EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

23.11.2007 PE398.393v01-00

COMPROMISE AMENDMENTS 1-12

Draft report **(PE388.360v02-00)**
Henrik Lax
Proposal for a regulation of the European Parliament and of the Council establishing a Community Code on Visas

Proposal for a regulation (COM(2006)0403-C6-025/2006-2006/0142 (COD))

Text proposed by the Commission	Amendments by Parliament
Compromise amendment by Henrik Lax	
Compromise amendment 1 Recital 8	
(8) Bilateral agreements concluded between the Community and third-countries aiming at facilitating the processing of applications for short-stay visas may derogate from the provisions set out in this Regulation.	(8) Bilateral agreements concluded between the Community and third countries aiming at facilitating the processing of applications for short-stay visas ***and at strengthening democracy and civil society*** may derogate from the provisions set out in this Regulation. ***Visa facilitation may include inter alia a reduction in or an exemption from visa costs, facilitation of parts of the visa procedure, exemption from the use of biometric data and a more frequent use of multiple-entry visas with a long period of validity. The Commission should provide early and clear information to the European Parliament on such bilateral agreements.***

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 2
Recital 10

(10) Member States should ensure that the quality of the service offered to the public is ***reasonable*** and follows good administrative practices. To this end they should allocate appropriate numbers of trained staff as well as sufficient resources.	(10) Member States should ensure that the quality of the service offered to the public is ***of a high standard, applicant-oriented*** and follows good administrative practices. To this end they should allocate appropriate numbers of trained staff as well as sufficient resources.

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 3
Article 5, paragraph 1, point (b)

(b) ***if the Member State of main destination cannot be determined, the diplomatic mission or consular post of the Member State whose external border the applicant intends to cross in order to enter into the territory of the Member States.***	(b) ***the diplomatic mission or consular post of another Member State representing the Member State which has been determined to be the country of destination under the terms of an agreement pursuant to Article 7(2a), where the journey to the diplomatic mission or consular post of the Member State of destination from the applicant's ordinary place of residence would involve disproportionate effort.*** ***Guidelines as to whether a journey to a diplomatic mission or consular post would involve disproportionate effort shall be drawn up for each host country within the framework of local consular cooperation. These guidelines shall take into account, inter alia, the distance and cost of the journey.***

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 4
Article 5, paragraph 1, subparagraph 2

When a visa with multiple entries ***is applied for, the Member State of usual destination shall be responsible for processing the application. Such visas shall be issued only in the applicant's country of residence.***	A visa with multiple entries ***shall be issued only in the applicant's country of residence unless the applicant can demonstrate that an exception is necessary. In such exceptional cases, the visa may also be issued in another Member State with the prior consent of the diplomatic mission or consular post responsible for the applicant's country of residence.***

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 5
Article 14, paragraph 1, subparagraph 2 a (new)

	Applicants shall not be required to produce documents regarding accommodation or invitation before applying for a visa if they are able to prove that they have sufficient means to cover their subsistence and accommodation costs in the Member State or States that they intend to visit. ***In such cases, applicants shall be informed that this derogation is without prejudice to the requirement for applicants to be able to supply such documents at the external borders of the Union if requested.***

Or. en

Amendment by Henrik Lax

Compromise amendment 6
Article 14, paragraph 3 a (new)

	3a. If translations of the supporting documents are required by the diplomatic mission or consular post, the applicant shall be entitled to provide them either in

	the official language(s) of the host country or in English, French or German.

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 7
Article 18, paragraph 2, point (b) (new)

	(b) The requirement of an interview may be waived in certain cases, inter alia, where the applicant has a positive visa history in accordance with Article 42c or where the distance from the diplomatic mission or consular post is too great, provided that there is no doubt as to the good faith of the applicant or, in the case of group trips, a reputable and trustworthy body is able to vouch for the good faith of the persons concerned.

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 8
Article 28, paragraph 5

5. A fee of ***30 EUR*** shall be charged for extending a visa	5. A fee of ***17,5 EUR*** shall be charged for extending a visa.

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 9
Article 36

Article 36	Article 36
Conduct of staff ***processing*** visa applications	Conduct of staff ***involved in*** visa applications
1. Member States' ***diplomatic missions and consular post*** shall ensure that applicants are received courteously.	1. Member States shall ensure that applicants are received courteously ***by all staff involved in visa applications.***
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. ***All*** staff shall, in the performance of their duties, fully respect *the* human dignity ***and integrity of the applicant***. Any measures taken shall be proportionate to the objectives pursued.
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, staff shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Or. en

Justification

Text adopted in CCI

Compromise amendment by Henrik Lax

Compromise amendment 10
Article 42, paragraph 2 a (new)

Within local consular cooperation, coherent procedures shall be established enabling the applicants to set up an appointment for the submission of an application by telephone, internet, or by other methods.

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 11
Article 42 a (new)

Article 42a

Impact assessment

The Commission shall, within two years of the entry into force of this Regulation, undertake an impact assessment of the implementation of this Regulation and of local consular cooperation agreements between Member States concerning visa procedures. Particular attention shall be paid to the special needs of passenger ferry companies and tourist companies performing and delivering services in the border regions of the Schengen area, the issues of biometrics and provisions aimed at facilitating and simplifying the visa procedure. Following that impact assessment, the Commission shall, if necessary, propose amendments to this Regulation.

Or. en

Compromise amendment by Henrik Lax

Compromise amendment 12
Article 42 c (new)

Article 42c

Frequent travellers

If the applicant has fully complied with the visa conditions during three consecutive visa periods in the Member States within a five year period (positive visa history), and if the applicant applies for a visa within five years from the expiry of the last of the three required visas, the applicant will be entitled to benefit from a simplified procedure.

The simplification of the procedure may include the granting of a multiple-entry

visa with a longer validity, no interview, fewer supporting documents and parts of the visa application procedure should be made possible through internet.

This simplified procedure shall be further outlined in the Instructions on the practical application of the Visa Code referred to in Article 45.

Or. en