

## Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)

### TITLE I

#### GENERAL PROVISIONS

##### *Article 1*

##### **Objective and scope**

[<sup>F1</sup> This Regulation establishes the procedures and conditions for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-day period.]

2 The provisions of this Regulation shall apply to any third-country national who must be in possession of a visa when crossing the external borders of the Member States pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement<sup>(1)</sup>, without prejudice to:

- a the rights of free movement enjoyed by third-country nationals who are family members of citizens of the Union;
- b the equivalent rights enjoyed by third-country nationals and their family members, who, under agreements between the Community and its Member States, on the one hand, and these third countries, on the other, enjoy rights of free movement equivalent to those of Union citizens and members of their families.

3 This Regulation also lists the third countries whose nationals are required to hold an airport transit visa by way of exception from the principle of free transit laid down in Annex 9 to the Chicago Convention on International Civil Aviation, and establishes the procedures and conditions for issuing visas for the purpose of transit through the international transit areas of Member States' airports.

[<sup>F24</sup> When applying this Regulation, Member States shall act in full compliance with Union law, including the Charter of Fundamental Rights of the European Union. In accordance with the general principles of Union law, decisions on applications under this Regulation shall be taken on an individual basis.]

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#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

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## Article 2

### Definitions

For the purpose of this Regulation the following definitions shall apply:

1. ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty;
2. ‘visa’ means an authorisation issued by a Member State with a view to:
  - (a) [<sup>F1</sup>an intended stay on the territory of the Member States not exceeding 90 days in any 180-day period; or]
  - (b) transit through the international transit areas of airports of the Member States;
3. ‘uniform visa’ means a visa valid for the entire territory of the Member States;
4. ‘visa with limited territorial validity’ means a visa valid for the territory of one or more Member States but not all Member States;
5. ‘airport transit visa’ means a visa valid for transit through the international transit areas of one or more airports of the Member States;
6. ‘visa sticker’ means the uniform format for visas as defined by Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas<sup>(2)</sup>;
7. [<sup>F1</sup>‘recognised travel document’ means a travel document recognised by one or more Member States for the purpose of crossing the external borders and affixing a visa pursuant to Decision No 1105/2011/EU of the European Parliament and of the Council<sup>(3)</sup>.]
8. ‘separate sheet for affixing a visa’ means the uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form as defined by Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form<sup>(4)</sup>;
9. ‘consulate’ means a Member State’s diplomatic mission or a Member State’s consular post authorised to issue visas and headed by a career consular officer as defined by the Vienna Convention on Consular Relations of 24 April 1963;
10. ‘application’ means an application for a visa;
11. ‘commercial intermediary’ means a private administrative agency, transport company or travel agency (tour operator or retailer)<sup>[F1]</sup>;
12. [<sup>F2</sup>‘seafarer’ means any person who is employed, engaged or works in any capacity on board a ship in maritime navigation or a ship navigating in international inland waters;
13. ‘electronic signature’ means an electronic signature as defined in point (10) of Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>(5)</sup>.]

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### Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
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## TITLE II

### AIRPORT TRANSIT VISA

#### Article 3

#### Third-country nationals required to hold an airport transit visa

1 Nationals of the third countries listed in Annex IV shall be required to hold an airport transit visa when passing through the international transit areas of airports situated on the territory of the Member States.

2 In urgent cases of mass influx of illegal immigrants, individual Member States 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 their territory. Member States shall notify the Commission of such decisions before their entry into force and of withdrawals of such an airport transit visa requirement.

3 Within the framework of the Committee referred to in Article 52(1), those notifications shall be reviewed on an annual basis for the purpose of transferring the third country concerned to the list set out in Annex IV.

4 If the third country is not transferred to the list set out in Annex IV, the Member State concerned may maintain, provided that the conditions in paragraph 2 are met, or withdraw the airport transit visa requirement.

5 The following categories of persons shall be exempt from the requirement to hold an airport transit visa provided for in paragraphs 1 and 2:

- a holders of a valid uniform visa, national long-stay visa or residence permit issued by a Member State;
- <sup>[F1]</sup>b third-country nationals holding a valid residence permit issued by a Member State which does not take part in the adoption of this Regulation or by a Member State which does not yet apply the provisions of the Schengen *acquis* in full, or third-country nationals holding one of the valid residence permits listed in Annex V issued by Andorra, Canada, Japan, San Marino or the United States of America guaranteeing the holder's unconditional readmission, or holding a valid residence permit for one or more of the overseas countries and territories of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);
- <sup>[X1]</sup>c third-country nationals holding a valid visa for a Member State which does not take part in the adoption of this Regulation, or for a Member State which does not yet apply the provisions of the Schengen *acquis* in full, or for Canada, Japan or the United States of America, or holders of a valid visa for one or more of the overseas countries and territories of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire,

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- Sint Eustatius and Saba), when travelling to the issuing country or to any other third country, or when, having used the visa, returning from the issuing country;]]
- d family members of citizens of the Union as referred to in Article 1(2)(a);
  - e holders of diplomatic passports;
  - f flight crew members who are nationals of a contracting Party to the Chicago Convention on International Civil Aviation.

#### **Editorial Information**

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\) \(Official Journal of the European Union L 188 of 12 July 2019\)](#).

#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## TITLE III

### PROCEDURES AND CONDITIONS FOR ISSUING VISAS

#### CHAPTER I

##### *Authorities taking part in the procedures relating to applications*

##### *Article 4*

##### **Authorities competent for taking part in the procedures relating to applications**

1 Applications shall be examined and decided on by consulates.

[<sup>F21a</sup> By way of derogation from paragraph 1, Member States may decide that applications are examined and decided on by central authorities. Member States shall ensure that those authorities have sufficient knowledge of local circumstances of the country where the application is lodged in order to assess the migratory and security risk, as well as sufficient knowledge of the language to analyse documents, and that consulates are involved, where necessary, to conduct additional examination and interviews.]

2 By way of derogation from paragraph 1, applications may be examined and decided on at the external borders of the Member States by the authorities responsible for checks on persons, in accordance with Articles 35 and 36.

3 In the non-European overseas territories of Member States, applications may be examined and decided on by the authorities designated by the Member State concerned.

4 A Member State may require the involvement of authorities other than the ones designated in paragraphs 1 and 2 in the examination of and decision on applications.

5 A Member State may require to be consulted or informed by another Member State in accordance with Articles 22 and 31.

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### Textual Amendments

- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## Article 5

### Member State competent for examining and deciding on an application

1 The Member State competent for examining and deciding on an application for a uniform visa shall be:

- a the Member State whose territory constitutes the sole destination of the visit(s);
- [<sup>F1</sup>b if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days, or the purpose of stay; or]
- c if no main destination can be determined, the Member State whose external border the applicant intends to cross in order to enter the territory of the Member States.

2 The Member State competent for examining and deciding on an application for a uniform visa for the purpose of transit shall be:

- a in the case of transit through only one Member State, the Member State concerned; or
- b in the case of transit through several Member States, the Member State whose external border the applicant intends to cross to start the transit.

3 The Member State competent for examining and deciding on an application for an airport transit visa shall be:

- a in the case of a single airport transit, the Member State on whose territory the transit airport is situated; or
- b in the case of double or multiple airport transit, the Member State on whose territory the first transit airport is situated.

4 Member States shall cooperate to prevent a situation in which an application cannot be examined and decided on because the Member State that is competent in accordance with paragraphs 1 to 3 is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6.

### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## Article 6

### Consular territorial competence

1 An application shall be examined and decided on by the consulate of the competent Member State in whose jurisdiction the applicant legally resides.

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2 A consulate of the competent Member State shall examine and decide on an application lodged by a third-country national legally present but not residing in its jurisdiction, if the applicant has provided justification for lodging the application at that consulate.

#### Article 7

### Competence to issue visas to third-country nationals legally present within the territory of a Member State

Third-country nationals who are legally present in the territory of a Member State and who are required to hold a visa to enter the territory of one or more other Member States shall apply for a visa at the consulate of the Member State that is competent in accordance with Article 5(1) or (2).

#### Article 8

### Representation arrangements

[<sup>F11</sup> A Member State may agree to represent another Member State that is competent in accordance with Article 5 for the purpose of examining and deciding on applications on behalf of that Member State. A Member State may also represent another Member State in a limited manner solely for the collection of applications and the enrolment of biometric identifiers.]

<sup>F32</sup> .....

[<sup>F13</sup> Where the representation is limited in accordance with the second sentence of paragraph 1, the collection and the transmission of data to the represented Member State shall be carried out in compliance with the relevant data protection and security rules.

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

- a shall specify the duration of the representation, if only temporary, and the procedures for its termination;
- b may, in particular where the represented Member State has a consulate in the third country concerned, provide for the provision of premises, staff and payments by the represented Member State.]

5 Member States lacking their own consulate in a third country shall endeavour to conclude representation arrangements with Member States that have consulates in that country.

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

[<sup>F17</sup> The represented Member State shall notify the Commission of the representation arrangements or the termination of those arrangements at the latest 20 calendar days before they enter into force or are terminated, except in cases of *force majeure*.

8 The consulate of the representing Member State shall, at the same time as the notification referred to in paragraph 7 takes place, inform both the consulates of other Member States and the Union delegation in the jurisdiction concerned about the representation arrangements or the termination of such arrangements.]

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9 If the consulate of the representing Member State decides to cooperate with an external service provider in accordance with Article 43, or with accredited commercial intermediaries as provided for in Article 45, such cooperation shall include applications covered by representation arrangements. The central authorities of the represented Member State shall be informed in advance of the terms of such cooperation.

[<sup>F2</sup>10 If a Member State is neither present nor represented in the third country where the applicant is to lodge the application, that Member State shall endeavour to cooperate with an external service provider, in accordance with Article 43, in that third country.

11 Where a consulate of a Member State in a given location experiences a prolonged technical *force majeure*, that Member State shall seek temporary representation by another Member State in that location for all or some categories of applicants.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F2** Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

## CHAPTER II

### Application

#### Article 9

#### Practical modalities for lodging an application

[<sup>F1</sup>1 Applications shall be lodged no more than six months, and for seafarers in the performance of their duties no more than nine months, before the start of the intended visit, and, as a rule, no later than 15 calendar days before the start of the intended visit. In justified individual cases of urgency, the consulate or the central authorities may allow the lodging of applications later than 15 calendar days before the start of the intended visit.]

2 Applicants may be required to obtain an appointment for the lodging of an application. The appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested.

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

[<sup>F1</sup>4 Without prejudice to Article 13, applications may be lodged:

- a by the applicant;
- b by an accredited commercial intermediary;
- c by a professional, cultural, sports or educational association or institution on behalf of its members.]

[<sup>F2</sup>5 An applicant shall not be required to appear in person at more than one location in order to lodge an application.]

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- F2 Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

*Article 10*

**General rules for lodging an application**

[<sup>F1</sup> Applicants shall appear in person when lodging an application for the collection of fingerprints, in accordance with Article 13(2) and (3) and point (b) of Article 13(7). Without prejudice to the first sentence of this paragraph and to Article 45, applicants may lodge their applications electronically, where available.]

<sup>F3</sup>2 .....

- 3 When lodging the application, the applicant shall:
- a present an application form in accordance with Article 11;
  - b present a travel document in accordance with Article 12;
  - c present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95 or, where the VIS is operational pursuant to Article 48 of the VIS Regulation, in accordance with the standards set out in Article 13 of this Regulation;
  - d allow the collection of his fingerprints in accordance with Article 13, where applicable;
  - e pay the visa fee in accordance with Article 16;
  - f provide supporting documents in accordance with Article 14 and Annex II;
  - g where applicable, produce proof of possession of adequate and valid travel medical insurance in accordance with Article 15.

**Textual Amendments**

- F1 Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3 Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

*Article 11*

**Application form**

[<sup>F1</sup> Each applicant shall submit a manually or electronically completed application form, as set out in Annex I. The application form shall be signed. It may be signed manually or, where electronic signature is recognised by the Member State competent for examining and deciding on an application, electronically. 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.]

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[<sup>F2</sup>1a Where the applicant signs the application form electronically, the electronic signature shall be a qualified electronic signature, within the meaning of point (12) of Article 3 of Regulation (EU) No 910/2014.

1b The content of the electronic version of the application form, if applicable, shall be as set out in Annex I.]

2 Consulates shall make the application form widely available and easily accessible to applicants free of charge.

[<sup>F1</sup>3 The form shall, as a minimum, be available in the following languages:  
a the official language(s) of the Member State for which a visa is requested or of the representing Member State; and  
b the official language(s) of the host country.

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

[<sup>F1</sup>4 If the official language(s) of the host country is/are not integrated into the form, a translation into that/those language(s) shall be made available separately to applicants.]

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

6 The consulate shall inform applicants of the language(s) which may be used when filling in the application form.

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- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\).](#)
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\).](#)

### *Article 12*

#### **Travel document**

The applicant shall present a valid travel document satisfying the following criteria:

- (a) its validity shall extend at least three months after the intended date of departure from the territory of the Member States or, in the case of several visits, after the last intended date of departure from the territory of the Member States. However, in a justified case of emergency, this obligation may be waived;
- (b) it shall contain at least two blank pages;
- (c) it shall have been issued within the previous 10 years.

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## Article 13

### Biometric identifiers

1 Member States shall collect biometric identifiers of the applicant comprising a photograph of him and his 10 fingerprints in accordance with the safeguards laid down in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, in the Charter of Fundamental Rights of the European Union and in the United Nations Convention on the Rights of the Child.

2 At the time of submission of the first application, the applicant shall be required to appear in person. At that time, the following biometric identifiers of the applicant shall be collected:

- a photograph, scanned or taken at the time of application, and
- his 10 fingerprints taken flat and collected digitally.

3 Where fingerprints collected from the applicant as part of an earlier application were entered in the VIS for the first time less than 59 months before the date of the new application, they shall be copied to the subsequent application.

However, where there is reasonable doubt regarding the identity of the applicant, the consulate shall collect fingerprints within the period specified in the first subparagraph.

Furthermore, if at the time when the application is lodged, it cannot be immediately confirmed that the fingerprints were collected within the period specified in the first subparagraph, the applicant may request that they be collected.

4 In accordance with Article 9(5) of the VIS Regulation, the photograph attached to each application shall be entered in the VIS. The applicant shall not be required to appear in person for this purpose.

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.

5 Fingerprints shall be taken in accordance with ICAO standards and Commission Decision 2006/648/EC of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System<sup>(6)</sup>.

6 The biometric identifiers shall be collected by qualified and duly authorised staff of the authorities competent in accordance with Article 4(1), (2) and (3). Under the supervision of the consulates, the biometric identifiers may also be collected by qualified and duly authorised staff of an honorary consul as referred to in Article 42 or of an external service provider as referred to in Article 43. The Member State(s) concerned shall, where there is any doubt, provide for the possibility of verifying at the consulate fingerprints which have been taken by the external service provider.

7 The following applicants shall be exempt from the requirement to give fingerprints:

- a children under the age of 12;
- b persons for whom fingerprinting is physically impossible. If the fingerprinting of fewer than 10 fingers is possible, the maximum number of fingerprints shall be taken. However, should the impossibility be temporary, the applicant shall be required to give the fingerprints at the following application. The authorities competent in accordance with Article 4(1), (2) and (3) shall be entitled to ask for further clarification of the

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- grounds for the temporary impossibility. Member States shall ensure that appropriate procedures guaranteeing the dignity of the applicant are in place in the event of there being difficulties in enrolling;
- c heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose;
  - d sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose.
- 8 In the cases referred to in paragraph 7, the entry 'not applicable' shall be introduced in the VIS in accordance with Article 8(5) of the VIS Regulation.

#### Article 14

### Supporting documents

- 1 When applying for a uniform visa, the applicant shall present:
  - a documents indicating the purpose of the journey;
  - b documents in relation to accommodation, or proof of sufficient means to cover his accommodation;
  - c documents indicating that the applicant possesses 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 that he is in a position to acquire such means lawfully, in accordance with Article 5(1) (c) and (3) of the Schengen Borders Code;
  - d information enabling an assessment of the applicant's intention to leave the territory of the Member States before the expiry of the visa applied for.
- 2 When applying for an airport transit visa, the applicant shall present:
  - a documents in relation to the onward journey to the final destination after the intended airport transit;
  - b information enabling an assessment of the applicant's intention not to enter the territory of the Member States.

[<sup>F13</sup> A non-exhaustive list of supporting documents which may be requested from the applicant in order to verify the fulfilment of the conditions listed in paragraphs 1 and 2 is set out in Annex II.

- 4 Member States may require applicants to present proof of sponsorship or of private accommodation, or of both, by completing a form drawn up by each Member State. That form shall indicate in particular:
  - a whether its purpose is proof of sponsorship or of private accommodation, or of both;
  - b whether the sponsor or inviting person is an individual, a company or an organisation;
  - c the identity and contact details of the sponsor or inviting person;
  - d the identity data (name and surname, date of birth, place of birth and nationality) of the applicant(s);
  - e the address of the accommodation;
  - f the length and purpose of the stay;
  - g possible family ties with the sponsor or inviting person;
  - h the information required pursuant to Article 37(1) of the VIS Regulation.

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

5 Consulates shall, within local Schengen cooperation, assess the implementation of the conditions laid down in paragraph 1, to take account of local circumstances, and of migratory and security risks.]

[<sup>F2</sup>5a Where necessary in order to take account of local circumstances as referred to in Article 48, the Commission shall by means of implementing acts adopt a harmonised list of supporting documents to be used in each jurisdiction. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).]

[<sup>F1</sup>6 The requirements of paragraph 1 of this Article may be waived in the case of an applicant known to the consulate or the central authorities for his integrity and reliability, in particular as regards the lawful use of previous visas, if there is no doubt that he will fulfil the requirements of Article 6(1) of Regulation (EU) 2016/399 of the European Parliament and of the Council<sup>(7)</sup> at the time of the crossing of the external borders of the Member States.]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### Article 15

#### Travel medical insurance

1 Applicants for a uniform visa for one or two entries shall 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 and/or emergency hospital treatment or death, during their stay(s) on the territory of the Member States.

[<sup>F1</sup>2 Applicants for a multiple-entry visa shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.]

In addition, such applicants shall sign the 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 Applicants 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.

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When another person takes out insurance in the name of the applicant, 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 a Member State.

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 the light of the applicant'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.

**Textual Amendments**

**F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

*Article 16*

**Visa fee**

[<sup>F1</sup>1 Applicants shall pay a visa fee of EUR 80.

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

[<sup>F2</sup>2a A visa fee of EUR 120 or EUR 160 shall apply if an implementing decision is adopted by the Council under point (b) of Article 25a(5). This provision shall not apply to children below the age of 12 years.]

<sup>F3</sup>3 .....

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

- a children under six years;
- b school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or educational training;

[<sup>F1</sup>c researchers, as defined in point (2) of Article 3 of Directive (EU) 2016/801 of the European Parliament and of the Council<sup>(8)</sup>, travelling for the purpose of carrying out scientific research or participating in a scientific seminar or conference;]

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

[<sup>F1</sup>5 The visa fee may be waived for:

- a children from the age of six years and below the age of 18 years;
- b holders of diplomatic and service passports;
- c participants in seminars, conferences, sports, cultural or educational events organised by non-profit organisations, aged 25 years or less.]

Status: Point in time view as at 02/02/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)

[F16 In individual cases, the amount of the visa fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests, interests in the field of foreign policy, development policy and other areas of vital public interest, or for humanitarian reasons or because of international obligations.]

7 The visa fee shall be charged in euro, in the national currency of the third country or in the currency usually used in the third country where the application is lodged, and shall not be refundable except in the cases referred to in Articles 18(2) and 19(3).

[F1 When charged in a currency other than the euro, the amount of the visa fee charged in that currency shall be determined and regularly reviewed in application of the euro foreign exchange reference rate set by the European Central Bank. The amount charged may be rounded up and it shall be ensured under local Schengen cooperation that similar fees are charged.]

8 The applicant shall be given a receipt for the visa fee paid.

[F29 The Commission shall assess the need to revise the amount of the visa fees set out in paragraphs 1, 2 and 2a of this Article every three years, taking into account objective criteria, such as the general Union-wide inflation rate as published by Eurostat, and the weighted average of the salaries of Member States' civil servants. On the basis of those assessments, the Commission shall adopt, where appropriate, delegated acts in accordance with Article 51a concerning the amendment of this Regulation as regards the amount of the visa fees.]

**Textual Amendments**

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F2** Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

*Article 17*

**Service fee**

[F11. A service fee may be charged by an external service provider referred to in Article 43. The service fee shall be proportionate to the costs incurred by the external service provider while performing one or more of the tasks referred to in Article 43(6).]

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

F33 .....

4 The service fee shall not exceed half of the amount of the visa fee set out in Article 16(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 16(2), (4), (5) and (6).

[F24a By way of derogation from paragraph 4, the service fee shall, in principle, not exceed 80 EUR in third countries where the competent Member State has no consulate for the purpose of collecting applications and is not represented by another Member State.

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

4b In exceptional circumstances where the amount referred to in paragraph 4a is not sufficient to provide a full service, a higher service fee of up to a maximum of 120 EUR may be charged. In such a case, the Member State concerned shall notify the Commission of its intention to allow for a higher service fee to be charged, at the latest three months before the start of its implementation. The notification shall specify the grounds for the determination of the level of the service fee, in particular the detailed costs leading to the determination of a higher amount.]

[<sup>F15</sup> The Member State concerned may maintain the possibility for all applicants to lodge their applications directly at its consulates or at the consulate of a Member State with which it has a representation arrangement, in accordance with Article 8.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F2** Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

### CHAPTER III

#### *Examination of and decision on an application*

##### *Article 18*

#### **Verification of consular competence**

1 When an application has been lodged, the consulate shall verify whether it is competent to examine and decide on it in accordance with the provisions of Articles 5 and 6.

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.

##### *Article 19*

#### **Admissibility**

[<sup>F11</sup> The competent consulate or the central authorities of the competent Member State shall verify whether:]

- the application has been lodged within the period referred to in Article 9(1),
- the application contains the items referred to in Article 10(3)(a) to (c),
- the biometric data of the applicant have been collected, and
- the visa fee has been collected.

[<sup>F12</sup> Where the competent consulate or the central authorities of the competent Member State find that the conditions referred to in paragraph 1 have been fulfilled, the application shall be admissible and the consulate or the central authorities shall:

- follow the procedures described in Article 8 of the VIS Regulation, and

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

— further examine the application.]

[<sup>X2</sup>Data shall be entered in the VIS only by duly authorised consular staff in accordance with Article 6(1), Article 7 and points (5) and (6) of Article 9 of the VIS Regulation.]

[<sup>F13</sup> Where the competent consulate or the central authorities of the competent Member State find that the conditions referred to in paragraph 1 have not been fulfilled, the application shall be inadmissible and the consulate or central authorities shall without delay:

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

[<sup>F14</sup> By way of derogation from paragraph 3, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds, for reasons of national interest or because of international obligations.]

#### **Editorial Information**

- X2** Substituted by [Corrigendum to Regulation \(EC\) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas \(Visa Code\) \(Official Journal of the European Union L 243 of 15 September 2009\)](#).

#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### *Article 20*

#### **Stamp indicating that an application is admissible**

1 When an application is admissible, the competent consulate shall stamp the applicant's travel document. The stamp shall be as set out in the model in Annex III and shall be affixed in accordance with the provisions of that Annex.

2 Diplomatic, service/official and special passports shall not be stamped.

3 The provisions of this Article shall apply to the consulates of the Member States until the date when the VIS becomes fully operational in all regions, in accordance with Article 48 of the VIS Regulation.

### *Article 21*

#### **Verification of entry conditions and risk assessment**

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 the Schengen Borders Code, and particular consideration shall be given to assessing whether the applicant presents a risk of illegal 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.

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

2 In respect of each application, the VIS shall be consulted in accordance with Articles 8(2) and 15 of the VIS Regulation. Member States shall ensure that full use is made of all search criteria pursuant to Article 15 of the VIS Regulation in order to avoid false rejections and identifications.

[<sup>F13</sup> While checking whether the applicant fulfils the entry conditions, the consulate or the central authorities 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 the Schengen Borders Code 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;

[<sup>F1e</sup> that the applicant is in possession of adequate and valid travel medical insurance, where applicable, covering the period of the intended stay, or, if a multiple-entry visa is applied for, the period of the first intended visit.]

[<sup>F14</sup> The consulate or the central authorities shall, where applicable, verify the length of previous and intended stays in order to verify that the applicant has not exceeded the maximum duration of authorised stay in the territory of the Member States, irrespective of possible stays authorised under a national long-stay visa or a residence permit.]

5 The means of subsistence for the intended stay shall be assessed in accordance with the duration and the purpose of the stay and by reference to average prices in the Member State(s) concerned for board and lodging in budget accommodation, multiplied by the number of days stayed, on the basis of the reference amounts set by the Member States in accordance with Article 34(1)(c) of the Schengen Borders Code. Proof of sponsorship and/or private accommodation may also constitute evidence of sufficient means of subsistence.

[<sup>F16</sup> In the examination of an application for an airport transit visa, the consulate or the central authorities shall in particular verify:]

- a that the travel document presented is not false, counterfeit or forged;
- b the points of departure and destination of the third-country national concerned and the coherence of the intended itinerary and airport transit;
- c proof of the onward journey to the final destination.

7 The examination of an application shall be based notably on the authenticity and reliability of the documents submitted and on the veracity and reliability of the statements made by the applicant.

[<sup>F18</sup> During the examination of an application, consulates or the central authorities may in justified cases carry out an interview with the applicant and request additional documents.]

9 A previous visa refusal shall not lead to an automatic refusal of a new application. A new application shall be assessed on the basis of all available information.

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### Article 22

#### Prior consultation of central authorities of other Member States

<sup>[F1]</sup> On the grounds of a threat to public policy, internal security, international relations or public health, 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.

2 The central authorities consulted shall reply definitively as soon as possible, but not later than seven calendar days after being consulted. The absence of a reply within that deadline shall mean that they have no grounds for objecting to the issuing of the visa.

3 Member States shall notify the Commission of the introduction or withdrawal of the requirement for prior consultation, as a rule, at the latest 25 calendar days before it becomes applicable. That information shall also be given under local Schengen cooperation in the jurisdiction concerned.]

4 The Commission shall inform Member States of such notifications.

<sup>F3</sup>5 .....

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F3** Deleted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### Article 23

#### Decision on the application

1 Applications shall be decided on within 15 calendar days of the date of the lodging of an application which is admissible in accordance with Article 19.

<sup>[F12]</sup> That period may be extended up to a maximum of 45 calendar days in individual cases, notably when further scrutiny of the application is needed.]

<sup>[F2a]</sup> Applications shall be decided on without delay in justified individual cases of urgency.]

<sup>F3</sup>3 .....

4 Unless the application has been withdrawn, a decision shall be taken to:

- a issue a uniform visa in accordance with Article 24;

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

- b issue a visa with limited territorial validity in accordance with Article 25;
- [<sup>F2</sup>ba issue an airport transit visa in accordance with Article 26; or]
- [<sup>F1</sup>c refuse a visa in accordance with Article 32.]
- [<sup>F3</sup>d discontinue the examination of the application and transfer it to the relevant authorities of the represented Member State in accordance with Article 8(2).]

The fact that fingerprinting is physically impossible, in accordance with Article 13(7) (b), shall not influence the issuing or refusal of a visa.

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F2** Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

## CHAPTER IV

### Issuing of the visa

#### Article 24

#### Issuing of a uniform visa

1 The period of validity of a visa and the length of the authorised stay shall be based on the examination conducted in accordance with Article 21.

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

[<sup>F3</sup> . . . . .]

[<sup>F1</sup>Without prejudice to point (a) of Article 12, the period of validity of a visa for one entry shall include a ‘period of grace’ of 15 calendar days.]

Member States may decide not to grant such a period of grace for reasons of public policy or because of the international relations of any of the Member States.

[<sup>F12</sup> Provided that the applicant fulfils the entry conditions set out in point (a) and points (c) to (e) of Article 6(1) of Regulation (EU) 2016/399, multiple-entry visas with a long validity shall be issued for the following validity periods, unless the validity of the visa would exceed that of the travel document:

- a for a validity period of one year, provided that the applicant has obtained and lawfully used three visas within the previous two years;
- b for a validity period of two years, provided that the applicant has obtained and lawfully used a previous multiple-entry visa valid for one year within the previous two years;
- c for a validity period of five years, provided that the applicant has obtained and lawfully used a previous multiple-entry visa valid for two years within the previous three years.

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

Airport transit visas and visas with limited territorial validity issued in accordance with Article 25(1) shall not be taken into account for the issuing of multiple-entry visas.]

[<sup>F2a</sup> By way of derogation from paragraph 2, the validity period of the visa issued may be shortened in individual cases where there is reasonable doubt that the entry conditions will be met for the entire period.

2b By way of derogation from paragraph 2, consulates shall, within local Schengen cooperation, assess whether the rules on the issuing of the multiple-entry visas set out in paragraph 2 need to be adapted to take account of local circumstances, and of migratory and security risks, in view of the adoption of more favourable or more restrictive rules in accordance with paragraph 2d.

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

2d Where necessary, on the basis of the assessment referred to in paragraph 2b of this Article, the Commission shall, by means of implementing acts, adopt the rules regarding the conditions for the issuing of multiple-entry visas laid down in paragraph 2 of this Article, to be applied in each jurisdiction in order to take account of local circumstances, of the migratory and security risks, and of the Union's overall relations with the third country in question. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).]

3 The data set out in Article 10(1) of the VIS Regulation shall be entered into the VIS when a decision on issuing such a visa has been taken.

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F2** Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

### Article 25

#### Issuing of a visa with limited territorial validity

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

- a when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations,
  - (i) to derogate from the principle that the entry conditions laid down in Article 5(1)(a), (c), (d) and (e) of the Schengen Borders Code must be fulfilled;
  - (ii) to issue a visa despite an objection by the Member State consulted in accordance with Article 22 to the issuing of a uniform visa; or

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

(iii) to issue a visa for reasons of urgency, although the prior consultation in accordance with Article 22 has not been carried out;

or

[<sup>F4</sup>b when for reasons deemed justified by the consulate, a new visa is issued for a stay during the same 180-day period to an applicant who, over this 180-day period, has already used a uniform visa or a visa with limited territorial validity allowing for a stay of 90 days.]

2 A visa with limited territorial validity shall be valid for the territory of the issuing Member State. It may exceptionally be valid for the territory of more than one Member State, subject to the consent of each such Member State.

3 If the applicant holds a travel document that is not recognised by one or more, but not all Member States, a visa valid for the territory of the Member States recognising the travel document shall be issued. If the issuing Member State does not recognise the applicant's travel document, the visa issued shall only be valid for that Member State.

4 When a visa with limited territorial validity has been issued in the cases described in paragraph 1(a), the central authorities of the issuing Member State shall circulate the relevant information to the central authorities of the other Member States without delay, by means of the procedure referred to in Article 16(3) of the VIS Regulation.

5 The data set out in Article 10(1) of the VIS Regulation shall be entered into the VIS when a decision on issuing such a visa has been taken.

#### Textual Amendments

**F4** Substituted by [Regulation \(EU\) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation \(EC\) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders \(Schengen Borders Code\), the Convention implementing the Schengen Agreement, Council Regulations \(EC\) No 1683/95 and \(EC\) No 539/2001 and Regulations \(EC\) No 767/2008 and \(EC\) No 810/2009 of the European Parliament and of the Council.](#)

### <sup>F2</sup>Article 25a

#### Cooperation on readmission

1 Depending on the level of cooperation of a third country with Member States on the readmission of irregular migrants, assessed on the basis of relevant and objective data, Article 14(6), Article 16(1), point (b) of Article 16(5), Article 23(1), and Article 24(2) and (2c) shall not apply to applicants or categories of applicants who are nationals of a third country that is considered not to be cooperating sufficiently, in accordance with this Article.

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

- a the number of return decisions issued to persons from the third country in question, illegally staying on the territory of the Member States;
- b the number of actual forced returns of persons issued with return decisions as a percentage of the number of return decisions issued to nationals of the third country in question including, where appropriate, on the basis of Union or bilateral readmission

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*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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- agreements, the number of third country nationals who have transited through the territory of the third country in question;
- c the number of readmission requests per Member State accepted by the third country as a percentage of the number of such requests submitted to it;
  - d the level of practical cooperation with regard to return in the different stages of the return procedure, such as:
    - (i) assistance provided in the identification of persons illegally staying on the territory of the Member States and in the timely issuance of travel documents;
    - (ii) acceptance of the European travel document for the return of illegally staying third-country nationals or laissez-passer;
    - (iii) acceptance of the readmission of persons who are to be legally returned to their country;
    - (iv) acceptance of return flights and operations.

Such an assessment shall be based on the use of reliable data provided by Member States, as well as by Union institutions, bodies, offices and agencies. The Commission shall regularly, at least once a year, report its assessment to the Council.

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

4 The Commission shall examine any notification made pursuant to paragraph 3 within a period of one month. The Commission shall inform the European Parliament and the Council of the results of its examination.

5 Where, on the basis of the analysis referred to in paragraphs 2 and 4, and taking into account the steps taken by the Commission to improve the level of cooperation of the third country concerned in the field of readmission and the Union's overall relations with that third country, including in the field of migration, the Commission considers that a country is not cooperating sufficiently and that action is therefore needed, or where, within 12 months, a simple majority of Member States have notified the Commission in accordance with paragraph 3, the Commission, while continuing its efforts to improve the cooperation with the third country concerned, shall submit a proposal to the Council to adopt:

- a an implementing decision temporarily suspending the application of any one or more of Article 14(6), point (b) of Article 16(5), Article 23(1), or Article 24(2) and (2c), to all nationals of the third country concerned or to certain categories thereof;
- b where, following an assessment by the Commission, the measures applied in accordance with the implementing decision referred to in point (a) of this paragraph are considered ineffective, an implementing decision applying, on a gradual basis, one of the visa fees set out in Article 16(2a) to all nationals of the third country concerned or to certain categories thereof.

6 The Commission shall continuously assess and report on the basis of the indicators set out in paragraph 2 whether substantial and sustained improvement in the cooperation with the third country concerned on readmission of irregular migrants can be established and, taking also account of the Union's overall relations with that third country, may submit a proposal to the Council to repeal or amend the implementing decisions referred to in paragraph 5.

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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

8 Where, on the basis of the analysis referred to in paragraph 2 and taking account of the Union's overall relations with the third country concerned, especially in cooperation in the field of readmission, the Commission considers that the third country concerned is cooperating sufficiently, it may submit a proposal to the Council to adopt an implementing decision concerning applicants or categories of applicants who are nationals of that third country and who apply for a visa on the territory of that third country, providing for one or more of the following:

- a reduction of the visa fee referred to in Article 16(1) to EUR 60;
- b reduction of the time within which decisions on an application referred to in Article 23(1) are to be made to 10 days;
- c increase in the period of validity of multiple-entry visas under Article 24(2).

That implementing decision shall apply for a maximum of one year. It may be renewed.]

#### **Textual Amendments**

- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### *Article 26*

#### **Issuing of an airport transit visa**

1 An airport transit visa shall be valid for transiting through the international transit areas of the airports situated on the territory of Member States.

2 Without prejudice to Article 12(a), the period of validity of the visa shall include an additional 'period of grace' of 15 days.

Member States may decide not to grant such a period of grace for reasons of public policy or because of the international relations of any of the Member States.

3 Without prejudice to Article 12(a), multiple airport transit visas may be issued with a period of validity of a maximum six months.

4 The following criteria in particular are relevant for taking the decision to issue multiple airport transit visas:

- a the applicant's need to transit frequently and/or regularly; and
- b the integrity and reliability of the applicant, in particular the lawful use of previous uniform visas, visas with limited territorial validity or airport transit visas, his economic situation in his country of origin and his genuine intention to pursue his onward journey.

5 If the applicant is required to hold an airport transit visa in accordance with the provisions of Article 3(2), the airport transit visa shall be valid only for transiting through the international transit areas of the airports situated on the territory of the Member State(s) concerned.

6 The data set out in Article 10(1) of the VIS Regulation shall be entered into the VIS when a decision on issuing such a visa has been taken.

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

## Article 27

### Filling in the visa sticker

[<sup>F1</sup> The Commission shall, by means of implementing acts, adopt the rules for filling in the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).

2 Member States may add national entries in the ‘comments’ section of the visa sticker. Those entries shall not duplicate the mandatory entries established in accordance with the procedure referred to in paragraph 1.]

3 All entries on the visa sticker shall be printed, and no manual changes shall be made to a printed visa sticker.

[<sup>F14</sup> A visa sticker for a visa for one entry may be filled in manually only in the case of technical *force majeure*. No changes shall be made to a manually filled in visa sticker.]

5 When a visa sticker is filled in manually in accordance with paragraph 4 of this Article, this information shall be entered into the VIS in accordance with Article 10(1)(k) of the VIS Regulation.

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## Article 28

### Invalidation of a completed visa sticker

1 If an error is detected on a visa sticker which has not yet been affixed to the travel document, the visa sticker shall be invalidated.

2 If an error is detected after the visa sticker has been affixed to the travel document, the visa sticker shall be invalidated by drawing a cross with indelible ink on the visa sticker and a new visa sticker shall be affixed to a different page.

3 If an error is detected after the relevant data have been introduced into the VIS in accordance with Article 10(1) of the VIS Regulation, the error shall be corrected in accordance with Article 24(1) of that Regulation.

## Article 29

### Affixing a visa sticker

[<sup>F1</sup> The visa sticker shall be affixed to the travel document.]

[<sup>F2</sup>1a The Commission shall by means of implementing acts adopt the detailed rules for affixing the visa sticker. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).]

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

2 Where the issuing Member State does not recognise the applicant's travel document, the separate sheet for affixing a visa shall be used.

3 When a visa sticker has been affixed to the separate sheet for affixing a visa, this information shall be entered into the VIS in accordance with Article 10(1)(j) of the VIS Regulation.

4 Individual visas issued to persons who are included in the travel document of the applicant shall be affixed to that travel document.

5 Where the travel document in which such persons are included is not recognised by the issuing Member State, the individual stickers shall be affixed to the separate sheets for affixing a visa.

**Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

*Article 30*

**Rights derived from an issued visa**

Mere possession of a uniform visa or a visa with limited territorial validity shall not confer an automatic right of entry.

*Article 31*

**Information of central authorities of other Member States**

[<sup>F1</sup> A Member State may require that its central authorities be informed of visas issued by other Member States to nationals of specific third countries or to specific categories of such nationals, except in the case of airport transit visas.

2 Member States shall notify the Commission of the introduction or withdrawal of the requirement for such information at the latest 25 calendar days before it becomes applicable. That information shall also be given under local Schengen cooperation in the jurisdiction concerned.]

3 The Commission shall inform Member States of such notifications.

<sup>F3</sup>4 .....

**Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F3** Deleted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

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*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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## Article 32

### Refusal of a visa

- 1 Without prejudice to Article 25(1), 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;
  - (iia) [<sup>F2</sup>does not provide justification for the purpose and conditions of the intended airport transit;]
  - (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) [<sup>F4</sup>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 the Schengen Borders Code 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
  - (vii) does not provide proof of holding adequate and valid travel medical insurance, where applicable;
- 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.

[<sup>F12</sup> A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI in the language of the Member State that has taken the final decision on the application and another official language of the institutions of the Union.]

3 Applicants who have been refused a visa shall have the right to appeal. Appeals shall be conducted 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 information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI.

<sup>F34</sup> .....

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

5 Information on a refused visa shall be entered into the VIS in accordance with Article 12 of the VIS Regulation.

#### **Textual Amendments**

- F1** Substituted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F2** Inserted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).
- F4** Substituted by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council.

## *CHAPTER V*

### *Modification of an issued visa*

#### *Article 33*

#### **Extension**

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.

2 The period of validity and/or the duration of stay of an issued visa may be extended if the visa holder provides proof of serious personal reasons justifying the extension of the period of validity or the duration of stay. A fee of EUR 30 shall be charged for such an extension.

3 Unless otherwise decided by the authority extending the visa, the territorial validity of the extended visa shall remain the same as that of the original visa.

4 The authority competent to extend the visa shall be that of the Member State on whose territory the third-country national is present at the moment of applying for an extension.

5 Member States shall notify to the Commission the authorities competent for extending visas.

6 Extension of visas shall take the form of a visa sticker.

7 Information on an extended visa shall be entered into the VIS in accordance with Article 14 of the VIS Regulation.

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*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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## Article 34

### **Annulment and revocation**

1 A visa shall be annulled where it becomes evident that the conditions for issuing it were not met at the time when it was issued, in particular if there are serious grounds for believing that the visa was fraudulently obtained. A visa shall in principle be annulled by the competent authorities of the Member State which issued it. A visa may be annulled by the competent authorities of another Member State, in which case the authorities of the Member State that issued the visa shall be informed of such annulment.

2 A visa shall be revoked where it becomes evident that the conditions for issuing it are no longer met. A visa shall in principle be revoked by the competent authorities of the Member State which issued it. A visa may be revoked by the competent authorities of another Member State, in which case the authorities of the Member State that issued the visa shall be informed of such revocation.

3 A visa may be revoked at the request of the visa holder. The competent authorities of the Member States that issued the visa shall be informed of such revocation.

4 Failure of the visa holder to produce, at the border, one or more of the supporting documents referred to in Article 14(3), shall not automatically lead to a decision to annul or revoke the visa.

5 If a visa is annulled or revoked, a stamp stating 'ANNULLED' or 'REVOKED' shall be affixed to it and the optically variable feature of the visa sticker, the security feature 'latent image effect' as well as the term 'visa' shall be invalidated by being crossed out.

6 A decision on annulment or revocation of a visa and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI.

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

8 Information on an annulled or a revoked visa shall be entered into the VIS in accordance with Article 13 of the VIS Regulation.

## CHAPTER VI

### ***Visas issued at the external borders***

## Article 35

### **Visas applied for at the external border**

1 In exceptional cases, visas may be issued at border crossing points if the following conditions are satisfied:

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

- a the applicant fulfils the conditions laid down in Article 5(1)(a), (c), (d) and (e) of the Schengen Borders Code;
- b the applicant has not been in a position to apply for a visa in advance and submits, if required, supporting documents substantiating unforeseeable and imperative reasons for entry; and
- c the applicant's return to his country of origin or residence or transit through States other than Member States fully implementing the Schengen *acquis* is assessed as certain.

2 Where a visa is applied for at the external border, 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.

3 A visa issued at the external border shall be a uniform visa, entitling the holder to stay for a maximum duration of 15 days, depending on the purpose and conditions of the intended stay. In the case of transit, the length of the authorised stay shall correspond to the time necessary for the purpose of the transit.

4 Where the conditions laid down in Article 5(1)(a), (c), (d) and (e) of the Schengen Borders Code are not fulfilled, the authorities responsible for issuing the visa at the border may issue a visa with limited territorial validity, in accordance with Article 25(1)(a) of this Regulation, for the territory of the issuing Member State only.

5 A third-country national falling within a category of persons for whom prior consultation is required in accordance with Article 22 shall, in principle, not be issued a visa at the external border.

However, a visa with limited territorial validity for the territory of the issuing Member State may be issued at the external border for such persons in exceptional cases, in accordance with Article 25(1)(a).

6 In addition to the reasons for refusing a visa as provided for in Article 32(1) a visa shall be refused at the border crossing point if the conditions referred to in paragraph 1(b) of this Article are not met.

7 The provisions on justification and notification of refusals and the right of appeal set out in Article 32(3) and Annex VI shall apply.

### *Article 36*

#### **Visas issued to seafarers in transit at the external border**

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:

- a he fulfils the conditions set out in Article 35(1); and
- b he is crossing the border in question in order to embark on, re-embark on or disembark from a ship on which he will work or has worked as a seafarer.

<sup>F3</sup>2 .....

[<sup>F2</sup>2a 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 52(2).]

3 This Article shall apply without prejudice to Article 35(3), (4) and (5).

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

#### Textual Amendments

- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F3** Deleted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## TITLE IV

### ADMINISTRATIVE MANAGEMENT AND ORGANISATION

#### Article 37

##### Organisation of visa sections

1 Member States shall be responsible for organising the visa sections of their consulates.

In order to prevent any decline in the level of vigilance and to protect staff from being exposed to pressure at local level, rotation schemes for staff dealing directly with applicants shall be set up, where appropriate. Particular attention shall be paid to clear work structures and a distinct allocation/division of responsibilities in relation to the taking of final decisions on applications. Access to consultation of the VIS and the SIS and other confidential information shall be restricted to a limited number of duly authorised staff. Appropriate measures shall be taken to prevent unauthorised access to such databases.

[<sup>F12</sup> The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used. Any significant loss of blank visa stickers shall be reported to the Commission.

3 Consulates or central authorities shall keep archives of applications in paper or electronic format. Each individual file shall contain the relevant information allowing for a reconstruction, if need be, of the background for the decision taken on the application.

Individual application files shall be kept for a minimum of one year from the date of the decision on the application as referred to in Article 23(1) or, in the case of appeal, until the end of the appeal procedure, whichever is the longest. If applicable, the individual electronic application files shall be kept for the period of validity of the issued visa.]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## Article 38

### [<sup>F1</sup>Resources for examining applications and monitoring visa procedures]

[<sup>F1</sup>1 Member States shall deploy appropriate staff in sufficient numbers in consulates to carry out the tasks relating to the examination of applications, in such a way as to ensure a reasonable and harmonised quality of service to the public.]

[<sup>F2</sup>1a Member States shall ensure that the entire visa procedure in consulates, including the lodging and handling of applications, the printing of visa stickers and the practical cooperation with external service providers, is monitored by expatriate staff to ensure the integrity of all stages of the procedure.]

2 Premises shall meet appropriate functional requirements of adequacy and allow for appropriate security measures.

[<sup>F1</sup>3 Member States' central authorities shall provide adequate training to both expatriate staff and locally employed staff and shall be responsible for providing them with complete, precise and up-to-date information on the relevant Union and national law.]

[<sup>F2</sup>3a Where applications are examined and decided on by central authorities as referred to in Article 4(1a), the Member States shall provide specific training to ensure that the staff of those central authorities have sufficient and updated country-specific knowledge of local socio-economic circumstances, and complete, precise and up-to-date information on relevant Union and national law.

3b Member States shall also ensure that consulates have sufficient and adequately trained staff for assisting the central authorities in examining and deciding on applications, notably by participating in local Schengen cooperation meetings, exchanging information with other consulates and local authorities, gathering relevant information locally on migratory risk and fraudulent practices, and conducting interviews and additional examinations.]

4 Member States' central authorities shall ensure frequent and adequate monitoring of the conduct of examination of applications and take corrective measures when deviations from the provisions of this Regulation are detected.

[<sup>F2</sup>5 Member States shall ensure that a procedure is in place which allows applicants to submit complaints regarding:

- a the conduct of staff at consulates and, where applicable, of the external service providers; or
- b the application process.

Consulates or central authorities shall keep a record of complaints and the follow-up given.

Member States shall make information on the procedure provided for in this paragraph available to the public.]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

**F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### Article 39

#### Conduct of staff

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

[<sup>F12</sup> Consular and central authorities' 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.

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

#### Textual Amendments

**F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### [<sup>F1</sup> Article 40

#### Consular organisation and cooperation

1 Each Member State shall be responsible for organising the procedures relating to applications.

2 Member States shall:

- a equip their consulates and authorities responsible for issuing visas at the borders with the requisite material for the collection of biometric identifiers, as well as the offices of their honorary consuls, where they make use of them, to collect biometric identifiers in accordance with Article 42;
- b cooperate with one or more other Member States under representation arrangements or any other form of consular cooperation.

3 A Member State may also cooperate with an external service provider in accordance with Article 43.

4 Member States shall notify to the Commission their consular organisation and cooperation in each consular location.

5 In the event of termination of cooperation with other Member States, Member States shall strive to assure the continuity of full service.]

#### Textual Amendments

**F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

<sup>F3</sup>Article 41

[<sup>F3</sup>Cooperation between Member States]

.....

**Textual Amendments**

**F3** Deleted by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

Article 42

**Recourse to honorary consuls**

1 Honorary consuls may also be authorised to perform some or all of the tasks referred to in Article 43(6). Adequate measures shall be taken to ensure security and data protection.

2 Where the honorary consul is not a civil servant of a Member State, the performance of those tasks shall comply with the requirements set out in Annex X, except for the provisions in point D(c) of that Annex.

3 Where the honorary consul is a civil servant of a Member State, the Member State concerned shall ensure that requirements comparable to those which would apply if the tasks were performed by its consulate are applied.

Article 43

**Cooperation with external service providers**

1 Member States shall endeavour to cooperate with an external service provider together with one or more Member States, without prejudice to public procurement and competition rules.

2 Cooperation with an external service provider shall be based on a legal instrument that shall comply with the requirements set out in Annex X.

<sup>F3</sup> .....

4 The examination of applications, interviews (where appropriate), the decision on applications and the printing and affixing of visa stickers shall be carried out only by the consulate.

[<sup>F15</sup> External service providers shall not have access to the VIS under any circumstances. Access to the VIS shall be reserved exclusively to duly authorised staff of consulates or of the central authorities.]

6 An external service provider may be entrusted with the performance of one or more of the following tasks:

[<sup>F1a</sup> providing general information on visa requirements, in accordance with points (a) to (c) of Article 47(1), and application forms;]

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*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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- b informing the applicant of the required supporting documents, on the basis of a checklist;
  - [<sup>F1</sup>c collecting data and applications (including collection of biometric identifiers) and transmitting the application to the consulate or the central authorities;]
  - d collecting the visa fee;
  - [<sup>F1</sup>e managing the appointments for the applicant, where applicable, at the consulate or at the premises of an external service provider;
  - f collecting the travel documents, including a refusal notification if applicable, from the consulate or the central authorities and returning them to the applicant.]
- [<sup>F17</sup> When selecting an external service provider, the Member State concerned shall assess the reliability and solvency of the organisation or company and ensure that there is no conflict of interests. The assessment shall include, as appropriate, scrutiny of the necessary licences, commercial registration, statutes and bank contracts.]
- 8 The Member State(s) concerned shall ensure that the external service provider selected complies with the terms and conditions assigned to it in the legal instrument referred to in paragraph 2.
- [<sup>F19</sup> Member States shall be responsible for compliance with the rules on the protection of personal data and ensure that the external service provider is subject to monitoring by the data protection supervisory authorities pursuant to Article 51(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>(9)</sup>.]
- 10 The Member State(s) concerned shall provide training to the external service provider, corresponding to the knowledge needed to offer an appropriate service and sufficient information to applicants.
- 11 The Member State(s) concerned shall closely monitor the implementation of the legal instrument referred to in paragraph 2, including:
- [<sup>F1</sup>a the general information on the criteria, conditions and procedures for applying for a visa, as set out in points (a) to (c) of Article 47(1), and the content of the application forms provided by the external service provider to applicants;
  - b all the technical and organisational security measures required to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the cooperation involves the transmission of files and data to the consulate or the central authorities of the Member State(s) concerned, and all other unlawful forms of processing personal data;]
  - c the collection and transmission of biometric identifiers;
  - d the measures taken to ensure compliance with data protection provisions.
- [<sup>F1</sup>To this end, the consulate(s) or the central authorities of the Member State(s) concerned shall, on a regular basis and at least every nine months, carry out spot checks on the premises of the external service provider. Member States may agree to share the burden of this regular monitoring.]
- [<sup>F2</sup>11a By 1 February each year, Member States shall report to the Commission on their cooperation with, and monitoring, as referred to in point C of Annex X, of external service providers worldwide.]
- 12 In the event of termination of cooperation with an external service provider, Member States shall ensure the continuity of full service.

13 Member States shall provide the Commission with a copy of the legal instrument referred to in paragraph 2.

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F3** Deleted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### *[<sup>F1</sup> Article 44*

#### **Encryption and secure transfer of data**

1 In the case of cooperation among Member States and cooperation with an external service provider and recourse to honorary consuls, the Member State(s) concerned shall ensure that data are fully encrypted, whether transferred electronically or physically on an electronic storage medium.

2 In third countries that prohibit the encrypted data to be electronically transferred, the Member State(s) concerned shall not allow data to be transferred electronically.

In such cases, the Member State(s) concerned shall ensure that the electronic data are transferred physically in fully encrypted form on an electronic storage medium by a consular officer of a Member State or, where such transfer would require disproportionate or unreasonable measures, in another safe and secure way, for example by using established operators experienced in transporting sensitive documents and data in the third country concerned.

3 In all cases the level of security for the transfer shall be adapted to the sensitive nature of the data.]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### *Article 45*

#### **Member States' cooperation with commercial intermediaries**

1 Member States may cooperate with commercial intermediaries for the lodging of applications, except for the collection of biometric identifiers.

2 Such cooperation shall be based on the granting of an accreditation by Member States' relevant authorities. The accreditation shall, in particular, be based on the verification of the following aspects:

- a the current status of the commercial intermediary: current licence, the commercial register, contracts with banks;

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

- b existing contracts with commercial partners based in the Member States offering accommodation and other package tour services;
- c contracts with transport companies, which must include an outward journey, as well as a guaranteed and fixed return journey.

[<sup>F13</sup> Accredited commercial intermediaries shall be monitored regularly by spot checks involving face-to-face or telephone interviews with applicants, the verification of trips and accommodation, and wherever deemed necessary, the verification of the documents relating to group return.]

4 Within local Schengen cooperation, information shall be exchanged on the performance of the accredited commercial intermediaries concerning irregularities detected and refusal of applications submitted by commercial intermediaries, and on detected forms of travel document fraud and failure to carry out scheduled trips.

5 Within local Schengen cooperation, lists shall be exchanged of commercial intermediaries to which accreditation has been given by each consulate and from which accreditation has been withdrawn, together with the reasons for any such withdrawal.

[<sup>F1</sup>Each consulate and the central authorities shall make sure that the public is informed of the list of accredited commercial intermediaries with which they cooperate, where relevant.]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

### Article 46

#### Compilation of statistics

Member States shall compile annual statistics on visas, in accordance with the table set out in Annex XII. These statistics shall be submitted by 1 March for the preceding calendar year.

### Article 47

#### Information to the general public

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

- a the criteria, conditions and procedures for applying for a visa;
- [<sup>F2aa</sup> the criteria for an application to be considered admissible, as provided for in Article 19(1);
- ab that biometric data are, in principle, to be collected every 59 months, starting from the date of the first collection;]
- b the means of obtaining an appointment, if applicable;
- [<sup>F1c</sup> where the application may be submitted (competent consulate or external service provider);]
- d accredited commercial intermediaries;

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

- e the fact that the stamp as provided for in Article 20 has no legal implications;
  - f the time limits for examining applications provided for in Article 23(1), (2) and (3);
  - g the third countries whose nationals or specific categories of whose nationals are subject to prior consultation or information;
  - h that negative decisions on applications must be notified to the applicant, that such decisions must state the reasons on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;
  - i that mere possession of a visa does not confer an automatic right of entry and that the holders of visa are requested to present proof that they fulfil the entry conditions at the external border, as provided for in Article 5 of the Schengen Borders Code<sup>[F1]</sup>;
- [<sup>F2</sup>] information on the complaints procedure provided for in Article 38(5).]
- 2 The representing and represented Member State shall inform the general public about representation arrangements as referred to in Article 8 before such arrangements enter into force.

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## TITLE V

### LOCAL SCHENGEN COOPERATION

#### Article 48

##### Local Schengen cooperation between Member States' consulates

[<sup>F1</sup> Consulates and the Union delegations shall cooperate within each jurisdiction to ensure a harmonised application of the common visa policy taking into account local circumstances.

To that end, in accordance with Article 5(3) of Council Decision 2010/427/EU<sup>(10)</sup>, the Commission shall issue instructions to Union delegations to carry out the relevant coordination tasks provided for in this Article.

Where applications lodged in the jurisdiction concerned are examined and decided on by central authorities as referred to in Article 4(1a), Member States shall ensure the active involvement of those central authorities in local Schengen cooperation. The staff contributing to local Schengen cooperation shall be adequately trained and involved in the examination of applications in the jurisdiction concerned.]

- [<sup>F2</sup>1a Member States and the Commission shall, in particular, cooperate in order to:
- a prepare a harmonised list of supporting documents to be submitted by applicants, taking into account Article 14;
  - b prepare a local implementation of Article 24(2) regarding the issuing of multiple-entry visas;

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

- c ensure a common translation of the application form, where relevant;
- d establish the list of travel documents issued by the host country and update it regularly;
- e draw up a common information sheet containing the information referred to in Article 47(1);
- f monitor, where relevant, the implementation of Article 25a(5) and (6).]

<sup>F3</sup>2

[<sup>F13</sup> Member States under local Schengen cooperation shall exchange the following information:

- a quarterly statistics on uniform visas, visas with limited territorial validity, and airport transit visas applied for, issued, and refused;
- b information with regard to the assessment of migratory and security risks, in particular on:
  - (i) the socio-economic structure of the host country;
  - (ii) sources of information at local level, including social security, health insurance, fiscal registers and entry-exit registrations;
  - (iii) the use of false, counterfeit or forged documents;
  - (iv) irregular immigration routes;
  - (v) trends in fraudulent behaviour;
  - (vi) trends in refusals;
- c information on cooperation with external service providers and with transport companies;
- d information on insurance companies providing adequate travel medical insurance, including verification of the type of coverage and possible excess amount.]

4 Local Schengen cooperation meetings to deal specifically with operational issues in relation to the application of the common visa policy shall be organised regularly among Member States and the Commission. These meetings shall be convened within the jurisdiction by the Commission, unless otherwise agreed at the request of the Commission.

Single-topic meetings may be organised and sub-groups set up to study specific issues within local Schengen cooperation.

5 Summary reports of local Schengen cooperation meetings shall be drawn up systematically and circulated locally. The Commission may delegate the drawing up of the reports to a Member State. The consulates of each Member State shall forward the reports to their central authorities.

[<sup>F3</sup> . . . . .]

6 Representatives of the consulates of Member States not applying the Community *acquis* in relation to visas, or of third countries, may on an ad hoc basis be invited to participate in meetings for the exchange of information on issues relating to visas.

[<sup>F27</sup> An annual report shall be drawn up within each jurisdiction by 31 December each year. On the basis of those reports, the Commission shall draw up an annual report on the state of local Schengen cooperation to be submitted to the European Parliament and to the Council.]

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).
- F3** Deleted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## TITLE VI

### FINAL PROVISIONS

#### *Article 49*

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

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

#### <sup>F3</sup>*Article 50*

#### **[<sup>F3</sup>Amendments to the Annexes]**

#### Textual Amendments

- F3** Deleted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

#### <sup>F1</sup>*Article 51*

#### **Instructions on the practical application of this Regulation**

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 52(2).]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

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*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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## *[<sup>F2</sup>Article 51a*

### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 16(9) shall be conferred on the Commission for a period of five years from 1 August 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 16(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 European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>(11)</sup>.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 16(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.]

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#### **Textual Amendments**

**F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

## *[<sup>F1</sup>Article 52*

### **Committee procedure**

1 The Commission shall be assisted by a committee (the ‘Visa Committee’). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(12)</sup>.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.]

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\)](#).

#### Article 53

##### Notification

- 1 Member States shall notify the Commission of:
  - a representation arrangements referred to in Article 8;
  - b third countries whose nationals are required by individual Member States to hold an airport transit visa when passing through the international transit areas of airports situated on their territory, as referred to in Article 3;
  - c the national form for proof of sponsorship and/or private accommodation referred to in Article 14(4), if applicable;
  - d the list of third countries for which prior consultation referred to in Article 22(1) is required;
  - e the list of third countries for which information referred to in Article 31(1) is required;
  - f the additional national entries in the ‘comments’ section of the visa sticker, as referred to in Article 27(2);
  - g authorities competent for extending visas, as referred to in Article 33(5);
  - h the forms of cooperation chosen as referred to in Article 40;
  - i statistics compiled in accordance with Article 46 and Annex XII.
- 2 The Commission shall make the information notified pursuant to paragraph 1 available to the Member States and the public via a constantly updated electronic publication.

#### Article 54

##### Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is hereby amended as follows:

1. Article 4(1) shall be amended as follows:
  - (a) point (a) shall be replaced by the following:
    - (a) “uniform visa” as defined in Article 2(3) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community code on Visas (Visa Code)<sup>(13)</sup>;;
    - (b) point (b) shall be deleted;
    - (c) point (c) shall be replaced by the following:
      - (c) “airport transit visa” as defined in Article 2(5) of Regulation (EC) No 810/2009;;

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**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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- (d) point (d) shall be replaced by the following:
  - (d) “visa with limited territorial validity” as defined in Article 2(4) of Regulation (EC) No 810/2009;;
- (e) point (e) shall be deleted;
- 2. in Article 8(1), the words ‘On receipt of an application’, shall be replaced by the following:
 

‘When the application is admissible according to Article 19 of Regulation (EC) No 810/2009’;
- 3. Article 9 shall be amended as follows:
  - (a) the heading shall be replaced by the following:
 

Data to be entered on application;
  - (b) [<sup>X2</sup>point 4 shall be amended as follows:]
    - (i) point (a) shall be replaced by the following:
      - (a) surname (family name), surname at birth (former family name(s)), first name(s) (given name(s)); date of birth, place of birth, country of birth, sex;;
    - (ii) point (e) shall be deleted;
    - (iii) point (g) shall be replaced by the following:
      - (g) Member State(s) of destination and duration of the intended stay or transit;;
    - (iv) point (h) shall be replaced by the following:
      - (h) main purpose(s) of the journey;;
    - (v) point (i) shall be replaced by the following:
      - (i) intended date of arrival in the Schengen area and intended date of departure from the Schengen area;;
    - (vi) point (j) shall be replaced by the following:
      - (j) Member State of first entry;;
    - (vii) point (k) shall be replaced by the following:
      - (k) the applicant’s home address;;
    - (viii) in point (l), the word ‘school’ shall be replaced by: ‘educational establishment’;
    - (ix) in point (m), the words ‘father and mother’ shall be replaced by ‘parental authority or legal guardian’;
- 4. the following point shall be added to Article 10(1):

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*Status: Point in time view as at 02/02/2020.*

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- (k) if applicable, the information indicating that the visa sticker has been filled in manually.;
5. in Article 11, the introductory paragraph shall be replaced by the following:
- Where the visa authority representing another Member State discontinues the examination of the application, it shall add the following data to the application file.;
6. Article 12 shall be amended as follows:
- (a) in paragraph 1, point (a) shall be replaced by the following:
    - (a) status information indicating that the visa has been refused and whether that authority refused it on behalf of another Member State.;
  - (b) paragraph 2 shall be replaced by the following:
    - 2. The application file shall also indicate the ground(s) for refusal of the visa, which shall be one or more of the following:
      - a 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 three months during the current six-month period on the territory of the Member States on a 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 the Schengen Borders Code 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;
        - (vii) does not provide proof of holding adequate and valid travel medical insurance, where applicable;
      - b the information submitted regarding the justification for the purpose and conditions of the intended stay was not reliable;
      - c the applicant's intention to leave the territory of the Member States before the expiry of the visa could not be ascertained;

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- d sufficient proof that the applicant has not been in a position to apply for a visa in advance justifying application for a visa at the border was not provided.;

7. Article 13 shall be replaced by the following:

*Article 13*

**Data to be added for a visa annulled or revoked**

- 1 Where a decision has been taken to annul or to revoke a visa, the visa authority that has taken the decision shall add the following data to the application file:

- a status information indicating that the visa has been annulled or revoked;
- b authority that annulled or revoked the visa, including its location;
- c place and date of the decision.

- 2 The application file shall also indicate the ground(s) for annulment or revocation, which shall be:

- a one or more of the ground(s) listed in Article 12(2);
- b the request of the visa holder to revoke the visa.;

8. Article 14 shall be amended as follows:

- (a) paragraph 1 shall be amended as follows:

- (i) the introductory paragraph shall be replaced by the following:

1. Where a decision has been taken to extend the period of validity and/or the duration of stay of an issued visa, the visa authority which extended the visa shall add the following data to the application file.;

- (ii) point (d) shall be replaced by the following:

- (d) the number of the visa sticker of the extended visa.;

- (iii) point (g) shall be replaced by the following:

- (g) the territory in which the visa holder is entitled to travel, if the territorial validity of the extended visa differs from that of the original visa.;

- (b) in paragraph 2, point (c) shall be deleted;

9. in Article 15(1), the words ‘extend or shorten the validity of the visa’ shall be replaced by ‘or extend the visa’;

10. Article 17 shall be amended as follows:

- (a) point 4 shall be replaced by the following:

4. Member State of first entry.;

- (b) point 6 shall be replaced by the following:

6. the type of visa issued.;

*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

- (c) point 11 shall be replaced by the following:
11. main purpose(s) of the journey;;
11. in Article 18(4)(c), Article 19(2)(c), Article 20(2)(d), Article 22(2)(d), the words ‘or shortened’ shall be deleted;
12. in Article 23(1)(d), the word ‘shortened’ shall be deleted.

#### Editorial Information

- X2** Substituted by [Corrigendum to Regulation \(EC\) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas \(Visa Code\) \(Official Journal of the European Union L 243 of 15 September 2009\)](#).

#### <sup>F5</sup>Article 55

#### [<sup>F5</sup>Amendments to Regulation (EC) No 562/2006]

#### Textual Amendments

- F5** Deleted by [Regulation \(EU\) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders \(Schengen Borders Code\) \(codification\)](#).

#### Article 56

#### Repeals

- 1 Articles 9 to 17 of the Convention implementing the Schengen Agreement of 14 June 1985 shall be repealed.
- 2 The following shall be repealed:
- a Decision of the Schengen Executive Committee of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions (SCH/Com-ex (99) 13 (the Common Consular Instructions, including the Annexes);
  - b Decisions of the Schengen Executive Committee of 14 December 1993 extending the uniform visa (SCH/Com-ex (93) 21) and on the common principles for cancelling, rescinding or shortening the length of validity of the uniform visa (SCH/Com-ex (93) 24), Decision of the Schengen Executive Committee of 22 December 1994 on the exchange of statistical information on the issuing of uniform visas (SCH/Com-ex (94) 25), Decision of the Schengen Executive Committee of 21 April 1998 on the exchange of statistics on issued visas (SCH/Com-ex (98) 12) and Decision of the Schengen Executive Committee of 16 December 1998 on the introduction of a harmonised form providing proof of invitation, sponsorship and accommodation (SCH/Com-ex (98) 57);
  - c Joint Action 96/197/JHA of 4 March 1996 on airport transit arrangements<sup>(14)</sup>;

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- d Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications<sup>(15)</sup>;
  - e Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa<sup>(16)</sup>;
  - f Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit<sup>(17)</sup>;
  - g Article 2 of Regulation (EC) No 390/2009 of the European Parliament and of the Council of 23 April 2009 amending the Common Consular Instructions on visas for diplomatic and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications<sup>(18)</sup>.
- 3 References to repealed instruments shall be construed as references to this Regulation and read in accordance with the correlation table in Annex XIII.

#### *Article 57*

### **Monitoring and evaluation**

1 Two years after all the provisions of this Regulation have become applicable, the Commission shall produce an evaluation of its application. 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.

2 The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, if necessary, appropriate proposals with a view to amending this Regulation.

3 The Commission shall present, three years after the VIS is brought into operation and every four years thereafter, a report to the European Parliament and to the Council on the implementation of Articles 13, 17, 40 to 44 of this Regulation, including the implementation of the collection and use of biometric identifiers, the suitability of the ICAO standard chosen, compliance with data protection rules, experience with external service providers with specific reference to the collection of biometric data, the implementation of the 59-month rule for the copying of fingerprints and the organisation of the procedures relating to applications. The report shall also include, on the basis of Article 17(12), (13) and (14) and of Article 50(4) of the VIS Regulation, the cases in which fingerprints could factually not be provided or were not required to be provided for legal reasons, compared with the number of cases in which fingerprints were taken. The report shall include information on cases in which a person who could factually not provide fingerprints was refused a visa. The report shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.

4 The first of the reports referred to in paragraph 3 shall also address the issue of the sufficient reliability for identification and verification purposes of fingerprints of children under the age of 12 and, in particular, how fingerprints evolve with age, on the basis of the results of a study carried out under the responsibility of the Commission.

#### *Article 58*

### **Entry into force**

1 This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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*Status: Point in time view as at 02/02/2020.*

**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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2 It shall apply from 5 April 2010.

3 Article 52 and Article 53(1)(a) to (h) and (2) shall apply from 5 October 2009.

4 As far as the Schengen Consultation Network (Technical Specifications) is concerned, Article 56(2)(d) shall apply from the date referred to in Article 46 of the VIS Regulation.

5 Article 32(2) and (3), Article 34(6) and (7) and Article 35(7) shall apply from 5 April 2011.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

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*Status: Point in time view as at 02/02/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council. (See end of Document for details)*

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- (1) [OJ L 81, 21.3.2001, p. 1.](#)
- (2) [OJ L 164, 14.7.1995, p. 1.](#)
- (3) [<sup>F1</sup>Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list ([OJ L 287, 4.11.2011, p. 9.](#))]
- (4) [OJ L 53, 23.2.2002, p. 4.](#)
- (5) [<sup>F2</sup>Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC ([OJ L 257, 28.8.2014, p. 73.](#))]
- (6) [OJ L 267, 27.9.2006, p. 41.](#)
- (7) [<sup>F1</sup>Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the Rules governing the movement of persons across borders (Schengen Borders Code) ([OJ L 77, 23.3.2016, p. 1.](#))]
- (8) [<sup>F1</sup>Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing ([OJ L 132, 21.5.2016, p. 21.](#))]
- (9) [<sup>F1</sup>Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ([OJ L 119, 4.5.2016, p. 1.](#))]
- (10) [<sup>F1</sup>Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service ([OJ L 201, 3.8.2010, p. 30.](#))]
- (11) [<sup>F2</sup>[OJ L 123, 12.5.2016, p. 1.](#)]
- (12) [<sup>F1</sup>Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13.](#))]
- (13) [OJ L 243, 15.9.2009, p. 1.](#);
- (14) [OJ L 63, 13.3.1996, p. 8.](#)
- (15) [OJ L 116, 26.4.2001, p. 2.](#)
- (16) [OJ L 150, 6.6.2001, p. 4.](#)
- (17) [OJ L 64, 7.3.2003, p. 1.](#)
- (18) [OJ L 131, 28.5.2009, p. 1.](#)

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#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\).](#)
- F2** Inserted by [Regulation \(EU\) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation \(EC\) No 810/2009 establishing a Community Code on Visas \(Visa Code\).](#)

**Status:**

Point in time view as at 02/02/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 810/2009 of the European Parliament and of the Council.