



**COUNCIL OF
THE EUROPEAN UNION**



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Council adopts Community code on Visas (Visa Code)

The Council adopted today common rules on procedures and conditions for issuing short-stay visas. This is a major step to further develop a common visa policy and to reinforce cooperation in the Schengen area.¹ Third-country nationals will benefit from a more consistent and transparent application procedures.

The provisions mainly concern transits through or intended stays not exceeding three months in any six-month period (short-term visas).

¹ Given that this Regulation builds upon the Schengen acquis, the United Kingdom and Ireland are not taking part in the adoption of this Regulation and are not bound by it; Denmark should decide within a period of six months after the date of adoption whether it will implement it in its national law or not. On the same grounds, Iceland, Liechtenstein, Norway and Switzerland are covered by the Regulation.

P R E S S

Harmonization and clarification

The new Regulation establishing a Community code on Visas (Visa Code) ([3625/09](#)) bundles all legal instruments concerning visa decisions and increases transparency and legal security for applicants. It replaces the Common Consular Instructions (CCI). Its main provisions are:

- It clarifies which Member State is responsible for processing a visa application and defines the different phases for examination and decision taking.
- It includes new provisions allowing for multiple-entry visas under certain conditions.
- It lists the documents a visa applicant needs to submit and the procedures for their verification.
- It harmonizes the fees that can be charged and sets common standards for the service provided, namely non-discrimination and that a decision should be taken within 15 calendar days.
- It obliges member states to give refused applicants the reasons for their decision and gives them the right to appeal.

The regulation enters into force 20 days after its publication and most of its provisions must be applied six months later.

Application documents and fees

As a general rule, applicants must appear in person when lodging an application. They need to turn in a number of documents: an application form, a valid travel document, a photograph, a document indicating the purpose of the journey, proof of sufficient means to cover accommodation and subsistence, proof of travel medical insurance as well as information enabling an assessment of the applicant's intention to leave the Schengen territory before the expiry of the visa.

At the time of submission of the first application, Member States should also collect fingerprints and introduce them - along with the photograph - into the Visa Information System (VIS).

The visa fee is set at € 60 for persons from the age of twelve and older and € 35 for children between six and eleven. For children under six as well as school pupils coming to Europe for the purpose of study or educational training, researchers and representatives of non-profit organizations under 25 participating in seminars, conferences, sports, cultural or educational events visas are free. The visa fee may also be waived for children between six and eleven.

Responsibilities, examination procedure, deadlines and right to appeal

For uniform visas, i.e. for visas valid for the entire territory of the Member States, the Member State responsible for examining and deciding on an application shall be: a) the one whose territory constitutes the sole destination of the visit; b) if the visit includes more than one destination, the member state whose territory constitutes the main destination of the visit in terms of the length or purpose of stay; c) if no main destination can be determined, the Member State whose external border the applicant intends to cross in order to enter the Schengen territory.

During the examination procedure, particular consideration must be given to assessing the authenticity and reliability of the travel and other documents submitted and whether the applicant presents a risk of illegal immigration or a risk to the security of the Member States. In justified cases consulates may call the applicant for an interview and request additional documents.

A decision should be taken within 15 calendar days.

In case of a refusal, Member States are obliged to give a motivation of their decision and refused applicants have the right to appeal against the particular member state under its national law. To facilitate this task, Member States have to provide applicants with information regarding the procedure to be followed.

Multiple-entry visas

The regulation also allows for the issuing of multiple-entry visas that are valid for six months to five years. There are two main conditions:

- (a) The applicant proves the need or justifies the intention to travel frequently and/or regularly, in particular due to his occupational or family status, such as business persons, civil servants engaged in regular official contacts with member states and EU institutions, representatives of civil society organizations travelling for the purpose of educational training, seminars and conferences, family members of citizens of the Union, family members of third-country nationals legally residing in member states and seafarers;
- (b) 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 Schengen territory before the expiry of the visa.

Other issues: Cooperations, information and evaluation

Further provisions concern:

- cooperation between Member States in countries where not all member states have a consular representation, Common Application Centres, the use of external service providers and cooperation with commercial intermediaries for the lodging of applications (such as private administrative agencies, transport companies or travel agencies);
- a set of general public information;
- special arrangements in relation to the Olympic Games and Paralympic Games;
- the collection of statistical data;
- evaluations to be carried out by the European Commission (the first one two years after all provisions are applicable).

Background: List of visa countries and VIS

The third countries whose national must be in possession of visas when crossing the external borders of the Schengen area and those whose nationals are exempt from that requirement are listed in Council Regulation (EC) No. 539/2001.

The Visa Information System (VIS) is a database where alphanumeric data and biometric identifiers of the visa applicants are recorded. It aims at improving the system for issuing visas throughout the Schengen area. Currently, it is being implemented at Member State level and should be operable at a central level also by the end of 2009/beginning of 2010. Deployment (roll-out) will be done step-by-step. The first so-called "roll-out region" will be North Africa.
