 6, a Member State may agree to represent another Member State that is competent in accordance with Article 5 for the purpose of examining applications and issuing visas 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.’;

Amendment 32

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point b a (new)

Regulation (EC) No 810/2009

Article 8 – paragraph 6

Present text

6. With a view to ensuring that a poor transport infrastructure or long distances in a specific region or geographical area does not require a disproportionate effort on the part of applicants to have access to a consulate, Member States lacking their own consulate in that region or area shall endeavour to conclude representation arrangements with Member States that have consulates in that region or area.

Amendment

(ba) in Article 8, paragraph 6 is amended

‘6. With a view to ensuring that a poor transport infrastructure or long distances in a specific region or geographical area does not require a disproportionate effort on the part of applicants to have access to a consulate, Member States lacking their own consulate in that region or area shall endeavour to conclude representation arrangements with Member States that have consulates in that region or area ***in order to combat discrimination between third-country nationals due to inequality of access to consular services.***

Such agreements may also be concluded with the representation of an EU Member State in a neighbouring country of the third country concerned if it is closer to the home of the applicant.’

(<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EC) No 810/2009

Article 9 – paragraph 1

Text proposed by the Commission

Applications may 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 that start.;

Amendment

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.***;

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a a (new)

Regulation (EC) No 810/2009

Article 9 – paragraph 3

Present text

In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

Amendment

(aa) In Article 9, paragraph 3 is amended

‘In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

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.’

(<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 35

Compromise amendment replacing Amendments: Compromise 2

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 810/2009

Article 9 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(a a) by the legal representatives of the applicant

Amendment 36

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point a

Regulation (EC) No 810/2009

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

Applicants **shall appear** in person **when lodging an application for the collection of fingerprints, in accordance with Article 13 (2), (3) and (7)(b).;**

Without prejudice to the provisions of Articles 13, 42, 43 and 45, applicants may lodge their applications in person or electronically.

Amendment 37

Proposal for a regulation

Article 1 – paragraph 1 – point 9 a (new)

Regulation (EC) No 810/2009

Article 13 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(9a) in Article 13, paragraph 2 the following subparagraph is added:

‘Without prejudice to paragraph 3, 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. To enable external service providers to verify that biometric identifiers have been collected, the applicant shall be issued with a receipt after the collection of the biometric identifiers.’;

Amendment 38

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a

Regulation (EC) No 810/2009

Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

4. Member States may require applicants to present a proof of sponsorship and private accommodation or both by completing a form drawn up by **each Member State**. That form shall indicate in particular:

4. Member States may require applicants to present a proof of sponsorship and private accommodation or both by completing a form drawn up by **the Commission**. That form shall indicate in particular:

Amendment 39

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a

Regulation (EC) No 810/2009

Article 14 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In addition to the Member State's official language(s), the form shall be drawn up in at least one other official language of the institutions of the Union. ***A specimen of the form shall be sent to the Commission.***

Amendment

The Commission shall adopt the form by means of implementing acts in accordance with the examination procedure referred to in Article 52(2). The form shall be used to inform the sponsor/inviting person about the processing of their personal data and the applicable rules. In addition to the Member State's official language(s), the form shall be drawn up in at least one other official language of the institutions of the Union.

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 810/2009

Article 15

Text proposed by the Commission

(11) Article 15 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘

1. Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses that might arise in connection with repatriation for medical reasons, urgent medical attention and emergency hospital treatment or death, during their intended stay on the territory of the Member States.;

’

(b) in paragraph 2, the first subparagraph is replaced by the following:

Amendment

Article 15 is deleted

Deletion of Travel Medical Insurance

2. *Applicants for a uniform visa for multiple entries shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.;*

Amendment 41

Compromise amendment replacing Amendments: Compromise 4

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 810/2009

Article 16

Present text

Article 16

Visa fee

1 Applicants shall pay a visa fee of EUR 80.

2. Children from the age of **six** years and below **the age of 12** years shall pay a visa fee of EUR 40;

4 The visa fee shall be waived for applicants belonging to one of the following categories:

(a) children under **six** years;

(b) school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or

Amendment

Article 16 will be replaced as follows:

Article 16

Visa fee

1 Applicants shall pay a visa fee of EUR 80.

1a Applicants whose data are already entered registered in the Visa Information System and whose biometric identifiers have been collected in accordance with Article 13 shall pay a visa fee of EUR 60.

2 Children from the age of 12 years and below 18 years shall pay a visa fee of EUR 40.

2a Applicants which form part of a group travelling for sports, cultural or educational purposes shall pay a visa fee of EUR 60.

4 The visa fee shall be waived for applicants belonging to one of the following categories:

(a) children under **twelve** years;

(b) school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or

educational training;

(c) researchers from third countries travelling for the purpose of carrying out scientific research *as defined in Recommendation No 2005/761/EC²⁷ of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (21)*;

(d) representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.

5 The visa fee may be waived for:

(a) children from the age of **six** years and below the age of **12** years;

(b) holders of diplomatic and service passports;

(c) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations.

6 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 *as well as* interests in the field of foreign policy, development policy and other areas of vital public interest or for humanitarian reasons.

educational training;

(c) researchers from third countries, *as defined in Council Directive 2005/71/EC²⁷*, travelling for the purpose of carrying out scientific research *or participating in a scientific seminar or conference*;

(d) representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.

(e) family members of the citizens of the Union as referred in to Article 5(2) of Directive 2004/38/EC

5 The visa fee may be waived for:

(a) children from the age of **twelve** years and below the age of **18** years;

(b) holders of diplomatic and service passports;

(c) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations.

(d) applicants for a visa with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as beneficiaries of a Union resettlement or relocation programme.

(e) applicants for a visa with limited territorial validity

6 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.*';

²⁷ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289, 3.11.2005, p. 15).

²⁷ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289, 3.11.2005, p. 15).

Amendment 42

Compromise amendment replacing Amendments: Compromise 5

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 810/2009

Article 17

Present text

1 A service fee may be charged by an external service provider referred to in Article 43. The service fee shall be proportionate to the costs incurred by the external service provider while performing one or more of the tasks referred to in Article 43(6).

2 The service fee shall be specified in the legal instrument referred to in Article 43(2).

4 The service fee shall not exceed half of the amount of the visa fee set out in Article 16(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 16(2), (4), (5)

Amendment

(13) Article 17 will be amended as follows:

Article 17

Service fee

1 A service fee may be charged by an external service provider referred to in Article 43. The service fee shall be proportionate to the costs incurred by the external service provider while performing one or more of the tasks referred to in Article 43(6).

2 The service fee shall be specified in the legal instrument referred to in Article 43(2).

3 Within the framework of local Schengen cooperation, Member States shall ensure that the service fee charged to an applicant duly reflects the services offered by the external service provider and is adapted to local circumstances. Furthermore, they shall aim to harmonise the service fee applied.

4 The service fee shall not exceed half of the amount of the visa fee set out in Article 16(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 16(2), (4), (5)

and (6).

5 The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.

and (6). *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*'.

5 The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates *or at the consulate of a Member State with which it/they have a representation arrangement, in accordance with Article 40.*

5a The applicant shall be given a receipt upon payment of the service fee.

Amendment 43

Compromise amendment replacing Amendments: Compromise 6

Proposal for a regulation

Article 1 – paragraph 1 – point 13 a (new)

Regulation (EC) No 810/2009

Article 19 – paragraph 3

Present text

Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, the application shall be inadmissible and the consulate shall without delay:

- return the application form and any documents submitted by the applicant,
- destroy the collected biometric data,
- reimburse the visa fee, and
- not examine the application.

Amendment

(13 a) Article 19 - paragraph 3

"Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, *it shall, where appropriate, notify the applicant, indicate the deficiencies and allow the applicant to correct them. If the deficiencies are not corrected*, the application shall be inadmissible and the consulate shall without delay:

- return the application form and any documents submitted by the applicant,
- destroy the collected biometric data,
- reimburse the visa fee, and
- not examine the application.

"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009R0810>)

Amendment 44

Proposal for a regulation

Article 1 – paragraph 1 – point 13 a (new)

Regulation (EC) No 810/2009

Article 19 – paragraph 4

Present text

4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds *or* for reasons of national interest.

Amendment

(13a) in Article 19, paragraph 4 is replaced by the following:

‘4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds, for reasons of national interest *or because of international obligations*.’;

Amendment 45

Proposal for a regulation

Article 1 – paragraph 1 – point 14 – point a

Regulation (EC) No 810/2009

Article 21 – paragraph 3 – point e

Text proposed by the Commission

(a) in paragraph 3, point (e) is ***replaced by the following*** :

Amendment

(a) in paragraph 3, point (e) is ***deleted***.

Amendment 46

Proposal for a regulation

Article 1 – paragraph 1 – point 14 – point c

Regulation (EC) No 810/2009

Article 21 – paragraph 8

Text proposed by the Commission

8. During the examination of an application, consulates may in justified cases carry out an interview with the applicant and request additional

Amendment

8. During the examination of an application, consulates may in justified cases carry out an interview with the applicant and request additional documents. ***These interviews may be***

documents.

conducted using modern digital tools and remote means of communication, such as voice or video calls via internet. Fundamental rights of applicants shall be guaranteed during the process.

Amendment 47

Proposal for a regulation

Article 1 – paragraph 1 – point 15 – point a (new)

Regulation (EC) No 810/2009

Article 22 – paragraph 4

Present text

Amendment

4. The Commission shall **inform** **Member States of** such notifications.

(aa) paragraph 4 is replaced by the following:

‘4. The Commission shall **publish** such notifications.’;

Justification

According to Article 47 (1)(g) the public is informed about "the third countries whose nationals or specific categories of whose nationals are subject to prior consultation or information". The information which Member State made the request to be consulted or informed is, however, given only to the Member States. There is no reason such information should only be made available to the Member States.

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a

Regulation (EC) No 810/2009

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

Applications shall be decided within 10 calendar days of the date of the lodging of an application which is admissible in accordance with Article 19.

Applications shall be decided within 10 calendar days of the date of the lodging of an application which is admissible in accordance with Article 19, **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 Article 13.**

Amendment 49

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a

Regulation (EC) No 810/2009

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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.

Amendment 50

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a a (new)

Regulation (EC) No 810/2009

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) the following paragraph is inserted:
‘2a. 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.’;

Amendment 51

Compromise amendment replacing Amendments: Compromise 7

Proposal for a regulation

Article 1 – paragraph 1 – point 17 – point a a (new)

Regulation (EC) No 810/2009

Article 24 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a Applicants whom the consulates consider to meet the entry conditions and in respect of whom no grounds for refusal referred to Article 32 exist shall be issued

a visa in accordance with this Article.

Amendment 52

Compromise amendment replacing Amendments: Compromise 7

Proposal for a regulation

Article 1 – paragraph 1 – point 17 – point b

Regulation (EC) No 810/2009

Article 24 – paragraph 2 – point a

Text proposed by the Commission

(a) for a validity period of one year, provided that the applicant has obtained and lawfully used three visas within the previous two years;

Amendment

(a) for a validity period of one year, provided that the applicant has obtained and lawfully used three visas within the previous two years, ***and for the case of seafarers in the performance of their duties, for a validity period of one year, provided that the applicant has obtained and lawfully used two visas within the previous two years;***

Amendment 53

Compromise amendment replacing Amendments: Compromise 7

Proposal for a regulation

Article 1 – paragraph 1 – point 17 – point b

Regulation (EC) No 810/2009

Article 24 – paragraph 2 – point b

Text proposed by the Commission

(b) for a validity period of ***two*** years ***shall be issued, provided that*** the applicant has obtained ***and lawfully used a previous*** multiple-entry visa valid for one year;

Amendment

(b) for a validity period of ***2*** years ***if*** the applicant has obtained, ***within the preceding two years, a*** multiple-entry visa valid for one year;

Amendment 54

Compromise amendment replacing Amendments: Compromise 7

Proposal for a regulation

Article 1 – paragraph 1 – point 17 – point b

Regulation (EC) No 810/2009
Article 24 – paragraph 2 – point c

Text proposed by the Commission

(c) for a validity period of five years, **provided that** the applicant has obtained **and lawfully used** a previous multiple-entry visa valid for two years.;

Amendment

(c) for a validity period of five years **if** the applicant has obtained, **within the preceding three years**, a previous multiple-entry visa valid for two years.;

Amendment 55

Proposal for a regulation

Article 1 – paragraph 1 – point 17 – point c

Regulation (EC) No 810/2009

Article 24 – paragraph 2 c

Text proposed by the Commission

2c. Without prejudice to paragraph 2, a multiple entry visa valid for up to five years **may** be issued to applicants who prove the need or justify their intention to travel frequently and/or regularly provided that they prove their integrity and reliability, in particular the lawful use of previous visas, their economic situation in the country of origin and their genuine intention to leave the territory of the Member States before the expiry of the visa for which they have applied.

Amendment

2c. Without prejudice to paragraph 2, a multiple entry visa valid for up to five years **shall** be issued to applicants who prove the need or justify their intention to travel frequently and/or regularly, **in particular due to their occupational or family status, such as business persons, civil servants engaged in regular official contacts with Member States and EU institutions, representatives of civil society organisations travelling for the purpose of educational training, seminars and conferences, family members of citizens of the Union, family members of third-country nationals legally residing in Member States and seafarers**, provided that they prove their integrity and reliability, in particular the lawful use of previous visas, their economic situation in the country of origin and their genuine intention to leave the territory of the Member States before the expiry of the visa for which they have applied.

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – point 17 – point c

Text proposed by the Commission

2d. Where necessary on the basis of the assessment referred to in paragraph 2b, the Commission shall by means of **implementing** acts adopt the rules regarding the condition for the issuing of multiple-entry visas laid down in paragraph 2 to be applied in each jurisdiction in order to take account of local circumstances, **of the migratory and security risks and of the cooperation of the third country in question on readmission of irregular migrants in the light of the indicators set out in Article 25a(2), and of its overall relation with the Union. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).;**

Amendment

2d. Where necessary on the basis of the assessment referred to in paragraph 2b, the Commission shall by means of **delegated** acts adopt the rules regarding the condition for the issuing of multiple-entry visas laid down in paragraph 2 to be applied in each jurisdiction in order to take account of local circumstances.

Amendment 57

Compromise amendment replacing Amendments: Compromise 8

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EC) No 810/2009

Article 25 a

Text proposed by the Commission

“Article 25a

Cooperation on readmission

1. Article 14 (6), Article 16(1) and (5), point (b), Article 23(1), and Article 24(2) **shall not apply to applicants or** categories of applicants, **who are nationals of a** third country **that is considered not to be cooperating sufficiently with Member States on the readmission of irregular migrants, on the basis of relevant and objective data, in accordance with this Article.** This Article is without prejudice to the powers conferred on the Commission

Amendment

“Article 25a

Cooperation on readmission

1. **Depending on third countries’ levels of cooperation with Member States on the readmission of irregular migrants, assessed on the basis of relevant and objective data, the application of** Article 16(1a) and (5), point (b) and Article 24(2) **hereafter may be adjusted for** categories of applicants **or all applicants with the nationality of that** third country **as specified in paragraph 4.**

by Article 24(2d).

2. The Commission shall regularly assess third countries' cooperation with regard to readmission, taking account, in particular, of the following indicators:

(a) the number of *return decisions issued to persons illegally staying on the territory of the Member States from the third country in question*;

(b) *the number of actual returns of persons issued with return decisions as a percentage of the number of return decisions issued to citizens of the third country in question including, where appropriate, on the basis of Union or bilateral readmission agreements, the number of third country nationals who have transited through its territory*;

(c) the number of readmission requests accepted by the third country as a percentage of the number of such applications submitted to it.

This article is without prejudice to the powers conferred on the Commission by Article 24(2d)

2. The Commission shall regularly, ***at least once a year***, assess ***relevant*** third countries' cooperation with regard to readmission, taking account, in particular, of the following indicators:

(a) the number of ***third-country nationals who are subject to an administrative or judicial decision in accordance with Directive 2008/115/EC of the European Parliament and of the Council***;

(b) the number of readmission requests ***by a Member State*** accepted by the third country as a percentage of the number of such applications submitted to it;

(c) *the levels of practical cooperation in the area of return at the different stages of the return procedure, such as:*

(i) timely assistance of identification procedures;

(ii) delivery and acceptance of necessary travel documents;

The Commission shall report the results of its assessment to the European Parliament and the Council, which shall discuss the matter, in particular with regard to the level of cooperation with the relevant third country in the readmission of irregular migrants.

In particular, the following elements shall be considered to assess a country's cooperation on readmission:

(a) participation in pilot projects on labour migration, thus contributing to the desincentivizing irregular migration;

(b) demonstrated efforts to reintegrate returnees and ensure the sustainability of returns;

(c) demonstrated efforts to fight against trafficking and smuggling and ensuing violations of rights of involved individuals (participation in capacity building and training activities including on preventing abuse and exploitation).

The Parliament shall be informed by the Commission of the conclusions of the assessment.

3. A Member State may also notify the Commission if it *is confronted with* substantial and persisting *practical* problems *in the* cooperation with a third country in the readmission of irregular migrants on the basis of the same indicators as those listed in paragraph 2.

4. The Commission shall examine any notification *made pursuant to paragraph 3 within a period of one month.*

5. Where, on the basis of the analysis referred to in paragraphs 2 and 4, the Commission decides that a country is *not* cooperating sufficiently, *and that action is therefore needed, it may, taking also account of the Union's overall relations with the third country concerned, adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2):*

(a) temporarily suspending the application of either Article 14(6), Article 16(5) point (b), Article 23(1), or Article 24(2), or of some or all of those provisions, to all nationals on the third country concerned or to certain categories thereof, or

3. A Member State may also notify the Commission if it *observes* substantial and persisting problems *as well as substantial* cooperation *improvement encountered* with a third country in the readmission of irregular migrants on the basis of the same indicators as those listed in paragraph 2.

The Commission shall examine any notification within a period of *15 days. The Commission shall immediately inform the Council and the Parliament of the results of its examination.*

4. Where, on the basis of the analysis referred to in paragraphs 2 and 3, *taking account of the Union's overall relations with the third country concerned, especially in cooperation in the field of readmission, and taking into account the assessment and discussions referred to in paragraph 2, the Commission decides that a country is:*

(a) cooperating sufficiently, it shall adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2a), for certain categories of nationals or for all nationals of the third country concerned applying for visa on

the territory of that third country:

(i) lowering the visa fee according to Article 16(2a);

(ii) reducing the time within which decisions on an application shall be made, according to Article 23(1a);

(iii) increasing the period of validity of multiple entry visas according to the last subparagraph of Article 24(2); and/or

(iv) facilitating participation in labour migration projects;

(b) applying the visa fee set out in Article 16(2a) to all nationals of the third country concerned or to certain categories thereof.

(b) not cooperating sufficiently, it may, taking also account of the Union's overall relations with the third country concerned, adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2a):

(i) temporarily modifying the application of either Article 14(6) or of Article 23(1), or temporarily suspending Article 16(5b), Article 23(1), or some of their provisions, or Article 24(2)."

6. The Commission shall continuously assess on the basis of the indicators set out in paragraph 2 whether significant improvement in the given third country's cooperation on readmission of irregular migrants can be established and, taking also account of the Union's overall relations with the third country concerned, may decide to repeal or amend the implementing act referred to in paragraph 5.

7. At the latest six months after the entry into force of the implementing act referred to in paragraph 5, the Commission shall report to the European Parliament and to the Council on progress achieved in that third country's cooperation on readmission."

Amendment 58

Proposal for a regulation

Article 1 – paragraph 1 – point 22 – point a b (new)

Regulation (EC) No 810/2009

Article 32 – paragraph 1 – paragraph a – point vii

Present text

Amendment

(ab) in Article 32, paragraph 1, point (vii) is deleted

(vii) does not provide proof of holding adequate and valid travel medical insurance, where applicable;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 59

Proposal for a regulation

Article 1 – paragraph 1 – point 22 – point a a (new)

Regulation (EC) No 810/2009

Article 32 – paragraph 2

Present text

Amendment

2. A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI.

(aa) paragraph 2 is replaced by the following:

‘2. A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI ***in a language which the applicant understands or can be reasonably supposed to understand.***’;

Amendment 60

Proposal for a regulation

Article 1 – paragraph 1 – point 22 – point b

Regulation (EC) No 810/2009

Article 32 – paragraph 3

Text proposed by the Commission

Amendment

3. Applicants who have been refused a visa shall have the right to appeal which shall, at a certain stage of the proceedings, guarantee an effective judicial appeal. Appeals shall be instituted against the Member State that has taken the final decision on the application and in

3. Applicants who have been refused a visa shall have the right to appeal which shall, at a certain stage of the proceedings, guarantee an effective judicial appeal. Appeals shall be instituted against the Member State that has taken the final decision on the application and in

accordance with the national law of that Member State. Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI.;

accordance with the national law of that Member State. ***The deadline for appeal shall be at least 30 calendar days.*** Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI, ***in a language the applicants understand or are reasonably supposed to understand.***;

Amendment 61

Proposal for a regulation

Article 1 – paragraph 1 – point 22 – point b

Regulation (EC) No 810/2009

Article 32 – paragraph 3 a

Text proposed by the Commission

Amendment

3a. The standard form for notifying and motivating refusal, annulment or revocation of a visa set out in Annex VI shall be available, as a minimum, in the following languages:

(a) the official language(s) of the Member State for which a visa is requested; and

(b) the official language(s) of the host country.

In addition to the language(s) referred to in point (a), the form may be made available in any other official language(s) of the institutions of the European Union.;

A translation of this form into the official language(s) of the host country shall be produced under local Schengen cooperation provided for in Article 48.

Amendment 62

Proposal for a regulation

Article 1 – paragraph 1 – point 22 c (new)

Regulation (EC) No 810/2009

Article 34 – point 7

Present text

Amendment

7. A visa holder whose visa has been annulled or revoked shall have the right to appeal, unless the visa was revoked at his request in accordance with paragraph 3. Appeals shall be conducted against the Member State that has taken the decision on the annulment or revocation and in accordance with the national law of that Member State. Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI.

(22c) in Article 34, paragraph 7 is amended

‘7. A visa holder whose visa has been annulled or revoked shall have the right to appeal, unless the visa was revoked at his request in accordance with paragraph 3. Appeals shall be conducted against the Member State that has taken the decision on the annulment or revocation and in accordance with the national law of that Member State. Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI. ***If the recipient of an annulled visa is already present on the territory of a Member State, no return decision may be taken until the appeal period is exhausted or the final decision on the appeal has been duly notified to the recipient.***’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 63

Proposal for a regulation

Article 1 – paragraph 1 – point 22 b (new)

Regulation (EC) No 810/2009

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

(24b) in Article 35, paragraph 2 is deleted;

Amendment 64

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Regulation (EC) No 810/2009

Article 36 – paragraph 1

Text proposed by the Commission

Amendment

3. The Member State concerned shall

3. The Member State concerned shall

establish appropriate structures and deploy specially trained staff for the processing of visa applications and the carrying out of all verifications and risk assessment, as set out in Article 21.

establish appropriate structures and deploy specially trained staff for the processing of visa applications and the carrying out of all verifications and risk assessment, as set out in Article 21. **Staff shall receive training on digital file management.**

Justification

To ensure smooth and quality service for applicants, Member States should ensure training on digital management for its staff.

Amendment 65

Proposal for a regulation

Article 1 – paragraph 1 – point 24 b (new)

Regulation (EC) No 810/2009

Article 37 – point 2

Present text

2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used.

Amendment

(24b) in Article 37, paragraph 2 is amended

‘2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used. **Any fraud or major loss must be reported to the Commission.**’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 66

Proposal for a regulation

Article 1 – paragraph 1 – point 25

Regulation (EC) No 810/2009

Article 37 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Individual application files shall be kept for a minimum of **one year** from the date of the decision on the application as

Amendment

Individual application files shall be kept for a minimum of **two years** from the date of the decision on the application as

referred to in Article 23(1) or, in the case of appeal, until the end of the appeal procedure.

referred to in Article 23(1) or, in the case of appeal, until the end of the appeal procedure.

Amendment 67

Proposal for a regulation

Article 1 – paragraph 1 – point 26 a (new)

Regulation (EC) No 810/2009

Article 38 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(26a) in Article 38, the following paragraph is inserted:

‘4a. Member States shall ensure that consulates have a complaints procedure in place for visa applicants. Information on this procedure shall be made available by the consulate on their website and, where applicable, by the external service provider. Member States shall ensure that a record of complaints is kept.’;

Justification

It is a good administrative practice and also in line with the right to good administration as laid down in Article 41 of the Charter to have a complaints procedure. So far no such procedure is foreseen in the Visa Code although it is the case for border crossing-points according to Annex II of the Schengen Borders Code.

Amendment 68

Proposal for a regulation

Article 1 – paragraph 1 – point 26 b (new)

Regulation (EC) No 810/2009

Article 39 – paragraph 1

Present text

Amendment

1. Member States’ consulates shall ensure that applicants are received courteously.

(26b) in Article 39, paragraph 1 is amended

‘1. Member States’ consulates shall ensure that applicants are received courteously. The arrangements for the reception of applicants and for processing their applications should duly respect

fundamental rights, as referred to in the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms. Visa applications should be processed on a non-discriminatory basis and in a professional manner which respects applicants.’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 69

Proposal for a regulation

Article 1 – paragraph 1 – point 26 b (new)

Regulation (EC) No 810/2009

Article 39 – paragraph 3

Present text

3. While performing their tasks, consular staff shall not discriminate against persons on grounds of **sex**, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Amendment

(26b) in Article 39, paragraph 3 is replaced by the following:

‘3. While performing their tasks, consular staff shall not discriminate against persons on grounds of **nationality, sex, family status**, racial or ethnic origin, religion or belief, disability, age or sexual orientation.’;

Amendment 70

Proposal for a regulation

Article 1 – paragraph 1 – point 29 – point d

Regulation (EC) No 810/2009

Article 43 – paragraph 9

Text proposed by the Commission

9. Member **States** shall be responsible for compliance with the rules **on** the protection of personal data and ensure that the external service provider is subject to the monitoring by the data protection supervisory authorities pursuant to Article 51(1) of Regulation (EU) 2016/679.

Amendment

9. **The Member State(s) concerned** shall **still** be responsible for compliance with the rules, **including with regard to respect for fundamental rights, and in particular the principle of non-discrimination and** the protection of personal data, and **shall** ensure that the

external service provider is subject to the monitoring by the data protection supervisory authorities pursuant to Article 51(1) of Regulation (EU) 2016/679.

Amendment 71

Proposal for a regulation

Article 1 – paragraph 1 – point 33 – point b

Regulation (EC) 810/2009

Article 48 – paragraph 1 a – point (c)

Text proposed by the Commission

(c) ensure a common translation of the application form, where relevant;

Amendment

(c) ensure a common translation of the application form, **and of the standard form for notifying and giving reasons for refusal, annulment or revocation of a visa**, where relevant;

Amendment 72

Proposal for a regulation

Article 1 – paragraph 1 – point 33 – point d

Regulation (EC) No 810/2009

Article 48 – paragraph 3 – point (b) – (vi)

Text proposed by the Commission

(vi) trends in refusals;

Amendment

(vi) trends in refusals **and the reasons therefor**;

Amendment 73

Proposal for a regulation

Article 1 – paragraph 1 – point 33 – point d

Regulation (EC) No 810/2009

Article 48 – paragraph 3 – point d

Text proposed by the Commission

(d) **information on insurance companies providing adequate travel medical insurance, including verification of the type of coverage and possible excess amount.**

Amendment

deleted

Amendment 74

Proposal for a regulation

Article 1 – paragraph 1 – point 34 a (new)

Regulation (EC) No 810/2009

Article 49

Present text

Article 49

Arrangements in relation to the Olympic **Games** and Paralympic Games

Member States hosting the Olympic **Games** and Paralympic Games shall apply the specific procedures and conditions facilitating the issuing of visas set out in Annex XI.

Amendment

(34a) Article 49 is amended

‘Article 49

Arrangements in relation to the Olympic and Paralympic Games ***and other high-level international sporting competitions***

Member States hosting the Olympic and Paralympic Games ***and other high-level international sporting competitions*** shall apply the specific procedures and conditions facilitating the issuing of visas set out in Annex XI.’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN>)

Amendment 75

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 810/2009

Article 50 b – paragraph 1

Text proposed by the Commission

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

Amendment

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall ***be forwarded simultaneously and without delay and shall*** state the reasons for the use of the urgency procedure.

Amendment 76

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. **Three** years after [the date of entry into force of this Regulation], the Commission shall produce an evaluation of the application of this Regulation. This overall evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation.

Amendment

1. **Two** years after [the date of entry into force of this Regulation], the Commission shall produce an evaluation of the application of this Regulation. This overall evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation.

Amendment 77

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. No later than one year after [the date of entry into force of this Regulation], the Commission shall submit an evaluation report to the European Parliament and to the Council on the abolition of visa stickers and the introduction of the digital visa making it possible for a Schengen visa to be issued simply by registering it in the VIS and sending an electronic notification to the applicant.

Justification

The introduction of the digital visa would reduce the human resources required to process visas, free up the consulates from having to deal with visa sticker management procedures, and cut costs relating to the purchase, transport and secure storage of visa stickers, and to the purchase and maintenance of the machines required. Furthermore, there would be no additional burden on border guards, as they are already required to carry out systematic checks on the validity of visas in the VIS.

Amendment 78

Proposal for a regulation
Annex IV a (new)
Regulation (EC) No 810/2009
Annex XI

Present text

ANNEX XI SPECIFIC PROCEDURES
AND CONDITIONS FACILITATING
THE ISSUING OF VISAS TO
MEMBERS OF THE OLYMPIC FAMILY
PARTICIPATING IN ***THE OLYMPIC
GAMES AND PARALYMPIC GAMES***

Amendment

‘ANNEX XI SPECIFIC PROCEDURES
AND CONDITIONS FACILITATING
THE ISSUING OF VISAS TO
MEMBERS OF THE OLYMPIC AND
SPORTING FAMILY PARTICIPATING
IN ***THE OLYMPIC GAMES,
PARALYMPIC GAMES AND HIGH-
LEVEL SPORTING COMPETITIONS***’

([https://eur-lex.europa.eu/legal-
content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0810&from=EN))

Justification

Adoption of this amendment will entail corresponding changes to be made throughout the annex, in line with the changes made to the relevant article.