

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 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.

Article 50

Amendments to the Annexes

Measures designed to amend non-essential elements of this Regulation and amending Annexes I, II, III, IV, V, VI, VII, VIII and XII shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 52(3).

Article 51

Instructions on the practical application of the Visa Code

Operational instructions on the practical application of the provisions of this Regulation shall be drawn up in accordance with the procedure referred to in Article 52(2).

Article 52

Committee procedure

- 1 The Commission shall be assisted by a committee (the Visa Committee).
- 2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Regulation.
The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.
- 3 Where reference is made to this paragraph, Articles 5a(1) to (4) and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Status: Point in time view as at 31/01/2020.

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, TITLE VI. (See end of Document for details)

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)⁽¹⁾;;
 - (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;;
 - (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:

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‘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) [^{X1}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):

(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:

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- (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;
 - 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:

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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.;
 - (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;

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12. in Article 23(1)(d), the word ‘shortened’ shall be deleted.

Editorial Information

- X1** 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 \(Visa Code\) \(Official Journal of the European Union L 243 of 15 September 2009\)](#).

^{F1}Article 55

[^{F1}Amendments to Regulation (EC) No 562/2006]

Textual Amendments

- F1** 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⁽²⁾;
- 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⁽³⁾;
- e Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa⁽⁴⁾;
- 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⁽⁵⁾;

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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⁽⁶⁾.

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*.

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.

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

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- (1) OJ L 243, 15.9.2009, p. 1.;
- (2) OJ L 63, 13.3.1996, p. 8.
- (3) OJ L 116, 26.4.2001, p. 2.
- (4) OJ L 150, 6.6.2001, p. 4.
- (5) OJ L 64, 7.3.2003, p. 1.
- (6) OJ L 131, 28.5.2009, p. 1.

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