



Plenary sitting

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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the Union Code on Visas (Visa Code) (recast)
(COM(2014)0164 – C8-0001/2014 – 2014/0094(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Juan Fernando López Aguilar

(Recast – Rule 104 of the Rules of Procedure)

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast)

(COM(2014)0164 – C8-0001/2014 – 2014/0094(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)164),
 - having regard to Article 294(2) and Article 77(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0001/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 10 September 2014¹,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts²,
 - having regard to the letter of 30 September 2014 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 104(3) of its Rules of Procedure,
 - having regard to the letters pursuant to Rule 104(3) of its Rules of Procedure of its President of 31 August 2015 to the Commission and the Council informing them that the Committee on Civil Liberties, Justice and Home Affairs may submit amendments to the codified parts of the recast proposal referred to above, in accordance with point 8 of the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts,
 - having regard to Rules 104 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Transport and Tourism (A8-0145/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Suggests that the act be cited as ‘the López Aguilar-NN Regulation on the Visa Code’;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

¹ OJ C 458, 19.12.2014, p. 36.

² OJ C 77, 28.3.2002, p. 1.

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) Regulation (EC) No 810/2009 of the European Parliament and of the Council² has been substantially amended several times. Since further amendments are to be made that Regulation should be recast in the interests of clarity.

deleted

² ***Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visa (OJ L 243, 15.9.2009, p. 1).***

Justification

The Visa Code has only been amended in a very limited way through Commission Regulation 977/211, Regulation 154/2012 and Regulation 610/2013. At their meeting of 7 July the LIBE Coordinators agreed that the Committee should be able to amend also the codified parts, in accordance with point 8 of the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts. The Commission and the Council have been notified accordingly.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Union policy in the field of visas allowing for stays of up to 90 days in any 180 days is a fundamental component of the creation of a common area without internal borders. The common rules on the

(2) The common policy on visas is a fundamental component of the creation of a common area without internal borders. The common rules on the conditions and procedures for issuing visas should be

conditions and procedures for issuing visas should be governed by the principle of solidarity and mutual confidence between Member States.

governed by the principle of solidarity and mutual confidence between Member States.

Justification

A recital should not contain such detailed elements which are part of the enacting provisions in the articles. The recitals should rather lay down the rationale of the main provisions of the act.

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) Regulation (EC) No 810/2009 *aims, inter alia, to further develop the common visa policy as part of a multi-layer system in order to* facilitate legitimate travel and *tackle irregular immigration through further harmonisation of legislation and practices.*

Amendment

(3) *The Union Code on Visas (Visa Code; Regulation (EC) No 810/2009 of the European Parliament and of the Council^{1a}) constitutes a main element of the common policy on visas. It aims at the same time to secure a high level of security, tackle irregular immigration and facilitate legitimate travel. It should contribute to generating growth and be coherent with other Union policies, such as external relations, trade, education, culture and tourism.*

^{1a}*Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visa (OJ L 243, 15.9.2009, p. 1).*

Justification

This recital should contain all the aims of the Code which currently are distributed in a number of different recitals.

Amendment 4

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Regulation (EC) No 810/2009 clarified and simplified the legal framework and greatly modernised and standardised visa procedures. However, 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.

Justification

This recital should contain a general statement as to the modifications contained in the present review.

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) Regulation (EC) No 810/2009 clarified and simplified the legal framework and greatly modernised and standardised visa procedures. However, specific provisions that were intended to facilitate procedures in individual cases on the basis of subjective criteria are not sufficiently applied.

deleted

Justification

The content of this proposed recital has been included in recital 3 a new.

Amendment 6

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) A smart visa policy should entail

deleted

continued security at the external borders whilst ensuring the effective functioning of the Schengen area and facilitating travel opportunities for legitimate travel. The common visa policy should contribute to generating growth and be coherent with other Union policies, such as external relations, trade, education, culture and tourism.

Justification

The content of this proposed recital has been included in recital 3.

Amendment 7

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) 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.

Justification

*The current migration crisis and the unacceptable death toll at sea constitute a complex problem which can only be addressed by a variety of measures in a holistic way. The review of the Visa Code provides an occasion for putting possible protection needs stronger in the focus of consulates and thereby could provide one element of a solution. The proposed recital recalls that according to the case law of the European Court of Human Rights, in some situations, states have certain obligations even outside their territory when they exercise jurisdiction. See *Hirsi and others v. Italy*.*

Amendment 8

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) 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.

Justification

The Visa Code refers several times to the "international obligations" of Member States without any reference in the text as to what is meant by these obligations. This proposed recital recalls the obligations assumed by the Member States. Depending on the respective case law and interpretation, certain provisions of the acts mentioned in this proposed recital might indeed entail obligations for Member States to respect the rights of visa applicants when dealing with visa applications.

Amendment 9

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) It should be presumed that applicants ***who are*** registered in VIS and have obtained and lawfully used ***two*** visas within the ***12*** months prior to the application fulfil the entry conditions

(10) It should be presumed that applicants ***whose data is*** registered in ***the*** VIS and ***who*** have obtained and lawfully used ***three*** visas within the ***30*** months prior to the application ***or one multiple entry visa*** fulfil

regarding the risk of irregular immigration and the need to possess sufficient means of subsistence. However, this presumption should be rebuttable where the competent authorities establish that one or more of these conditions are not fulfilled in individual cases.

the entry conditions regarding the risk of irregular immigration and the need to possess sufficient means of subsistence. However, this presumption should be rebuttable where the competent authorities establish that one or more of these conditions are not fulfilled in individual cases.

Amendment 10

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) It is necessary to set out rules on the transit through international areas of airports in order to combat irregular immigration. To this end a common list of third countries the nationals of which should be required to hold airport transit visas should be established. Nevertheless, when a Member State experiences a sudden and substantial influx of irregular **immigrants**, it should be able to introduce temporarily the airport transit visa requirement for nationals of a given third country. The conditions and procedures for doing so should be laid down, in order to ensure that the application of this measure is limited in time and that in accordance with the principle of proportionality, it does not go beyond what is necessary in order to achieve the objective. The scope of the airport transit visa requirement should be limited to responding to the specific situation that prompted the introduction of the measure.

Amendment

(12) It is necessary to set out rules on the transit through international areas of airports in order to combat irregular immigration. To this end a common list of third countries the nationals of which should be required to hold airport transit visas should be established. Nevertheless, when a Member State experiences a sudden and substantial influx of irregular **migrants**, it should be able to introduce temporarily the airport transit visa requirement for nationals of a given third country. The conditions and procedures for doing so should be laid down, in order to ensure that the application of this measure is limited in time and that in accordance with the principle of proportionality, it does not go beyond what is necessary in order to achieve the objective. The scope of the airport transit visa requirement should be limited to responding to the specific situation that prompted the introduction of the measure.

Amendment 11

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Visa applicants should be able to lodge an application in their country of residence even where the Member State competent under the general rules is neither present nor represented in that country.

Amendment

(15) Visa applicants should be able to lodge an application in their country of residence even where the Member State competent under the general rules is neither present nor represented in that country. ***In order to increase the efficiency of the common visa policy the current system of representation should be reviewed after five years with a view to enhancing the sharing of infrastructure through the establishment of Schengen Visa Centres.***

Amendment 12

**Proposal for a regulation
Recital 17**

Text proposed by the Commission

(17) Because of the registration of biometric identifiers in the Visa Information System (VIS) as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council¹³, the appearance of the applicant in person - at least for the first application - should be one of the basic requirements for the ***application for a*** visa.

¹³ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

Amendment

(17) Because of the registration of biometric identifiers in the Visa Information System (VIS) as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council¹³, the appearance of the applicant in person - at least for the first application - should be one of the basic requirements for the ***issuing of a*** visa.

¹³ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

Amendment 13

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Applicants should not be required to present travel medical insurance when lodging an application for a short stay visa ***because it is an 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 the visa exempted third country nationals.***

Amendment

(23) Applicants should not be required to present travel medical insurance when lodging an application for a short stay visa ***given the risk of losing the money spent on such insurance where the visa is refused or granted for a shorter time than requested. In order to reduce the risk in terms of public medical expenditure in Member States, visa applicants should, however, present a valid travel insurance covering the authorised period of stay of the visa requested, or the first stay in the case of a multiple-entry visa, at the time of the issuing of such visa.***

Amendment 14

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Multiple entry visas with a long validity should be issued according to objectively determined criteria. ***The validity of a multiple entry visa could go beyond the validity of the travel document in which it is affixed.***

Amendment

(26) Multiple entry visas with a long validity should be issued according to objectively determined criteria.

Amendment 15

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The possibility to apply for a European humanitarian visa directly at any consulate or embassy of the Member States should be established. The provisions to that end should, however, only become applicable two years after the entry into force of this Regulation, in

order to provide the Commission with sufficient time to define the necessary specific conditions and procedures for issuing such visas. When preparing the specific conditions and procedures for issuing such visas, the Commission should conduct an impact assessment. In the event that the Commission proposes a separate legal instrument setting up a European humanitarian visa, it should present a proposal to modify this Regulation before its provisions on a European humanitarian visa become applicable.

Amendment 16

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Member States and consulates should work towards enabling online applications for visas, in particular for VIS registered applicants and VIS registered regular travellers whose data, including biometrics, is already stored in the VIS.

Justification

It is important that steps are undertaken towards a modernisation of the visa application procedure. Especially with the roll-out of the VIS almost completed efficiency gains for consulates could be achieved if further steps of the visa process would be undertaken electronically. It is not intended to make this an obligation but Member States and consulates which would like to proceed in this direction should be encouraged to do so.

Amendment 17

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) The standard form for notifying grounds for the refusal, annulment or revocation of a visa should include a specific ground for refusal of an airport transit visa and ensure that the person concerned is properly informed about appeal procedures.

Amendment

(28) The standard form for notifying grounds for the refusal, annulment or revocation of a visa should include a specific ground for refusal of an airport transit visa and ensure that the person concerned is properly informed about appeal procedures. ***In order to provide for an effective remedy Member States should ensure that their national appeal procedures in visa cases are easily accessible, swift and effective. In case a decision is overturned on appeal, the applicant should be given the possibility to claim compensation for losses occurred as a result of the wrongful decision.***

Amendment 18

**Proposal for a regulation
Recital 30**

Text proposed by the Commission

(30) The issuing of visas at the external border should, ***in principle***, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification and publication of the organisational modalities of the scheme. ***Such*** schemes should be ***temporary in nature*** and the validity of the visa issued should be limited to the territory of the issuing Member State.

Amendment

(30) The issuing of visas at the external border should remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary ***pilot*** scheme and upon notification and publication of the organisational modalities of the scheme. ***Given their exceptional nature and in order to reduce potential risks, such pilot*** schemes should be ***short-term and limited to pre-defined categories of beneficiaries*** and the validity of the visa issued should be limited to the territory of the issuing Member State ***and to a maximum stay of 15 calendar days.***

Amendment 19

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Arrangements for the reception of applicants should be made with due respect for human dignity. Processing of visa applications should be conducted in a professional and respectful manner and should not go beyond what is necessary in order to achieve the objectives pursued.

Amendment

(31) Arrangements for the reception of applicants should be made with due respect for human dignity. Processing of visa applications should be conducted ***without discrimination***, in a professional and respectful manner and should not go beyond what is necessary in order to achieve the objectives pursued.

Amendment 20

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) It is necessary to make provision for situations in which a Member State decides to cooperate with an external service provider for the collection of applications. Such arrangements should be established in compliance with the general principles for issuing visas and with the data protection requirements set out in Directive 95/46/EC.

Amendment

(36) ***Cooperation with external service providers should be possible in particular circumstances or for reasons relating to the local situation.*** It is ***therefore*** necessary to make provision for ***such*** situations in which a Member State decides to cooperate with an external service provider for the collection of applications. Such arrangements should be established in compliance with the general principles for issuing visas and with the data protection requirements set out in Directive 95/46/EC. ***Where a Member State has decided to cooperate with an external service provider, it should maintain the possibility for all applicants to lodge applications directly at its diplomatic mission or consular posts except where security considerations do not allow for such a possibility.***

Amendment 21

Proposal for a regulation

Recital 39

Text proposed by the Commission

Amendment

(39) The general public should be given all relevant information in relation to the application for a visa and the visibility and uniform image of the common visa policy should be improved. To this end a common Schengen visa Internet site should be established and a common template for Member States' information to the public should be drawn up.

(39) The general public should be given all relevant information in relation to the application for ***and the use of*** a visa and the visibility and uniform image of the common visa policy should be improved. To this end a common Schengen visa Internet site should be established and a common template for Member States' information to the public should be drawn up.

Amendment 22

**Proposal for a regulation
Recital 39 a (new)**

Text proposed by the Commission

Amendment

(39a) It is of the utmost importance that the Commission develop a uniform website to enable applicants to lodge applications for visas online, with a view to facilitating applications and attracting more visitors to the Schengen area.

Justification

Countries like US, Canada and India have already established an online system for the lodging of visa applications to facilitate applicants and attract more visitors. It is important that the Commission starts to work on a uniform EU online website where applicants could lodge their application electronically. This will reduce most of the red tape and burden of the consulates and competent authorities.

Amendment 23

**Proposal for a regulation
Recital 41**

Text proposed by the Commission

Amendment

(41) ***If there is no*** harmonised list of supporting documents ***in a given*** location, ***Member States are free to define the exact supporting documents to be submitted by***

(41) A harmonised list of supporting documents ***should be prepared in each*** location ***as such harmonised lists underline the common nature of Union***

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

visa policy as set out in this Regulation. Where such a harmonised list of supporting documents exists, in order to provide facilitations for visa applicants, Member States should be allowed to provide certain exemptions from that list when major international events are organised in their territory. These events should be large scale and of particular importance due to their tourism and/or cultural impact, such as international or universal exhibitions and sports championships. ***If there is no such list, Member States are free to define the exact supporting documents to be submitted by visa applicants in order to prove the fulfilment of the entry conditions required by this Regulation.***

Justification

The recital should refer to the main rule which the Commission proposes to be that there is a harmonised list in each location (see Art. 46(1)). The sentences are reorganised to make it more logic.

Amendment 24

Proposal for a regulation Recital 43

Text proposed by the Commission

(43) In order to adapt to changing circumstances the common list of third countries whose nationals are required to be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of the Member States **and** the list of residence permits entitling their holder to transit through the airports of Member States without being required to hold an airport transit visa, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate *consultations* during its preparatory work,

Amendment

(43) In order to adapt to changing circumstances the common list of third countries whose nationals are required to be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of the Member States, the list of residence permits entitling their holder to transit through the airports of Member States without being required to hold an airport transit visa, ***the provisions on the filling in and affixing of the visa sticker, as well as the rules for issuing visas at the border to seafarers in transit subject to the visa requirement and in order to adopt the specific conditions and procedures for***

including at expert level.

issuing a European humanitarian visa and operational instructions on the practical application of this Regulation, which supplement it, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate *consultations* during its preparatory work, including at expert level. *The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.*

Amendment 25

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) In order to ensure uniform conditions for the implementation of this Regulation, as regards *the establishment of operational instructions on the practices and procedures to be followed by Member States when processing visa applications*, lists of supporting documents to be applied in each jurisdiction, *mandatory entries on the visa sticker, rules on affixing the visa sticker, and rules for issuing visas at the border to seafarers*, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. The examination procedure should be used for the adoption of such implementing acts.

Amendment

(44) In order to ensure uniform conditions for the implementation of this Regulation, as regards lists of supporting documents to be applied in each jurisdiction *and as regards the form for proof of sponsorship and/or private accommodation*, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. The examination procedure should be used for the adoption of such implementing acts.

Amendment 26

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect for private and family life referred to in Article 7, protection of personal data referred to in Article 8 and the rights of the child referred to in Article 24 of the Charter of Fundamental Rights of the European Union.

Amendment

(48) This Regulation respects fundamental rights and observes the ***rights and*** principles recognised in particular by the Charter of Fundamental Rights of the European Union ***which is applicable whenever Member States and their authorities implement Union law***. In particular this Regulation seeks to ensure full respect for ***the right to protection of personal data referred to in Article 16 TFEU, as well as the right to*** private and family life referred to in Article 7, ***the right to*** protection of personal data referred to in Article 8, ***the right of asylum referred to in Article 18, compliance with the principle of non-discrimination referred to in Article 21*** and the rights of the child referred to in Article 24 of the Charter of Fundamental Rights of the European Union.

Amendment 27

Proposal for a regulation Article 1 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Justification

The proposed addition intends to clarify that the provision on an intended short stay cannot be used as a ground to refuse granting a visa to a person seeking protection. The proposed provisions on non-refoulement are identical to the Schengen Borders Code as they both deal with conditions of entry into the Schengen area for third-country nationals.

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. 'touring visa' means *a visa as defined in Article 3(2) of [Regulation No.../...]*;

Amendment

6. 'touring visa' means *an authorisation issued by a Member State with a view to an intended stay in the territory of two or more Member States for a duration of 12 months in any 15-month period, provided that the applicant does not stay for more than 90 days in any 180-day period in the territory of the same Member State*;

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

8. 'VIS registered applicant' means an applicant whose data are registered in the Visa Information System;

Amendment

8. 'VIS registered *visa* applicant' means an applicant whose data are registered in the Visa Information System;

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. 'VIS registered regular traveller' means a visa applicant *who* is registered in the Visa Information System and who has obtained *two* visas within the *12* months prior to the

Amendment

9. 'VIS registered regular traveller' means a visa applicant *whose data* is registered in the Visa Information System and who has obtained *and lawfully used three* visas

application.

within the **30** months prior to the application **or one multiple entry visa**.

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

12. 'valid travel document' means a travel document that is not false, counterfeit or forged and the period of validity of which as defined by the issuing authority has not expired;

Amendment

12. 'valid travel document' means a travel document that is not false, counterfeit or forged, ***which has not been stolen nor improperly obtained***, and the period of validity of which as defined by the issuing authority has not expired;

Amendment 32

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

3. Where there is a sudden and substantial influx of irregular ***immigrants***, a Member State may require nationals of third countries other than those referred to in paragraph 1 to hold an airport transit visa when passing through the international transit areas of airports situated on its territory. The duration of such a measure shall not exceed 12 months. The scope and duration of the airport transit visa requirement shall not exceed what is strictly necessary to respond to the sudden and substantial influx of irregular ***immigrants***.

Amendment

3. Where there is a sudden and substantial influx of irregular ***migrants***, a Member State may require nationals of third countries other than those referred to in paragraph 1 to hold an airport transit visa when passing through the international transit areas of airports situated on its territory. The duration of such a measure shall not exceed 12 months. The scope and duration of the airport transit visa requirement shall not exceed what is strictly necessary to respond to the sudden and substantial influx of irregular ***migrants***.

Amendment 33

Proposal for a regulation

Article 3 – paragraph 4 – point a

Text proposed by the Commission

(a) the reason for the planned airport transit visa requirement, substantiating the sudden and substantial influx of irregular *immigrants*;

Amendment

(a) the reason for the planned airport transit visa requirement, substantiating *in detail* the sudden and substantial influx of irregular *migrants*;

Amendment 34

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Following the notification by the Member State concerned in accordance with paragraph 4, the Commission may issue an opinion.

Amendment

5. Following the notification by the Member State concerned in accordance with paragraph 4, the Commission *shall assess the information and whether the conditions for the introduction of an airport transit visa are fulfilled taking into account the objective of the airport transit visa of allowing certain third-country nationals to pass through the international transit areas of airports. It* may issue an opinion.

Amendment 35

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. The Member State may prolong the application of the airport transit visa requirement only *once* where the lifting of the requirement would lead to a substantial influx of irregular migrants. *Paragraph 3* shall apply to such prolongation.

Amendment

6. The Member State may prolong the application of the airport transit visa requirement only *twice* where the lifting of the requirement would lead to a substantial influx of irregular migrants. *Paragraphs 3, 4 and 5* shall apply to such prolongation.

Amendment 36

Proposal for a regulation

Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Where a substantial influx of irregular migrants in a Member State persists even after the prolongation referred to in paragraph 6, the Member State concerned shall request the Commission to modify Annex III.

Amendment 37

Proposal for a regulation

Article 3 – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission shall, on an annual basis, inform the European Parliament and the Council about the implementation of this Article.

deleted

Justification

It is suggested that the Commission produces annually one report in which all the different aspects are covered for which this Regulation foresees a report or an information of the Parliament and the Council. See amendment to Art. 54(4a new).

Amendment 38

Proposal for a regulation

Article 3 – paragraph 8 – point f a (new)

Text proposed by the Commission

Amendment

(fa) persons in need of international protection;

Amendment 39

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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, is located more than 500 km from the place of residence of the applicant 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, the applicant is entitled to lodge the application at the consulate of that Member State.

Amendment 40

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If the Member State that is competent in accordance with paragraph 1 or paragraph 2 has, in accordance with Article 39, concluded a representation agreement with another Member State for the purpose of considering applications and issuing visas on its behalf, the applicant must submit his or her application to the consulate of the Member State acting as a representative.

Amendment 41

Proposal for a regulation

Article 6 – paragraph 2 a (new)

2a. Where the conditions referred to in paragraph 1 and 2 are not met, a consulate shall decide to examine and decide on an application when it considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations incumbent on it, particularly under the 1951 Convention relating to the Status of Refugees (1951 Geneva Convention) or other relevant European or international instruments.

Amendment 42

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. Third-country nationals who have lost their travel document, or from whom this document has been stolen, while staying in the territory of a Member State, may leave that territory on the basis of a valid travel document entitling them to cross the border issued by a consulate of their country of nationality without any visa or other authorisation.

Amendment

2. Third-country nationals who have lost their travel document, or from whom this document has been stolen, while staying in the territory of a Member State, may leave that territory on the basis of a valid travel document entitling them to cross the border issued by a consulate of their country of nationality **and on production of the notification of theft or loss** without any visa or other authorisation.

Amendment 43

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. Where the third-country national, referred to in paragraph 2, intends to continue travelling in the Schengen area, the authorities in the Member State where he declares the loss or theft of his travel document, shall issue a visa with a duration

Amendment

3. Where the third-country national, referred to in paragraph 2, intends to continue travelling in the Schengen area, the authorities in the Member State where he declares the loss or theft of his travel document, shall issue a visa with a duration

of validity and period of allowed stay identical to the original visa on the basis of the data registered in the VIS.

of validity and period of allowed stay identical to the original visa on the basis of the data registered in the VIS ***and on production of the notification of theft or loss.***

Amendment 44

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. Applications may be lodged ***six*** months before and no later than 15 calendar days before the start of the intended visit.

Amendment

1. Applications may be lodged ***nine*** months before and no later than 15 calendar days before the start of the intended visit.

In justified individual cases of urgency, including when it is necessary on professional grounds, on humanitarian grounds, for reasons of national interest or because of international obligations, the consulate may waive the latter time limit.

Amendment 45

Proposal for a regulation Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. The consulate shall allow ***to lodge the*** application either without prior appointment or with an ***immediate*** appointment ***to*** close relatives of Union citizens who:

Amendment

3. The consulate shall allow ***direct access to it and to lodge the*** application either without prior appointment or with an appointment ***arranged without delay*** to close relatives of Union citizens who:

Amendment 46

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. The consulate shall allow to lodge the application either without prior appointment or with an ***immediate*** appointment to family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC.

Amendment

4. The consulate shall allow ***direct access to it and*** to lodge the application either without prior appointment or with an appointment ***arranged without delay*** to family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC.

Amendment 47

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

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

Amendment

5. In justified cases of urgency, the consulate shall allow applicants to lodge their applications either without appointment, or an appointment ***arranged without delay*** shall be given.

Amendment 48

**Proposal for a regulation
Article 8 – paragraph 6**

Text proposed by the Commission

6. Applications may, without prejudice to Article 12, be lodged:

(a) by the applicant.

(b) by an accredited commercial intermediary referred to in Article 43, or

(c) a professional, cultural, sports or educational association or institution.

Amendment

6. Applications may, without prejudice to Article 12, be lodged ***by the applicant. Consulates may also accept that applications are lodged:***

(b) by an accredited commercial intermediary referred to in Article 43, or

(c) a professional, cultural, sports or educational association or institution.

Amendment 49

Proposal for a regulation

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Without prejudice to Article 12, consulates may provide for the possibility of lodging an application online and of sending travel document, as well as supporting documents in case the original is required according to Article 13(6), by mail.

Amendment 50

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

Amendment

7. An applicant shall not be required to appear in person at more than one location in order to lodge ***an*** application.

7. An applicant shall not be required to appear in person at more than one location in order to lodge ***a visa*** application.

Amendment 51

Proposal for a regulation

Article 8 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Without prejudice to Article 18(3) and Article 18(10), applicants shall be required to appear in person for the collection of fingerprints, in accordance with Article 12(2) and (3).

Amendment 52

Proposal for a regulation

Article 8 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Without prejudice to Article 18(3) and Article 18(10), VIS registered applicants shall not be required to appear in person when lodging an application, where their biometric identifiers have been entered into the VIS in accordance with Article 12 less than 59 months before.

Amendment 53

Proposal for a regulation

Article 8 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. Where a Member State cooperates with an external service provider, that Member State shall maintain the possibility for applicants to lodge their applications directly at its own consulates, except where security considerations do not allow for such a possibility.

Justification

The obligation to maintain an access to the consulate is currently part of the Code but the Commission proposes to delete it. Consulates should, however, be equipped to receive applicants, and be it only in case of problems with the service provider or for family members of EU citizens (see AM to Art. 8(3)). The rapporteur proposes, however, an addition that this should not be required if the security situation in a third country does not allow for it.

Amendment 54

Proposal for a regulation

Article 9 – Title

Text proposed by the Commission

Amendment

General rules for lodging an application

Elements required for lodging an application

Amendment 55

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Applicants shall appear in person for the collection of fingerprints, in accordance with Article 12 (2) and (3). **deleted**

Justification

This provision is moved from Article 9 as it fits better into Article 8.

Amendment 56

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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

Justification

This provision is moved from Article 9 as it fits better into Article 8.

Amendment 57

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Each applicant shall submit ***a manually or electronically completed and signed*** application form, as set out in Annex I. Persons included in the applicant's travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising permanent or temporary parental authority or legal guardianship.

Amendment

1. Each applicant shall submit ***an*** application form, as set out in Annex I, ***completed manually or electronically and signed manually or, where possible for the applicant and the consulate, electronically.*** Persons included in the applicant's travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising permanent or temporary parental authority or legal guardianship.

Amendment 58

**Proposal for a regulation
Article 10 – paragraph 2**

Text proposed by the Commission

2. The content of the electronic version of the application form, ***if applicable***, shall be as set out in Annex I.

Amendment

2. The ***application form shall be available in electronic form and the*** content of the electronic version of the application form shall be as set out in Annex I.

Justification

In today's world it should be normal to have the form electronically available so that those who would like to do so can make use of it.

Amendment 59

**Proposal for a regulation
Article 10 – paragraph 5**

Text proposed by the Commission

5. If the application form is not available in the official language(s) of the host country, a translation of it into that/those language(s) shall be made available separately to applicants.

Amendment

deleted

Justification

The paragraph should be deleted as it constitutes a contradiction with paragraph 4(b) which requires the form to be available in the official language(s) of the host country.

Amendment 60

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Justification

A receipt is important in case a person submits the next visa application via an external service provider. External service providers are not allowed to have an access to the VIS and are therefore not in a position to verify whether indeed the biometrics have been captured before.

Amendment 61

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The technical requirements for the photograph shall be in accordance with the international standards as set out in the International Civil Aviation Organization (ICAO) document 9303 ***Part 1, 6th*** edition.

The technical requirements for the photograph shall be in accordance with the international standards as set out in the International Civil Aviation Organization (ICAO) document 9303 ***7th*** edition.

Justification

*The reference should be updated as there is now a 7th edition. In addition the reference to "part 1" is deleted as this is the introduction to the document which does not contain technical requirements for photographs. See:
<http://www.icao.int/Security/mrtd/Pages/Document9303.aspx>*

Amendment 62

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. **Points** (b), (c) and (d) of paragraph 1 do not apply to applicants who are VIS registered regular travellers and who have lawfully used the **two** previously obtained visas.

Amendment

2. **Without prejudice to Article 18(3) and (10), points** (b), (c) and (d) of paragraph 1 do not apply to applicants who are VIS registered regular travellers **as defined in Article 2(9)** and who have lawfully used the previously obtained visas **and whose last visa was issued less than 12 months prior to the application**.

Amendment 63

**Proposal for a regulation
Article 13 – paragraph 6**

Text proposed by the Commission

6. The consulate shall start processing the visa application on the basis of facsimile or copies of the supporting documents. Applicants **who** are not yet registered in the VIS shall provide the original. The consulate may ask for original documents from applicants who are VIS registered applicants **or VIS registered regular travellers**, only where there is doubt about the authenticity of a specific document.

Amendment

6. The consulate shall start processing the visa application on the basis of facsimile, copies **or scans** of the supporting documents. Applicants **whose data** are not yet registered in the VIS **or applicants who are registered in the VIS and have never obtained a visa** shall provide the original. The consulate may ask for original documents from applicants who are VIS registered applicants **and who have obtained at least one visa** only where there is doubt about the authenticity of a specific document.

Amendment 64

**Proposal for a regulation
Article 13 – paragraph 7**

Text proposed by the Commission

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

Amendment

7. **Where applicants receive financial support or intend to stay with a host, consulates** may require **those** applicants to present a proof of sponsorship and/or private accommodation by completing a form. That form shall indicate:

- (a) whether its purpose is proof of sponsorship and/or of private accommodation;
- (b) whether the sponsor/inviting person is an individual, a company or an organisation;
- (c) the identity and contact details of the sponsor/inviting person;
- (d) the applicant(s);
- (e) the address of the accommodation;
- (f) the length and purpose of the stay;
- (g) possible family ties with the sponsor/inviting person.
- (h) the information required pursuant to Article 37(1) of Regulation (EC) No 767/2008;

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 notified to the Commission.

- (a) whether its purpose is proof of sponsorship and/or of private accommodation;
- (b) whether the sponsor/inviting person is an individual, a company or an organisation;
- (c) the identity and contact details of the sponsor/inviting person;
- (d) the applicant(s);
- (e) the address of the accommodation;
- (f) the length and purpose of the stay;
- (g) possible family ties with the sponsor/inviting person.
- (h) the information required pursuant to Article 37(1) of Regulation (EC) No 767/2008;

The Commission shall by means of implementing acts adopt that form. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

Amendment 65

Proposal for a regulation Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Travel medical insurance

1. Persons to whom a uniform visa for one or two entries is to be issued shall, at the time of collecting their passport with the issued visa, prove that they are in possession of adequate and valid travel medical insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention, emergency hospital treatment or death, during their stay or

stays on the territory of the Member States.

Failure to present a valid travel medical insurance shall lead to the revocation of the visa in accordance with Article 31.

2. Persons to whom a uniform visa for more than two entries (multiple entries) is to be issued shall, at the time of collecting their passport with the issued visa, prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.

Failure to present a valid travel medical insurance shall lead to the revocation of the visa in accordance with Article 31.

In addition, such persons shall sign a statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance for subsequent stays.

3. The insurance shall be valid throughout the territory of the Member States and cover the entire period of the person's intended stay or transit. The minimum coverage shall be EUR 30 000.

When a visa with limited territorial validity covering the territory of more than one Member State is issued, the insurance cover shall be valid at least in the Member States concerned.

4. Persons to whom a uniform visa is to be issued shall, in principle, take out insurance in their country of residence. Where this is not possible, they shall seek to obtain insurance in any other country.

Where another person takes out insurance in the name of the person to whom a uniform visa is to be issued, the conditions set out in paragraph 3 shall apply.

5. When assessing whether the insurance cover is adequate, consulates shall ascertain whether claims against the insurance company would be recoverable

in the Member State in question.

6. The insurance requirement may be considered to have been met where it is established that an adequate level of insurance may be presumed in light of the person's professional situation. The exemption from presenting proof of travel medical insurance may concern particular professional groups, such as seafarers, who are already covered by travel medical insurance as a result of their professional activities.

7. Holders of diplomatic passports shall be exempt from the requirement to hold travel medical insurance.

Amendment 66

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The following applicants shall pay a visa fee of EUR 40:

(a) visa applicants whose data is registered in the VIS and whose biometric identifiers have been collected in accordance with Article 12;

(b) nationals of third countries with which the European Union has signed a readmission agreement.

Amendment 67

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. The following categories shall pay no visa fee:

- (a) minors under the age of eighteen years;
- (b) school pupils, students, postgraduate

3. The following categories shall pay no visa fee:

- (a) minors under the age of eighteen 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, as defined in Council Directive 2005/71/EC³, travelling for the purpose of carrying out scientific research or participating in a scientific seminar or conference;

(d) holders of diplomatic and service passports;

(e) participants aged **25** years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;

(f) close relatives of the Union citizens referred to in Article 8(3).

(g) family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC in accordance with Article 5(2) of that Directive.

students and accompanying teachers who undertake stays for the purpose of study or educational training;

(c) researchers from third countries, as defined in Council Directive 2005/71/EC³, travelling for the purpose of carrying out scientific research or participating in a scientific seminar or conference;

(e) participants aged **30** years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;

(f) close relatives of the Union citizens referred to in Article 8(3).

(g) family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC in accordance with Article 5(2) of that Directive.

(ga) recipients of 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 pursuant to Article 22.

³ 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).

³ 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 68

Proposal for a regulation

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The visa fee may be waived for holders of diplomatic and service passports.

Amendment 69

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

4. Member States may, in individual cases, waive or reduce the amount of the visa fee to be charged when this 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.

Amendment

4. Member States may, in individual cases, waive or reduce the amount of the visa fee to be charged when this 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 ***or because of international obligations.***

Amendment 70

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

3. The service fee shall not exceed half of the amount of the visa fee set out in Article 14(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 14 (3) and (4).

Amendment

3. The service fee shall not exceed half of the amount of the visa fee set out in Article 14(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 14 (3) and (4). ***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.***

Justification

There have been reports that applicants were charged additional fees, contrary to the provisions of the Visa Code. The proposed addition tries to clarify further that no additional, compulsory fees may be charged.

Amendment 71

Proposal for a regulation

Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The applicant shall be given a receipt for the service fee paid.

Amendment 72

Proposal for a regulation

Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. 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 without delay shall:

3. Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, ***it shall 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 without delay shall:

Amendment 73

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

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.

4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 ***shall*** be considered admissible ***when the Member State concerned considers it necessary*** on humanitarian grounds, for reasons of national interest ***or because of international obligations.***

Justification

"International obligation" is added and the language slightly changed in order to align the provisions on admissibility with those regarding visas with a limited territorial validity.

Amendment 74

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. In the examination of an application for a uniform visa, it shall be ascertained whether the applicant fulfils the entry conditions set out in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006, and particular consideration shall be given to assessing whether the applicant presents a risk of irregular immigration or a risk to the security of the Member States ***and whether the applicant intends to leave the territory of the Member States before the expiry of the visa applied for.***

Amendment

1. In the examination of an application for a uniform visa, it shall be ascertained whether the applicant fulfils the entry conditions set out in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006, and particular consideration shall be given to assessing whether the applicant presents a risk of irregular immigration or a risk to the security of the Member States.

Amendment 75

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller who has lawfully used the ***two*** previously obtained visas, it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, a risk to the security of the Member States, and the possession of sufficient means of subsistence.

Amendment

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller ***as defined in Article 2(9)*** who has lawfully used the previously obtained visas ***and whose last visa was issued less than 12 months prior to the application,*** it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, a risk to the security of the Member States, and the possession of sufficient means of subsistence.

Amendment 76

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. The presumption referred to in paragraph 2 shall not apply where the consulate has reasonable doubts about the fulfilment of these entry conditions based on information stored in the VIS, such as decisions annulling a previous visa, or in the passport, such as entry and exit stamps. In such cases, the consulates may carry out an interview and request additional documents.

Amendment

3. The presumption referred to in paragraph 2 shall not apply where the consulate has reasonable doubts about the fulfilment of these entry conditions based on information stored in the VIS, such as decisions annulling a previous visa, or in the passport, such as entry and exit stamps, ***or in the SIS II***. In such cases, the consulates may carry out an interview and request additional documents ***as set out in Annex II***.

Amendment 77

Proposal for a regulation

Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Applications of close relatives of the Union citizens referred to in Article 8(3) and of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be assessed taking into account the right to respect for private and family life as expressed in the Charter of Fundamental Rights of the European Union.

Amendment 78

Proposal for a regulation

Article 18 – paragraph 5

Text proposed by the Commission

Amendment

5. Without prejudice to paragraph 2, while

5. Without prejudice to paragraph 2, while

checking whether the applicant fulfils the entry conditions, the consulate shall verify:

(a) that ***the travel document presented is not false, counterfeit or forged***;

(b) the applicant's justification for the purpose and conditions of the intended stay, and that he has sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is in a position to acquire such means lawfully;

(c) whether the applicant is a person for whom an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry;

(d) that the applicant is not considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of Regulation (EC) No 562/2006 or to the international relations of any of the Member States, in particular where no alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds.

checking whether the applicant fulfils the entry conditions, the consulate shall verify:

(a) that ***the applicant presents a valid travel document***;

(b) the applicant's justification for the purpose and conditions of the intended stay, and that he has sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is in a position to acquire such means lawfully;

(c) whether the applicant is a person for whom an alert has been issued in the Schengen Information System ***II*** (SIS ***II***) for the purpose of refusing entry ***as provided for in Regulation (EC) No 1987/2006 of the European Parliament and the Council^{1a}***;

(d) that the applicant is not considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of Regulation (EC) No 562/2006 or to the international relations of any of the Member States, in particular where no alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds.

^{1a} ***Regulation (EC) No 1987/2006 of the European Parliament and the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 28.12.2006, p. 4).***

Amendment 79

Proposal for a regulation

Article 18 – paragraph 8 – point a

Text proposed by the Commission

Amendment

(a) that ***the travel document presented is not false, counterfeit or forged;***

(a) that ***the applicant presents a valid travel document ;***

Amendment 80

Proposal for a regulation Article 18 – paragraph 10

Text proposed by the Commission

Amendment

10. During the examination of an application, consulates may in justified cases carry out an interview and request additional documents.

10. During the examination of an application, consulates may in justified cases carry out an interview and request additional documents ***as set out in Annex II.***

Justification

The relevant reference is added for clarity reasons.

Amendment 81

Proposal for a regulation Article 18 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. In the assessment of an application for a European humanitarian visa in accordance with Article 22(5a), only the provisions of paragraphs 4, 9, 10 and 11 of this Article shall apply.

Amendment 82

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. A Member State may require the central authorities of other Member States to consult its central authorities during the examination of applications lodged by nationals of specific third countries or specific categories of such nationals. Such consultation ***shall*** not apply to applications for airport transit visas.

1. A Member State may require the central authorities of other Member States to consult its central authorities during the examination of applications lodged by nationals of specific third countries or specific categories of such nationals. Such consultation ***may*** not apply to applications for airport transit visas ***or to visas with limited territorial validity.***

Amendment 83

**Proposal for a regulation
Article 19 – paragraph 2**

Text proposed by the Commission

Amendment

2. The central authorities consulted shall reply definitively within five ***calendar*** days after being consulted. The absence of a reply within this deadline shall mean that they have no grounds for objecting to the issuing of the visa.

2. The central authorities consulted shall reply definitively within five ***working*** days after being consulted. The absence of a reply within this deadline shall mean that they have no grounds for objecting to the issuing of the visa.

Amendment 84

**Proposal for a regulation
Article 19 – paragraph 4**

Text proposed by the Commission

Amendment

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

4. The Commission shall ***publish*** such notifications.

Justification

According to Article 45 (1)(f) 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 also given that a consultation might lead to the refusal of a visa.

Amendment 85

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

1. Applications shall be decided on within 10 calendar days of the date of the lodging of an application which is admissible in accordance with Article 17.

Amendment

1. Applications shall be decided on within 10 calendar days of the date of the lodging of an application which is admissible in accordance with Article 17.

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.

Applications made by VIS registered regular travellers who have lawfully used the previously obtained visas in accordance with Article 2(9) and whose most recent visas have been issued less than 12 months previously shall be decided upon within 5 calendar days of the date of the lodging of the application.

Amendment 86

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. ***That period*** may be extended up to a maximum of 20 calendar days in individual cases, notably when further scrutiny of the application is needed.

Amendment

2. ***The periods referred to in paragraph 1*** may be extended up to a maximum of 20 calendar days in individual cases, notably when further scrutiny of the application is needed.

Amendment 87

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

Amendment

4. The deadlines provided for in paragraph 3 shall apply as a maximum to family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC, in accordance with Article 5(2) of that Directive.

deleted

Justification

The paragraph should be deleted as the content is covered in paragraph 3 of the same Article.

Amendment 88

**Proposal for a regulation
Article 21 – paragraph -1 (new)**

Text proposed by the Commission

Amendment

-1. Applicants for whom the consulates considers that the entry conditions are fulfilled and for whom no grounds for refusal as referred to Article 29 exist shall be issued a visa in accordance with this Article.

Amendment 89

**Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Amendment

2. A visa may be issued for one or multiple entries. The period of validity of a multiple entry visa shall not exceed five years. ***The period of validity of a multiple entry visa may extend beyond the period of validity of the passport to which the visa is affixed.***

2. A visa may be issued for one or multiple entries. The period of validity of a multiple entry visa shall not exceed five years.

Amendment 90

Proposal for a regulation Article 21 – paragraph 3

Text proposed by the Commission

3. VIS registered regular travellers who have lawfully used the **two** previously obtained visas shall be issued a multiple entry visa valid for at least three years.

Amendment

3. ***Provided they fulfil the entry conditions as laid down in Article 18 and without prejudice to Article 29,*** VIS registered regular travellers who have lawfully used the previously obtained visas ***in accordance with Article 2(9) and whose most recent visa has been issued within the 12 months prior to the application*** shall be issued a multiple entry visa valid for at least three years.

Amendment 91

Proposal for a regulation Article 21 – paragraph 4

Text proposed by the Commission

4. ***Applicants referred to in paragraph 3*** who have lawfully used ***the*** multiple entry visa ***valid for three years*** shall be issued a multiple entry visa valid for five years provided that the application is lodged no later than one year ***from*** the expiry date of the multiple entry visa valid ***for three years***.

Amendment

4. ***Provided they fulfil the entry conditions as laid down in Article 18 and without prejudice to Article 29, applicants who have previously obtained a multiple entry visa valid for three years or longer and*** who have lawfully used ***this*** multiple entry visa shall be issued a multiple entry visa valid for five years provided that the application is lodged no later than one year ***after*** the expiry date of the multiple entry visa valid ***most recently obtained***.

Amendment 92

Proposal for a regulation Article 21 – paragraph 5

Text proposed by the Commission

5. A multiple-entry visa valid for up to 5 years **may** be issued to an applicant who proves the need or justifies the intention to travel frequently and/or regularly provided that the applicant proves his integrity and reliability, in particular the lawful use of previous uniform visas or visas with limited territorial validity, his economic situation in the country of origin and his genuine intention to leave the territory of the Member States before the expiry of the visa for which he has applied.

Amendment

5. A multiple-entry visa valid for up to 5 years **shall also** be issued to **a family member of a Union citizen as referred to in Article 3(1) of Directive 2004/38/EC as well as to** an applicant who proves the need or justifies the intention to travel frequently and/or regularly, **including for professional reasons**, provided that the applicant proves his integrity and reliability, in particular the lawful use of previous uniform visas, or visas with limited territorial validity, **national long-stay visas or residence permits issued by a Member State**, his economic situation in the country of origin and his genuine intention to leave the territory of the Member States before the expiry of the visa for which he has applied.

Amendment 93

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. A visa with limited territorial validity shall be issued **exceptionally**, in the following cases:

Amendment

1. A visa with limited territorial validity shall be issued in the following cases:

Amendment 94

Proposal for a regulation

Article 22 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations,

Amendment

(a) when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations, **in particular when it is necessary in order to**

ensure the international protection of the person concerned in accordance with the United Nations Convention relating to the Status of Refugees of 1951 or other relevant Union and international instruments,

Justification

The addition aims to clarify that "international obligations" may include granting protection to a third-country national.

While it may be that a protection seeker will not meet all the criteria for the issuing of a Schengen visa this is entirely consistent with the very nature of a visa with limited territorial validity, which expressly is to be issued when not all of these criteria are satisfied.

Amendment 95

Proposal for a regulation

Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Persons seeking international protection may apply for a European humanitarian visa directly at any consulate or embassy of the Member States. Once granted following an assessment, such a humanitarian visa shall allow its holder to enter the territory of the Member State issuing the visa for the sole purpose of lodging in that Member State an application for international protection, as defined in Article 2(a) of Directive 2011/95/EU.

The relevant provisions of Title III of this Regulation shall apply with the exception of Articles 11, 13a, 15 and 27.

The Commission shall be empowered to adopt delegated acts in accordance with Article 48 concerning the specific conditions and procedures for issuing such visas, supplementing or amending Articles 9, 10, 13, and 20 of this Regulation insofar as it is necessary in order to take into consideration the particular circumstances of persons

seeking international protection and of consulates and embassies of Member States.

Amendment 96

Proposal for a regulation Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Exemption from standard period of visa validity

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

Amendment 97

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. When the visa sticker is filled in the machine-readable zone shall be filled in, as provided for in ICAO document 9303, Part 2.

1. When the visa sticker is filled in, ***the mandatory entries set out in Annex Va shall be inserted and*** the machine-readable zone shall be filled in, as provided for in ICAO document 9303, Part 2.

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by

implementing acts.

Amendment 98

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall by means of implementing acts adopt the details for filling in the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

deleted

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by implementing acts.

Amendment 99

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may add national entries in the ‘comments’ section of the visa sticker, which shall neither duplicate the entries *established in accordance with the procedure referred to in paragraph 2* nor indicate a specific travel purpose.

3. Member States may add national entries in the ‘comments’ section of the visa sticker, which shall neither duplicate the *mandatory* entries *in Annex Va* nor indicate a specific travel purpose.

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by implementing acts.

Amendment 100

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

1. The printed visa sticker containing the data provided for in Article 24 shall be affixed to the travel document.

Amendment

1. The printed visa sticker containing the data provided for in Article 24 **and Annex Va** shall be affixed to the travel document **in accordance with the provisions set out in Annex Vb**.

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by implementing acts.

Amendment 101

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission shall by means of implementing acts adopt the details for affixing the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

Amendment

deleted

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by implementing acts.

Amendment 102

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Commission shall **publish** such notifications.

Justification

According to Article 45 (1)(f) 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 103

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 22(**I**), a visa shall be refused:

(a) if the applicant:

(i) **presents** a travel document **which is false, counterfeit or forged**;

(ii) does not provide justification for the purpose and conditions of the intended stay;

(iii) does not provide proof of sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is not in a position to acquire such means lawfully;

(iv) has already stayed for 90 days during the current 180-day period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity;

Amendment

1. Without prejudice to Article 22, a visa shall be refused:

(a) if the applicant:

(i) **does not present** a **valid** travel document;

(ii) does not provide justification for the purpose and conditions of the intended stay;

(iii) does not provide proof of sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is not in a position to acquire such means lawfully;

(iv) has already stayed for 90 days during the current 180-day period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity;

(v) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;

(vi) is considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of Regulation (EC) No 562/2006 or to the international relations of any of the Member States, in particular where an alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds;

or

(b) if there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the veracity of their contents, the reliability of the statements made by the applicant or his intention to leave the territory of the Member States before the expiry of the visa applied for.

(v) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;

(vi) is considered to be a threat to public policy, internal security or public health as defined in Article 2(19) of Regulation (EC) No 562/2006 or to the international relations of any of the Member States, in particular where an alert has been issued in Member States' national databases for the purpose of refusing entry on the same grounds;

or

(b) if there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the veracity of their contents, the reliability of the statements made by the applicant or his intention to leave the territory of the Member States before the expiry of the visa applied for.

Amendment 104

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

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 V.

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 V ***in a language which the applicant understands or may reasonably be supposed to understand.***

Amendment 105

Proposal for a regulation Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Refusals of applications of close relatives of the Union citizens referred to

in Article 8(3) and of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be justified in a detailed way and in writing in addition to the use of the standard form set out in Annex V.

Refusals of applications of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC are subject to the provisions of that Directive.

A family member may be refused a visa exclusively on the following grounds:

(a) the national authorities demonstrate that the visa applicant is a genuine, present and sufficiently serious threat to public policy, public security or public health; or

(b) the national authorities demonstrate that there was abuse or fraud.

Amendment 106

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. Applicants who have been refused a visa shall have the right to 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 V.

Amendment

3. Applicants who have been refused a visa shall have the right to appeal ***including the right to a judicial remedy***. 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. ***Where a decision is overturned on appeal, the applicant shall be given the possibility to claim compensation in accordance with national law and the information in the VIS shall be corrected immediately.*** Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex V, ***in a language which the applicant understands or may reasonably be***

supposed to understand.

Amendment 107

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. The period of validity and/or the duration of stay of an issued visa shall be extended where the competent authority of a Member State considers that *a visa holder has provided proof of force majeure or humanitarian reasons preventing him from leaving the territory of the Member States before the expiry of the period of validity of or the duration of stay authorised by the visa. Such an extension shall be granted free of charge.*

Amendment

1. The period of validity and/or the duration of stay of an issued visa shall be extended where the competent authority of a Member State considers that:

(a) a visa holder has provided proof of force majeure preventing him from leaving the territory of the Member States before the expiry of the period of validity of or the duration of stay authorised by the visa;

(b) a visa holder has provided proof of humanitarian reasons preventing him from leaving the territory of the Member States before the expiry of the period of validity of or the duration of stay authorised by the visa;

c) international obligations assumed by that Member State require such extension.

Such an extension shall be granted free of charge.

Amendment 108

Proposal for a regulation Article 31 – paragraph 7

Text proposed by the Commission

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 V.

Amendment

7. A visa holder whose visa has been annulled or revoked shall have the right to appeal ***including the right to a judicial remedy***, 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. ***Where a decision is overturned on appeal, the applicant shall be given the possibility to claim compensation in accordance with national law and the information in the VIS shall be corrected immediately.*** Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified in Annex V, ***in a language which the applicant understands or may reasonably be supposed to understand.***

Amendment 109

Proposal for a regulation

Article 32 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) on humanitarian grounds;

Amendment 110

Proposal for a regulation

Article 32 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When a family member of a Union citizen as referred to in Article 3(1) of Directive 2004/38/EC arrives at the border without holding the necessary visa, the Member State concerned must, before

turning him back, give the person concerned every reasonable opportunity to obtain the necessary documents or have them brought to him within a reasonable period of time to corroborate or prove by other means that he is covered by the right of free movement. If he succeeds in doing so and if there is no evidence that he poses a risk to the public policy, public security or public health requirements, the visa must be issued to him without delay at the border, while taking into account the provisions of Directive 2004/38/EC.

Justification

Family members currently enjoy exactly the rights as set-out in the amendment which is copied from the current handbook with operational instructions. For reasons of clarity these provisions should be included in the Code.

Amendment 111

Proposal for a regulation

Article 32 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where a visa is applied for at the external border in accordance with this Article or Article 33, the requirement that the applicant be in possession of travel medical insurance may be waived when such travel medical insurance is not available at that border crossing point or for humanitarian reasons.

Amendment 112

Proposal for a regulation

Article 33 – Title

Text proposed by the Commission

Amendment

Visas applied for at the external border

Visas applied for at the external border

under a temporary scheme

under a temporary *pilot* scheme

Amendment 113

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

1. In view of promoting short term tourism, a Member State may decide to temporarily issue visas at the external border to persons fulfilling the conditions set out in Article 32 (1) (a) and(c).

Amendment

1. In view of promoting short term tourism, a Member State may ***exceptionally*** decide to temporarily issue visas at the external border to persons fulfilling the conditions set out in Article 32 (1) (a) and (c) ***provided reliable measures are in place to ensure the respect of the visa issuing conditions including the assessment of the applicants intention to return.***

Amendment 114

Proposal for a regulation Article 33 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. Member States shall notify the envisaged schemes to the European Parliament, the Council and the Commission at the latest ***three*** months before the start of their implementation. The notification shall ***define*** the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme and the measures envisaged to ensure the verification of the visa issuing conditions.

Amendment

5. Member States shall notify the envisaged schemes to the European Parliament, the Council and the Commission at the latest ***four*** months before the start of their implementation. The notification shall ***include*** the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme and the measures envisaged to ensure the verification of the visa issuing conditions.

Amendment 115

Proposal for a regulation Article 33 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall assess the information provided in the notification and whether the conditions for the temporary pilot scheme are fulfilled. It may issue an opinion.

Amendment 116

Proposal for a regulation

Article 33 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Three years after this Article becomes applicable, the Commission shall produce an evaluation of its application. On the basis of this evaluation, the Commission shall submit, if necessary, appropriate proposals with a view to amending this Regulation.

Amendment 117

Proposal for a regulation

Article 34 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States ***may*** be issued with a visa for the purpose of transit at the border where:

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States ***shall*** be issued with a visa for the purpose of transit at the border where:

Justification

The provisions regarding the issuing of visas to seafarers at the border should be harmonised. There have been complaints that Member States handle these provisions in a very different manner. See also petition 1530/2014.

Amendment 118

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

2. Before issuing a visa at the border to a seafarer the competent national authorities shall make sure that the necessary information concerning the seafarer in question has been exchanged.

Amendment

2. Before issuing a visa at the border to a seafarer ***in transit***, the competent national authorities shall ***comply with the rules set out in Part 1 of Annex Vc and*** make sure that the necessary information concerning the seafarer in question has been exchanged ***by means of a duly completed form for seafarers in transit, as set out in Part 2 of Annex Vc.***

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by implementing acts.

Amendment 119

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. The Commission shall by means of implementing acts adopt operational instructions for issuing visas at the border to seafarers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).

Amendment

deleted

Justification

The Commission proposes to delete a series of annexes of the current Code and to adopt them at a later stage by implementing acts. The rapporteur wishes to maintain the annexes instead of providing the power to the Commission to adopt the content at a later stage by implementing acts.

Amendment 120

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

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

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. ***Digital systems shall therefore be developed to ensure transparency in the management of visa stickers.***

Amendment 121

Proposal for a regulation

Article 35 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States' consulates shall keep archives of applications. Each individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Amendment

3. Member States' consulates shall keep ***digital*** archives of applications. Each individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Amendment 122

Proposal for a regulation

Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

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

training on electronic and digital file management.

Amendment 123

Proposal for a regulation

Article 36 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that consulates have a complaints procedure for visa applicants in place. Information on this procedure shall be made available by the consulate on their website and, where applicable, by the external service provider. A record of complaints shall be 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 124

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

Amendment

2. Consular staff shall, in the performance of their duties, fully respect ***human dignity***. Any measures taken shall be proportionate to the objectives pursued by such measures.

2. Consular staff shall, in the performance of their duties, fully respect ***the rights enshrined in the Charter of Fundamental Rights***. Any measures taken shall be proportionate to the objectives pursued by such measures.

Amendment 125

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

Amendment

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.

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 126

Proposal for a regulation

Article 38 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) cooperate with one or more other Member States ***under representation arrangements*** or any other form of consular cooperation.

(b) cooperate with one or more other Member States, ***within the framework of local Schengen cooperation or by other appropriate contacts, in the form of limited representation, representation, co-location, a Common Application Centre,*** or any other form of consular cooperation such as Schengen Visa Centres.

Justification

The Commission proposes to delete a series of forms by which Member States could cooperate with each other. To delete these possibilities seems to give, however, the wrong signal. These possibilities should remain as options in the text in addition to the proposal to set up Schengen Visa Centres (see Article 39b new).

Amendment 127

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

Amendment

3. A Member State may also cooperate with an external service provider in accordance with Article 41.

3. In particular circumstances or for reasons relating to the local situation, such as where:

(a) the high number of applicants does not allow the collection of applications and of data to be organised in a timely

manner and in decent conditions;
(b) it is not possible to ensure good territorial coverage of the third country concerned in any other way; or
(c) the security situation in the third country concerned is particularly problematic;
and where cooperation with other Member States proves not to be appropriate for the Member State concerned, a Member State may, if other solutions are not possible, also cooperate with an external service provider in accordance with Article 41.

Justification

In this review of the Visa Code the Commission proposes to provide for the possibility of cooperation with an external service provider without any conditions or restrictions. This contrasts with the current Visa Code in force whose philosophy is that outsourcing is permitted but only "as a last resort" after it was ascertained that other options cannot be chosen. The rapporteur believes that outsourcing should be carefully considered and therefore proposes this amendment. The text is changed compared to the one in force to better reflect the reality of consulates.

Amendment 128

Proposal for a regulation

Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When it intends to refuse a visa, the consulate or embassy of the representing Member State shall forward the application to the relevant authorities of the represented Member State in order for them to take the final decision on the application within the time limits set out in Article 20 (1), (2) or (3).

Amendment 129

Proposal for a regulation

Article 39 – paragraph 3 – introductory part

Text proposed by the Commission

3. A bilateral arrangement shall be established between the representing Member State and the represented Member State. That arrangement:

Amendment

3. A bilateral arrangement, ***the text of which shall be made publicly available,*** shall be established between the representing Member State and the represented Member State. That arrangement:

Amendment 130

Proposal for a regulation Article 39 a (new)

Text proposed by the Commission

Amendment

Article 39a

Cooperation between Member States

1. Where co-location is chosen, staff of the consulates of one or more Member States shall carry out the procedures relating to applications, including the collection of biometric identifiers, addressed to them at the consulate of another Member State and share the equipment of that Member State. The Member States concerned shall agree on the duration of and conditions for the termination of the co-location as well as the proportion of the visa fee to be received by the Member State whose consulate is being used.

2. Where Common Application Centres are established, staff of the consulates of two or more Member States shall be pooled in one building in order for applicants to lodge applications, including biometric identifiers. Applicants shall be directed to the Member State competent for examining and deciding on the application. Member States shall agree on the duration of and conditions for the termination of such cooperation as well as the cost-sharing among the participating Member States. One Member State shall

be responsible for contracts in relation to logistics and diplomatic relations with the host country.

3. In the event of termination of cooperation with other Member States, Member States shall assure the continuity of full service.

Justification

The Commission proposes to delete these provisions from the existing Visa Code. To delete them seems to give, however, the wrong signal. These possibilities should remain in the text in addition to the proposal to set up Schengen Visa Centres (see below).

Amendment 131

**Proposal for a regulation
Article 39 b (new)**

Text proposed by the Commission

Amendment

Article 39b

Schengen Visa Centres

1. Member States shall aim to establish Schengen Visa Centres in order to share resources, increase consular coverage, improve the service offered to visa applicants, increase the visibility of the Union and enhance the uniform application of this Regulation.

2. The setting-up of Schengen Visa Centres implies, as a minimum, the pooling of consular staff or the joint use of premises. Other details relating to the operation of Schengen Visa Centres may be adapted to the local circumstances.

3. The term "Schengen Visa Centre" shall be reserved for consular posts and shall not be used by external service providers.

Justification

Only in recital 33 the Commission mentions the concept of Schengen Visa Centre. Such a provision should, however, also be included in an Article. "Schengen Visa Centres" should be

set-up in the future as they are on the one-hand more cost-efficient and on the other hand also the visible expression of the common EU visa policy and the Schengen area as one area in which persons may travel freely.

Amendment 132

Proposal for a regulation

Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall, within the framework of local Schengen cooperation, exchange information about their cooperation with external service providers.

Justification

The Commission proposes to delete the current provision of Article 43(3) according to which Member States shall exchange information about the selection of external service providers and the terms and conditions of their contract with them with the justification that "such harmonisation is not possible in reality as Member States generally draw up global contracts with external service providers". While this may true, it is still valuable that the consulates in a particular jurisdiction exchange information about their cooperation with external service providers.

Amendment 133

Proposal for a regulation

Article 41 – paragraph 12

Text proposed by the Commission

Amendment

12. Member States shall provide the Commission with a copy of the legal instrument referred to in paragraph 2. By 1st January each year, Member States shall report to the Commission on their cooperation with and monitoring ***(as referred to in Annex VI, point C)*** of external service providers worldwide.

12. Member States shall provide the Commission with a copy of the legal instrument referred to in paragraph 2. By 1st January each year, Member States shall report to the Commission on their cooperation with and monitoring of external service providers worldwide. ***This report shall include detailed information in respect of how Member States monitor the activities of the external service providers and how the external service***

providers ensure the fulfilment of the requirements set out in the legal instrument concluded with the Member State referred to in paragraph 2. It shall also include information about the reports referred to in point C(e) of Annex VI as well as any other breaches of the legal instrument through the external service provider.

Justification

Currently it is very difficult, if not impossible, to know how on the ground the cooperation between Member States and external service providers really works and also the Commission acknowledged that it "does not have the means to verify the nature and frequency of Member States' monitoring of ESPs to ascertain any problems that may have occurred." (SWD(2014)101, p.34) The reporting of Member States to the Commission, which has the responsibility to ensure the correct application of this Regulation, should therefore be more detailed and comprehensive.

Amendment 134

Proposal for a regulation Article 43 – paragraph 3

Text proposed by the Commission

3. Accredited commercial intermediaries shall be monitored regularly by spot checks involving personal or telephone interviews with applicants, verification of trips and accommodation, and wherever deemed necessary, verification of the documents relating to group return.

Amendment

3. Accredited commercial intermediaries shall be monitored regularly by spot checks involving personal or telephone interviews with applicants, verification of trips and accommodation, ***verification that the travel medical insurance provided is adequate and covers individual travellers,*** and wherever deemed necessary, verification of the documents relating to group return.

Amendment 135

Proposal for a regulation Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States' central authorities and consulates shall provide the public with all relevant information in relation to the application for a visa in particular:

Amendment

1. Member States' central authorities and consulates shall provide the public with all relevant information in relation to the application for ***and the use of*** a visa in particular:

Justification

The addition "and the use of" is necessary to take account of the amendment proposed under paragraph 1 – point h a (new) below.

Amendment 136

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) the criteria, conditions and procedures for applying for a visa;

Amendment

(a) the criteria, conditions and procedures for applying for a visa ***including the supporting documents necessary and the standards for the photograph referred to in Article 9(3)(c);***

Justification

More detailed information should be given to applicants so that they can prepare the application properly in advance.

Amendment 137

Proposal for a regulation

Article 45 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the amount of the visa fee, applicable waivers and reductions;

Amendment 138

Proposal for a regulation

Article 45 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the countries whose citizens require an airport transit visa according to Article 3(1) and (3);

Amendment 139

Proposal for a regulation

Article 45 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) the use of a visa, expiry, termination and revocation of a visa;

Amendment 140

Proposal for a regulation

Article 45 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) accredited commercial intermediaries;

(d) details of cooperation with external service providers and accredited commercial intermediaries;

Amendment 141

Proposal for a regulation

Article 45 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) that third-country nationals in general may stay on the territory of the Member States for a total duration of no more than 90 days in any 180-day period.

Justification

It seems that many third-country nationals are unaware of this provision. It is therefore appropriate, also in to avoid problems at the border and unintended overstays, to inform in a more proactive manner about this provision.

Amendment 142

Proposal for a regulation Article 45 – paragraph 4

Text proposed by the Commission

4. The Commission shall establish a Schengen visa Internet website containing all relevant information relating to the application for a visa.

Amendment

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

Justification

It is important to create a website that operates as a one stop shop for all information on visa application. Given the complexity of the Visa Code, simple information must be provided to visa applicants so that they know when, where and how to make a visa application.

Amendment 143

Proposal for a regulation Article 46 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

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

amount.

Amendment 144

Proposal for a regulation Article 46 – paragraph 7

Text proposed by the Commission

7. An annual report shall be drawn up within each jurisdiction by 31 December each year. ***On the basis of these reports, the Commission shall draw up an annual report on the state of affairs of local Schengen cooperation to be submitted to the European Parliament and the Council.***

Amendment

7. An annual report shall be drawn up within each jurisdiction by 31 December each year ***and be published by the Commission on its website.***

Justification

So far the Parliament and the Council receive all individual, annual reports of all the jurisdictions of local Schengen cooperation. These individual reports should continue to be available for reference purposes. Regarding the annual report it is instead suggested that the Commission produces annually one report in which all the different aspects are covered for which the Regulation foresees a report. Instead of having various specific reports it seems better to have one annual report in which all the different matters are covered. See amendment to Art. 54.4 a (new).

Amendment 145

Proposal for a regulation Article 47 a (new)

Text proposed by the Commission

Amendment

Article 47a

Amendments to the Annexes

The Commission shall be empowered to adopt delegated acts in accordance with Article 48 concerning amendments to the Annexes to this Regulation.

Where in the case of emerging risks, imperative grounds of urgency so require, the procedure provided for in Article 49

shall apply to delegated acts adopted pursuant to this Article.

Justification

The rapporteur wishes to maintain the Annex as part of the Visa Code instead of providing for the power to adopt the content of the current annexes at a later stage by implementing acts. In order to ensure the necessary flexibility to be able to adapt the annexes when necessary the rapporteur suggested that changes to the annexes of this Regulation may be made by delegated acts as in the case of the Schengen Borders Code.

Amendment 146

**Proposal for a regulation
Article 48 – paragraph 2**

Text proposed by the Commission

2. Powers to adopt delegated acts referred to in Article 3(2) and (9), shall be conferred on the Commission for an indeterminate period of time.

Amendment

2. Powers to adopt delegated acts referred to in Article 3(2) and (9), **Article 22(5a), Article 47a and Article 50** shall be conferred on the Commission for an indeterminate period of time.

Amendment 147

**Proposal for a regulation
Article 48 – paragraph 3**

Text proposed by the Commission

3. The delegation of power referred to in Article 3(2) and (9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the **Europen** Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

Amendment

3. The delegation of power referred to in Article 3(2) and (9), **Article 22(5a), Article 47a and Article 50** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the **European** Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

Amendment 148

Proposal for a regulation

Article 48 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 3(2) and (9) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Article 3(2) and (9), **Article 22(5a), Article 47a and Article 50** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 149

Proposal for a regulation

Article 49 – 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 without delay and** shall state **precisely** the reasons for the use of the emergency procedure.

Amendment 150

Proposal for a regulation

Article 50

Text proposed by the Commission

Amendment

The Commission shall ***by means of implementing acts adopt*** the operational instructions on the practical application of the provisions of this Regulation. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51(2).***

The Commission shall ***be empowered to adopt delegated acts in accordance with Article 48 concerning the adoption of*** the operational instructions on the practical application of the provisions of this Regulation.

Justification

The current instructions (C(2010) 1620) - despite the disclaimer of not creating legal obligations in addition to the Code - are drafted in the language of a binding legal act (and are in practice also used in this sense), add more obligations as contained in the Code and provide derogations to it. Examples include the provisions on "original" documents (6.1.1), on the requirement for a medical certification (5.3.2), on the receipt for the fee (4.4.5.1) or the obligation to provide certain documents concerning a host (6.2.1 A (3)). The instructions should thus be adopted by a delegated act.

Amendment 151

**Proposal for a regulation
Article 54 – paragraph 1**

Text proposed by the Commission

Amendment

1. ***Three*** years after the date set in Article 55(2), 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, without prejudice to the reports referred to in paragraph 3.

1. ***Two*** years after the date set in Article 55(2), 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, without prejudice to the reports referred to in paragraph 3. ***This evaluation shall contain an assessment of the need for obligatory travel medical insurance for holders of short stay visas. To that end, Member States shall inform the Commission about health related costs which could be recovered from the insurance of visa holders as well as health related costs incurred but not settled by holders of short stay visas.***

Amendment 152

Proposal for a regulation

Article 54 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall present a report on the implementation of this Regulation to the European Parliament and the Council on an annual basis. This report shall include, in particular, information about the implementation of the provisions regarding airport transit visas and the temporary schemes for issuing visas at the external border, as well as the state of affairs of cooperation with external service providers and of local Schengen cooperation.

Justification

It is suggested that the Commission produces annually one report in which all the different aspects are covered for which this Regulation foresees a report or an information of the Parliament and the Council.

Amendment 153

Proposal for a regulation

Article 55 – paragraph 3

Text proposed by the Commission

Amendment

3. *Article* 51 shall apply from [3 months after the day of entry into force].

3. *Articles 48, 49, 50 and* 51 shall apply from [3 months after the day of entry into force].

Justification

The Articles 48-50 should also become applicable earlier to ensure that the new practical instructions can be ready when the entire new Visa Code becomes applicable.

Amendment 154

Proposal for a regulation

Article 55 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Article 22(5a) shall apply from [2 years after the day of entry into force].

Amendment 155

Proposal for a regulation

Annex I – table 1 – row 30

Text proposed by the Commission

Amendment

I am aware that the visa fee is not refunded if the visa is refused.

I am aware that the visa fee is not refunded if the visa is refused.

***Applicable in case of multiple-entry visas:
I am aware of the need to have an adequate travel medical insurance for my first stay and any subsequent visits to the territory of the Member States.***

Amendment 156

Proposal for a regulation

Annex II – paragraph A – point 3 – point a

Text proposed by the Commission

Amendment

(a) documents relating to accommodation;

(a) documents relating to accommodation ***or proof of sufficient means to cover the costs of accommodation;***

Justification

Confirmed bookings are today without any real value as they might be made via an online booking system which allows to cancel them without a fee. The wording also brings this annex in line with Art. 13(1)(b) on supporting documents.

Amendment 157

Proposal for a regulation Annex V – point 2

Text proposed by the Commission

2. justification for the purpose and conditions of the intended stay was not provided

Amendment

2. justification for the purpose and conditions of the intended stay was not provided

The following document(s) could not be provided:

Justification

This is an alignment with the provision of Annex V Part B of Regulation 562/2006 (Schengen Borders Code).

Amendment 158

Proposal for a regulation Annex V – point 6

Text proposed by the Commission

6. one or more Member State(s) consider you to be a threat to public policy, internal security, public health as defined in Article 2(19) of Regulation (EC) No 562/2006 (Schengen Borders Code) or the international relations of one or more of the Member States)

Amendment

6. one or more Member State(s) consider you to be a threat to public policy, internal security, public health as defined in Article 2(19) of Regulation (EC) No 562/2006 (Schengen Borders Code) or the international relations of one or more of the Member States)

***The Member States are:
(indication of Member State)***

Justification

The visa applicant should be informed which Member State considered him a threat.

Amendment 159

Proposal for a regulation Annex V – additional remarks

Text proposed by the Commission

Amendment

Additional remarks:

Further details as to the reasons for the decision (points 1 - 11 above) and additional remarks:

You may appeal against ***the*** decision ***to refuse/annul/revoke a visa.***

You may appeal against ***this*** decision.

Justification

Regarding "additional remarks": it should be clarified that consulates may use this field also to provide further explanations as to the reasons which led to the decision.

The further change aims to make the form more reader-friendly. This is particularly important as it is the form given to the person who does not receive a visa and must as such be easily understandable.

Amendment 160

Proposal for a regulation

Annex V – additional remarks – point 7

Text proposed by the Commission

Amendment

Signature of person concerned⁷

Signature of person concerned

⁷ ***If required by national law.***

Justification

A decision to refuse, annul or revoke a visa should, given its importance, always be signed. This should not be limited to the cases in which this is required by national law.

Amendment 161

Proposal for a regulation

Annex V a (new)

Amendment

ANNEX Va

FILLING IN THE VISA STICKER

1. Mandatory entries section

1.1. 'VALID FOR' heading:

This heading indicates the territory in which the visa holder is entitled to travel.

This heading may be completed in one of the following ways only:

(a) Schengen States;

(b) Schengen State or Schengen States to whose territory the validity of the visa is limited (in this case the following abbreviations are used):

BE		BELGIUM
CZ		CZECH REPUBLIC
DK		DENMARK
DE		GERMANY
EE		ESTONIA
GR		GREECE
ES		SPAIN
FR		FRANCE
IT		ITALY
LV		LATVIA
LT		LITHUANIA
LU		LUXEMBOURG
HU		HUNGARY
MT		MALTA
NL		NETHERLANDS
AT		AUSTRIA
PL		POLAND
PT		PORTUGAL
SI		SLOVENIA
SK		SLOVAKIA

FI		FINLAND
SE		SWEDEN
IS		ICELAND
NO		NORWAY
CH		SWITZERLAND

1.2. When the sticker is used to issue a uniform visa this heading is filled in using the words ‘Schengen States’, in the language of the issuing Member State.

1.3. When the sticker is used to issue a visa with limited territorial validity pursuant to Article 25(1) of this Regulation this heading is filled in with the name(s) of the Member State(s) to which the visa holder’s stay is limited, in the language of the issuing Member State.

1.4. When the sticker is used to issue a visa with limited territorial validity pursuant to Article 25(3) of this Regulation, the following options for the codes to be entered may be used:

- (a) entry of the codes for the Member States concerned;**
- (b) entry of the words ‘Schengen States’, followed in brackets by the minus sign and the codes of the Member States for whose territory the visa is not valid;**
- (c) in case the ‘valid for’ field is not sufficient for entering all codes for the Member States (not) recognising the travel document concerned the font size of the letters used is reduced.**

2. ‘FROM ... TO’ heading:

This heading indicates the period of the visa holder’s stay as authorised by the visa.

The date from which the visa holder may enter the territory for which the visa is valid is written as below, following the word ‘FROM’:

- the day is written using two digits, the first of which is a zero if the day in question is a single digit,**
- horizontal dash,**
- the month is written using two digits, the first of which is a zero if the month in question is a single digit,**
- horizontal dash,**
- the year is written using two digits, which correspond with the last two digits of the year.**

For example: 05-12-07 = 5 December 2007.

The date of the last day of the period of the visa holder’s authorised stay is entered after the word ‘TO’ and is written in the same way as the first date. The visa holder must have left the territory for which the visa is valid by midnight on that date.

3. ‘NUMBER OF ENTRIES’ heading:

This heading shows the number of times the visa holder may enter the territory for which the visa is valid, i.e. it refers to the number of periods of stay which may be spread over the entire period of validity, see 4.

The number of entries may be one, two or more. This number is written to the right-hand

side of the pre-printed part, using ‘01’, ‘02’ or the abbreviation ‘MULT’, where the visa authorises more than two entries.

When a multiple airport transit visa is issued pursuant to Article 26(3) of this Regulation, the visa’s validity is calculated as follows: first date of departure plus six months.

The visa is no longer valid when the total number of exits made by the visa holder equals the number of authorised entries, even if the visa holder has not used up the number of days authorised by the visa.

4. ‘DURATION OF VISIT ... DAYS’ heading:

This heading indicates the number of days during which the visa holder may stay in the territory for which the visa is valid. This stay may be continuous or, depending on the number of days authorised, spread over several periods between the dates mentioned under 2, bearing in mind the number of entries authorised under 3.

The number of days authorised is written in the blank space between ‘DURATION OF VISIT’ and ‘DAYS’, in the form of two digits, the first of which is a zero if the number of days is less than 10.

The maximum number of days that may be entered under this heading is 90.

When a visa is valid for more than six months, the duration of stays is 90 days in any 180-day period.

5. ‘ISSUED IN ... ON ...’ heading:

This heading gives the name of the location where the issuing authority is situated. The date of issue is indicated after ‘ON’.

The date of issue is written in the same way as the date referred to in 2.

6. ‘PASSPORT NUMBER’ heading:

This heading indicates the number of the travel document to which the visa sticker is affixed.

In case the person to whom the visa is issued is included in the passport of the spouse, parental authority or legal guardian, the number of the travel document of that person is indicated.

When the applicant’s travel document is not recognised by the issuing Member State, the uniform format for the separate sheet for affixing visas is used for affixing the visa.

The number to be entered under this heading, if the visa sticker is affixed to the separate sheet, is not the passport number but the same typographical number as appears on the form, made up of six digits.

7. ‘TYPE OF VISA’ heading:

In order to facilitate matters for the control authorities, this heading specifies the type of visa using the letters A, C and D as follows:

A	:	airport transit visa (as defined in Article 2(5) of this Regulation)
C	:	visa (as defined in Article 2(2) of this Regulation)
D	:	long-stay visa

8. 'SURNAME AND FIRST NAME' heading:

The first word in the 'surname' box followed by the first word in the 'first name' box of the visa holder's travel document is written in that order. The issuing authority verifies that the name and first name which appear in the travel document and which are to be entered under this heading and in the section to be electronically scanned are the same as those appearing in the visa application. If the number of characters of the surname and first name exceeds the number of spaces available, the excess characters are replaced by a dot (.).

9. (a) Mandatory entries to be added in the 'COMMENTS' section

- in the case of a visa issued on behalf of another Member State pursuant to Article 8, the following mention is added: 'R/[Code of represented Member State]',*
- in the case of a visa issued for the purpose of transit, the following mention is added: 'TRANSIT',*
- "in the case where all data referred to in Article 5(1) of the VIS Regulation is registered in the Visa Information System, the following mention is added: "VIS"*
- in the case where only the data referred to in Article 5(1) point a) and b) is registered in the Visa Information System but the data referred to in Article 5(1) point c) was not collected because the collection of fingerprints was not mandatory in the region concerned: "VIS 0"*

(b) National entries in 'COMMENTS' section

This section also contains the comments in the language of the issuing Member State relating to national provisions. However, such comments shall not duplicate the mandatory comments referred to in point 1;

(c) Section for the photograph

The visa holder's photograph, in colour, shall be integrated in the space reserved for that purpose.

The following rules shall be observed with respect to the photograph to be integrated into the visa sticker.

The size of the head from chin to crown shall be between 70 % and 80 % of the vertical dimension of the surface of the photograph.

The minimum resolution requirements shall be:

- 300 pixels per inch (ppi), uncompressed, for scanning,*
- 720 dots per inch (dpi) for colour printing of photos.*

10. Machine-readable zone

This section is made up of two lines of 36 characters (OCR B-10 cpi).

First line: 36 characters (mandatory)

<i>Positions</i>	<i>Number of characters</i>	<i>Heading contents</i>	<i>Specifications</i>

1-2	2	Type of document	First character: V Second character: code indicating type of visa (A, C or D)
3-5	3	Issuing State	ICAO alphabetic code 3-character: BEL, CHE, CZE, DNK, D<<, EST, GRC, ESP, FRA, ITA, LVA, LTU, LUX, HUN, MLT, NLD, AUT, POL, PRT, SVN, SVK, FIN, SWE, ISL, NOR
6-36	31	Surname and first name	The surname should be separated from the first names by 2 symbols (<<); individual components of the name should be separated by one symbol (<); spaces which are not needed should be filled in with one symbol (<)

Second line: 36 characters (mandatory)

Positions	Number of characters	Heading contents	Specifications
1	9	Visa number	This is the number printed in the top right-hand corner of the sticker
10	1	Control character	This character is the result of a complex calculation, based on the previous area according to an algorithm defined by the ICAO
11	3	Applicant's nationality	Alphabetic coding according to ICAO 3-character codes
14	6	Date of birth	The order followed is YYMMDD where: YY = year (mandatory) MM = month or << if unknown DD = day or << if unknown
20	1	Control character	This character is the result of a complex calculation, based on the previous area according to an algorithm defined by the ICAO
21	1	Sex	F = Female, M = Male, < = Not specified
22	6	Date on which the visa's validity ends	The order followed is YYMMDD without a filler
28	1	Control character	This character is the result of a complex calculation, based on the previous area according to an algorithm defined by the

			ICAO
29	1	<i>Territorial validity</i>	<i>(a) For LTV visas, insert the letter T</i> <i>(b) For uniform visas insert the filler <</i>
30	1	<i>Number of entries</i>	<i>1, 2, or M</i>
31	2	<i>Duration of stay</i>	<i>(a) Short stay: number of days should be inserted in the visual reading area</i> <i>(b) Long stay: <<</i>
33	4	<i>Start of validity</i>	<i>The structure is MMDD without any filler.</i>

Amendment 162

Proposal for a regulation Annex V b (new)

Text proposed by the Commission

Amendment

ANNEX Vb

AFFIXING THE VISA STICKER

- 1. The visa sticker shall be affixed to the first page of the travel document that contains no entries or stamps — other than the stamp indicating that an application is admissible.***
- 2. The sticker shall be aligned with and affixed to the edge of the page of the travel document. The machine-readable zone of the sticker shall be aligned with the edge of the page.***
- 3. The stamp of the issuing authorities shall be placed in the ‘COMMENTS’ section in such a manner that it extends beyond the sticker onto the page of the travel document.***
- 4. Where it is necessary to dispense with the completion of the section to be scanned electronically, the stamp may be placed in this section to render it unusable. The size and content of the stamp to be used shall be determined by the national rules of the Member State.***
- 5. To prevent re-use of a visa sticker affixed to the separate sheet for affixing a visa, the seal of the issuing authorities shall be stamped to the right, straddling the sticker and the separate sheet, in such a way as neither to impede reading of the headings and the comments nor to enter the machine-readable zone.***
- 6. The extension of a visa, pursuant to Article 33 of this Regulation, shall take the form of a***

visa sticker. The seal of the issuing authorities shall be affixed to the visa sticker.

Amendment 163

Proposal for a regulation Annex V c (new)

Text proposed by the Commission

Amendment

ANNEX Vc

PART I

Rules for issuing visas at the border to seafarers in transit subject to visa requirements

These rules relate to the exchange of information between the competent authorities of the Member States with respect to seafarers in transit subject to visa requirements. Insofar as a visa is issued at the border on the basis of the information that has been exchanged, the responsibility lies with the Member State issuing the visa.

For the purposes of these rules:

‘Member State port’: means a port constituting an external border of a Member State;

‘Member State airport’: means an airport constituting an external border of a Member State.

I. Signing on a vessel berthed or expected at a Member State port (entry into the territory of the Member States)

– the shipping company or its agent shall inform the competent authorities at the Member State port where the ship is berthed or expected that seafarers subject to visa requirements are due to enter via a Member State airport, land or sea border. The shipping company or its agent shall sign a guarantee in respect of those seafarers that all expenses for the stay and, if necessary, for the repatriation of the seafarers will be covered by the shipping company,

– those competent authorities shall verify as soon as possible whether the information provided by the shipping company or its agent is correct and shall examine whether the other conditions for entry into the territory of the Member States have been satisfied. The travel route within the territory of the Member States shall also be verified e.g. by reference to the (airline) tickets,

– when seafarers are due to enter via a Member State airport, the competent authorities at the Member State port shall inform the competent authorities at the Member State airport of entry, by means of a duly completed form for seafarers in transit who are subject to visa requirements (as set out in Part 2), sent by fax, electronic mail or other means, of the results of the verification and shall indicate whether a visa may in principle be issued at the

border. When seafarers are due to enter via a land or a sea border, the competent authorities at the border post via which the seafarer concerned enters the territory of the Member States shall be informed by the same procedure,

– where the verification of the available data is positive and the outcome is clearly consistent with the seafarer's declaration or documents, the competent authorities at the Member State airport of entry or exit may issue a visa at the border the authorised stay of which shall correspond to what is necessary for the purpose of the transit. Furthermore, in such cases the seafarer's travel document shall be stamped with a Member State entry or exit stamp and given to the seafarer concerned.

II. Leaving service from a vessel that has entered a Member State port (exit from the territory of the Member States)

– the shipping company or its agent shall inform the competent authorities at that Member State port of entry of seafarers subject to visa requirements who are due to leave their service and exit from the Member States territory via a Member State airport, land or sea border. The shipping company or its agent shall sign a guarantee in respect of those seafarers that all expenses for the stay and, if necessary, for the repatriation costs of the seafarers will be covered by the shipping company,

– the competent authorities shall verify as soon as possible whether the information provided by the shipping company or its agent is correct and shall examine whether the other conditions for entry into the territory of the Member States have been satisfied. The travel route within the territory of the Member States shall also be verified e.g. by reference to the (airline) tickets,

– where the verification of the available data is positive, the competent authorities may issue a visa the authorised stay of which shall correspond to what is necessary for the purpose of the transit.

III. Transferring from a vessel that entered a Member State port to another vessel

– the shipping company or its agent shall inform the competent authorities at that Member State port of entry of seafarers subject to visa requirements who are due to leave their service and exit from the territory of the Member States via another Member State port. The shipping company or its agent shall sign a guarantee in respect of those seafarers that all expenses for the stay and, if necessary, for the repatriation of the seafarers will be covered by the shipping company,

– the competent authorities shall verify as soon as possible whether the information provided by the shipping company or its agent is correct and shall examine whether the other conditions for entry into the territory of the Member States have been satisfied. The competent authorities at the Member State port from which the seafarers will leave the territory of the Member States by ship shall be contacted for the examination. A check shall be carried out to establish whether the ship they are joining is berthed or expected there. The travel route within the territory of the Member States shall also be verified,

– where the verification of the available data is positive, the competent authorities may issue a visa the authorised stay of which shall correspond to what is necessary for the purpose of the transit.

PART 2

FORM FOR SEAFARERS IN TRANSIT WHO ARE SUBJECT TO VISA REQUIREMENTS			
FOR OFFICIAL USE:			
ISSUER: (STAMP) SURNAME/CODE OF OFFICIAL:		RECIPIENT: AUTHORITY	
DATA ON SEAFARER:			
SURNAME(S): 1A		FORENAME(S): 1B	
NATIONALITY: 1C		RANK/GRADE: 1D	
PLACE OF BIRTH: 2A		DATE OF BIRTH: 2B	
PASSPORT NUMBER: 3A		SEAMAN'S BOOK NUMBER: 4A	
DATE OF ISSUE: 3B		DATE OF ISSUE: 4B	
PERIOD OF VALIDITY: 3C		PERIOD OF VALIDITY: 4C	
DATA ON VESSEL AND SHIPPING AGENT:			
NAME OF SHIPPING AGENT: 5A		TELEPHONE NUMBER 5B	
NAME OF VESSEL 6A		FLAG: 6C	
IMO NUMBER 6B			
DATE OF ARRIVAL: 7A		ORIGIN OF VESSEL: 7B	
DATE OF DEPARTURE: 8A		DESTINATION OF VESSEL: 8B	
DATA ON MOVEMENT OF SEAFARER:			
FINAL DESTINATION OF SEAFARER:			9
REASONS FOR APPLICATION:			
SIGNING ON <input type="checkbox"/>		TRANSFER <input type="checkbox"/>	LEAVING SERVICE <input type="checkbox"/> 10
MEANS OF TRANSPORT		CAR <input type="checkbox"/>	TRAIN <input type="checkbox"/> AEROPLANE <input type="checkbox"/> 11
DATE OF:		ARRIVAL:	TRANSIT: DEPARTURE: 12
		CAR (*) <input type="checkbox"/>	TRAIN (*) <input type="checkbox"/>
		REGISTRATION No:	JOURNEY ROUTE:
FLIGHT INFORMATION:		DATE:	TIME: FLIGHT NUMBER:
Formal declaration signed by the shipping agent or the ship owner confirming his responsibility for the stay and, if necessary, for the repatriation costs of the seafarer.			

(*) = to be completed only if data are available.

DETAILED DESCRIPTION OF FORM

Points 1-4: the identity of the seafarer

(1)	A. Surname(s)
	B. Forename(s)
	C. Nationality
	D. Rank/Grade
(2)	A. Place of birth
	B. Date of birth
(3)	A. Passport number
	B. Date of issue
	C. Period of validity
(4)	A. Seaman's book number
	B. Date of issue
	C. Period of validity

As to points 3 and 4: depending on the nationality of the seafarer and the Member State being entered, a travel document or a seaman's book may be used for identification purposes.

Points 5-8: the shipping agent and the vessel concerned

(5)	Name of shipping agent (the individual or corporation that represents the ship owner on the spot in all matters relating to the ship owner's duties in fitting out the vessel) under 5A and telephone number (and other contact details as fax number, electronic mail address) under 5B
(6)	A. Name of vessel
	B. IMO-number (this number consists of 7 numbers and is also known as 'Lloyds-number')
	C. Flag (under which the merchant vessel is sailing)
(7)	A. Date of arrival of vessel
	B. Origin (port) of vessel
	Letter 'A' refers to the vessel's date of arrival in the port where the seafarer is to sign on
(8)	A. Date of departure of vessel
	B. Destination of vessel (next port)

As to points 7A and 8A: indications regarding the length of time for which the seafarer may travel in order to sign on.

It should be remembered that the route followed is very much subject to unexpected

interferences and external factors such as storms, breakdowns, etc.

Points 9-12: purpose of the seafarer's journey and his destination

(9) The 'final destination' is the end of the seafarer's journey. This may be either the port at which he is to sign on or the country to which he is heading if he is leaving service.

(10) Reasons for application

(a) In the case of signing on, the final destination is the port at which the seafarer is to sign on.

(b) In the case of transfer to another vessel within the territory of the Member States, it is also the port at which the seafarer is to sign on. Transfer to a vessel situated outside the territory of the Member States must be regarded as leaving service.

(c) In the case of leaving service, this can occur for various reasons, such as end of contract, accident at work, urgent family reasons, etc.

(11) Means of transport

List of means used within the territory of the Member States by the seafarer in transit who is subject to a visa requirement, in order to reach his final destination. On the form, the following three possibilities are envisaged:

(a) car (or coach);

(b) train;

(c) aeroplane.

(12) Date of arrival (on the territory of the Member States)

Applies primarily to a seafarer at the first Member State airport or border crossing point (since it may not always be an airport) at the external border via which he wishes to enter the territory of the Member States.

Date of transit

This is the date on which the seafarer signs off at a port in the territory of the Member States and heads towards another port also situated in the territory of the Member States.

Date of departure

This is the date on which the seafarer signs off at a port in the territory of the Member States to transfer to another vessel at a port situated outside the territory of the Member States, or the date on which the seafarer signs off at a port in the territory of the Member States to return to his home (outside the territory of the Member States).

After determining the three means of travel, available information should also be provided concerning those means:

(a) car, coach: registration number;

(b) train: name, number, etc.;

(c) flight data: date, time, number.

(13) Formal declaration signed by the shipping agent or the ship owner confirming his responsibility for the expenses for the stay and, if necessary, for the repatriation of the seafarer.

Amendment 164

Proposal for a regulation

Annex VIII – paragraph 2 – introductory part

Text proposed by the Commission

2. The following data shall be submitted to the Commission within the deadline set out in Article 44 using common templates provided by the Commission, and disaggregated by citizenship of the applicant ***when relevant***, as indicated in the templates:

Amendment

2. The following data shall be submitted to the Commission within the deadline set out in Article 44 using common templates provided by the Commission, and disaggregated by citizenship of the applicant, as indicated in the templates:

Justification

It should be clear from the legislation what statistics should be collected. This should not be left to the Commission when preparing a template for which no further decision-making procedure is provided for. Therefore no margin of discretion can remain in the legislative text.

Amendment 165

Proposal for a regulation

Annex VIII – paragraph 2 – indent 14

Text proposed by the Commission

Number of LTV visas issued, disaggregated by the reason why they were issued (cf. Article 22(1), and (3), and Article 33(3),

Amendment

Number of LTV visas issued, disaggregated by the reason why they were issued (cf. Article 22(1) ***in this case further disaggregated by the three different reasons of humanitarian grounds, national interests as well as international obligations***, and (3), and Article 33(3),

Justification

In order to get a better picture regarding the issuing of visas with limited territorial validity it is necessary to have statistics not in an accumulated fashion but for the three reasons separately.

EXPLANATORY STATEMENT

Introduction

This report is the result of intensive work in the LIBE Committee. Based on the draft report, the amendments tabled and the opinion of the TRAN Committee, a series of compromises were agreed between the political groups prior to the vote in Committee.

In the following the rapporteur sets out the reasoning underlying the main amendments adopted.

On the proposal in general

The rapporteur welcomes the proposal and its underlying philosophy. He agrees that - while maintaining the same very high standards regarding safeguarding public security and preventing irregular migration - it is indeed necessary to take a wider perspective and to recognise the importance for the EU as a whole to facilitate legitimate travel towards it. The rapporteur therefore fully supports the procedural facilitations proposed. These include, for example, the abolishment of the rule that all applicants are required to appear in person to lodge the application, clearer requirements as to the necessary documents, shorter deadlines, or the introduction of the possibility to make interviews with applicants by means of modern communication.

Against the criticism voiced that these proposed facilitations would raise security concerns the rapporteur wishes to state very clearly that in his views these facilitations aim to address the frequent criticism that the current procedures are too cumbersome. The facilitations would not change in any way the substantive criteria and conditions against which visa applications are assessed. The issue is the way in which a visa may be applied for and not the criteria that need to be fulfilled for the issuing of a visa.

On specific aspects

While the rapporteur very much shares the Commission's approach there are a number of issues on which amendments are proposed.

In order to make steps towards a further modernisation of the procedure the rapporteur proposes that there should always be an electronic version of the application form be available so that those who may wish to do so may fill it out electronically instead of by hand (Art. 11(2)). In addition, consulates should be given the possibility to accept online applications. (Art 8 (6a)). These two proposed changes are minor but they should be understood as steps towards the long-term objective of a more modern visa application process.

As regards the procedure the rapporteur considers that some of the proposals should be further strengthened. It should, for example, be possible to lodge an application not only six month before the intended travel but up to nine months before. The rapporteur considers that such a period corresponds better to today's travel patterns especially as international plane tickets are often substantially cheaper when booked early (Art. 8(1)).

As the Commission, the rapporteur thinks that the more frequent issuing of multiple-entry

visas (MEVs) with a longer validity to bona fide travellers constitutes an advantage not only those travellers but for consulates as well. Benefit should indeed be drawn from the increasing use of the Visa Information System (VIS) following its worldwide roll out. The rapporteur therefore fully supports the provisions on the issuing of MEVs to VIS registered regular travellers.

On the issue of "humanitarian visas" the rapporteur agrees that the Visa Code cannot provide the sole solution to the current challenges of persons seeking international protection. He, however, strongly believes that safe and legal ways of accessing the territory of the EU for persons fleeing from prosecution are necessary and that the issuing of a Schengen visa is one way. The rapporteur in the draft report has chosen a prudent and legally sound approach based on strengthening and developing existing provisions in the text. The underlying philosophy behind the amendments on recital 6a, b and Articles 1, 6, 19 and 22 is to give consular staff more space to take protection needs into account and to recall the international obligations Member States entered into. In addition, a compromise was agreed according to which persons seeking international protection may apply for a European humanitarian visa directly at any consulate or embassy of the Member States.

A topic which has been subject to numerous individual complaints has been visas refused for third-country nationals who are family members of EU citizens and who wish to obtain a visa to visit them. The current situation is legally complex (due to the specific provisions of the Free Movement Directive 2004/38 which give family members when covered by it the right to a visa) and rather intransparent (as specific provisions in this regard are so far only included in the handbook but not the Visa Code as such). The numerous complaints about consulates not properly applying these provisions do therefore not come as a surprise. The rapporteur recognises that the Commission tries to address this problem in its proposal as well as the case of "close relatives" and situations not covered by the Directive. The rapporteur fully supports these proposals but considers that certain further provisions are necessary. These include provisions to ensure an access to the consulate for family members as they cannot be required to pay a fee, on MEVs, on the issuing of visas at the border and on refusals. Visa refusals to family members need to be justified in a more detailed way allowing the person concerned to better understand the refusal.

In the same spirit the rapporteur suggests a number of clarifications regarding the procedure for appeal and a new provision that all consulates have a procedure for complaints. Having such a procedure constitutes good administrative practice and is also important for the image of the MS and the EU. Most consulates probably already have one but the rapporteur wishes to include this in the Code. In addition, a properly organised complaint system might reduce the number of formal appeals which constitute an additional workload for consulates and which are often only lodged because an aspect of the procedure was not well understood before.

Therefore also the provision of information for visa applicants and the public should be further improved. The rapporteur suggests some additions to the list of issues about which the public and applicants are to be informed. The Committee also voted that the Schengen visa website - long requested by Parliament - at least be available in all official languages of the Union and the main language of the five third countries with the highest number of Schengen visa applications (Art. 45).

Regarding consular organisation it is in particular the cooperation with external service providers (ESPs) which has given rise to concern. The rapporteur recognises the budgetary constraints under which MS' administrations need to operate and also sees the advantages of the cooperation with ESPs. At the same time the tasks given to ESPs are public tasks and thus the decision to cooperate with an ESP should be taken only in case other possibilities have proven not possible. Outsourcing should not be the first choice. The rapporteur therefore proposes a redrafting of the Article 38 dealing with the assessment as to the appropriateness of having recourse to an ESP. At the same time the monitoring of the ESP should be strengthened and the Commission needs to be better informed on the cooperation with ESP in order to be able to correctly assess the implementation of the legal provisions on the ground which is difficult if not impossible currently (Art. 41(12)).

For the long-term we should not lose sight of the objective that Schengen visas are dealt with by a single office in any third country to which all MS and the EU provide resources. The current situation is often absurd as considerable energy at all levels is spent on regulating and managing the concept of the "responsible Member State". All steps which would lead towards that long-term goal need to be taken. The rapporteur therefore supports the proposals on the so called mandatory representation but proposes to add even a criteria based on distance to reduce the burden of the applicant further. In addition the current optional forms of cooperation between MS (co-location and Common Application Centres) should remain as deleting them would send the wrong signal. In addition the rapporteur proposes a new article on "Schengen Visa Centres" - an idea the Commission introduces in a recital but then does not develop any further.

Regarding institutional matters the rapporteur would like to mention the proposal of the Commission to delete a number of the current annexes of the Code and to adopt provisions currently covered by these annexes at a later stage by implementing acts. This is in the views of the rapporteur not acceptable as this approach would reduce the legislator's role.

A further matter of concern is the handbook or the "practical instructions" for consular staff which should in the views of the Commission - and as is the case today - be adopted by implementing acts. So called "practical handbooks" have become a standard feature of many borders and visa related legislative instruments (Borders Code, Eurosur) but they are adopted in different legal forms (recommendations, decisions). They bear the inherent risk of trying to "rewrite the legislation", to add new elements and to lower the importance of the underlying legislation by being the sole document at the disposal of staff on the ground. Taking into account the current handbook which does add new elements to the Code and provides for derogations from it the best way forward in terms of legal certainty and in operational terms, as consular staff should indeed have common and harmonised "practical instructions", would be to adopt these instructions as delegated act supplementing the Visa Code.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

D(2014)45068

Claude Moraes
Chair, Committee on Civil Liberties, Justice and Home Affairs
ASP 13G205
Brussels

Subject: Proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code)
(COM(2014)164 final – C8-0001/2014 – 2014/0094(COD))

Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above, pursuant to Rule 104 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Consultative Working Party, which has examined the recast proposal, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal or in the opinion of the Consultative Working Party and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

Thus, at its meeting of 24 September 2014 the Committee on Legal Affairs decided, by 19

votes in favour and 1 vote against¹, to recommend that the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, proceed to examine the above proposal in accordance with Rule 104.

Yours sincerely,

Pavel Svoboda

Encl.: Opinion of the Consultative Working Party.

¹ Daniel Buda, Sergio Gaetano Cofferati, Therese Comodini Cachia, Luis de Grandes Pascual, Mady Delvaux, Andrzej Duda, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Mary Honeyball, Sajjad Karim, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Jiří Maštálka, Emil Radev, Julia Reda, Evelyn Regner, Pavel Svoboda, Viktor Uspaskich, Axel Voss, and Tadeusz Zwiefka.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 5 August 2014

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code)
COM(2014)164 final of 1.4.2014 – 2014/0094(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 30 April 2014 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas resulted in the Consultative Working Party's establishing, by common accord, as follows.

- 1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.
- 2) In recital 12 of the recast proposal, for reasons of consistency between the text of that recital and the text of Article 3(3) the added words "*when a Member State experiences a sudden and substantial*" should have been presented between adaptation arrows, and should not have been identified with the grey-shaded type generally used for identifying substantive changes.
- 3) The currently applicable wording of Article 5(2) of Regulation (EC) No 810/2009 should

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

have been present in the draft recast text, and should have been identified with a “substantive deletion” sign (i.e. double strikethrough combined with grey-shaded type).

4) The following parts of the text of the recast proposal should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in Article 8(6), the entire text of point (c);
- in Article 12(2), the deletion of the words "*the applicant shall be required to appear in person. At that time*";
- in Article 14(3)(e), the replacement of the words "*representatives of non-profit organisations*" with the word "*participants*";
- in Article 34(1), the deletion of the words "*for the purpose of transit*";
- in Article 34(2), the deletion of the word "*in transit*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

H. LEGAL
Jurisconsult

L. ROMERO REQUENA
Director General

15.10.2015

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code)
(COM(2014)0164 – C8-0001/2014 – 2014/0094(COD))

Rapporteur: István Ujhelyi

SHORT JUSTIFICATION

1. Introduction

The Commission proposal is aimed at shortening and simplifying the current procedures for issuing short-stay-visas for the Schengen area, inducing more cost savings and less bureaucracy, whilst striking the right balance between economic and security needs.

Making access to the Schengen area easier for legitimate travellers will facilitate visiting friends and relatives and doing business. It will also boost economic activity and job creation in tourism and related sectors. This will help Europe continue being world's number one tourist destination.

The main elements of the Visa Code proposal are:

Reducing the deadline for processing a visa application and taking a decision; Making it possible to lodge visa applications in other EU countries consulates if the Member State competent for processing the visa application is neither present nor represented; Facilitations for regular travellers including mandatory issuing of multiple entry visas valid for three years; Simplifying application forms and allowing online applications; Possibility for special schemes granting visas at the border that are valid for up to 15 days; Possibility to facilitate the issuing of visa for visitors attending major events.

2. The ‘transport and tourism’ dimension of the proposal

"More flexible visa rules will boost growth and job creation"

Bearing in mind that the primary objective of the Schengen visa system is to prevent illegal immigration and security threats, making visa application procedures more user-friendly is positive for the economy, particularly for the transport and tourism industries.

Based on the figures from the European Commission and various stakeholders, the economic impact of making visa rules more flexible will be very significant for the Schengen area (e.g. 'Study on the economic impact of short stay visa facilitation on the tourism industry and on the overall economies of EU Member States being part of the Schengen Area', EC, DG Enterprise & Industry, August 2013 - 'Visa facilitation: Stimulating economic growth and development through tourism', World Tourism Organization (UNWTO) January 2013 – 'Contribution of Cruise Tourism to the Economies of Europe 2014', The Cruise Lines International Association (CLIA) – 'WTTC contribution to the Revision of the Visa Code', World Travel and Tourism Council, June 2015).

More flexible and accessible visa rules could lead to an increase in trips to the Schengen area of between 30% and 60%, considering only the 6 following countries: China, India, Russia, Saudi Arabia, South Africa and Ukraine.

This could mean as much as €130 billion in total direct spending over five years (in accommodation, food and drink, transport, entertainment, shopping, etc.), and could translate into some 1.3 million jobs in tourism and related sectors.

3. Your Rapporteur's opinion

Your Rapporteur supports the aim of simplifying and facilitating visa applications. This will help the visa applicants not to be discouraged by the administrative and economic burdens to enter the Schengen area and will eventually enhance tourism and transport activities in Europe to the benefit of the economy.

We need to develop a stronger mutual understanding between the Schengen area and third countries: more public awareness, more information campaigns, additional direct flights, etc. We can also learn from other visa facilitation systems (USA, Canada and Australia).

Your Rapporteur wishes to introduce some amendments in order to enhance further the visa applicant-friendly aspects of the Commission proposal, around the following main principles:

- More flexibility in Member States' competence on visa applications and better consular cooperation;
- Stronger facilitation for applicants registered in the Visa Information Service (VIS);
- Issuing a Multiple Entry Visa (MEV) for a longer period (at least 5 years up to 10 years);
- Facilitating seafarers to apply for a visa at the external border of the Union.

Concretely, your Rapporteur proposes that facilitation procedures should be open to applicants registered in the VIS who have already obtained and lawfully used one visa within the 18 months prior to their application, or held a MEV, a national long stay visa or a residence permit.

Regarding consular co-operation, your Rapporteur considers that applicants should not be

forced to undertake a return journey of more than 1 000 km or spend one overnight stay to reach the consulate of the Member State competent for processing the visa application, if there is a better alternative with another Member State consulate.

Your Rapporteur wishes also to improve the accessibility of the Schengen visa Internet website by making it available in more languages.

Finally, your Rapporteur suggests complementing the requirements concerning the supporting documents relating to accommodation submitted by an applicant.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) It should be presumed that applicants who are registered in VIS and have obtained and lawfully used *two visas* within the *12* months prior to the application fulfil the entry conditions regarding the risk of irregular immigration and the need to possess sufficient means of subsistence. However, this presumption should be rebuttable where the competent authorities establish that one or more of these conditions are not fulfilled in individual cases.

Amendment

(10) It should be presumed that applicants who are registered in VIS and have obtained and lawfully used *one visa* within the *18* months prior to the application fulfil the entry conditions regarding the risk of irregular immigration and the need to possess sufficient means of subsistence. However, this presumption should be rebuttable where the competent authorities establish that one or more of these conditions are not fulfilled in individual cases.

Justification

The proposed criteria are too restrictive for travellers who have already been issued a multiple entry visa, a national visa for long-term stay or a residence permit. Especially for crew members of cruise lines, seasonality and the average length of their contracts make it difficult to obtain two visas in a 12-month period. The lawful use of one visa should be sufficient. It would not increase the security risk, as only applicants with a proven track record of lawful visits would be entitled to a MEV.

Amendment 2

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) It is necessary to set out rules on the transit through international areas of

Amendment

(12) It is necessary to set out rules on the transit through international areas of

airports in order to combat irregular immigration. To this end a common list of third countries the nationals of which should be required to hold airport transit visas should be established.

Nevertheless, when a Member State experiences a sudden and substantial influx of irregular immigrants, it should be able to introduce temporarily the airport transit visa requirement for nationals of a given third country. The conditions and procedures for doing so should be laid down, in order to ensure that the application of this measure is limited in time and that in accordance with the principle of proportionality, it does not go beyond what is necessary in order to achieve the objective. The scope of the airport transit visa requirement should be limited to responding to the specific situation that prompted the introduction of the measure.

airports in order to combat irregular immigration. To this end a common list of third countries the nationals of which should be required to hold airport transit visas should be established.

Nevertheless, when a Member State experiences a sudden and substantial influx of irregular immigrants, it should be able to introduce temporarily the airport transit visa requirement for nationals of a given third country. The conditions and procedures for doing so should be laid down, in order to ensure that the application of this measure is limited in time and that in accordance with the principle of proportionality, it does not go beyond what is necessary in order to achieve the objective. The scope of the airport transit visa requirement should be limited to responding to the specific situation that prompted the introduction of the measure, ***and should be decided following a consultation of the Commission and taking into consideration the position of the other Member States.***

Amendment 3

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) The issuing of visas at the external border should, in principle, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification and publication of the organisational modalities of the scheme. Such schemes should be temporary in nature and the validity of the visa issued should be limited to the territory of the issuing Member State.

Amendment

(30) The issuing of visas at the external border should, in principle, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification and publication of the organisational modalities of the scheme. Such schemes should be temporary in nature and the validity of the visa issued should be limited to the territory of the issuing Member State. ***In order to facilitate the use of such schemes, Member States may set up a free of charge online pre-registration system***

for the applicants for a visa at the external border.

Justification

To avoid queues and delays at the external border, the competent authorities may be notified of upcoming visa applicants through an online pre-registration system which will facilitate the examining and issuing of visas at the external border.

Amendment 4

Proposal for a regulation
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) It is of the utmost importance that the Commission develop a uniform website to enable applicants to lodge applications for visas online, with a view to facilitating applicants and attracting more visitors to the Schengen area.

Justification

Countries like US, Canada and India have already established an online system for the lodging of visa applications to facilitate applicants and attract more visitors. It is important that the Commission starts to work on a uniform EU online website where applicants could lodge their application electronically. This will reduce most of the red tape and burden of the consulates and competent authorities.

Amendment 5

Proposal for a regulation
Article 2 – point 9

Text proposed by the Commission

Amendment

9. 'VIS registered regular traveller' means a visa applicant who is registered in the Visa Information System and ***who*** has obtained ***two visas*** within the ***12*** months prior to the application;

9. 'VIS registered regular traveller' means a visa applicant who:

(a) is registered in the Visa Information System and has obtained ***a visa*** within the ***18*** months prior to the application; ***or***

(b) has previously obtained a multiple entry visa, a national visa (type 'D') or a national residence permit issued by a Member State which was valid for at least six months, provided that the application is lodged no later than 12 months after the expiry of that multiple entry visa, national visa or national residence permit.

Justification

The proposed criteria are too restrictive for travellers who have already been issued a multiple entry visa, a national visa for long-term stay or a residence permit. Especially for crew members of cruise lines, seasonality and the average length of their contracts make it difficult to obtain two visas in a 12-month period. The lawful use of one visa should be sufficient. It would not increase the security risk, as only applicants with a proven track record of lawful visits would be entitled to a MEV.

Amendment 6

Proposal for a regulation

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. If the Member State that is competent in accordance with paragraph 1 , point (a) or (b), is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6, the applicant is entitled to lodge the application:

Amendment

2. If the Member State that is competent in accordance with paragraph 1, point (a) or (b), is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6, ***or if the nearest consulate of that Member State or the nearest Schengen Visa Centre is located 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***, the applicant is entitled to lodge the application:

Justification

The proposed change addresses the inconvenience faced by some applicants in very large countries (e.g. China, India, Russia) who would need to travel 1 000 km or more, or spend an overnight stay, to lodge an application in the consulate of the competent Member State. It would be appropriate to extend the possibility of lodging a visa application at another Member State consulate to avoid such an inconvenience.

Amendment 7

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Applications may be lodged **six** months before and no later than 15 calendar days before the start of the intended visit.

Amendment

1. Applications may be lodged **12** months before and no later than 15 calendar days before the start of the intended visit.

Justification

Six months is not sufficient for early bookings. For instance, cruise booking is possible up to 18 months in advance. This amendment would address the uncertainty of potential travellers as to whether they should book a cruise or another holiday package. This would also benefit crew members that already serve on board before taking service on a cruise ship in Europe, who have difficulties in applying for a visa within the 6-month period proposed by the Commission.

Amendment 8

Proposal for a regulation

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Without prejudice to Article 12, consulates shall allow travel documents, application forms and other supporting documentation to be submitted electronically.

Justification

Without prejudice to the obligations laid down in the Visa Code with regard to the need to attend a consulate to provide fingerprints and biometric data, and in order to make it easier to process applications for tourist visas, it is important that application forms, travel documents, photographs and other supporting documentation can be processed electronically. This will also make it easier to file them for use in any future visa applications.

Amendment 9

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. **The content of the** electronic version of the application form, **if applicable**, shall be as set out in Annex I.

2. **An** electronic version of the application form shall be **available and its content shall be** as set out in Annex I.

Justification

It needs to be made clear that the form can be filled in electronically. This will make the applications process easier for applicants and consulates. It will also improve file management and archiving and be beneficial in terms of cutting red tape for tourist visas or people who visit the European Union regularly.

Amendment 10

**Proposal for a regulation
Article 13 – paragraph 2**

Text proposed by the Commission

Amendment

2. Points (b), (c) and (d) of paragraph 1 do not apply to applicants who are VIS registered regular travellers and who have lawfully used **the two** previously obtained **visas**.

2. Points (b), (c) and (d) of paragraph 1 do not apply to applicants who are VIS registered regular travellers and who have lawfully used **one** previously obtained **visa**.

Amendment 11

**Proposal for a regulation
Article 14 – paragraph 3 – point e**

Text proposed by the Commission

Amendment

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

(e) participants aged **30 or under** in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;

Justification

The age limit in order to be exempt from visa fees needs to be raised, as many young people of this age are still in education and take part in training activities and seminars. The aim of this amendment is to make the visa process easier for young people wishing to visit the EU and take advantage of what is on offer for tourists here without being put off by the price of the visa.

Amendment 12

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. If the consulate is not competent, it shall, ***without delay***, return the application form and any documents submitted by the applicant, reimburse the visa fee, and indicate which consulate is competent.

Amendment

2. If the consulate is not competent, it shall, ***within a maximum of eight calendar days***, return the application form and any documents submitted by the applicant, reimburse the visa fee, and indicate which consulate is competent.

Amendment 13

Proposal for a regulation

Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. 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 ***without delay*** shall :

Amendment

3. 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, ***within a maximum of eight calendar days***:

Amendment 14

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller who has lawfully used the ***two*** previously obtained ***visas***, it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, a risk to the security of the Member States, and the possession of sufficient means of subsistence.

Amendment

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller who has lawfully used the previously obtained ***visa***, it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, a risk to the security of the Member States, and the possession of sufficient means of subsistence.

Justification

The Commission proposal requires applicants to have obtained two visas in the past 12 months in order to become VIS registered regular travellers and benefit from multiple entry visas. This provision should be modified in line with the amendment to the definition of 'VIS registered regular traveller'.

Amendment 15

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. That period may be extended up to a maximum of 20 calendar days in individual cases, notably when further scrutiny of the application is needed.

Amendment

2. That period may be extended up to a maximum of 20 calendar days in individual cases, notably when further scrutiny of the application is needed ***or due to the workload of the competent consulate.***

Justification

More time should be given to consulates facing workload. Processing time and decision also depend on the season and the geographical location.

Amendment 16

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. Applications of close relatives of the Union citizens referred to in Article 8(3) and of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be decided on within 5 calendar days of the date of the lodging of an application. That period may be extended up to a maximum of 10 calendar days in individual cases, notably when further scrutiny of the application is needed.

Amendment

3. Applications of close relatives of the Union citizens referred to in Article 8(3) and of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be decided on within 5 calendar days of the date of the lodging of an application. That period may be extended up to a maximum of 10 calendar days in individual cases, notably when further scrutiny of the application is needed ***or due to the workload of the competent consulate.***

Justification

More time should be given to consulates facing workload. Processing time and decision also depend on the season and the geographical location.

Amendment 17

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. A visa may be issued for one or multiple entries. The period of validity of a multiple entry visa shall not exceed **five** years. The period of validity of a multiple entry visa may extend beyond the period of validity of the passport to which the visa is affixed.

Amendment

2. A visa may be issued for one or multiple entries. The period of validity of a multiple entry visa shall not exceed **ten** years. The period of validity of a multiple entry visa may extend beyond the period of validity of the passport to which the visa is affixed.

Justification

There are many examples of multiple entry visas for long periods of up to 10 years. For instance, USA and Canada give this facilitation to Chinese citizens. Providing multiple entry visas of 10 years to legitimate travellers will help Europe to continue being the world's number one tourist destination.

Amendment 18

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

3. VIS registered regular travellers who have lawfully used **the two** previously obtained **visas** shall be issued a multiple entry visa valid for at least **three** years.

Amendment

3. VIS registered regular travellers who have lawfully used **their** previously obtained **visa** shall be issued a multiple entry visa valid for at least **five** years.

Justification

Increasing the minimum validity of the multiple entry visa would also increase the number of visits of third-country nationals to Europe and boost the economy.

Amendment 19

Proposal for a regulation

Article 21 – paragraph 4

Text proposed by the Commission

Amendment

4. Applicants ***referred to in paragraph 3*** who have lawfully used the multiple entry visa ***valid for three years*** shall be issued a multiple entry visa valid for five years provided that the application is lodged no later than one year from the expiry date of the multiple entry visa ***valid for three years***.

4. Applicants who have lawfully used the multiple entry visa ***referred to in paragraph 3*** shall be issued a ***new*** multiple entry visa valid for ***at least*** five years provided that the application is lodged no later than one year from the expiry date of the multiple entry visa ***referred to in paragraph 3***.

Justification

Increasing the minimum validity of a new multiple entry visa would also increase the number of visits of third-country nationals to Europe and boost the economy.

Amendment 20

Proposal for a regulation

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Member State may require applicants to notify in advance the competent authorities of their application for the issuing of a visa at the external border by means of a free of charge online pre-registration system.

Justification

To avoid queues and delays at the external border, the competent authorities may be notified of upcoming visa applicants through an online pre-registration system which will facilitate the examining and issuing of visas at the external border.

Amendment 21

Proposal for a regulation

Article 33 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

5. Member States shall notify the envisaged schemes to the European Parliament, the Council and the

5. Member States shall notify the envisaged schemes to the European Parliament, the Council and the

Commission at the latest three months before the start of their implementation. The notification shall define the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme **and** the measures envisaged to ensure the verification of the visa issuing conditions.

Commission at the latest three months before the start of their implementation. The notification shall define the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme, the measures envisaged to ensure the verification of the visa issuing conditions **and, if applicable, the modalities of the online pre-registration system.**

Amendment 22

Proposal for a regulation

Article 34 – paragraph 1 – introductory part

Text proposed by the Commission

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States **may** be issued with a visa at the border where:

Amendment

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States **shall** be issued with a visa at the border where:

Justification

Experience has shown that there are major divergences between the Member States when it comes to whether seafarers passing through are required to have visas. We need to end these arbitrary arrangements and harmonise the rules in order to provide a higher degree of legal certainty.

Amendment 23

Proposal for a regulation

Article 34 – paragraph 1 – point a

Text proposed by the Commission

(a) he fulfils the conditions set out in Article 32(1); and

Amendment

deleted

Justification

Given the nature of the work, the length of the contracts and the fact that seafarers are already employed on a ship when arriving to the Schengen area, they should have the flexibility of applying for a visa at the border. It is therefore suggested to delete this provision, so that seafarers can apply at the border provided they are crossing that border in order to embark on, re-embark on or disembark from a ship on which they will work or have

worked.

Amendment 24

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

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

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. ***Digital systems shall therefore be developed to ensure transparency in the management of visa stickers.***

Amendment 25

Proposal for a regulation Article 35 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States' consulates shall keep archives of applications. Each individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Amendment

3. Member States' consulates shall keep ***digital*** archives of applications. Each individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Amendment 26

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

1. Member States shall deploy appropriate staff in sufficient numbers to carry out the tasks relating to the examining of

Amendment

1. Member States shall deploy appropriate staff in sufficient numbers to carry out the tasks relating to the examining of

applications, in such a way as to ensure reasonable and harmonised quality of service to the public.

applications, in such a way as to ensure reasonable and harmonised quality of service to the public. ***Staff shall receive training on electronic and digital file management.***

Amendment 27

Proposal for a regulation Article 45 – paragraph 4

Text proposed by the Commission

4. The Commission shall establish a Schengen visa Internet website containing all relevant information relating to the application for a visa.

Amendment

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

Justification

It is important to create a website that operates as a one stop shop for all information on visa application. Given the complexity of the Visa Code, simple information must be provided to visa applicants so that they know when, where and how to make a visa application.

Amendment 28

Proposal for a regulation Annex II – part A – point 3 – point a

Text proposed by the Commission

(a) documents relating to accommodation;

Amendment

(a) documents relating to accommodation, ***or evidence of sufficient means to cover accommodation;***

Justification

The proof of sufficient means to cover the accommodation should be mentioned in this paragraph, also taking into account Article 13(1) point b. In fact, documents relating to accommodation might not be adequate to prove that the traveller will stay in a hotel or other accommodation, as he or she might cancel the booking after confirmation.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Union Code on Visas (recast)
References	COM(2014)0164 – C8-0001/2014 – 2014/0094(COD)
Committee responsible Date announced in plenary	LIBE 3.7.2014
Opinion by Date announced in plenary	TRAN 15.4.2015
Rapporteur Date appointed	István Ujhelyi 23.4.2015
Date adopted	13.10.2015
Result of final vote	+: 40 –: 2 0: 2
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Tania González Peñas, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Jens Nilsson, Markus Pieper, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault D’Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Jill Seymour, Claudia Tapardel, Pavel Telička, István Ujhelyi, Wim van de Camp, Elissavet Vozemberg, Janusz Zemke, Roberts Zīle, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska
Substitutes present for the final vote	Evžen Tošenovský

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Union Code on Visas (recast)			
References	COM(2014)0164 – C8-0001/2014 – 2014/0094(COD)			
Date submitted to Parliament	19.3.2014			
Committee responsible Date announced in plenary	LIBE 3.7.2014			
Committees asked for opinions Date announced in plenary	TRAN 15.4.2015	JURI 3.7.2014		
Not delivering opinions Date of decision	JURI 3.9.2014			
Rapporteurs Date appointed	Juan Fernando López Aguilar 3.9.2014			
Previous rapporteurs	Juan Fernando López Aguilar	Tanja Fajon		
Discussed in committee	5.3.2015	14.9.2015	16.11.2015	16.3.2016
Date adopted	16.3.2016			
Result of final vote	+: –: 0:	46 4 7		
Members present for the final vote	Jan Philipp Albrecht, Gerard Batten, Heinz K. Becker, Michał Boni, Caterina Chinnici, Ignazio Corrao, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Lorenzo Fontana, Mariya Gabriel, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Monika Hohlmeier, Sophia in ‘t Veld, Iliana Iotova, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Roberta Metsola, Louis Michel, Claude Moraes, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský			
Substitutes present for the final vote	Kostas Chrysogonos, Carlos Coelho, Anna Maria Corazza Bildt, Gérard Deprez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Miltiadis Kyrkos, Gilles Lebreton, Andrejs Mamikins, Petri Sarvamaa, Elly Schlein, Barbara Spinelli, Jaromír Štětina, Josep-Maria Terricabras, Geoffrey Van Orden			
Substitutes under Rule 200(2) present for the final vote	Margrete Auken			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

46	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Louis Michel, Cecilia Wikström, Sophia in 't Veld
EFDD	Ignazio Corrao, Laura Ferrara
GUE/NGL	Kostas Chrysogonos, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
PPE	Heinz K. Becker, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Mariya Gabriel, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Petri Sarvamaa, Csaba Sógor, Tomáš Zdechovský, Jaromír Štětina
S&D	Caterina Chinnici, Tanja Fajon, Ana Gomes, Anna Hedh, Iliana Iotova, Sylvia-Yvonne Kaufmann, Kashetu Kyenge, Miltiadis Kyrkos, Marju Lauristin, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Elly Schlein, Birgit Sippel, Josef Weidenholzer
Vers/ALE	Jan Philipp Albrecht, Margrete Auken, Josep-Maria Terricabras, Bodil Valero

4	-
ECR	Helga Stevens
EFDD	Gerard Batten, Kristina Winberg
NI	Udo Voigt

7	0
ECR	Jussi Halla-aho, Timothy Kirkhope, Branislav Škripek, Geoffrey Van Orden, Beatrix von Storch
ENF	Lorenzo Fontana, Gilles Lebreton

Key to symbols:

+ : in favour

- : against

0 : abstention