EUROPEAN COMMISSION

Brussels, 19.3.2010
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COMMISSION DECISION

of 19.3.2010

establishing the Handbook for the processing of visa applications and the modification of issued visas

(Only the Bulgarian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard 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)[1], and in particular Article 51 thereof,

Whereas:

(1) Regulation (EC) No 810/2009 lays down the Union rules for the issuing of visas for transit through or intended stays in the territory of Member States not exceeding three months in any six-months period.

(2) Article 51 of the Visa Code provides that operational instructions on the practical application of the provisions of the Regulation should be drawn up in view of ensuring a harmonised implementation of these provisions. For this purpose, a "Handbook for the processing of visa applications and the modification of issued visas" should be drawn up containing operational instructions, best practices and recommendations on the performance of tasks of Member States' staff examining and taking decisions on visa applications and modifying issued visas.

(3) Member States may complement these common instructions when and to the extent justified by national legislation, in particular legislation on the establishment and responsibilities of the Ombudsman, and involvement of specific authorities in the processing of visa applications. Member States may also complement these common instructions with national rules relating to motivation of grounds for a refusal and right of appeal against a negative decision, until the Union rules on these issues become applicable.

[1] OJ L 243, 15.9.2009, p. 1.

(4) In order to ensure its optimal use by all relevant Member States' authorities, the Commission should make the Handbook available to Member States in electronic form, together with any other available factual information needed to perform the tasks relating to examination and decision making on visa applications and modification of issued visas, such as the Table of Travel documents entitling the holder to cross the external borders and which may be endorsed with a visa, list of residence permits issued by Member States and similar, as referred to in Article 53 (2) of the Visa Code.

(5) The Commission will ensure the regular update of the Handbook and of any other factual information necessary to effectively perform the tasks relating to examination and decision making on visa applications and modification of issued visas.

(6) In order to enhance the harmonised implementation of Union rules relating to the processing of visa applications and the modification of issued visas, Member States should instruct their relevant national authorities to use the annexed Handbook as the main tool when performing their tasks relating to processing of visa applications and the modification of issued visa.

(7) Member States should use the Handbook for the purpose of training of the staff to be affected to duties relating to the processing of visa applications and the modification of issued visa.

(8) In accordance with Article 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on the Functioning of the European Union, Denmark did not take part in the adoption of Regulation (EC) No 810/2009 and is not bound by it nor subject to its application. However, given that Regulation (EC) No 810/2009 builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark, in accordance with Article 5 of the Protocol, notified by letter of 2 February 2010 the transposition of this *acquis* in its national law. It is therefore bound under international law to implement this Decision.

(9) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*[2]. The United Kingdom is therefore not bound by it or subject to its application. This Decision should therefore not be addressed to the United Kingdom.

(10) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*[3]. Ireland is therefore not bound by it or subject to its application. This Decision should therefore not be addressed to Ireland.

(11) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation,

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2 OJ L 131, 1.6.2000, p. 43.
3 OJ L 64, 7.3.2002, p. 20.

application and development of the Schengen *acquis*[4], which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999[5] on certain arrangements for the application of that Agreement.

(12) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[6], which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC[7] read in conjunction with Article 3 of the Council Decisions 2008/146/EC[8].

(13) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the association of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of the Council Decisions 2008/261/EC[9] and 2008/262/EC[10].

(14) As regards Cyprus, this Decision constitutes provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.

(15) As regards Bulgaria and Romania, this Decision constitutes provisions building on the Schengen acquis or otherwise related to it within the meaning of and of Article 4(2) of the 2005 Act of Accession.

(16) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The Handbook for the processing of visa applications and the modification of issued visas is set out in the Annex to this Decision.

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4 OJ L 176, 10.7.1999, p. 36.
5 OJ L 176, 10.7.1999, p. 31.
6 OJ L 53, 27.2.2008, p. 52.
7 OJ L 176, 10.7.1999, p. 31.
8 OJ L 53, 27.2.2008, p. 1.
9 OJ L 83, 26.3.2008, p. 3.
10 OJ L 83, 26.3.2008, p. 5.

Article 2

1. Member States shall:

- transmit the Handbook, referred to on Article 1, to the authorities competent for taking part in the procedures relating to visa applications; and

- instruct the above authorities to use the Handbook as the main tool when performing their tasks relating to visa applications.

2. Member States shall also use the Handbook for the purpose of training of consular staff and the staff of other authorities while performing their tasks.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, […]

For the Commission
[…]
Member of the Commission

ANNEX

HANDBOOK FOR THE PROCESSING OF VISA APPLICATIONS AND THE MODIFICATION OF ISSUED VISAS

TABLE OF CONTENTS

FOREWORD

The objective of this Handbook, for the practical application of the Visa Code is to lay down operational instructions (guidelines, best practices and recommendations) for the performance of tasks of Member States' consular staff and staff of other authorities responsible for examining and taking decisions on visa applications, as well as tasks of staff of the authorities responsible for modifying issued visas.

The Handbook and its operational instructions take into account the Visa Code[11] and all other European Union legislation relevant for the implementation by consular staff and staff of other authorities responsible for examining and taking decisions on visa applications of the European Union's common visa policy, which regulates the issuance of visas for transit through or intended stays in the territory of the Member States not exceeding three months in any six-month period. The list of the legal instruments relevant for this Handbook is set out in Part VI.

The Handbook is drawn up on the basis of Article 51 of the Visa Code. It neither creates any legally binding obligations upon Member States nor establishes any new rights and obligations for the persons who might be concerned by it, but aims to ensure a harmonised application of the legal provisions. Only the legal acts on which the Handbook is based, or refers to, produce legally binding effects and can be invoked before a national jurisdiction.

Fundamental rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person applying for a visa. The processing of visa applications should be conducted in a professional and respectful manner and fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Rights of the European Union.

In particular, consular staff must, in the performance of their duties, fully respect human dignity and must not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Any measures taken in the performance of their duties must be proportionate to the objectives pursued by such measures.

Consular staff should seek to strike a balance between the need, on the one hand, always to be vigilant in order to detect persons posing a risk to public policy and internal security as well as potential illegal immigrants, and the need, on the other hand, to ensure the smooth handling of visa applications submitted by persons who fulfil the entry conditions. It is impossible in a Handbook to set up operational instructions providing clear guidance in each and every individual case that might occur. In such cases where no clear guidance is given, consular staff shall process visa applications in full compliance with the spirit of the common visa policy.

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[11] Regulation (EC) No 810/2009 of 13.7.2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, page 1.

PART I: GENERAL ISSUES

1. EU MEMBER STATES

1. Austria	10. Germany	19. The Netherlands
2. Belgium	11. Greece	20. Poland
3. Bulgaria	12. Hungary	21. Portugal
4. Czech Republic	13. Ireland	22. Romania
5. Cyprus	14. Italy	23. Slovakia
6. Denmark	15. Latvia	24. Slovenia
7. Estonia	16. Lithuania	25. Spain
8. Finland	17. Luxembourg	26. Sweden
9. France	18. Malta	27. United Kingdom

2. ASSOCIATED STATES

Norway, Iceland, Liechtenstein (EEA Countries[12]) and Switzerland.

3. EU MEMBER STATES AND ASSOCIATED STATES, HAVING ABOLISHED BORDER CONTROL AT THEIR INTERNAL BORDERS AND FULLY IMPLEMENTING THE SCHENGEN *ACQUIS* IN RELATION TO THE ISSUING OF VISAS FOR THE PURPOSE OF STAYS NOT EXCEEDING THREE MONTHS

1. Austria	10. Hungary	19. Poland
2. Belgium	11. Iceland	20. Portugal
3. Czech Republic	12. Italy	21. Slovakia
4. Denmark	13. Latvia	22. Slovenia
5. Estonia	14. Lithuania	23. Spain
6. Finland	15. Luxembourg	24. Sweden
7. France	16. Malta	25. Switzerland

[12] The Agreement on the European Economic Area.

8. Germany 9. Greece	17. The Netherlands 18. Norway	

N.B. A Protocol between the EU/EC, Switzerland and Liechtenstein on the accession of Liechtenstein to the Schengen *acquis* was signed on 28.2.2008, but Liechtenstein does not yet implement the Schengen *acquis.*

For the purpose of the Visa Code and this Handbook the term "Member State" refers to those EU Member States applying the Schengen *acquis* in full and the associated states, and "territory of the Member States" refers to the territory (see point 1.1) of these "Member States".

As regards France and the Netherlands, the common visa policy applies only to the European territories of those Member States and as regards Norway, it does not apply to Svalbard (Spitzbergen).

Bulgaria, Cyprus and Romania do not yet implement the Schengen acquis in full. This means that the Visa Code is binding upon them but until the full implementation of the Schengen *acquis* these three Member States issue national short-stay visas valid only for their own territories. Bulgaria, Cyprus and Romania fully apply Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of a visa when crossing the external borders and those whose nationals are exempt from that requirement.

4. FAMILY MEMBERS OF EU/EEA[13] CITIZENS AND OF SWISS CITIZENS

Under Article 21 of the Treaty on the Functioning of the European Union[14], every EU citizen has the right to move and reside freely within the territory of the EU Member States, subject to the limitations and conditions laid down in the Treaty and by the measures adopted to give it effect. These limitations and conditions are set out in Directive 2004/38/EC[15] on the rights of citizens of the Union and their family members to move freely within the territory of the (EU) Member States. This Handbook contains a specific chapter (Part III) covering the particular rules applying to visa applicants who are family members of EU/EEA citizens covered by the Directive and family members of Swiss citizens covered by the EC-Switzerland Agreement on Free Movement of Persons.

5. VISA FACILITATION AGREEMENTS

Visa Facilitation Agreements (VFAs) between the European Union and certain third countries on the facilitation of the issuance of visas provide procedural facilitations to nationals of specific third countries (e.g. reduction of the visa fee, issuance of multiple-entry visas for

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13 By virtue of the EEA Agreement, Directive 2004/38/EC applies also in relation to the EEA Member States (Norway, Iceland and Liechtenstein). The derogations to the Directive, foreseen in the EEA Agreement, are not relevant for the visa handling procedure. Consequently, where this Handbook refers to the EU citizen, it must be understood as referring to EEA citizens as well, unless specified otherwise.

14 Ex Article 18 of the Treaty Establishing the European Community

15 OJ L 158, 30.4.2004, page 77

specific categories of applicants, shorter processing times) without altering the conditions for issuing visas (i.e. the visa applicant must still satisfy the entry conditions).

Eight VFAs are currently in force[16]. The Joint Committees monitoring these VFA have drawn up specific implementing Guidelines for each agreement. The VFAs bind all EU Member States except Denmark, the United Kingdom and Ireland. The Schengen associated states are not covered by the VFAs.

Denmark, Norway and Switzerland have concluded bilateral agreements with a number of the third states concerned.

Third country	***Entry into force of EU agreement***	***Entry into force of bilateral agreement*** ***Denmark***	***Entry into force of bilateral agreement*** ***Norway***	***Entry into force of bilateral agreement*** ***Switzerland***
Russian Federation	1.6.2007	1.10.2009	1.12.2008	
Ukraine	1.12008	1.3.2009		
Former Yugoslav Republic of Macedonia[17]	1.12008	Awaiting ratification	1.2.2008	
Serbia[18]	1.1.2008	1.5.2009		
Montenegro[19]	1.1.2008	1.8.2008		
Bosnia and Herzegovina	1.1.2008	1.4.2009	1.5.2009	1.7.2009
Albania	1.1.2008	1.12.2008	1.5.2009	
Republic of	1.1.2008	Negotiations		

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17 In accordance with Regulation (EC) No 1244/2009 amending Regulation (EC) No 539/2001, nationals of the former Yugoslav Republic of Macedonia holding biometric passports are exempt from the visa obligation (OJ L 336, 18.12.2009, p. 1); the VFA continues to apply to holders of non-biometric passports.

18 In accordance with Regulation (EC) No 1244/2009 amending Regulation (EC) No 539/2001, nationals of Serbia holding biometric passports (excluding holders of passports issued by the Serbian Coordination Directorate [in Serbian: *Koordinaciona uprava*]) are exempt from the visa obligation (OJ L 336, 18.12.2009, p. 1); the VFA continues to apply to holders of non-biometric passport holders and holders of passports issued by the Serbian Coordination Directorate.

19 In accordance with Regulation (EC) No 1244/2009 amending Regulation (EC) No 539/2001, nationals of Montenegro holding biometric passports are exempt from the visa obligation (OJ L 336, 18.12.2009, p. 1); as non-biometric Montenegrin passports are no longer valid, the VFA is no longer applied in practice.

Moldova		ongoing		

6. THE TYPES OF VISAS COVERED BY THE VISA CODE AND THE VISA CODE HANDBOOK

The Visa *Code "establishes the procedures and conditions for issuing visas for transit through or intended stays in the territory of the Member States not exceeding three months in any six month period"* (i.e. "short stays") and *"establishes the procedures and conditions for issuing visas for the purpose of transit through the international transit areas of Member States' airports."*. The visas issued may be uniform visas, meaning that they allow the holder to circulate in the entire territory of the Member States or visas with limited territorial validity, meaning that the holder is only allowed to circulate in the territory of one/some Member State(s), or airport transit visas allowing the holder to transit through the international transit area of a Member State's airport(s).

The issue of specific transit visa (the former type "B" visa) and the long stay visa concurrently valid as a short stay visa for the first three months of the validity of such a visa (the former type "D+C" visa) have been abolished with the application of the Visa Code. Visas of these categories issued before the Visa Code became applicable remain valid until their date of expiry.

7. THE UNIFORM FORMAT FOR VISA STICKERS

Uniform visas, visas with limited territorial validity, and airport transit visas issued by Member States are printed on the uniform format for visa stickers as established by Council Regulation (EC) 1683/95 laying down a uniform format for visas.

8. DOCUMENTS THAT ALLOW ENTRY AND/OR STAY IN THE TERRITORY OF THE MEMBER STATES AND THAT ARE NOT COVERED BY THE VISA CODE AND THE HANDBOOK

– National long-stay visas

The procedures and conditions for issuing national long-stay visas (for intended stays of more than 3 months) are covered by national legislation, although holders of a national long-stay visa have the right to circulate within the territory of the Member States in accordance with [Regulation (EC) No…… of ….. on the freedom of movement with a long-stay visa and amending Regulation (EC) No 562/2006 (the Schengen Borders Code)][20].

– Residence permits

The procedures and conditions for issuing residence permits are covered by national legislation, although according to the principle of equivalence between short stay-visas and residence permits, holders of a residence permit issued by a Member State and holders of a

[20] Text to be revised to take account of outcome to negotiations on proposals COM(2009) 90 final and COM(2009) 91 final

valid travel document may circulate for up to three months within the territories of the Member States.

– Facilitated Transit Document (FTD) and Facilitated Railway Transit Document (FRTD)

On 1.7.2003, a specific travel regime for transit between the Kaliningrad region and mainland Russia entered into force. It introduced two types of documents – a Facilitated Transit Document (FTD) and a Facilitated Railway Transit Document (FRTD) - needed for crossing the territory of the Member States in order to enable and facilitate the travel of third-country nationals who travel between two parts of their own country which are not geographically contiguous. At present only Lithuania applies this regime. The FTD serves for multiple direct transits by any kind of transport by land through the territory of Lithuania. It is issued by Lithuanian authorities and is valid for a maximum period of up to three years. Each transit based on an FTD cannot exceed 24 hours.

The FRTD serves for one return trip by train and is valid for up to three months. A transit based on an FRTD cannot exceed six hours.

FTD/FRTDs have the same value as a visa and must be issued in a uniform format by consular authorities in accordance with Council Regulation (EC) No 693/2003 and Council Regulation (EC) No 694/2003. FTD/FRTDs cannot be issued at the border.

Subject to the specific rules set out in Regulation No 693/2003, the provisions of the Schengen acquis relating to visas shall also apply to the FTD/FRTD (Art. 10 of Regulation (EC) No 693/2003).

Council Regulation (EC) No 693/2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual

Council Regulation (EC) No 694/2003 on uniform formats for FTD and FRTD.

PART II: OPERATIONAL INSTRUCTIONS ON THE PROCESSING OF VISA APPLICATIONS

1. VISA REQUIREMENTS

UNIFORM VISAS

1.1. Which nationalities are subject to a visa requirement?

Legal basis: Regulation (EC) No 539/2001

The list of third countries whose nationals must hold a visa for entering into the territory of the Member States for stays not exceeding three months (90 days) in any six-month period (180 days) is established in Council Regulation (EC) No 539/2001, see Annex 1.

1.1.1. For which categories of persons are there Union law derogations from the visa requirement for the territory of all Member States?

- Third-country nationals holding a residence permit issued by a Member State are not exempt as such from the visa requirement but their residence permit is considered as equivalent to a uniform visa. See List of residence permits issued by Member States (Annex 2);

- Holders of diplomatic passports who under the Visa Facilitation Agreements with certain third countries are exempted from the visa requirement;

- Third country nationals holding a "local border traffic permit" when exercising their rights within the context of the Local Border Traffic regime[21] (Annex 3);

- School pupils who are nationals of third countries whose nationals are subject to visa requirements and who reside in a EU Member State and travelling in the context of a school excursion as a member of a group of school pupils accompanied by a teacher from the school in question, see also List of school pupils travelling in the framework of a school excursion within the European Union, (Annex 4);

- Recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in a Member State and are holders of a travel document issued by that Member State;

- Certain categories of family members of EU and Swiss citizens are exempt from visa requirements, see Part III.

[21] OJ L 405, 30.12.2006 and OJ L 29, 3.2.2007

1.1.2. For which categories of persons are there national derogations from the visa requirement?

According to Regulation (EC) No 539/2001, Member States may individually exempt certain categories of nationals of the third countries normally subject to visa requirements:

- holders of diplomatic, service/official and special passports;
- civilian sea crew members, including civilian crew of ships navigating in international waters and on international inland waterways;
- flight crew and attendants on emergency or rescue flights and other helpers in the event of a disaster/accident;
- civilian air crew;
- holders of laissez-passer issued by some intergovernmental international organisations to their officials;
- members of the armed forces travelling on NATO or Partnership for Peace business;
- holders of identification and movement orders provided for by the Agreement of 19 June 1951 between the parties to the NATO regarding the status of their forces;
- school pupils who are nationals of a third country whose nationals are subject to visa requirements who reside in a third country whose nationals are not subject to visa requirements and travelling in the context of a school excursion as a member of a group of school pupils accompanied by a teacher from the school in question;
- recognised refugees and stateless persons residing in and holding a travel document issued by a third country whose nationals are not subject to visa requirements.

Information on all such exemptions (point 1.1.2) is published in Information pursuant to Council Regulation (EC) No 539/2001, see Annex 5.

1.1.3. Turkish nationals who are service providers may be exempt from the visa requirement

1.1.4. See *Guidelines on the movement of Turkish nationals across the external borders of EU Member States in order to provide services there, Annex 6.*

1.2. Which nationalities are exempt from the visa requirement?

The list of third countries whose nationals are exempt from the obligation to hold a visa for entering into the territory of Member States for stays not exceeding three months in any six-month period is established in Council Regulation (EC) No 539/2001, see Annex 1.

1.2.1. For which categories of persons are there national derogations from the short-stay visa waiver?

According to Regulation (EC) No 539/2001, Member States may unilaterally impose visa requirements on certain categories of nationals of the third countries normally not subject to a visa requirement

- holders of diplomatic, service/official and special passports;
- civilian air and sea crew members;
- flight crew and attendants on emergency or rescue flights and other helpers in the even of a disaster or accident;
- civilian sea crew including crew of ships navigating in international waters and on international inland waterways;
- holders of laissez-passer issued by some intergovernmental international organisations to their officials;
- persons wishing to carry out paid activities during a stay of less than three months.

Information on these exemptions is published in Information pursuant to Council Regulation (EC) No 539/2001, see Annex 5.

AIRPORT TRANSIT VISAS

Legal basis: Visa Code, Article 3

1.3. Which nationalities are subject to an airport transit visa requirement?

The list of third countries whose nationals must hold an airport transit visa when passing through the international transit areas of airports situated on the territory of the Member States is set out in Annex 7A.

A Member State may individually require nationals from certain third countries to hold an airport transit visa when passing through the international transit areas of airports situated on its the territory, see Annex 7B.

1.3.1. Which categories of persons are exempted from the airport transit visa requirement?

The following categories of persons are exempt from the obligation to hold an airport transit visa:

a) holders of a valid uniform visa, national long stay visa or residence permit issued by a Member State;

b) holders of a valid visa issued by

– Bulgaria, Cyprus, Romania, Liechtenstein, the Ireland or the United Kingdom

– Canada, Japan or the United States of America

or when they return from those countries after having used the visa;

The exemption of holders of valid visas issued by Bulgaria, Cyprus, Romania, Ireland, the United Kingdom, Canada, Japan or the United States of America applies irrespective of whether the person concerned travels to the country that issued the visa or to another third country.

Example: *A Nigerian national holding a valid Canadian visa is travelling from Lagos (Nigeria) via Frankfurt (Germany) to Bogotá (Colombia).*

This person does not need to hold an airport transit visa when transiting through the international transit area of Frankfurt airport.

However, if a third-country national holdings an expired visa issued by Bulgaria, Cyprus, Romania, the United Kingdom, Ireland, Canada, Japan or the United States of America returns from a third country other than the issuing country, he is not exempted from the airport transit visa requirement:

Example: *A Nigerian national holding an expired Canadian visa is returning from Bogotá (Colombia) to Lagos (Nigeria) via Frankfurt (Germany).*

This person needs to hold an airport transit visa when transiting through the international transit area of Frankfurt airport.

c) holders of a valid residence permit

– issued by Ireland or the United Kingdom;

– issued by Andorra, Canada, Japan, San Marino or the United States of America guaranteeing the holder's unconditional readmission, see Annex 7C;

d) family members of citizens of the Union covered by Directive 2004/38/EC, irrespective of whether they travel alone, to accompany or join the EU citizen, (see Part III);

e) holders of diplomatic passports;

f) flight crew members who are nationals of a contracting Party to the Chicago Convention on International Civil Aviation.

2. DETERMINATION OF THE COMPETENT MEMBER STATE AND OF THE COMPETENT CONSULATE OF THAT MEMBER STATE

How to establish the competent Member State based on the applicant's travel destination

Legal basis: Visa Code, Article 5

2.1. Application for a uniform visa for a single entry

2.1.1. If the travel destination is one Member State, that Member State's consulate must deal with the application.

2.1.2. If the travel destination includes more than one Member State, the application must be dealt with by the consulate of the main destination. The main destination is understood to be the destination where the applicant intends to spend the longest time or where the main purpose of the intended journey is carried out.

Example: *An Egyptian national wishes to travel for holiday purposes to Italy (for seven days) and France (for four days) via Greece (no stay but stop-over at airport).*

In this case the Italian consulate should deal with the application because Italy is the main destination in terms of purpose and length of stay.

Example: *A Moroccan national wishes to travel to Belgium for business reasons (two days) and decides to visit relatives in France on the same occasion (six days). She will arrive at and leave from Amsterdam (Netherlands).*

The main purpose of the trip is the business appointment, and thus the Belgian consulate should deal with the application.

Example: *A Moroccan national wishes to travel to France for a family event (four days) and has additionally organised a meeting with a business partner in Belgium (two days). He will arrive at and leave from Amsterdam (Netherlands).*

The main purpose of the trip is the family event, and thus the French consulate should deal with the application.

Recommended best practice in case it is not possible to establish the main purpose of stay among several purposes of stay: in such cases the length of stay should be used as the criterion to determine which Member State is competent for examining and taking a decision on the visa application.

2.1.3. If no main destination can be determined, the consulate of the Member State whose external border the applicant intends to cross first must deal with the application

Example: *A Ukrainian national is travelling by bus to Poland, Germany and Austria for the purpose of tourism. She will spend four days in Poland, four days in Germany and three days in Austria.*

In this case the Polish consulate should deal with the application, as the visa holder crosses the external border into Poland.

2.2. Application for a uniform visa for multiple entries

Recommended best practice for determining the Member State competent for dealing with an application for a uniform visa for multiple entries: Generally an application for a multiple-entry visa should be dealt with by the Member State that constitutes the usual main destination; i.e. the Member State of the most frequent destination or in the case of absence of such a destination, the Member State of the first envisaged trip.

Example: *A Senegalese national regularly visits her family in France but also travels to other Member States for business purposes once or twice per year. The destination of her first journey is Switzerland.*

In this case the French consulate should deal with the application because it will be the most frequent destination.

Example: *A Ukrainian national working as a lorry driver for a Ukrainian transport company regularly delivers goods to customers in Austria and has therefore been issued several multiple-entry visas by Austria. The previous visa has expired and he applies for a new visa at the Austrian consulate even though the company will now only deliver goods in Spain.*

In this case the applicant should be referred to the Spanish consulate even if he is well known at the Austrian consulate because his main destination will from now on be Spain.

2.3. Application for a uniform visa for the purpose of transit

2.3.1. If the transit concerns one Member State, that Member State's consulate must deal with the application.

2.3.2. If the transit concerns several Member States, the consulate of the Member State whose external border the applicant intends to cross first must deal with the application.

***Example**: A Moroccan national wishing to travel to the United Kingdom via Spain and France.*

In this case the Spanish consulate must deal with the application, because the person concerned will cross the external border into Spain.

***Example:** A Ukrainian national wishes to travel from Kyiv (Ukraine) to London (United Kingdom) by plane via-Vienna (Austria) and Frankfurt (Germany) and after his stay in the United Kingdom he wishes to return to Ukraine following another route, via Berlin (Germany) and Budapest (Hungary).*

In this case the Austrian consulate must deal with the application, because the person concerned will first cross the external border into Austria.

2.4. Application for an airport transit visa

2.4.1. If the application only concerns a single airport transit, the consulate of the Member State on whose territory the airport concerned is situated, must deal with the application.

***Example:** A Nigerian national transits via Frankfurt airport (Germany) on her way to Brazil.*

In this case the German consulate must deal with the application.

2.4.2. If the application concerns several airport transits, the consulate of the Member State on whose territory the first transit airport is situated, must deal with the application.

***Example:** A Pakistani national transits via Madrid airport (Spain) on his way to Colombia and via Frankfurt airport (Germany) on his return trip.*

In this case the Spanish consulate should deal with the application.

It is important to distinguish a situation of onward journey where the third country national does not leave the international transit area of an airport from situations of onward journey

where the third country national leaves the international transit area of an airport, see examples in point 9.2

2.5. How to deal with an application from an applicant travelling to several Member States, including to a Member State exempting him from visa requirements

Example: *A holder of an Indian diplomatic passport is travelling to Germany (four days), Denmark (two days), Hungary (one day), and Austria (one day). Germany, Denmark and Hungary exempt holders of Indian diplomatic passports from the visa requirement, whereas Austria does not.*

In this case the Austrian consulate should deal with the application, Austria being the only Member State submitting the person concerned to a visa requirement, even if Germany is the main destination.

Example: *A holder of a Pakistani service passport is travelling to Denmark (seven days), Poland (one day), Austria (two days) and Italy (one day). Austria and Denmark exempt holders of Pakistani service passports from the visa requirement, whereas Italy and Poland do not.*

In this case the Polish consulate should deal with the application, Poland being the Member State of first entry of those Member States submitting the person concerned to a visa requirement, even if Denmark is the main destination.

Example: *A holder of a Ukrainian service passport is travelling from Kyiv (Ukraine) to Bratislava (Slovakia) via Vienna (Austria). She travels from Kyiv to Vienna by plane and then from Vienna to Bratislava by train. Slovakia exempts holders of Ukrainian service passports from the visa requirement.*

In this case the Austrian consulate should deal with the application, Austria being the Member State submitting the person concerned to a visa requirement.

Example: *A holder of a Kenyan diplomatic passport is travelling to Germany (two days) and Malta (three days) on official duties with a stop-over in Italy (one day to await a connecting flight). Germany and Malta exempt holders of Kenyan diplomatic passports from visa requirements, whereas Italy does not.*

In this case the Italian consulate should deal with the application, being the only Member State of destination submitting the person concerned to the visa requirement, even if the stay in Italy is only a "stop over".

2.6. Should a Member State consulate accept an application from an applicant travelling to a Member State that is not present or represented in the third country where the applicant resides?

Legal basis: Visa Code, Article 5(4)

One of the underlying principles of the Visa Code is that all Member States should – as a long term perspective - be present or represented for the purposes of issuing visas in all third countries whose nationals are subject to a visa requirement. To that end, Article 5 (4) states that *"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 [Article 5 (1) – (3)] is neither present nor represented in the third country where the applicant lodges the application in accordance with [the provisions on the consular territorial competence]"*.

This does not imply that any Member State consulate in the third country where the applicant resides should accept his application if the competent Member State (e.g. the one of the sole or main destination of the applicant) is not present or represented there, because the rules on competence prevail, see points 2.1 – 2.5.

Article 5 (4) entails an obligation for Member States to cooperate in order to prevent such situations of Member States not being present or represented - as a long term perspective - and thus, this obligation is an obligation of means, not an obligation of result. Therefore, Member States are not obliged to accept visa applications that they are not competent to examine and take decisions on according to the rules set out above where the competent Member State is not present or represented.

However, taking into account that this provision is covered in the article concerning the *"Member State competent for examining and deciding on an application"*, a Member State may, in the absence of the normally competent Member State, agree to examine such applications in individual, exceptional circumstances and take a decision on it

– for humanitarian reasons, and

– after having obtained the agreement of the normally responsible Member State.

2.7. How to react in case an application has been lodged at a consulate that is not competent to deal with it?

Legal basis: Visa Code, Article 18 (2)

If the consulate establishes that it is not competent to deal with an application after the application has been lodged, this information shall immediately be communicated to the applicant, and the entire application (application form and supporting documents) should be returned as well as the visa fee. The applicant shall be informed of where to submit the application.

If required by national legislation (for instance by Ombudsman law), a Member State may keep a copy of the documents submitted and of the communication to the applicant.

2.8. Can a consulate accept an application from an applicant not residing in the jurisdiction of the consulate?

Legal basis: Visa Code, Article 6

As a general rule, only applications from persons who reside legally in the jurisdiction of the competent consulate (as described in points 2.1-2.5) should be accepted.

However, an application may be accepted from a person legally present – but not residing - in the jurisdiction of the consulate where the application is submitted, if he can justify why the application could not be lodged at a consulate in his place of residence. It is for the consulate to appreciate whether the justification presented by the applicant is acceptable.

"Non-residing applicant" means an applicant who resides elsewhere but is legally present within the jurisdiction of the consulate where he submits the application.

"Legally present" means that the applicant is entitled to stay temporarily in the jurisdiction on the basis of the legislation of the third country where he is present either for a short stay or when he is allowed to stay for a longer period of time while maintaining his permanent residence in another third country.

Example: *A Peruvian artist is scheduled to perform in Portugal on 25.5., and from 20.2. to 15.5 she is performing in Canada and the United States.*

Under such circumstances a Portuguese consulate in Canada or the United States should allow the applicant to submit the application,because it would be impossible for her to apply while still in her country of residence given the rule of not applying for a visa earlier than three months before the date of the intended entry into the territory of the Member States.

Example: *A Chinese professor has travelled to London to teach at a university summer school. During her stay, her father, who lives in France, falls seriously ill and in order to travel to France the Chinese woman applies for a visa at the French consulate in London.*

The French consulate in London should deal with the application because it would be excessive to require the person concerned to return to her country of residence to apply for the visa.

Example: *A Moroccan national who spends his holidays in Montreal (Canada) wishes to apply for a visa to travel to Germany at the German consulate in Montreal. He claims that the waiting time for obtaining an appointment for submitting the application at the German consulate in Rabat (Morocco) is too long.*

The German consulate in Montreal should not accept to deal with the application, because the justification is unfounded.

Example: *An accredited commercial intermediary lodges the applications of a group of Russian tourists at the Spanish Consulate General in Moscow. All of them will travel together to Spain for two weeks. The majority of them reside in the jurisdiction of the Spanish Consulate in Moscow while some others reside in the jurisdiction of the Spanish Consulate in Saint Petersburg.*

The Spanish consulate in Moscow should deal with the applications.

Example: *A Russian businessman from Novorossiysk (Russia) has travelled to Moscow (Russia) for a trade fair. There he meets a Greek business person who invites him to come to Athens (Greece) straight away in order to establish a contract for a future business relationship. The Russian businessman wishes to apply for a visa at the Greek consulate in Moscow because the approximate travel/road distance between Moscow and Novorossiysk is around 1500 km.*

The Greek consulate in Moscow should deal with the application because it would be excessive to require the person concerned to return to his city of residence to apply for the visa.

2.9. Can a Member State consulate situated in the territory of another Member State examine applications for a visa?

Legal basis: Visa Code, Article 7

Generally, a third country applicant legally present in the territory of a Member State holds a document allowing him to circulate freely (a uniform visa, a residence permit, [a national long stay visa]). However, situations may arise where a person legally present does not hold a document allowing him to travel to another Member State. Under such circumstances the general rules on competence as described in points 2.1 – 2.5 remain applicable.

Example: *A holder of an Indonesian diplomatic passport, exempted from the visa requirement by Austria, has travelled to Austria to participate in a conference. During his stay, his authorities order him urgently to travel to Estonia to participate in a high level political meeting. Estonia does not exempt holders of Indonesian diplomatic passports from the visa obligation.*

The Estonian consulate in Vienna should deal with the application because it would be excessive to require the person concerned to return to his country of residence to apply for the visa.

Example: *An Afghani holder of a French national long stay visa staying in France wishes to travel to Portugal (transiting through Spain) for the funeral of his father who resided there.*

A Portuguese consulate in France should deal with the application because it would be excessive to require the person concerned to return to his country of residence to apply for the visa.[22]

Example: *a Ukrainian national is staying in Spain on the basis of national long stay visa. He wishes to return to Ukraine by car via France, Germany and Poland.*

The Ukrainian national should apply for a visa at a French consulate in Spain (cf. point 2.3.2).[23]

[22] Text to be revised to take account of outcome to negotiations on proposals COM(2009) 90 final and COM(2009) 91 final

[23] Text to be revised to take account of outcome to negotiations on proposals COM(2009) 90 final and COM(2009) 91 final

3. LODGING OF AN APPLICATION

3.1. When can an application be lodged?

Legal basis: Visa Code, Article 9(1)

A visa application should in principle be lodged at least 15 calendar days before the intended visit (as this is the normal processing time) and cannot be lodged earlier than three months before the start of the intended visit. It is the applicant's responsibility to take the necessary precautions to respect the deadlines where an appointment system is in place. However, applicants should be informed of the various deadlines, see the Handbook for the organisation of visa sections and local Schengen cooperation, Part I, point 4.

An application lodged less than 15 calendar days before the intended departure may be accepted, but the applicant should be informed that the processing time may be of up to 15 calendar days. If, nevertheless the applicant insists on lodging the application he should be informed that the final decision might be taken after the intended date of departure

Example: *A Turkish national decides to book a special last minute offer for a skiing vacation in Austria with a departure within two days and only the day before departure he realises that he needs a visa to enter Austria.*

In this case the Austrian consulate could refuse to deal with the application.

A holder of a multiple-entry visa may apply for a new visa before the expiry of the validity of the visa currently held. However, the validity of the new visa must complement the current visa, i.e. a person cannot hold two uniform visas valid for the same period in time.

Example: *A Moroccan lawyer representing a gender equality NGO who frequently participates in meetings in various Member States holds a multiple-entry-visa which expires on 31.5. She applies for a new visa on 15.4.*

If a new visa is issued, it should be valid from 1.6. and in such a case the visa holder would be entitled to enter the territory of the Member States on the basis of the first visa that will expire during the stay and leave on the basis of the new visa.

3.2. Appointment system

Legal basis: Visa Code, Article 9(2) and (3)

3.2.1. Should applicants be required to obtain an appointment for submitting an application?

Applicants may be required to obtain an appointment before submitting an application – either via an in-house system or an appointment system run by an external service provider.

In justified cases of urgency, an appointment should be given immediately or direct access for submitting the application should be allowed.

Cases of urgency are situations where the visa could not have been applied earlier for reasons that could not have been foreseen by the applicant.

Example of justified case of urgency:

A close relative (residing in a Member State) of a visa applicant has been injured in a car accident and needs assistance from the visa applicant.

For the procedural safeguards in relation to family members of an EU and Swiss citizen, see Part III.

3.2.2. What is the maximum deadline for obtaining an appointment?

Legal basis: Visa Code, Article 9(2)

The deadlines for obtaining an appointment shall as a rule not exceed two weeks. The capacity of Member States' consulates to handle visa applications should be adapted so that this deadline is complied with even during peak seasons.

3.2.3. Can "fast track" procedures for the submission of applications be established?

A consulate may decide to establish a "fast track" procedure for the submission of applications in order to receive certain categories of applicants.

For the procedural safeguards in relation to family members of an EU and Swiss citizen, see Part III.

3.3. Personal appearance of the applicant

Legal basis: Visa Code, Articles 10, 13, 21 (8), 42, 43 and 45

3.3.1. Should the applicant appear in person for submitting the application?

Applicants should as a general rule submit the application in person at the consulate. Applicants must also submit the application in person when fingerprints are to be collected. The objective of the submission in person is to allow consular staff to gain an impression of the substance of the application and ask questions about the purpose of travel and the documents submitted. It is important to obtain ample information from the applicant upon

submission of the application irrespective of the practical circumstances for the collection of the application and the supporting documents in order to determine the purpose of the journey.

For the procedural safeguards in relation to family members of an EU and Swiss citizen, see Part III.

Where an external service provider or an honorary consul have been authorised to collect visa applications on behalf of a Member State, the personal appearance applies at their premises (see point 3.3.3). The personal appearance should be distinguished from the possible interview as referred to in point 7.11.

The particular rules concerning the collection of biometric identifiers are covered in chapter 5.

3.3.2. What are the exemptions from lodging the application in person?

For persons who are known to the consulate for their integrity and reliability, the requirement of lodging the application in person may be waived by allowing them to have their application submitted by a third party or sent by post. Such exemptions cannot be granted to first time applicants and the integrity and reliability must be determined for the applicant individually and revised regularly.

Examples of categories of persons for whom the "personal appearance" requirement may be waived:

- official entities or companies already known to the consulate: the reliability of a company does not automatically warrant for the reliability of its employees which must be assessed individually;
- persons having used previous uniform visas correctly;
- persons travelling regularly/frequently for the same purpose (conferences, seminars, teaching, business contacts);
- persons who need to travel to receive urgent medical treatment and who, for medical reasons, cannot come to the consulate.

Recommended best practice:

If the consulate receives an application by proxy or by post from a person for whom the requirement of personal appearance has not been waived in advance, the consulate as a rule, should decide not to accept it. The consulate should return the documents to the proxy without assessing the admissibility.

3.3.3. What procedure should be followed when applications are lodged through a commercial intermediary?

Accredited commercial intermediaries may also be allowed to submit applications on behalf of individuals either directly at the consulate or at the premises of an external service provider or a honorary consul. However, fingerprints cannot be collected by commercial intermediaries, see chapter 5.

3.3.4. What procedure should be followed when biometric identifiers are collected?

THIS POINT APPLIES ONLY IN CONSULATES WHERE VIS HAS BECOME OPERATIONAL

Irrespective of the general rules in relation to personal appearance when submitting the application, first time applicants and persons who have not had their fingerprints collected within the previous 59 months must appear in person in order for their fingerprints to be collected (see chapter 5).

3.3.5. Interview of an applicant

Irrespective of where the application has been lodged (i.e. at the consulate or at the premises of an external service provider) and whether the application has been lodged by the applicant in person or not, he may in justified cases, be called for an interview at the consulate (see point 7.11).

4. BASIC ELEMENTS OF THE VISA APPLICATION

In order for an application to be considered admissible, the following must be fulfilled:

– a filled in and signed application form, a valid travel document and a photograph must be submitted

– the visa fee must have been paid

– where applicable, biometric data must be collected

4.1 Travel document

Legal basis: Visa Code, Article 12

4.1.1. What is the minimum duration of validity of travel documents that can be accepted?

The travel document presented must be valid at least three months after the intended date of departure from the Member States in case a single-entry visa is applied for.

If a multiple-entry visa is applied for, the travel document must be valid three months after the last intended date of departure.

Example: *After having been involved in research projects in the Netherlands and Germany, a Malaysian scientist starts working in research projects in Hungary and has to travel there approximately every three months between January 2010 and January 2014. He applies for a multiple- entry visa on 1.11.2009, presenting a travel document that is valid until 15.3.2012. Although the person concerned can be considered "bona fide" – after having used his previous uniform visas correctly – and could be granted a multiple-entry visa valid for the entire period, he should only be issued a multiple-entry visa valid until 15.12.2011.*

The travel document must contain sufficient, and at least two, blank pages (one to affix the visa sticker(s) and one to affix the stamp of the border control authorities).

In justified cases of urgency, a travel document that has a shorter period of validity than indicated above may be accepted. Justified cases of urgency are situations (need to travel) which could not have been foreseen by the applicant and who could therefore not in time have obtained a travel document with required validity.

Example of a justified case of urgency that could allow for disregard of the rule on validity of the travel document: A Philippine national urgently needs to travel to Spain where a relative has been victim of a serious accident. His travel document is only valid 1 month beyond the intended return.

In this case the Spanish consulate should accept the travel document for the purpose of submitting the application.

4.1.2. How should a travel document that is not recognised by one or some Member State(s) be treated?

It should be verified whether the travel document is recognised by the Member State receiving the visa application and by the other Member States. Travel documents not recognised by all Member States may be accepted but particular rules apply in relation to the type of visa to be issued. Member States' (non)recognition of travel documents is set out in the Table of Travel documents entitling the holder to cross the external borders and which may be endorsed with a visa, Parts I-II-III and V (Annex 10)

In case one or some Member States do not recognise a travel document, a visa whose territorial validity does not cover the territory of that/those Member States may be issued, see point 9.1.2.3.

In case the Member State receiving the visa application does not recognise the applicant's travel document, a visa may be issued but has to be affixed on the separate sheet for affixing a visa, see point 9.1.2.3 and point 11.2.1.

In case a travel document is not recognised by any Member State, the application may be declared inadmissible (see point 4.6).

4.2. Application form

Legal basis: Visa Code, Article 11 and Annex I

The uniform application form (Annex 9) shall be used for the application for visas for stays not exceeding 3 months per 6-month period. The uniform form cannot be altered and additional fields (or pages) may not be added, but the application form can be printed on several pages to make it more user friendly.

Each applicant must submit a filled in and signed application form. In case several persons (minors or a spouse) are covered by the same travel document, individual application forms must be filled in and signed by the persons concerned and in the case of minors, signed by the parental authority or the legal guardian.

Family members of EU and Swiss citizens (spouse, child or dependent ascendant) should not fill in the fields marked by * while exercising their right to free movement, see Part III, but fill in fields 34 and 35.

4.2.1. In which languages should the application form be available?

Legal basis: Visa Code, Article 11(3)

The application form shall be available either in:

(a) the official language(s) of the Member State for which a visa is requested,

(b) the official language(s) of the host country,

(c) the official language(s) of the host country and the official language(s) of the Member State for which a visa is requested, or

(d) in case of representation, the official language(s) of the representing Member State.

In addition to the language(s) referred to in point (a) (b) and (c), the form may be made available in another official language of the EU institutions, for example in English.

4.2.2. What language should be used for filling in the form?

Legal basis: Visa Code, Article 11(6)

Member States decide which language(s) should be used for filling in the application form and inform the applicants about this.

Recommended best practice in relation to information on the filling in of the application form: It is recommended to widely display samples of filled in application forms, in order to facilitate this part of the application process for applicants and to make sure that all relevant information is at the disposal of consular staff. If need be, the filled in "sample" may be adapted to local circumstances (ex: field 11 on national identity number: if this is not relevant in a given location, it should be mentioned in the "sample").

4.2.3. What are the implications of the statement in the application form to be signed by the applicant?

It is important to verify that the applicant or his legal representative has signed the statement at the bottom of the application form as a proof that he is aware of and consent to the statement. In the case of minors, the person(s) exercising the parental authority or the legal guardian must sign.

4.3. The photograph

Legal basis: Visa Code, Article 10 (3) (c)

4.3.1. What are the technical standards for the photograph?

The photograph must fulfil the standards set out in the photograph specifications (Annex 11).

Photos that do not comply with these standards should not be accepted.

When the VIS has become operational in a location, the standards of the photograph should follow the ones referred to in chapter 5 on biometric identifiers.

4.4. The Visa Fee

Legal basis: Visa Code, Article 16

4.4.1. Does the same visa fee apply to all applicants?

As a general rule a fee of 60 EUR, applies to individual applicants irrespective of the type of visa applied for and irrespective of where the application is lodged (directly at the consulate by the applicant himself or by a commercial intermediary, via an external service provider or at the external borders). There are, however, general exemptions or reductions of this fee, covered either by the Visa Code, by Visa Facilitation Agreements, or by the particular rules covering family members of EU and Swiss citizens, see Part III.

Member States may waive or reduce the fee in individual cases and for certain other categories of applicants while aiming at harmonising such exemptions within local Schengen cooperation.

Except for the situations covered by certain Visa Facilitation Agreements, it is not possible to apply or accept an increased "fast track fee" if an accelerated handling of an application is requested.

4.4.2. Mandatory rates applicable to all applicants or certain categories of applicants:

Legal basis: Visa Code, Article 16 (4)

Visa fee rates	General rules	Visa Facilitation Agreements
0 EUR	Children 0-6 years (i.e. children that are 6 years of age minus 1 day) (1)	See Annex 8
	Family members of EU and Swiss citizens (see Part III)	
	School pupils, students, post-graduate students and accompanying teachers who undertake stays for the purpose of study or educational training	
	Researchers from third countries travelling for the purpose of carrying out scientific research (2)	
	Representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events	

	organised by non-profit organisations (3)	
35 EUR	Children 6-12 (until the age of 12 years minus one day (1)	See Annex 8
60 EUR	All other applicants not covered by a visa facilitation agreement	
70 (or 35) EUR	Not applicable	See Annex 8

(1) The calculation should be based on the date of submission of the application.

(2) Scientific research as defined in Recommendation No 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research, Annex 12.

(3) In this context a "non-profit" organisation means an organisation officially registered as a non-profit organisation.

4.4.3. Optional visa fee waiver applicable to certain categories of applicants and in individual cases

Legal basis: Visa Code, Article 16 (5)

4.4.3.1. Member States may decide to waive the visa fee for the following categories of persons

Defined categories of persons	Children 6-12 i.e. children that are 12 years of age minus 1 day) (1)
0 EUR	Holders of diplomatic and service passports
	Participants aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations (2)

(1) The calculation should be based on the date of submission of the application.

(2) In this context a "non-profit" organisation means an organisation officially registered as a non-profit organisation.

4.4.3.2. Waiving or reduction of the visa fee in individual cases

Legal basis: Visa Code, Article 16 (6)

Member States may decide to waive or reduce the visa fee in individual cases on the basis of particular interests in order to promote cultural or sporting interests as well as interests in the field of foreign policy, development policy and other areas of vital public interest or for humanitarian reasons.

4.4.4. The calculation of the fee, if not charged in Euro

Legal basis: Visa Code, Article 16 (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.

When charged in a currency other than 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 consulates shall ensure under local Schengen cooperation that they charge similar fees.

Recommended best practice in relation to the review of the exchange rate:

The frequency of the review of the exchange rate used in the account section of the consulate and possible adjustment of the visa fee depends on the stability of the exchange rate of the local currency towards the euro, and the euro foreign exchange rate should be verified at least every two weeks although shorter intervals may be justified. Member States should agree on a common procedure within local Schengen cooperation.

In case the euro foreign exchange reference rate set by the European Central Bank is not available for a local currency, Member States may use the exchange rate applicable in their internal budgetary matters in order to calculate the amount of the visa fee in the local currency.

4.4.5. When and how should the visa fee be paid?

Legal basis: Visa Code, Article 19 (1)

Payment of the visa fee is part of the criteria to be fulfilled for an application to be considered admissible, therefore the visa fee should be paid in cash or have been paid in a bank when the application is lodged.

4.4.5.1. Issuance of a receipt

Legal basis: Visa Code, Article 16 (8)

If the visa fee is paid at the same time as the submission of the application, a receipt shall be given to the applicant. If the fee is paid via a bank, the bank receipt is sufficient.

In case applications are lodged by a commercial intermediary on behalf of a group, a collective receipt may be issued.

4.4.6. Is the visa fee refundable?

Generally the visa fee is not refundable irrespective of the final decision on the visa application. However, if the consulate realises that it is not competent for handling the application after the fee has been paid, or if it the application turns out to be inadmissible, the fee must be reimbursed.

4.5. Admissibility

Legal basis: Visa Code, Articles 10 and 19

The admissibility of an application should only be verified by the competent consulate. In case it turns out that an application is inadmissible, the procedure described in point 2.7. should be followed.

4.5.1. When is an application admissible?

Where the deadlines for submission of an application have been respected (see point 3.1.) and the basic elements for an application to be considered admissible have been submitted (filled in and signed application form, valid travel document, a photograph) and the visa fee has been paid and, if applicable, biometric data has been collected, the application shall be considered admissible.

4.5.2. How should an admissible application be treated?

If the application is admissible, the stamp indicating that the application is admissible (Annex 13) shall be placed in the applicant's travel document (see point 4.5.3 below) and the further examination shall be carried out.

THIS POINT APPLIES ONLY IN CONSULATES WHERE VIS HAS BECOME OPERATIONAL:

If the application is admissible, the stamp indicating that the application is admissible should be placed in the applicant's travel document (see point 4.5.3 below), the application file should be created in the VIS and the further examination shall be carried out.

4.5.3. When and how to use the stamp indicating that an application is admissible

Legal basis: Visa Code, Article 20 and Annex III

Before the in-depth examination of the application, the "admissibility" stamp – in the uniform format – shall be placed on the first available page of the travel document that contains no entries or stamps. The date of the application, the type of visa applied for ("C" or "A"), and the code of the Member State where the application has been lodged shall be added manually, if they are not fixed by the stamp.

No additional data may be added in the stamp and the stamp only signifies that an application has been lodged and has been considered admissible.

The "admissibility" stamp shall be used until the VIS has become fully operational in all regions.

4.6. How should an inadmissible application be treated?

If the application is inadmissible, the application form and any documents submitted should be returned to the applicant and the visa fee should be reimbursed, and the application shall not be further examined.

If required by national legislation (for instance by Ombudsman law), a Member State may keep a copy of the documents submitted and of the communication to the applicant.

THIS POINT APPLIES ONLY IN CONSULATES WHERE THE VIS HAS BECOME OPERATIONAL:

If the application is inadmissible, the application form and any documents submitted should be returned to the applicant, the collected biometric data should be destroyed, the visa fee should be reimbursed, and the application shall not be further examined**,** and no application file should be created in the VIS.

4.7. Can an inadmissible application be examined in certain cases?

An application that does not fulfil the criteria for being considered admissible may nevertheless exceptionally be examined on humanitarian grounds or for reasons of national interest.

Example of a humanitarian ground that could allow for disregard of the rule on admissibility:

A Philippine national urgently needs to travel to Spain where a relative has been victim of a serious accident. His travel document is only valid for one month beyond the intended date of return.

Examples *of reasons of national interest that could allow for disregard of the rule on admissibility:*

The director of one of the most important Colombian tourist companies has a meeting in Madrid with representatives of the Ministry of Industry, Trade and Tourism but her passport is only valid for one month beyond the intended date of return.

A Nigerian businessman urgently needs to travel to the Netherlands for business reasons: a contract between a Nigerian multinational and a Dutch multinational in which the Dutch government has a major interest needs to be negotiated. His travel document is only valid for one month beyond the intended date of return.

4.8. What information should be given to the applicant when the application has been lodged about the data stored in the VIS?

Legal basis: VIS Regulation, Article 37 (1) and (2)

THIS POINT APPLIES ONLY IN CONSULATES WHERE THE VIS HAS BECOME OPERATIONAL:

When the VIS has become operational in a location, Member States should inform applicants about the national authority responsible for processing the data stored in the VIS and the national data protection supervisory authority. This should be indicated in the application form.

5. BIOMETRIC IDENTIFIERS

The Visa Information System (VIS) for the storage of data on visa applicants will gradually become operational in different regions of the world and the collection of biometric identifiers from applicants becomes applicable at the date set by the Commission for the start of operations of the VIS in a given region or, after the start of operations in the first region, in any other region where a Member State decides individually to start operations, including the transfer of fingerprints.

5.1. What biometric identifiers should be collected?

The following biometric identifiers should be collected:

– a digital photo, see Annex 11

– all ten fingerprints taken flat and collected digitally.

5.2. At which stage of the application procedure should biometric identifiers be collected?

Legal basis: Visa Code, Article 10 (3) (d) and Article 13

Biometric identifiers should be collected when the application is lodged, irrespective of the way in which the collection of applications is organised.

A first-time applicant must have his photograph taken or scanned and his fingerprints collected when the application is submitted.

All applicants should have a photograph scanned or taken each time an application is submitted.

Persons whose fingerprints have been collected for the purpose of applying for a visa within the previous 59 months should not give fingerprints again. The fingerprints already stored in the VIS should be copied. The applicant must indicate on the application form when he last had his fingerprints taken.

If, when creating the application file in the VIS, the consulate establishes that the applicant's fingerprints are not stored in the VIS, the applicant shall be called to have his fingerprints collected.

Example: a person applies for a visa for the first time on 9.2.20XX. On 25.6.20XX+4 (52 months after the first application) he applies for a new visa: his fingerprints are copied from the previous application. On 15.9.20XX+5 (67 months after the first application) he applies for a visa again: his fingerprints are collected.

If there is reasonable doubt regarding the identity of the applicant, he may be requested to give fingerprints within the period of 59 months:

Example: An applicant claims to have had his fingerprints collected within the previous 59 months but the photograph that he submits is very different from the photograph in the

submitted travel document.

Under such circumstances the applicant can be called to have his fingerprints collected again.

The applicant may also request that his fingerprints are collected, if he does not remember whether his fingerprints have been collected within the previous 59 months.

5.3. Which applicants are exempted from giving fingerprints?

Legal basis: Visa Code, Article 13(7)

The following categories of persons are exempted from giving fingerprints:

5.3.1. children under the age of 12 years (i.e. children that are 12 years of age minus 1 day old);

5.3.2. persons for whom fingerprinting is physically impossible;

If such physical impossibility is of a temporary nature, the applicant shall be required to provide explanation for such impossibility and may be required to provide medical certification for such impossibility.

If fingerprinting of fewer than ten fingers is possible, then the maximum number of fingerprints should be collected;

Applicants who, for reasons of temporary impossibility, have given fewer than ten fingerprints or none at all, shall be considered as first time applicants for the purpose of the next visa application, and all fingerprints shall be collected.

5.3.3. 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;

5.3.4. 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.

5.4. What should be done if the quality of the fingerprints collected is insufficient?

If the fingerprints taken do not match the applicable technical quality standards, the fingerprints must be taken again after cleaning of fingers and equipment. The fingerprints with the best quality value should be uploaded in the VIS. It shall be ensured that appropriate procedures guaranteeing the dignity of the applicant are in place in the event of there being difficulties in enrolling the biometric data.

6. SUPPORTING DOCUMENTS AND TRAVEL MEDICAL INSURANCE

Legal basis: Visa Code, Article 14 and Annex II

The purpose of the supporting documents is to allow the relevant authorities to assess whether the applicant fulfils the entry conditions and to assess the possible risk of illegal immigration and/or security risks.

On the basis of the content of this chapter Member States' consulates in any given location shall assess the need to complete and harmonise the list of supporting documents in order to take account of local circumstances. The harmonised lists should be approved by the Visa Committee in accordance with the procedure described in the Handbook for the organisation of visa sections and local Schengen cooperation, Part II, point 4.4.

The number and type of supporting documents should be adapted to

– the purpose of the intended journey;

– the length and destination of the intended journey;

– local circumstances.

As regards the specific rules applying to the documentary evidence of the purpose of travelling for categories of persons covered by Visa Facilitation Agreements, see the respective Guidelines set out in Annex 8.

For the procedural safeguards in relation to family members of an EU or Swiss citizen, see Part III.

6.1. Supporting documents

6.1.1. Should original documents, facsimiles or photocopies be required?

In principle, the applicant shall present the original and a photocopy of each document with the visa application.

The photocopies should be kept in the file and the original documents should be returned to the applicant, unless the original document is intended for the consulate (e.g. statement of employment from the applicant's employer, proof of sponsorship and/or accommodation) or if it is false or fraudulent. In the latter cases, the consulate shall keep it as proof in case of an appeal and/or, where applicable, for further proceedings (e.g. analysis of the document, submission of the document to the host country’s authorities).

If the applicant is unable to present the original documents, the consulate can decide to start processing the visa application with facsimile or photocopies. The final decision shall, in principle, only be taken when the required documents have been submitted as originals.

6.1.2. Should the supporting documents be translated?

A balance should be struck between:

– requiring a translation of all documents presented by the applicant as this could be both time-consuming and costly;

– the consulate's capacity to analyse supporting documents submitted in the language(s) of the host country, and

– the need to present proofs in the language(s) of the Member State concerned in case of an appeal against a negative decision.

Therefore, the consulates should inform applicants (e.g. on websites, on notice boards) which documents must be translated and into which language.

6.2. Which documents should be submitted in support of an application for a uniform visa?

Supporting documents should provide evidence of the following:

– the purpose of the intended journey;

– proof of accommodation, or proof of sufficient means to cover the applicant's accommodation;

– 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;

– 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.

A non-exhaustive list of supporting documents which the consulate may request from the applicant is set out in Annex 14.

Supporting documents should be assessed in relation to the individual application and one document might render another superfluous:

Examples: *The accommodation envisaged generally depends on the purpose of the journey: private accommodation for a private or family visit, hotels for tourism, etc.*

An invitation or sponsorship may have an impact on the amount of the requested means of subsistence.

A travel agency may provide one single document serving as proof of the purpose of the intended journey, proof of accommodation, proof of means of subsistence, if travel expenses have been prepaid.

Within local Schengen cooperation the need for harmonised lists should be assessed which take account of local circumstances:

Example of particular local circumstances: *In locations where travel by an organised pre-paid tour is rare, a harmonised list for supporting documents for that type of travelling need not be drawn up.*

6.2.1. Non-exhaustive list of supporting documents regarding the purpose of the journey, the accommodation and the assessment of the applicant's intention to leave the territory of the Member States that may be requested by the consulate

A. DOCUMENTATION RELATING TO THE PURPOSE OF THE JOURNEY	
(1) for business trips:	
	Additional comments and examples
(a) an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work;	Invitations should preferably be personalised, but generic invitations may be accepted.
(b) other documents which show the existence of trade relations or relations for work purposes;	*Examples*: Contracts, payment of invoices, list of orders.
(c) entry tickets for fairs and congresses, if appropriate;	
(d) documents proving the business activities of the company;	*Examples*: Annual business register, extract of commerce register, annual report.
(e) documents proving the applicant's employment status in the company;	*Examples:* Contract, proof of social security contributions
Specific categories of persons	
f) lorry drivers	A written request from the national association (union) of carriers of the host country providing for international road transportation, stating the purpose, duration and frequency of the trips Written request from the partner company based in the Member State Driver's licence for international transport

g)	seafarers	Seaman's book Covering letter from recruiting company stating the name and the rank of the seafarer Vessel's name, vessel's arrival date in port and the date of the seafarer's joining of the vessel
h)	persons travelling for the purpose of carrying out paid activity	The applicant must provide a work permit or any similar document as provided by the national legislation of the Member State where a paid activity is to be carried out, if applicable.
(2)	**for journeys undertaken for the purposes of study or other types of training:**	
(a)	a certificate of enrolment at an educational establishment for the purposes of attending vocational or theoretical courses in the framework of basic and further training;	
(b)	student cards or certificates of the courses to be attended;	A student card proving the status of the applicant in his country of residence is not sufficient as supporting document. A student card can only be accepted as supporting document if it is issued by the host university, academy, institute, college or school where the studies or educational training is going to take place.
(3)	**for journeys undertaken for the purposes of tourism or for private reasons:**	
an invitation from the host if staying with one;		This might be a specific form as serving as proof of private accommodation. When the data regarding the host have not been verified by the authorities of the Member State dealing with the application, the consulate shall request the applicant to present: A copy of ID card or bio data page of the host's passport; residence permit; proof of residence (property title deeds, rental agreements etc, proof of income).
a document from the establishment providing accommodation or any other appropriate		An appropriate document may be:

document indicating the accommodation envisaged;	a document proving the existence of a rental agreement or a property title deed, in the applicant's name, to a property situated in the Member State of destination
confirmation of the booking of an organised trip or any other appropriate document indicating the envisaged travel plans; in the case of transit: visa or other entry permit for the third country of destination; tickets for onward journey;	Documents regarding the itinerary should be completed with documents regarding the means of transport: reservation of return or round ticket (if travelling by a public mean of transport); or, drivers licence, car insurance (if travelling by private car);
(4) for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:	
a) "active" participants (e.g. lecturers, athletes, performers)	
- invitation, enrolments or programmes stating (wherever possible) the name of the host organisation and the length of stay or any other appropriate document indicating the purpose of the journey;	The supporting document shall mention the duration of the event. In the case of an invitation by a non-profit organisation to an event: Representatives of non-profit organisation: should present an official document stating that the organisation is registered as such and that the applicant represents it. Where relevant, it should be established within local Schengen cooperation, which is the authority competent for such registration.
b) "passive" participants (e.g. audience, supporters)	
- entry tickets,	In the case of an invitation by a non-profit organisation to an event: Participants in events organised by non-profit organisation should present an official document stating that the organisation is registered as such. Where relevant, it should be established within local Schengen cooperation, which is

	the authority competent for such registration.
5) for journeys of members of official delegations who, following an official invitation addressed to the government of the third country concerned, participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of a Member State by intergovernmental organisations:	
a letter issued by an authority of the third country concerned confirming that the applicant is a member of the official delegation travelling to a Member State to participate in the above-mentioned events, accompanied by a copy of the official invitation;	For holders of diplomatic, service/official or special passports: such passports are specifically issued to be used for journeys with an official duty purpose. Therefore, it should be the issuing authority (or the competent administration) which applies for the visa. Additionally a *note verbale* from the Ministry of foreign affairs of the issuing authorities must be presented (or, if the application is submitted in a country other than the applicant's country of origin, from the third country's diplomatic mission). This includes events held by an EU institution.
6) for journeys undertaken for medical reasons:	
- certificate from a medical doctor (designated by the consulate) and/or a medical institution that the claimed necessary medical treatment is not available in the applicant's country of origin - an official document of the receiving medical institution confirming that it can perform the specific medical treatment and the patient will be accepted accordingly - proof of sufficient financial means to pay for the medical treatment and related expenses; - proof of prepayment of the treatment**;** - any other correspondence between the sending medical doctor and the receiving hospitals, if available.	

B. DOCUMENTATION ALLOWING FOR THE ASSESSMENT OF THE APPLICANT'S INTENTION TO LEAVE THE TERRITORY OF THE MEMBER STATES BEFORE THE EXPIRY OF THE VISA	
The assessment of the applicant's intention to leave the territory of the Member State before the expiry of the visa depends mainly on the stability of his/her socio-economic situation in his country of residence: stability of the employment, of the financial situation, of the family ties. This assessment leads to the determination of a risk.	
	Additional comments and examples
(1) reservation of or return or round ticket	In general a paid return ticket is not required but can be requested in exceptional circumstances.
(2) proof of financial means in the country of residence	"Financial means" may be proved by recent bank statements showing movement of means over a certain period (minimum the last three months).
(3) proof of employment	"Employment" may be proved by a work contract; certificate of employment; or information on professional status, bank statements, proof of social security contribution.
(4) proof of real estate property	"Real estate property" may be proved by title-deed.
(5) proof of integration into the country of residence: family ties; professional status.	"Family ties" may be proved by a marriage certificate or any document regarding parents and/or children and their place of residence.

C. DOCUMENTATION IN RELATION TO THE APPLICANT'S FAMILY SITUATION	
	Additional comments and examples
(1) consent of parental authority or legal guardianship (when a minor does not travel with them);	The consent of the parental authority or legal guardian should be requested from applicants less than 18 years of age, irrespective of the age of majority in the country of residence, and therefore irrespective of discrimination which may exist between the sexes regarding the age of majority.

	The consulate shall accept a consent given in the legal form of the country where the minor resides.
(2) proof of family ties with the host/inviting person.	

6.2.2. Proof regarding the means of subsistence

The applicant shall present proof that he 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.

The proof may be constituted by:

a) recent bank account statements showing movements over a certain period (at least the last 3 months)

b) credit card(s) and a credit card account statement

c) cash in convertible currency

d) traveller's cheques

e) salary slips

f) certificate of employment

g) registered proof of sponsorship and/or private accommodation

Consulates shall calculate what is considered as “sufficient means of subsistence” on the basis of the reference amounts set by Member States, See Annex 18.

Consulates shall take into account:

- whether accommodation is provided free of charge to the applicant
- whether the cost of the stay is covered entirely or partly by a reliable sponsor

Consulates should be aware that, in some countries, a loan may be obtained in cash just for the purpose of presenting the equivalent of the requested means of subsistence to the consulate and the cash is returned when the visa application has been submitted. In such countries, consulates may refuse to accept presentation of cash as proof of means of subsistence.

6.2.3. Treatment of "bona fide" applicants

A “bona fide” applicant is an individual applicant known to the consulate for his integrity and reliability, (in particular the lawful use of previous visas), and for whom there is no doubt that

he will fulfil the entry conditions at the time of the crossing of the external borders of the Member States. Consulates may waive the requirement to present documents regarding the purpose of the journey, accommodation and the means of subsistence in the case of "bona fide" applicants. Such bona fide status should be determined on an individual basis.

Consulates may, in relation to reliable international companies, accept that specific employees in a given third country benefit from a "bona fide" status. Specific supporting documents should be required to prove this status and the company concerned should designate a contact person who can confirm the authenticity of the submitted supporting documents.

High income or assets, employment in a certain company or membership of a certain organisation do not automatically imply a "bona fide" status.

6.2.4. Specific supporting documents when applying for an airport transit visa

The following documentation should be presented when an application for an airport transit visa is lodged:

– proof of plausible/logical intended itinerary;

Example: *An applicant indicates that he wishes to travel from Conakry (Guinea) to Casablanca (Morocco) via Paris (France) even if direct flights exist.* The applicant should be invited to explain the reasons for the itinerary

– proof of the intention of carrying out the onward journey: continuation ticket, visa for the next and/or final destination;

– the applicant's intention not to enter the territory of the Member States should be verified on the basis of an assessment of the stability of his socio-economic situation in his country of residence .

6.3. Travel Medical Insurance

Legal basis: Visa Code, Article 15

When applying for a uniform visa for one or two entries, the applicant shall present such proof to cover the intended visit(s) upon submission of the application. In case a multiple-entry visa is applied for, the applicant shall present proof of travel medical insurance covering the first intended stay. In such cases the applicant must sign the statement in the relevant field of the application form indicating that he is aware that he must hold adequate travel medical insurance for future visits as well.

The insurance should be taken out in the applicant's country of residence, but if that is not possible, insurance can be taken out elsewhere. Third parties, e.g. an inviting person, may take out insurance on behalf of the applicant.

6.3.1. Who is exempt from presenting proof of travel medical insurance?

Holders of diplomatic passports do not have to present proof of travel medical insurance.

Family members of EU and Swiss citizens are exempted from the requirement to produce travel medical insurance. This exemption is in line with the exemption of this category of persons from filling in field no. 33 of the application form.

The insurance requirement may be considered to have been met where it is established that an adequate level of medical 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.

Persons applying for an airport transit visa are not required to present proof of travel medical insurance, as holders of such visa are not allowed to enter into the territory of Member States.

6.3.2. What is an adequate travel medical insurance?

The insurance shall be valid throughout the territory of the Member States and cover the entire period of the applicant's intended stay or transit within the validity of the visa, i.e. the insurance shall only cover the period of effective stay, and not the validity of the visa.

The minimum coverage shall be EUR 30 000.

Certain credit card companies include travel insurance as one of the advantages of the credit card. If the coverage offered is in conformity with the criteria in the Visa Code, such credit cards may be accepted as valid insurance.

If the insurance presented is not considered adequate, this should not automatically lead to refusal of the visa application, but the applicant should be allowed to provide such proof before the final decision on the application can be taken.

Within local Schengen cooperation, information on insurance companies offering adequate travel medical insurance, including verification of the type of coverage, should be shared, see Handbook for the organisation of visa sections and local Schengen cooperation, Part II, point 2.3.

7. EXAMINATION OF THE VISA APPLICATION

Legal basis: Visa Code, Article 21

7.1. Basic principles

Once the consulate has established that it is competent for dealing with a visa application (see chapter 2), that the application is admissible (see point 4.5), and the travel document has been stamped (see point 4.5.2), the VIS should be consulted and the application file should be created in the VIS, when applicable, and the visa application shall be examined to:

– ascertain whether the applicant fulfils the entry conditions,

– assess the risk of illegal immigration and the applicant's intention to leave the territory of the Member States before the expiry of the visa applied for, and

– assess whether the applicant presents a risk to the security or public health of the Member States.

The depth of the examination depends on the risk presented by the applicant according to his nationality, local circumstances, his profile and personal history.

A previous visa refusal shall not lead to an automatic refusal of an application and each application must be assessed on its own merits and on the basis of all available information**.**

As regards the specific rules relating to applicants who are family members of EU and Swiss citizens, see Part III.

Specific aspects when assessing the following specific cases are described below:

– airport transit visas, (point 7.13);

– minors (point 7.14).

7.2. Creation of an application file and consultation of the VIS

THIS POINT APPLIES ONLY IN CONSULATES WHERE THE VIS HAS BECOME OPERATIONAL

When creating the application file, the consulate should consult the VIS to check the "history" of the visa applicant which may have been recorded.

The reliability of the consultation depends on the quality of the personal data entered. The consulate should be aware that entering incorrect personal data could lead to false rejection or false identification.

The consulate should also be aware that a visa applicant not being recorded in the VIS does not necessarily mean that he never applied for a visa, but only that no information has been recorded in the VIS yet. This is due to the fact that the VIS will be rolled out progressively

until all Member States' consulates in all parts of the world have been connected and visas applied for before the roll out are not recorded in the VIS.

In case a file is found concerning the applicant in the VIS, consulates shall examine the results of the VIS consultation to avoid false identification resulting from, for example, identical names and take account of the information stored.

7.3. The authenticity and reliability of documents and statements

When examining the application, the consulate must take into account authenticity and reliability of the documents presented and of the applicant's statements, whether verbal or in writing. The level of reliability of documents depends on the local conditions and may therefore vary from one country to another and from one type of document to another. Within local Schengen cooperation consulates should share information and establish best practices.

When the applicant's verbal or written statements lack coherence or appear suspicious, they should be double-checked.

Examples:

- Some documents are officially harmonised or, by tradition, have a similar appearance; consulates should be aware of documents not following the usual pattern or with odd or outdated features;
- If, in a given host country, work contracts are frequently drawn up for friends or relatives to facilitate the issuing of a visa, although the persons concerned are not actually employed, but if, in the same country, all employees have to be registered by an official agency, a good practice would be to include the registration certificate, where available, as supporting document**;**
- Information confirming the validity of supporting documents or invalidating them may be available on–line: consulates should share such information and check systematically (where the risk is high), when suspicious document are submitted or randomly (where the risk is low), the actual existence of such documents;
- A required supporting document may generally, and irrespective of the applicant's personal situation, be difficult to obtain in a given location, therefore leading visa applicants to frequently submit fakes without any intention to immigrate illegally. Under such circumstances, consulates may reconsider the necessity of requesting that particular document.

7.4. The travel document

Whereas the validity of the travel document should have been checked when the consulate establishes whether the application is admissible or not (see point 4.1), it shall at this stage verify that the travel document presented is not false, counterfeit or forged.

Within local Schengen cooperation, consulates should exchange information regarding the use of false, counterfeit or forged travel documents.

Recommended best practices for checking whether a travel document is false, counterfeit or forged:

- comparison with genuine specimen of the document;

- examine the travel document in order to rule out the possibility that it is counterfeit or forged, by checking the numbering, the printing and stitching of pages, inserted seals and stamps; the inclusion of other persons than the holder and all corrections made in the document especially at the personal data page should be clarified by the traveller;

- use of equipment such as UV lamps, magnifying glasses, retrieval lamps, microscopes and, where necessary, more advanced equipment such as video spectral analysers;

- if the necessary equipment is available and an ePassport is presented, it should be verified that the chip signature has not been compromised.

Given that verification of whether a travel document is false, counterfeit or forged can be both time consuming and difficult, it is recommended that document specialists such as Police Liaison Officers are consulted and that up to date knowledge is ensured through training.

Recommended best practice in case a false, counterfeit or forged travel document is detected: such documents should never be returned to the holder but preferably the offence should be denounced and the document transmitted to the authorities of the issuing third country. However, in case of disproportionate punishment for such offence on the part of the third state concerned, the consulate should not make such denunciation to the authorities of third country concerned.

7.5. The purpose of the intended stay

The consulate shall verify the purpose and the legality of the intended stay and the applicant's justification of the purpose of the intended stay and its legality. A large number of invitations from the same host/referee could indicate that the purpose of travel is illegal immigration and/or employment.

The consulate shall obtain as ample information from the applicant upon submission of the application as possible in addition to the supporting documents in order to verify the purpose of the journey.

Therefore, the consulate must in particular check:

– whether the travel document contains a stamp indicating that the holder has previously lodged an application that has been considered admissible at a consulate of another Member State but no visa was issued : in such cases the consulate who has affixed the stamp should be contacted and the reasons for the non-issuance clarified;

– whether the purpose corresponds to a stay not exceeding 3 months: if the supporting documents show that the intended stay would exceed 3 months per period of 6

months, the visa applied for should be refused and the possibility of issuing a national long stay visa or a residence permit may be examined in accordance with national law, where applicable;

– whether the declared purpose is coherent and credible and the supporting documents correspond to the stated purpose:

Examples *of incoherence between declared purpose of stay and factual information provided*:

- *an applicant claims to travel to an industrial area, staying in a cheap hotel, for the purpose of tourism;*
- *an applicant claims to visit a professional event at dates that do not correspond to the actual dates of the event;*
- *an applicant claims that the purpose of the trip is to visit a friend, but it turns out that the person concerned is absent during that period;*
- *a trader in jewellery claims to have been invited to attend a medical conference.*

Example: *A third country-national indicates that the purpose of his trip is to participate in a congress; he presents an invitation but no documentation showing that he holds a profession or a qualification related to the subject of the congress.*

The stated purpose is not credible.

– whether the purpose of travel is justified: an application for a visa for medical treatment where local treatment is available may hide an intention to abuse social welfare in the Member State. However that may not always be the case: the applicant may wish to receive medical treatment where other family members reside; or wish to be treated by a doctor who has treated him previously;

– whether the purpose of travel follows a pattern for illegal employment or immigration: individual applicants coming from the same region and always booking at the same hotel could be suspicious;

– whether the purpose is against the national interest of all Member States or of a specific Member State for reasons of security, public order or external relations.

Consulates should be aware that a journey may have several different purposes within the same Member State or in the territories of several Member States, e.g.:

– business meeting followed by a weekend of tourism;

– paid activity combined with private visit to friends;

– training followed by a religious pilgrimage.

7.6. The conditions of the intended stay

The consulate shall verify the applicant's justification for the conditions of the intended stay:

– accommodation during the stay;

– the possession of sufficient means of subsistence, both for the duration of the intended stay and for the return to the applicant's 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. In order to assess the means of subsistence, the reference amounts set by individual Member States must be taken into account;

7.6.1. How to verify the sufficient means for leaving the territory of the Member States

The consulate should check the following:

– if no transport ticket has been presented, it should be checked whether the applicant possesses sufficient financial means to acquire a transport ticket;

– if the applicant wishes to leave the territory of the Member States by a private means of transport, the consulate may request proof of such private means of transport (registration, insurance) and the driver's or pilot's licence. The consulate may also request documents regarding the state of that means of transport;

– if the applicant has presented an onward ticket, it should be checked whether he is in possession of a visa or any other document allowing the entry into the intended country of destination.

7.6.2. How to estimate the sufficient means of subsistence for the stay

The consulate should estimate both the amount of sufficient financial means necessary for the stay and the reliability of the financial resources presented. The consulate should always assess the reliability of the means of subsistence presented, according to the local context.

The consulate should roughly estimate the amount necessary on the basis of:

– the length of the intended stay;

– the purpose of the intended journey;

– the cost of living as notified by Member States in accordance with [Annex ..] The consulate should accept as sufficient financial resources below that estimate if the applicant benefits from financial support or free services (or at a reduced price) during the period spent within the territory of the Member States;

– proof of sponsorship and/or private accommodation;

– a reliable and credible certificate confirming financial support of a legal resident within the territory of the Member States ;

– a prepaid receipt from a reliable travel agency.

If the applicant presents a work permit issued by a Member State, he might be exempted from presenting additional proof of financial means as it can be assumed that his salary can cover the cost of the short stay.

The consulate should request sufficient financial resources above that estimate when the purpose of travel is:

– luxury tourism;

– medical treatment in order to cover the cost of such treatment calculated on the basis of a realistic estimate made by the host medical entity, unless such cost is covered by a reliable entity that can be verified by an accredited doctor;

– study in order to cover the cost of the school fees, unless covered by a reliable sponsorship or proof that such costs have been prepaid.

If the applicant covers the expense of the journey himself, he should present proof of possessing personally the required resources, e.g. by salary slips, bank statements. The consulates may check the reliability and stability of the amounts credited to a bank statement in case of doubt.

If accommodation is provided free of charge to the applicant, the estimate of the necessary financial resources may be reduced accordingly, if the commitment to provide such free accommodation is reliable.

In case of an all-included invitation or total or partial sponsorship by a private company, any other legal entity or a private person, the consulate should adapt the level of the required resources and check the reliability of the commitment according to the nature of the relationship (commercial, private, etc.).

7.7. The security risk and the public health risk

The consulate shall verify 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 and that the applicant is not considered to be a threat to public policy, internal security or public health 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) and the outcome of these checks/consultations must to be taken into account.

To check the security risk, the consulate shall:

– consult the SIS to check whether the visa applicant has been subject to an alert. In case of a “hit”, it shall analyse the results of the SIS consultation to avoid false identification resulting from identical names;

– launch the prior consultation of other Member States, if applicable;

– consult national database in accordance with its national legislation;

The consultation of SIS and the prior consultation of other Member States shall not be carried out when the applicant applies for an airport transit visa.

The consulate may also request an applicant's criminal record in case of strong suspicion regarding the applicant.

Regarding public health risks, consulates may refuse visas in case of disease constituting a public health risk as defined by the International Health Regulations (IHR) of the World Health Organisation (WHO) and other infectious diseases or contagious parasitic diseases if they are subject of protection provisions applying to nationals of Member States. In such circumstances, consulates shall receive instructions from their central authorities. "Public health risk" is assessed through the Community Network set up under Decision 2119/98/EC and its Early Warning and Response System (EWRS) and the ECDC, set up by Regulation (EC) No 851/2004 establishing a European centre for disease prevention and control. (See also: ecdc.europa.eu)

7.8. Travel Medical Insurance (TMI)

The consulate shall check whether the TMI presented by the applicant is adequate, i.e. coverage during his intended stay, in case of an application for a single or double-entry visa, or for the first intended stay in case of an application for a multiple-entry visa, before the final decision is taken on the application.

If it is assumed that an adequate level of medical insurance has been demonstrated through other means, e.g. due to the applicant's professional situation, the reliability of the coverage should be verified.

If the length of the intended stay applied for exceeds the validity of the TMI, the consulate shall either limit the length of stay granted to the period covered by the TMI or invite the applicant to acquire a TMI that covers the entire period of the intended stay.

7.9. Verification of the length of previous and intended stays

The consulate shall check the length of previous and intended stays in order to verify that the applicant has not exceeded/will not exceed 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 issued by another Member State, i.e. only stays covered by a uniform visa or a visa with limited territorial validity should be counted. The period of three months must be counted starting from the date of first entry.

The term "first entry" is to be understood as the very first entry into the territory of the Member States and then any other first entry taking place after the expiry of periods of six months following the date of very first entry. This means that continuous or successive stays of three months in total may be allowed during successive periods of six months.[24]

Existing entry and exit stamps in the submitted travel document should be verified by comparing the dates of entry and exit to establish that the person concerned has not already exceeded the maximum duration of authorised stay in the territory of the Member States, i.e. three months within a six-month period. Special attention should be paid to detecting possible alteration of the stamps affixed to the travel document with the purpose of hiding the duration of a previous (over)stay in the territory of the Member States.

[24] Judgment of the EUCJ of 3 October 2006, Case C-241/05 Bot vs Préfet Val-de-Marne

Examples of calculation of stay:

1) A third country national holding a visa valid for 6 months (1.1.-30.6.2010), allowing for 90 days of stay per 180-day period and multiple entries enters France on 1.2.10 and stays 28 days. During March he goes to France every week (4 weeks in all) and stays 5 days each time (=20 days), during April and in May he stays in France for 42 days, meaning that he will have stayed in the territory of the Member States for 90 days in total. The six month period starts running from the date of the first entry, i.e. 1.2.2010, and the next period will start on 1.8.2010.

In June he applies for a new visa and wishes to enter the territory of the Member States on 1.7.2010. If a new visa is issued to the person concerned, the first allowed entry will be on 1.8.2010.

2) A third country national holding a single entry visa valid for 60 days (15.9.-15.11.2010) and allowing for 45 days of stay enters Italy on 15.9, where he stays 23 days. Then he goes to France for 12 days and to Portugal for 10 days, meaning that he will have stayed in the territory of the Member States for 45 days in total. The six month period starts running from the date of the first entry, i.e. 15.9.2010, and the next period will start on 15.3.2011

In December 2010, he applies for a second single entry visa with the intention to enter the territory of the Member States on 15.12.2010 and to leave on 1.3.2011. Since the two periods of stay will take place within the same six month period which started by the first entry (on 15.9.2010), their cumulative length cannot exceed 90 days. Therefore, if a new visa is issued to the person concerned, its validity could not exceed 45 days.

3) A third country national holding a single entry visa valid for 60 days (15.9.-15.11.2010) and allowing for 45 days of stay enters Italy on 15.9, where he stays 23 days. Then he goes to France for 12 days and Portugal for 10 days, meaning that he will have stayed in the territory of the Member States for 45 days in total. The six month period starts running from the date of the first entry, i.e. 15.9.2010, and the next period will start on 15.3.2011

In February 2011, he applies for a second single entry visa with the intention to enter the territory of the Member States on 20.3.2011. Since the second stay will take place after the expiry of the six months period opened by the very first entry (on 15.9.2010), the 20.3.2011 constitutes a new date of "first entry". If a new visa is issued, a stay of 90 days could be allowed.

4) A third country national holding a single entry visa valid for 20 days (10.11.-30.11.2010) and allowing for 5 days of stay enters on 10.11 in Poland, where he stays until the 15.11.2010. Subsequently, holding a single entry visa valid for 60 days (8.3.-8.5.2011) allowing for a stay of 45 days he enters Spain on 8.3.2011 and stays until 21.4.2011. The six month period starts running from the date of the first entry, i.e. 10.11.2010, and the next period will start on 10.5.2011.

On 8.5.2011, after having left the territory of the Member States, he applies for a second single entry visa with the intention to enter Spain on 10.5.2011 for 90 days. The new "first entry" on 10.5.2011 opens a new six month period during which a stay up to three months is in principle allowed. However, the aggregation of two successive but non-consecutive stays in Spain of respectively 45 and 90 days may require a thorough examination of the stated

purpose of the stay.

Examples of short stays before, during or following after a long stay:

A visa applicant who has stayed in Spain for 6 months on the basis of a national long stay visa or a residence permit may be issued a uniform or limited territorial validity (LTV) visa immediately after the expiry of the long stay visa or the residence permit.

A visa applicant who is still residing in Spain on the basis of a Spanish national long stay visa may be issued a uniform (or LTV) visa during the validity of the Spanish national long stay visa for a short stay in another Member State during his stay in Spain.

A visa applicant who has been issued a Spanish national long stay visa but not yet travelled to Spain may be issued a uniform (or LTV) visa to cover any short stay in any other Member State preceding his stay in Spain.

If the duration(s) of the stay(s) has/have exceeded three months per period of six months, the consulate shall not issue a uniform visa but may consider issuing a visa with territorial validity, see point 9.1.2.1).

7.10. Additional documents

The list of required supporting documents should be made available to the public. It can then be considered that the presentation of an incomplete file means that the applicant either does not take his application seriously or is unable to present the requested documents and the consulate should, in principle, take the decision on the basis of the application file, as presented, whether complete or not.

However, a consulate may, in justified cases, request additional documents during the examination of an application which are not mentioned in the harmonised list published locally.

Examples:

– an employment contract presented by an applicant is due to expire shortly; the consulate request the applicant to provide information regarding his future employment/economic situation;

– the signature on an application from a minor is suspicious and therefore the consulate checks the signer's identity by comparing with the signature on other official documents;

– in case of the death of a relative in a Member State: a death certificate;

– in case of a wedding in a Member State: a marriage announcement.

7.11. When should an applicant be called for an interview?

The consulate may, in justified cases, call the applicant for an interview during the examination of an application.

This additional interview is distinct from the personal appearance for submitting the application (see point 3.3).

When the examination of the visa application on the basis of the information and the documentation available does not allow for taking a final decision to either issue a visa or refuse the application, the consulate must contact the applicant either by telephone or for a personal interview at the consulate. The interview may also be carried using other forms of communication (e.g. live-messaging via Internet), but only if there is no doubt about the identity of the interviewed person.

7.12. The assessment of the risk of illegal immigration and of the applicant's intention to leave the territory of the Member States before the expiry of the visa

Consulates shall assess:

– the risk of illegal immigration by the applicant to the territory of Member States (i.e. the applicant using travel purposes such as tourism, business, study or family visits as a pretext for permanent illegal settlement in the territory 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 .

Within local Schengen cooperation, consulates should define “profiles” of applicants presenting a specific risk, according to local conditions and circumstances which also takes account of the general situation in the country of residence (e.g. politically unstable areas, high level of unemployment and wide-spread poverty). Profiles could be based on the stability of the applicant's socio-economic situation, but each individual application shall be assessed on its own merits irrespective of possible "profiles" having been drawn up.

The individual level of stability depends on a number of factors:

– family links or other personal ties in the country of residence;

– family links or other personal ties in the Member States;

– marital status;

– employment situation (salary level, if employed);

– regularity of income (employment, self-employment, pension, revenue from investment, etc.) of the applicant or of his/her spouse, children or dependants;

– the level of income;

– the social status in the country of residence (e.g. elected to public office, NGO representative; profession with a high social status: lawyer, medical doctor, university professor);

– the possession of a house/real estate.

The factors may differ depending on the applicant's country of residence:

Example: *a third-country national subject to the visa obligation and legally residing in another third country whose nationals are exempted from the visa requirement (an Indian national residing in Canada or a Chinese national residing in the United States) normally presents a very limited risk of illegal immigration to the Member States.*

The socio-economic situation may also present diverging aspects: an unemployed applicant may benefit from a very stable financial situation and a well-paid applicant might consider illegal immigration for personal reasons and all elements should be taken into consideration to ensure an objective assessment.

Other aspects to be verified:

– previous illegal stays in the Member States;

– previous abuse of social welfare in the Member States;

– a succession of different visa applications (short stay or long stay visas) presented for different unrelated purposes;

– credibility of the inviting person when the invitation letter is presented.

7.13. Application for an airport transit visa (ATV)

Legal basis: Visa Code, Article 21(6)

A holder of an ATV is not allowed to enter the territory of the Member States. Therefore the consulates should not verify whether the person applying for this type of visa fulfils the entry conditions (meaning that SIS consultation and prior consultation, if applicable, should not be carried out), but shall:

– check the travel document (see point 7.4)

– verify whether an ATV is appropriate for the planned itinerary, as the applicant may need a visa allowing for entry into the territory of the Member States, see point 2.4, and

– verify the itinerary and the authorisation to enter the country of final destination and assess the risk of illegal immigration while in transit (see point 6.2.4).

The consulate should verify the following:

– the points of departure and destination of the third-country national and the coherence of the intended itinerary and airport transit: making a long and/or expensive detour to transit through an airport of a Member State appears suspicious, although in some cases it may have a logical explanation;

– proof of the onward journey to the final destination.

7.14. Minors

Recommended best practice in relation to treatment of applications submitted on behalf of minors:

In the case of a minor (under 18 years old), the consulate must verify that:

– the persons applying for the visa on his behalf is the parent or legal guardian;

– the consent of the parental authority or legal guardian, irrespective of the age of majority in the country of residence;

– Consulates should be aware that in certain third countries one of the parents is allowed to act on behalf of his/her children without the written consent of the other parent.

– the minor has not been unlawfully removed from the care of the person legally exercising parental custody over him: in case of suspicion of such unlawful removal, the consulate will have to make all necessary investigations in order to prevent the abduction or unlawful removal of the minor;

– there is no ground for suspecting child trafficking or child abuse;

– the purpose of the journey is not illegal immigration into the territory of the Member States.

7.15. Transmission of the application file in cases where the examination of an application is discontinued by a representing Member State

Legal basis: Visa Code, Article 8 (2)

In cases where a Member State representing another for the purpose of issuing visas and where the representation arrangement does not provide for the representing Member State to take final negative decisions, the entire application file (the application form and supporting documents) shall be submitted to the relevant authorities of the represented Member States. The relevant authorities may be the designated consulate or the central authorities. The practicalities of the transmission of the application file should be covered in the bilateral arrangement between the two Member States concerned.

The general rules on secure transfer of data shall apply for the transfer of application files, see Handbook for the organisation of visa sections and local Schengen cooperation, Part III.

8. DECIDING ON A VISA APPLICATION

8.1. What are the deadlines for taking a decision on an application?

Legal basis: Visa Code, Article 23

Decisions on visa applications should be taken as soon as possible, without compromising the thorough assessment of whether an applicant fulfils the entry conditions or presents an immigration risk on the basis of the documentation submitted and the information provided.

A means to keep issuing times reasonable and relatively short is to make detailed information about the requirements widely available to applicants, so that all relevant documentation and information are submitted with the initial application.

The decision-making may, however, take up to 15 calendar days after the application has been considered admissible (see point 4.5). This deadline includes the deadline for possible prior consultation of other Member States (see point 7.7) or of the consulate's own central authorities.

While processing a visa application, the consulate shall not systematically let this deadline expire but take account of duly justified urgency claimed by the applicant (humanitarian grounds). Urgency should be distinguished from negligent late submission of the application.

In individual cases, where further scrutiny of the application is needed by the consulate's own central authorities or in case of representation where the authorities of the represented Member State are consulted, the deadline may be extended up to a maximum of 30 calendar days after the application has been considered admissible:

Examples of cases where such further scrutiny may be necessary:

A visa applicant indicates "family visit" as the purpose of his journey to Slovakia, where he wishes to visit an aunt. The consulate has doubts about the family link between the two and asks for further proof of the family link.

A third-country national has been invited to a Member State for a period of two months for specific studies/research at a university laboratory, presenting an authentic invitation from the university. During the examination of the application, doubts arise concerning the exact purpose of the studies/the research (risk of proliferation of chemical weapon) and the consulate wishes to verify the invitation and the background for it further.

A third-country national claims to be a family member of a French national living in France (thus not covered by Directive 2004/38) and presents a certificate of marriage in a location where such false "tailor made" certificates can be obtained easily and further information must be obtained from local authorities.

Only exceptionally, where additional documentation is required needed, the deadline may be extended up to a maximum of 60 calendar days after the application has been considered admissible.

Examples of cases where such further scrutiny may be necessary:

- in cases where documents establishing the civil status of the applicant are to be verified by the authorities in his country of residence or origin.

- in cases where it is necessary to seek further information from a sponsor in the Member State about his/her background and relationship with the applicant.

8.2. When do the deadlines for taking a decision on an application start running?

As admissibility can only be verified by the competent consulate, these deadlines start running only when is has been established that the admissibility criteria have been met, and not when the application is submitted by the applicant, irrespective of the organisation of the submission (whether an appointment system is in place or not, whether applications are collected by an external service provider or honorary consul or not).

As regards the specific rules relating to applicants who are family members of EU and Swiss citizens, see Part III.

As regards the specific rules applying to categories of persons covered by Visa Facilitation Agreements, see the respective Guidelines set out in Annex 8.

9. TYPES OF VISA TO BE ISSUED

Legal basis: Visa Code, Articles 24, 25 and 26

Basic elements to be taken into consideration when deciding on the visa to be issued:

- **period of validity**: the period during which the visa holder may use the issued visa: Example: a visa is valid from 1.1. – 30.6, and during that period the holder may enter and shall leave the territory of the Member States.

- **period of authorised stay**: the effective number of days that the visa holder may stay in the territory of the Member States during the period of validity of the visa. *The period of authorised stay may be from 1 up to 90 days.*

> ***Example:*** *a Colombian national spent six months studying at a university in Spain (January – June 2009) on the basis of a national long-stay visa and has returned to Colombia. Early August he decides to travel to Germany for an intensive language course of six weeks.*
>
> Under such circumstances a uniform visa may be issued allowing for a stay of up to three months.

- **number of entries**: refers to the number of visits that may be carried out during the period of validity of the visa while respecting the length of the authorised stay:

Example:

– one entry: a visa is valid from 1.1. – 30.6 and allows for one entry. During that period the holder is allowed to travel once to the territory of the Member States; once he has left the territory of the Member States, he is not entitled to re-enter even if the total number of authorised days of stay have not been used.

– two entries: a visa is valid from 1.1. – 30.6, and allows for two entries. During that period the holder may be authorised to stay for a total of 90 days divided into two separate trips.

– multiple entries: a visa is valid from 1.1.-31.12 and allows for multiple entries. During this period the holder is allowed to stay up to 90 days per six-month period. The stay can be divided into as many separate trips as wished by the visa holder.

- **territorial validity:** the territorial validity of a visa may vary:

– a uniform visa allows the holder to circulate in the entire territory of the Member states;

– a visa with limited territorial validity (LTV) allows the holder to circulate only in the Member State(s) for which the visa is valid;

– an airport transit visa only allows the holder to transit through the international transit areas of airports situated on the territory of the Member States, but not to enter into this territory.

9.1. Visa allowing the holder to enter the territory of the Member States

9.1.1. A uniform visa

Legal basis: Visa Code, Article 24

The territorial validity of the visa: a uniform visa allows the holder to circulate in the entire territory of the Member States.

9.1.1.1. Period of validity

The period of validity should correspond to the information provided by the applicant. In all cases an additional "period of grace" of 15 days should be included in the period of validity to allow for a certain room for manoeuvre for the visa holder. However, the validity of the visa issued should respect the requirements in relation to the validity of the travel document, i.e. the validity of the travel document must extend three months beyond the intended departure from the territory of the Member States and thus the period of validity of the issued visa should not go beyond that date (i.e. three months before the expiry of the travel document) either (see point 4.1.1).

The period of validity of a visa cannot exceed 5 years.

Example: *an Egyptian national is travelling to Italy to attend a wedding that takes place on 25.6 and wishes to spend additional time for the purpose of tourism after the wedding celebrations. She presents an airline ticket reservation indicating intended arrival on 22.6 and departure on 6.7 and hotel reservations for tourism purposes cover the period 27.6 – 5.7.*

The period of validity of the visa issued should be from 22.6 – 21.7 (30 days): date of arrival + duration of stay+ 15 days of "period of grace".

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

9.1.1.2. Period of stay

The period of authorised stay should correspond to the intended purpose of stay or transit, while respecting the general rules in relation to the length of stay. Previous stays within the territory of a Member State on the basis of a national long-stay visa or a residence permit have no influence on the stays allowed by a uniform visa or a visa with limited territorial validity.

9.1.1.3. Number of entries

A uniform visa may be issued for one, two or multiple entries. The applicant should indicate in the application form how many entries he wishes, but it is the consular authorities examining the application who decide on the number of entries to grant. When a multiple-entry visa is issued, the period of validity of the travel document should be respected (see point 9.1.1 above).

– **one entry**

If the applicant's purpose of travel is one particular event defined in time, only one entry should be allowed for.

Example: *an Indonesian national wishes to travel to Greece to follow the basketball world championship which lasts 2 weeks.*

This person should be issued a visa allowing for one entry.

Recommended best practice: Persons applying for a visa in a location which is not their place of residence should in principle be issued with a visa allowing only for one entry.

– **two entries**

If the applicant's purpose of travel is one particular event defined in time, but during that visit he wishes to visit the United Kingdom or Ireland, he should be issued a two-entry visa.

Example: *an Ethiopian national travels to Belgium to follow a 1-month summer course at a university. During his 1-month stay he wishes to spend a weekend with friends in Dublin.*

This person should be issued a visa allowing for two entries.

Example*: a Ukrainian national is travelling by bus from Kyiv to London and back to Ukraine*

This person should be issued a visa allowing for two entries.

– **multiple entries**

When a multiple entry visa is issued with a period of validity between 6 months and 5 years, the duration of authorised stay is always 3 months per 6 months. Visas allowing for multiple entries may also be issued with a shorter validity than 6 months.

Under the following circumstances a multiple-entry visa (including for the purpose of transit) shall be issued:

An applicant having proved his integrity and reliability, in particular the lawful use of previous uniform visas or visas with limited territorial validity, his economic situation in the country of origin and his genuine intention to leave the territory of the Member States before the expiry of the visa applied for and who proves the need or justifies the intention to travel frequently and/or regularly, in particular due to his occupational or family status:

- business persons
- seafarers: it should be noted that for this particular category of persons, "unforeseeable and imperative" reasons are relatively frequent because of unforeseeable changes (due to for instance weather conditions) of schedules of the ship on which the seafarer is to embark, re-embark on or disembark from, and therefore the issue of visas with a validity of 1 year provided that the seafarer in question holds a corresponding work contract allowing for multiple entries for the purpose of transit would not only facilitate the travel for the seafarers concerned but also contribute to reduce the need for issuing visas to seafarers in transit at the borders.
- civil servants engaged in regular official contacts with Member States and European Union institutions;
- representatives of civil society organisations travelling for the purpose of educational training, seminars and conferences;
- family members of citizens of the Union, and family members of third-country nationals legally residing in Member States.

As regards the specific rules applying to categories of persons covered by Visa Facilitation Agreements, see the respective Guidelines set out in Annex 8.

Other categories of persons could be eligible for being granted a multiple entry visa with a long validity, provided that the criteria in relation to integrity and reliability together with the proof of need of frequent or regular travel as indicated above are fulfilled:

- researchers travelling to the Member States for the purpose of carrying out scientific research;
- athletes following regular training or competitions in (a) Member State(s);
- artists regularly performing in the Member States, without affecting the possible need to also obtain a work permit to that end;
- members of the professions;
- professional drivers of lorries , buses and coaches working in international transport;
- persons possessing real estate property in the territory of a Member State.

9.1.2. Visa with limited territorial validity

Legal basis: Visa Code, Article 25

9.1.2.1. Issue of a visa with limited territorial validity to persons not fulfilling the entry conditions

If an applicant does not fulfil the entry conditions or if a Member State under the prior consultation procedure objects to the issuance of a visa, the application shall be refused. However, when it is nevertheless considered necessary on humanitarian grounds, for reasons of national interest or because of international obligations to do so, a visa with limited territorial validity may exceptionally be issued.

Example*: The UN Secretary General has set up a meeting in Geneva (Switzerland) between a head of state subject to a visa ban and the opposition leader of the third country concerned in order to find a negotiated solution to the political situation in the third country. The Swiss consulate decides to issue a visa for reasons of national interest.*

In cases where it is deemed necessary to issue a new visa during the same six-month period to an applicant who, over this six-month period, has already spent 90 days on the basis of a uniform visa, a visa with limited territorial validity allowing for an additional stay during the six month period may be issued.

Example*: a Pakistani national stayed in Estonia from 15.3. to 15.6. and set up a research project and has since returned to Pakistan. Immediately after his return, the Estonian project manager realises that it is necessary to have the Pakistani scientist come back otherwise the project will be lost.*

In this case a visa with limited territorial validity allowing for a stay of up to three months in Estonia may be issued.

9.1.2.2. Issue of a visa with limited territorial validity without carrying out required prior consultation

Generally, no final decision should be taken on a visa application without having carried out prior consultation of (an)other Member State(s), where applicable. However, when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations and if for reasons of urgency, it is considered necessary to issue a visa without carrying out required prior consultation, such a visa should be of limited territorial validity.

Example: *A Vietnamese civil servant (for which prior consultation is required) needs urgently to travel to France to replace a colleague who was to participate in high level political negotiations with representatives of the French government.*

Since there is no time to carry out the necessary prior consultation of another Member State

the French consulate issues a visa with limited territorial validity.

The territorial validity of the visas referred to in points 9.1.2.1 – 9.1.2.2 should in general be restricted to the territory of the issuing Member State and only one entry should be granted.

Exceptionally the validity of such visas may be extended to more Member States than the issuing one, subject to the consent of those Member States. Such consent may be obtained locally or at central level.

Example: *an Egyptian national (for which prior consultation is required) has been granted a visa with territorial validity in order to attend urgent business meetings in Vienna (Austria), and the visa has been issued without the prior consultation having been carried out*.

Since there are no direct flights to Vienna, the visa holder must fly to Munich (Germany) and therefore the territorial validity of the visa should be limited to Germany and Austria. It is necessary to obtain Germany's consent to this.

9.1.2.3. Issue of a visa with limited territorial validity to a person holding a travel document not recognised by all Member States

If the applicant holds a travel document that is 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 and the visa sticker should be affixed to the uniform format for the separate sheet for affixing visa stickers, see Annex 24.

Such visas may be issued allowing for several entries, see point 9.1.1.3.

9.2. Visa not allowing the holder to enter the territory of the Member States

Airport transit visa

Legal basis: Visa Code, Article 26

It is important to distinguish a situation of transit through the international transit area of an airport (onward journey where the third country national does not leave the international transit area of the airport) from situations of transit via the territory of a Member State albeit limited to an airport (onward journey where the third country national leaves the international transit area of the airport):

9.2.1. Onward journey <u>where the third country national does not leave the international transit area of the airport</u>

***Example**: a Nigerian national travels from Lagos (Nigeria) via Frankfurt (Germany) to Moscow (Russia).*

This person remains in the international transit area of Frankfurt airport and should therefore be issued an airport transit visa.

9.2.2. Onward journey <u>where the third country national leaves the international transit area of the airport</u>

***Example:** a Nigerian national travels from Lagos via Brussels (Belgium) and Paris (France) to Montreal (Canada).*

The flight between Brussels and Paris is an "intra-Schengen" flight and thus this person enters into the area of the Member States in Brussels and the (Belgian) consulate should issued a uniform visa for the purpose of transit and not an airport transit visa.

***Example:** A Sri Lankan national travels from Colombo to Paris-Charles de Gaulle airport. From Paris he will continue on a flight to Mexico, leaving from the Paris-Orly airport.*

When changing airports in Paris, the person concerned enters the territory of the Member States and the (French) consulate should therefore issue a uniform visa for the purpose of transit and not an airport transit visa.

9.2.3. Number of transits and period of validity

The number of transits and the period of validity should correspond to the needs of the applicant according to the information provided, which in the case of a single airport transit means the date of the transit plus the "period of grace" of 15 days.

It might exceptionally be decided for reasons of public policy or because of international relations of the Member States not to add this "period of grace", because the issuing Member State needs to know exactly when the person concerns transits through <u>the international transit area of the airport</u> area of the Member States.

If the person concerned transits via airports situated in two different Member States on the outward journey and the return journey, a dual airport transit visa should be granted

***Example:** an Eritrean national travels from Asmara (Eritrea) via Madrid (Spain) to Havana (Cuba) and returns to Asmara via Frankfurt (Germany).*

Multiple airport transits may be issued to persons who present no risk of illegal migration or threat to security and who have justified their need for frequent airport transits. However, the period of validity of a multiple airport transit visa should not go beyond six months.

10. INFORMATION OF CENTRAL AUTHORITIES OF OTHER MEMBER STATES ON THE ISSUANCE OF A VISA

Legal basis: Visa Code, Article 31

A Member State may require that its central authorities be informed of uniform visas or visas with limited territorial validity issued by consulates of other Member States to nationals of specific third countries or to specific categories of such nationals, except in the case of airport transit visas.

Until the full roll out of the VIS, the required information is exchanged among central authorities via the VISION network. Once the VIS has become fully operational in all regions, the information is transferred via VIS Mail.

When should this information be transmitted?

Irrespective of the means of transmission, the information on an issued visa should be transmitted to the Member State having requested it without delay and before the visa holder will use the issued visa.

11. THE VISA STICKER

The uniform format for the visa sticker is established by Regulation 1683/95, see Annex 19.

11.1. Filling in the visa sticker

Legal basis: Visa Code, Article 27 and Annex VII

When the visa sticker is filled in, the mandatory entries set out in Annex 20 shall be inserted and the machine-readable zone filled in, as provided for in ICAO document 9303, Part 2. Examples of filled in visa stickers are set out in Annex 21.

National entries in the "comments" section of the visa sticker may be added, see Annex 22. The national comments cannot duplicate the mandatory entries.

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

Visa stickers may be filled in manually only in case of technical force majeure. No changes shall be made to a manually filled in visa sticker.

Recommended best practice in the case of technical force majeure preventing printing of visa stickers: In case the technical problems can be solved within a relatively short time, and if it does not disturb the travel plans of the applicant, it is preferable to postpone the issuing of the visa until the sticker can be printed rather than filling it in manually.

THIS POINT ONLY APPLIES IN CONSULATES WHERE THE VIS HAS BECOME OPERATIONAL :

When a visa sticker is filled in manually, the relevant information should be entered into the VIS

11.2. Affixing of the visa sticker

Legal basis: Visa Code, Article 29 and Annex VIII

The printed visa sticker shall be affixed to the first page of the travel document that contains no entries or stamps – other than the stamp indicating that an application is admissible.

The sticker shall be aligned with and affixed to the edge of the page of the travel document. The machine-readable zone (MRZ) of the sticker shall be aligned with the edge of the page (Annex 23).

11.2.1. Affixing of the visa sticker in case of non-recognition of the travel document

Where the issuing Member State does not recognise the applicant's travel document, the sticker should be affixed to the uniform separate sheet for affixing a visa, see Annex 24.

THIS POINT ONLY APPLIES IN CONSULATES WHERE VIS HAS BECOME OPERATIONAL :

When a visa sticker has been affixed to the separate sheet for affixing a visa, this information shall be entered into the VIS.

11.2.2. Affixing of stickers in passports covering several persons

Individual visa stickers issued to persons who are included in the same travel document should be affixed to that travel document.

Where the travel document in which such persons are included is not recognised by the issuing Member State, the individual stickers should be affixed to the uniform separate sheet for affixing a visa (one sticker per separate sheet), Annex 24.

11.2.3. Stamping and signature of the visa

The stamp of the issuing authorities shall be placed in the "comments" section in such a manner that it extends beyond the sticker onto the page of the travel document, but it must not prevent the reading of the MRZ. If the visa is signed by the issuing authority, the signature should be placed in the same manner.

11.3. Invalidation of completed visa stickers

Legal basis: Visa Code, Article 28

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

If an error is detected by the issuing consulate 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.

12. REFUSAL OF A VISA

Legal basis: Visa Code, Article 32(1) and Annex VI

When an application has been considered admissible, the further examination of it can lead to establish that the entry conditions for obtaining a uniform visa or the conditions for obtaining an airport transit visa (ATV) are fulfilled and a uniform visa or an ATV may be issued.

In case the entry conditions are not fulfilled, it should be assessed whether the circumstances justify that a derogation is exceptionally made from the general rule, and a visa with limited territorial validity (LTV) can be issued (see chapter 9.1.2). If it is not considered justified to derogate from the general rule, the visa shall be refused.

12.1. On which grounds should a visa be refused?

As a general rule, a uniform visa shall be refused when the examination of the application leads to one or more of the following conclusions:

a) the applicant has presented a travel document which is false, counterfeit or forged;

b) the applicant does not provide justification for the purpose and conditions of the intended stay;

c) the applicant 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;

d) the applicant has already stayed for three months during the current six-month period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity;

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

f) the applicant is considered to be a threat to public policy, internal security or public health 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;

g) does not provide proof of holding adequate and valid travel medical insurance, where applicable;

h) 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.

Particular rules in relation to grounds for refusal of a visa currently apply to family members of EU and Swiss citizens, see Part III.

12.2. Should the refusal be notified to the person concerned and should the grounds for the refusal be given?

Legal basis: Visa Code, Article 32(2), (3) and (4) and Annex VI

The procedures described in this point become mandatory from 5.4.2011. Until then national rules on motivation and notification of refusal of a visa apply. (Member States may add separate transitional national instructions to the Handbook on this issue)

When refusing a visa to an applicant the consulate must fill in the standard form for notifying and motivating refusal of a visa substantiating the reason(s) for refusal, and submit it the third-country national concerned, see Annex 25.

This procedure must also be followed when a visa is refused at the external border, see Part IV.

Particular rules in relation to notification and motivation of refusal of a visa currently apply to family members of EU or Swiss citizens, see Part III.

If an airport transit visa (ATV) is refused the appropriate refusal ground should be marked in the standard form and an additional motivation may be added in the “remarks" field of the form, see Annex 25.

Best practice - Request of information about a SIS alert: If a person requests information about the processing of his/her personal data in the SIS and about his/her access rights, the consular staff should provide the person with the coordinates of the competent national authorities, including data protection authorities, where he/she can exercise his/her rights.

12.3. Does the person concerned have the right to appeal a negative decision?

The procedure described in this point becomes mandatory from 5.4.2011. Until then national rules on the right of appeal of the refusal of a visa apply

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.

When notifying the refusal to the applicant, information regarding the procedure to be followed in the event of an appeal should be given.

If an arrangement on representation between two Member States stipulated that the representing Member State can take the final negative decision on a visa application on behalf of the represented Member State, possible appeals should be conducted against the representing Member State that took the final decision to refuse the visa.

Particular rules in relation to information on appeal procedures currently apply to family members of EU or Swiss citizens, see Part III.

Recommended best practice in relation to the notification and motivation of refusals and the communication of refused applicant's right to appeal:

Member States should endeavour to make the written communication available in the official

language of the refused applicant's country of residence or in an official language of the EU institutions, for example in English.

13. RETURN OF THE TRAVEL DOCUMENT

Given that the Visa Code does not contain specific rules in relation to the return of the travel documents, the contents of this chapter are to be considered as recommended best practices.

13.1. Should the applicant appear in person to collect the travel document?

The applicant should in principle collect the travel document and other documents to be returned, if any, in person.

However, exceptions may be allowed for and the applicant may, for instance

- authorise a third party to collect the travel document, at the consulate/the premises of the external service provider/the honorary consul, as applicable;

- request that the travel document be returned by courier service, at the applicant's expense

14. FILING OF APPLICATION FILES

Legal basis: Visa Code, Article 37 (3)

14.1. What should be kept in each file?

Even though certain information on visa applicants is stored electronically, files should be kept as well in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Each individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued. A copy of the page of the travel document with the affixed visa sticker may be kept as well. If this practice is followed, a copy of each visa sticker should be kept, in cases where several visas are affixed in the same travel document.

In case of a negative decision on an application, a copy of the notification of refusal, signed by the applicant, (i.e. the standard form) should be kept in the file as well.

14.2. For how long should the files be kept?

Individual application files shall be kept for a minimum of two years from the date of the final decision taken on the application.

Recommended best practice in relation to filing of visa application files: Given the introduction of a mandatory right of appeal for refused visa applicants, it is recommended that the archived files are as complete as possible and are kept for a period corresponding to the duration of a possible appeal procedure.

PART III: SPECIFIC RULES RELATING TO APPLICANTS WHO ARE FAMILY MEMBERS OF EU[25] CITIZENS OR SWISS CITIZENS

(this chapter only covers issues of relevance to third-country nationals subject to a visa requirement under Regulation 539/2001)

A. Operational instructions addressed to the consulates of Member States (cf. Part I, point 3) except Switzerland

Legal basis: Visa Code, Article 1 (2) (a) and (b)

Under Article 21 of the Treaty on the Functioning of the European Union, every European Union citizen has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaty and by the measures adopted to give it effect. These limitations and conditions are set out in Directive 2004/38/EC[26] on the rights of Union citizens and their family members to move freely within the territory of the Member States.

The right of free movement of EU citizens would not have any useful effect without accompanying measures guaranteeing that this right is also given to their families. Therefore the Directive extends the right to free movement to family members of EU citizens. Article 5 (2), 2nd sub-paragraph of the Directive provides that *"Member States shall grant [family members covered by the Directive] every facility to obtain the necessary visas. Such visas must be issued free of charge as soon as possible and on the basis of an accelerated procedure.*".

As Directive 2004/38/EC represents a *lex specialis*[27] [28] with regard to the Visa Code, the Visa Code fully applies where the Directive does not provide an explicit rule but refers to general "facilities".

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25 By virtue of the EEA Agreement, Directive 2004/38/EC applies also in relation to the EEA Member States *(Norway, Iceland and Liechtenstein)*. The derogations to the Directive, foreseen in the EEA Agreement, are not relevant for the visa procedure. Consequently, where this part refers to the EU citizen, it must be understood as referring to EEA citizens as well, unless specified otherwise.

26 OJ L 158, 30.4.2004, page 77

27 These guidelines are without prejudice to national legislation and administrative rules that Member States are obliged to adopt in order to transpose directive 2004/38/EC.

28 Member States apply the same *lex specialis* to family members of Swiss citizens. Consequently, where this part refers to the EU citizen, it must be understood as referring to Swiss citizens as well, unless specified otherwise.

This Part of the Handbook aims to provide the consulates with operational instructions on the particular rules relating to visa applicants who are family members of EU citizens in accordance with Article 1(2) (a) and (b) of the Visa Code. As regards the application of other aspects of Directive 2004/38, see Commission Communication COM (2009) 313 final[29].

Point 1: how to assess whether the Visa Code should be applied in full or whether the specific rules laid down in the Directive apply.

Point 2: the specific rules on exemption of third country nationals who are family members of EU citizens from the visa requirement.

Point.3: the specific derogations from the general rules of the Visa Code that are to be applied when it is ascertained (under point 1) that the visa applicant falls under the Directive and (under point 2) that there is no exemption from the visa requirement.

1. DOES DIRECTIVE 2004/38/EC APPLY TO THE VISA APPLICANT?

This point provides guidance as to the assessment of whether the specific rules relating to visas laid down in the Directive apply.

If any of the questions below are answered in the negative, the applicant is not entitled to the specific treatment under the Directive (cf. point 3.7).

If, on the contrary, the three questions are answered in the affirmative, it has been established that the specific rules laid down in the Directive indeed apply. Consequently, the guidelines in points 2 and 3 below apply.

Question no 1: Is there an EU citizen from whom the visa applicant can derive any rights?

As third-country nationals who are family members of EU citizens derive their rights under the Directive from the EU citizen, it must be established whether the EU citizen finds himself in a situation covered by the Directive.

In principle, the Directive applies only to those EU citizens who travel to a Member State other than the Member State of their nationality or already reside there *(i.e. the EU citizen exercises or has already exercised his right of free movement)*.

EU citizens residing in the Member State of their own nationality do not normally benefit from the rights granted by the Directive *(as there is no element of free movement)*. However, the case-law of the European Court of Justice has extended the application of the Directive also to EU citizens who return to their Member State of nationality after having resided in another Member State, as well as to those EU citizens who have exercised their right to free movement in another Member State without residing there – for example by providing services in another Member State. For further information on these issues, see Commission Communication COM (2009) 313 final[30].

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29 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.

30 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.

Examples:

French national residing in the United Kingdom travels to Italy.

Czech national living in the Czech Republic travels to Sweden.

Hungarian national living in Bolivia travels to Poland.

Question no 2: Does the visa applicant fall under the definition of "family member"?

'Core' family members have an automatic right of entry and residence, irrespective of their nationality. Their right of entry is derived from the Directive and the national transposition measures may not restrict these rights or the scope of 'core' family members.

The following persons are defined in Article 2(2) of the Directive as 'core' family members:

- the spouse;
- the partner with whom the EU citizen has contracted a registered partnership, on the basis of the legislation of any Member State, if the legislation of the host Member State treats registered partnership as equivalent to marriage;
- the direct descendants who are under the age of 21 or are dependant as well as those of the spouse or partner as defined above; or
- the dependant direct relatives in the ascending line and those of the spouse or partner as defined above.

In order to maintain the unity of the family in a broad sense, Member States may extend the facilitations to so-called 'extended' family members, see Commission Communication COM (2009) 313 final[31].

The following persons are defined in Article 3(2) of the Directive as 'extended' family members:

- any other (i.e. those not falling under Article 2(2) of the Directive) family members who are:
    - dependants;
    - members of the household of the EU citizen; or
    - where serious health grounds strictly require the personal care by the EU citizen; or
    - the partner with whom the EU citizen has a durable relationship, duly attested.

Article 3(2) of the Directive stipulates that 'extended' family members have the right to have their entry facilitated in accordance with national legislation. In contrast with 'core' family

[31] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.

members, 'extended' family members do not have an automatic right of entry. Their right of entry is derived from the national legislation transposing the Directive where the consulates should find detailed rules on this category of visa applicants.

For further information on these issues, see Commission Communication COM (2009) 313 final[32].

Question no 3: Does the visa applicant accompany or join the EU citizen?

As the Directive seeks to facilitate and promote free movement of EU citizens, it does not apply to travels of the family members who have no real relationship with the movements of the EU citizen.

Article 3(1) of the Directive stipulates that the Directive applies only to those family members, as defined above, who accompany or join the EU citizens who move to or reside in a Member State other than that of which they are a national. See Commission Communication COM (2009) 313 final[33].

Examples where the family member accompanies (i.e. travels together with) an EU citizen:

- *French national living in the United Kingdom travels together with Peruvian spouse to Italy or Czech national living in the Czech Republic travels together with Russian spouse to Sweden.*
- *Slovak national living in the United Kingdom travels together with Peruvian spouse to the Slovak Republic.*

Examples where the family member joins (i.e. travels later than) an EU citizen:

- *Nigerian spouse travels to join his wife who is a French national residing in Spain.*
- *Czech national living in the Czech Republic travelled to Sweden where his Russian spouse wants to join him later.*
- *French national living in the United Kingdom with a Peruvian spouse travelled to France where the spouse wants to join him later.*

2. CAN DIRECTIVE 2004/38/EC EXEMPT EU CITIZEN FAMILY MEMBERS FROM THE VISA REQUIREMENT?

This point provides for the specific derogations from the visa requirement that applies when it is ascertained that the visa applicant falls under the Directive *(Questions no 1, 2 and 3).*

[32] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.
[33] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.

Article 5(2) of the Directive provides that possession of a valid residence card referred to in Article 10 of the Directive exempts third country family members from the visa requirement.

The consulate should distinguish between residence cards issued under Article 10 of the Directive and residence permits issued to third country family members under national law.

"Article 10 of the Directive residence cards" are issued to family members of those EU citizens who have exercised their right to move and reside freely and therefore fall under one of the categories defined in point 1 above. Typically, such a residence card is issued to family members of an EU citizen residing in a Member State other than that of his or her nationality:

Example:

- *German "Article 10" residence card issued to the Chinese spouse of a Slovak citizen;*
- *United Kingdom "Article 10" residence card issued to the Moroccan spouse of a Belgian citizen.*

The same visa exemption must be extended also to those third country family members who hold a valid permanent residence card issued under Article 20 of the Directive (replacing the 5-year residence card issued under article 10 of the Directive).

Other residence cards issued to family members of EU citizens under national legislation concerning family reunification with own nationals *(who have not exercised the right of free movement)* do not exempt their holders from the visa requirement under Directive 2004/38/EC:

Example:

United Kingdom residence card issued to the Libyan spouse of a United Kingdom citizen living in the United Kingdom.

In addition, it should be noted that third country family members holding a valid residence card issued by a Member State applying the Schengen acquis in full can also be exempted from the visa requirement under Article 5 of the Schengen Borders Code, see Annex 22. The more favourable provisions should apply.

Examples

- *A Slovak citizen resides with his Chinese spouse in Germany. They travel to France. As the Chinese spouse has a German residence card issued under Article 10 of the Directive, there is no need for an entry visa, both under the Directive or the Schengen Borders Code.*
- *A German citizen resides with his Chinese spouse in Germany. They travel to Spain. As the Chinese spouse holds a German residence card issued under national law, there is no need for an entry visa under the Schengen Borders Code.*
- *A Slovak citizen resides with his Chinese spouse in Romania. They travel to France. As the Chinese spouse has a Romanian residence card issued under Article 10 of the Directive, she is exempted from the visa requirement under the Directive (but not under the*

Schengen Borders Code).

- *A Slovak citizen resides with his Chinese spouse in the United Kingdom. The Chinese spouse holding a residence card, issued by the United Kingdom under Article 10 of the Directive, travels alone to France. As she travels alone, she needs to apply for a visa to enter France.*

3. SPECIFIC DEROGATIONS FROM THE GENERAL RULES OF THE VISA CODE

This point provides for operational instructions concerning the specific derogations from the general rules of the Visa Code that are to be applied when it has been ascertained that the visa applicant falls under the Directive and that there is no exemption from the visa requirement.

3.1. Visa Fee

No visa fee can be charged.

3.2. Service fee in case of outsourcing of the collection of applications

As family members should not pay any fee when submitting the application, they cannot be obliged to obtain an appointment via a premium call line or via an external provider whose services are charged to the applicant. Family members must be allowed to lodge their application directly at the consulate without any costs. However, if family members decide not to make use of their right to lodge their application directly at the consulate but to use the extra services, they should pay for these services.

If an appointment system is nevertheless in place, separate call lines *(at ordinary local tariff)* to the consulate should be put at the disposal of family members respecting comparable standards to those of "premium lines", i.e. the availability of such lines should be of standards comparable to those in place for other categories of applicants and an appointment must be allocated without delay.

3.3. Granting every facility

Member States shall grant third country family members of EU citizens falling under the Directive every facility to obtain the necessary visa. This notion must be interpreted as ensuring that Member States take all appropriate measures to ensure fulfilment of the obligations arising out of the right of free movement and afford to such visa applicants the best conditions to obtain the entry visa.

3.4. Processing time

The visas must be issued as soon as possible and on the basis of an accelerated procedure and the procedures put in place by Member States *(with or without outsourcing)* must allow to distinguish between the rights of a third country national who is a family member of an EU citizen and other third country nationals. The former must be treated more favourably than the latter.

Processing times for a visa application lodged by a third-country national who is a family member of an EU citizen covered by the Directive going beyond 15 days should be exceptional and duly justified.

3.5. Types of visa issued

Article 5(2) of the Directive provides that third-country nationals who are family members of EU citizens may only be required to have an entry visa in accordance with Regulation (EC) No 539/2001.

3.6. Supporting documents

In order to prove that the applicant has the right to be issued with an entry visa under the Directive, he must establish that he is a beneficiary of the Directive. This is done by presenting documents relevant for the purposes of the three questions referred to above, i.e. proving that:

- there is an EU citizen from whom the visa applicant can derive any rights;
- the visa applicant is a family member (e.g. a marriage certificate, birth certificate, proof of dependency, serious health grounds, durability of partnerships …) and his identity (passport); and
- the visa applicant accompanies or joins an EU citizen (e.g. a proof that the EU citizen already resides in the host Member State or a confirmation that the EU citizen will travel to the host Member State).

It is an established principle of EU law in the area of free movement that visa applicants have the right of choice of the documentary evidence by which they wish to prove that they are covered by the Directive *(i.e. of the family link, dependency …).* Member States may, however, ask for specific documents *(e.g. a marriage certificate as the means of proving the existence of marriage), but* should not refuse other means of proof.

For further information in relation to the documentation, see Commission Communication COM (2009) 313 final[34].

3.7. Burden of proof

The burden of proof applicable in the framework of the visa application under the Directive is twofold:

Firstly, it is up to the visa applicant to prove that he is a beneficiary of the Directive. He must be able to provide documentary evidence foreseen above as he must be able to present evidence to support his claim.

If he fails to provide such evidence, the consulate can conclude that the applicant is not entitled to the specific treatment under the Directive.

[34] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.

Additional documents may not be required regarding the purpose of travel and means of subsistence *(e.g. proof of accommodation, proof of cost of travelling),* which is reflected in the exemption for family members of EU citizens from filling in the following fields of the visa application form:

Field 19: *"current occupation";*

Field 20*:"employer and employer's address and telephone number. For students, name and address of educational establishment";*

Field 31: *"surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s);*

Field 32: *"Name and address of inviting company/organisation";*

Field 33: *"Cost of travelling and living during the applicant's stay".*

A Member State may require that the relevant documents are translated, notarised or legalised where the original document is drawn up in a language that is not understood by the authorities of the Member State concerned or if there are doubts as to the authenticity of the document.

3.8. Refusal to issue a visa

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

- the visa applicant failed to demonstrate that he is covered by the Directive on the basis of the visa application and attached supporting documents under point 3.6 *(i.e. it is clear that the reply to at least one of the three questions referred to above is negative)*;
- the national authorities demonstrate that the visa applicant is a genuine, present and sufficiently serious threat to public policy, public security or public health; or
- the national authorities demonstrate that there was abuse or fraud.

In the latter two cases, the burden of proof lies with the national authorities as they must be able to present evidence to support their claim that the visa applicant *(who has presented sufficient evidence to attest that he/she meets the criteria in the Directive)* should not be issued with an entry visa on grounds of public policy, public security or public health or on grounds of abuse or fraud.

The authorities must be able to build a convincing case while respecting all the safeguards of the Directive which must be correctly and fully transposed in national law. The decision refusing the visa application on grounds of public policy, public security or public health or on grounds of abuse or fraud must be notified in writing, fully justified *(e.g. by listing all legal and material aspect taken into account when concluding that the marriage is a marriage of convenience or that the presented birth certificate is fake)* and must specify where and when the appeal can be lodged.

The refusal to issue an entry visa under the conditions of the Directive must be notified in writing, fully justified (e.g. by referring to the missing evidence), and specify where and when an appeal can be lodged.

A visa may not be refused on the sole ground that the applicant is a person for whom an alert has been entered into the SIS for the purpose of refusing entry into the territory of the Member States[35]. Before refusing to issue a visa where there is an alert in the SIS, in any event it must be verified whether the person concerned represents a genuine, present and sufficiently serious threat to public policy, and public security. For further information, see Commission Communication COM (2009) 313 final[36].

3.9. Notification and motivation of a refusal

Article 30 of the Directive provides that family members must be notified in writing of the refusal. Irrespective of the mandatory notification and motivation of refusals as provided by the Visa Code *(applicable from 5 April 2011)*, refusal to issue a visa to a family member of an EU citizen must always be fully reasoned and list all the specific factual and legal grounds on which the negative decision was taken, so that the person concerned may take effective steps to ensure his defence[37].

The refusal must also specify the court or administrative authority with which the person concerned may lodge an appeal and the time limit for the appeal.

Forms may be used to notify a negative decision but the motivation given must always allow for a full justification of the grounds of which the decision was taken, and therefore indication of one or more of several options by only ticking the boxes in the standard form set out in Annex VI to the Visa Code is not sufficient in the case of refusal to issue a visa to a family member of an EU citizen.

4. FAMILY MEMBERS OF EU CITIZENS APPLYING FOR A VISA AT THE EXTERNAL BORDERS

When a family member of an EU citizen, accompanying or joining the EU citizen in question, and who is a national of a third country subject to the visa obligation, arrives at the border without holding the necessary visa, the Member State concerned must, before turning him back, give the person concerned every reasonable opportunity to obtain the necessary documents or have them brought to him within a reasonable period of time to corroborate or prove by other means that he is covered by the right of free movement.

If he succeeds in doing so and if there is no evidence that he poses a risk to the public policy, public security or public health requirements, the visa must be issued to him without delay at the border, while taking account of the guidelines above.

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35 Judgments of EJC, Cases C-503/03 *Commission v Spain* and C-33/07 *Jipa*

36 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF.

37 Judgments of EJC, Cases 36/75 *Rutili* and T-47/03 *Sison*

B. Operational instructions addressed to the consulates of Switzerland

Legal basis

Switzerland does not apply Directive 2004/38/CE but applies the Agreement of 21 June 1999 between the Swiss Confederation and the European Community and its Member States on the free movement of persons (AFMP).

The Vaduz Agreement of 21 June 2001 amends the Convention of 4 January 1960 establishing the European Free Trade Association and extends the personal scope of the AFMP to cover also citizens of EEA Member States.

1. DEFINITION OF "FAMILY MEMBER" UNDER THE AFMP

Article 3(2) of Annex I to the AFMP provides that the following persons are considered to be family members of an EU citizen[38] and of a Swiss citizen:

- their spouse and their relatives in the descending line who are under the age of 21 or are dependent;
- their relatives in the ascending line and those of the spouse who are dependent on the EU citizen or the Swiss citizen;
- in the case of a student, their spouse and their dependent children.

1.1. Differences between Directive 2004/38/EC and the AFMP

The definition of family members under the AFMP and Swiss national legislation is less restrictive than the one under Article 2(2) (b) of Directive 2004/38/EC. Swiss national legislation also confers the same rights to persons who do not fall within the above definitions (see points 2.1 and 2.2 below). The facilities are granted to family members who travel alone (irrespective of whether the purpose of the trip is to join the EU citizen or not) or accompany the EU citizen.)

The AFMP does not provide for the exemption from the visa requirement of family members of EU citizens. They are, however, exempted from the visa requirement, if they hold a valid travel document and a residence permit listed in the List of residence permit issued by Members States, Annex 2.

2. SPECIFIC DEROGATIONS FROM THE GENERAL RULES OF THE VISA CODE

This point provides for operational instructions concerning the specific derogations from the general rules of the Visa Code that are to be applied when it has been ascertained that the visa applicant falls under the AFMP and that there is no exemption from the visa requirement.

[38] Where reference is made to EU citizens, it must be understood as referring to EEA citizens as well.

2.1. Visa Fee

Family members of EU citizens as defined by Article 3(2) of Annex to the AFMP (see above) and persons with whom the EU citizen has contracted a registered partnership are exempted from paying the visa fee, according to national Swiss legislation.

2.2. Granting every facility - Processing time

In accordance with Article 1(1) of Annex I to the AFMP, Switzerland grants all facilities for obtaining a visa to family members of EU citizens as defined by Article 3(2) of Annex to the AFMP (see above). Based on national legislation Switzerland also grants such facilitations to persons with whom the EU citizen has contracted a registered partnership.

The following facilitations are granted:

- visa applications from family members of EU citizens as defined by Article 3(2) of Annex to the AFMP (see above) and persons with whom the EU citizen has contracted a registered partnership are examined as soon as possible;

- the persons referred to above are not required to present proof of personal means of subsistence (e.g. cash, travellers cheques, credit cards);

- the persons referred to above are not required to present an invitation or proof of sponsorship and/or accommodation.

2.3. Types of visa issued

Third country family members may only be required to have an entry visa in accordance with Regulation (EC) No 539/2001.

2.4. Supporting documents

In order to benefit from the facilitations provided for by that AFMP, the visa applicant must prove that he is a family member of an EU citizen *(e.g. a marriage certificate, birth certificate, proof of dependency, …).*

2.5. Burden of proof

The burden of proof applicable in the framework of the visa application under the AFMP is twofold:

Firstly, it is up to the visa applicant to prove that he is a beneficiary of the AFMP. He must be able to provide documentary evidence foreseen above as he must be able to present evidence to support his claim.

If he fails to provide such evidence, the consulate can conclude that the applicant is not entitled to the specific treatment under the AFMP.

Additional documents may not be required regarding the purpose of travel and means of subsistence *(e.g. a proof of accommodation, proof of cost of travelling),* which is in line with the exemption for family members of EU citizens from filling in certain fields of the visa application form:

Field 19: *"current occupation";*

Field 20*:"employer and employer's address and telephone number. For students, name and address of educational establishment";*

Field 31: *"surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s);*

Field 32: *"Name and address of inviting company/organisation";*

Field 33: *"Cost of travelling and living during the applicant's stay".*

The consulates may require that the relevant documents are translated, notarised or legalised where the original document is drawn up in a language that is not understood by the authorities of the Member State concerned or if there are doubts as to the authenticity of the document.

2.6. Notification and motivation of a refusal

The decision on and the motivation of the refusal of a visa are notified to the visa applicant by means of the standard form. In accordance with national Swiss legislation family members of EU citizens benefit from the same right of appeal as other visa applicants.

PART IV: VISAS APPLIED FOR AT THE EXTERNAL BORDER

Legal basis: Visa Code, Articles 35 and 36 and Annex IX, Parts 1 and 2

1. APPLICATION FOR A VISA AT THE EXTERNAL BORDERS

1.1. Can a visa application be submitted at the border?

As a general rule, a visa should be applied for prior to the intended journey at the consulate of the competent Member State (see Part II, chapter 2) in the applicant's country of residence.

However, if the applicant can explain that for unforeseeable and imperative reasons he has not been in a position to apply for a visa in advance, the application can be submitted at the border. The border control authorities may require that the unforeseeable and imperative need for entry be justified by documentation. The applicant's return to his country of origin or residence or transit through States other than the Member States fully implementing the Schengen *acquis* should also be assessed as certain.

Examples** of unforeseeable and imperative reasons for entry justifying that a visa is applied for at the external border**:

- *Sudden serious illness of a close relative;*
- *Death of a close relative;*
- *Entry required so that urgent initial medical and/or psychological care can be provided in the Member State concerned, in particular following an accident such as a shipwreck in waters close to a Member State, or other rescue and disaster situations.*
- *Unexpected rerouting of a flight: A flight between Delhi and London is scheduled to make a stop-over at Frankfurt airport (meaning that the passengers would not leave the aircraft during the stopover), but due to bad weather conditions in Frankfurt the flight is rerouted to Paris Charles de Gaulle airport, and the onward flight will only take place the following day.*
- *Last minute change of members of flight crew: the persons who are no longer part of the airplane crew would need a visa to stay in the territory of the Member States, waiting for another plane to take them back home as ordinary passengers (either from the same airport or from another airport in the territory of the Member States.)*

As regards the specific rules relating to applicants who are family members of EU or Swiss citizens, see Part III.

1.2. Do special rules on the processing of a visa application apply at the border?

The general rules for examining and taking decisions on a visa application apply when the application is submitted at the border. However, given the circumstances (i.e. the element of urgency), under which visas are applied at the border certain rules become irrelevant as the

various steps of the processing (submission of the application, the examination and final decision on the application) are taken in swift succession.

Recommended best practice:

A distinction should be made between:

a) exceptional cases where a third country national who intends to enter into the area of the Member States presents himself at the external border and wishes to apply for the visa there, and

b) emergency cases where a large number of persons who did not intend to enter into the area of the Member States are forced to do so: *e.g. an aircraft with Frankfurt as destination has to land at Luxembourg airport because of weather conditions in Frankfurt; the passengers will be transferred to Frankfurt by bus; several hundreds of the passengers were only to transit through the international part of the airport in Frankfurt before continuing their trip to a destination in a third country; they are compelled to apply for a visa in Luxembourg.*

In the first case (a), in principle all relevant rules in relation to the examination and decision making on visa applications apply, whereas in the second case (b) where the third country nationals concerned had no intention of entering into the territory of the Member States but are compelled to do so for reasons of force majeure, certain provisions may be deviated from, e.g. visa fee waiver.

The following general rules apply when an application is submitted at the border:

1.2.1. The basic elements of a visa application:

- Presentation of a filled in and signed application form;
- If the relevant authorities of the Member State concerned judge that given the circumstances (e.g. extreme urgency or large number of persons who need to be issued a visa within a short period of time), all the relevant data of the individual applicant may be entered directly into the national visa database, rather than asking the individual persons to fill in the application form;
- Presentation of a valid travel document, see Part II, point 4.1.1;
- As a general rule, the travel document presented must be valid at least three months after the intended date of departure from the Member States, but since a visa is often applied for at the border in cases of urgency, a travel document that has a shorter period of validity may be accepted;
- Presentation of a photograph fulfilling the standards set out in the photographic specifications (Annex 11);
- Collection of biometric data, where applicable, see Part II, chapter 5;
- Collection of the visa fee, see Part II, point 4.4;

- Presentation of supporting documents, including proof of unforeseeable and imperative reasons for entry**,** see in particular Part II, point 6.2 ;

- Presentation of proof of possession of adequate and valid travel medical insurance, see Part II, point 6.3;

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.

Recommended best practice in relation to the application form: Basically the general rules in relation to the application form apply, see point 4.2. As to the language versions available (see point 4.2.1) at the border crossing points, the application form should as a minimum be available in the official language(s) of the Member State at whose border the application is submitted and in an official language of the EU institutions, for example English.

1.3. What types of visas can be issued at the external border?

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. See also Part II, chapter 9.

A third-country national falling within a category of persons for whom prior consultation is required 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, see Part II, point 9.1.2.

1.4. Filling in of the visa sticker

See Part II, chapter 11.

1.5. Information of central authorities of other Member States on the issuance of a visa

See Part II, chapter 10.

1.6. Refusal of a visa applied for at the external border

Legal basis: Visa Code, Articles 32 (1) and 35(6) and Annex VI

When an application has been examined and it has been established that the entry conditions for obtaining a uniform visa are fulfilled, a uniform visa may be issued.

In case the entry conditions are not fulfilled, it should be assessed whether the circumstances justify that derogation is exceptionally made from the general rule, and a visa with limited territorial validity may be issued (see Part II, point 9.1.2.). If it is not considered justified to derogate from the general rule, the visa shall be refused.

Additionally the visa shall be refused at the border, if the applicant cannot provide proof of unforeseeable and imperative reasons for entry.

A distinction should be made between refusal of entry and refusal of a visa at the border. The rules on refusal of entry are set out in the Schengen Borders Code whereas the rules on refusal of a visa are set out in the Visa Code.

1.6.1. On which grounds should a visa be refused?

As a general rule, a visa shall be refused when the examination of the application leads to one or more of the following conclusions:

a) sufficient proof has not been given of unforeseeable and imperative reasons for not having been in a position to apply for a visa in advance;

b) the applicant has presented a travel document which is false, counterfeit or forged, or that is not valid three months beyond the intended date of departure from the territory of the Member States;

c) the applicant does not provide justification for the purpose and conditions of the intended stay;

d) the applicant 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;

e) the applicant has already stayed for three months during the current six-month period on the territory of the Member States on the basis of a uniform visa or a visa with limited territorial validity;

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

g) the applicant is considered to be a threat to public policy, internal security or public health 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;

h) the applicant does not provide proof of holding adequate and valid travel medical insurance, where applicable;

i) 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.

1.7. Should the refusal be notified to the person concerned and should the grounds for the refusal of a visa be given?

Legal basis: Visa Code, Articles 32(2) (3)(4) and 35(7) and Annex VI

The procedures described in this point become mandatory from 5. April 2011. Until then national rules on motivation and notification of refusal of a visa apply.

When refusing a visa to an applicant the border control authority must fill in the standard form for notifying and motivating refusal of a visa substantiating the reason(s) for refusal, and submit it to the third-country national concerned, Annex 25.

2. VISAS ISSUED TO SEAFARERS IN TRANSIT AT THE EXTERNAL BORDER

A seafarer may be issued a visa at the external borders for the purpose of transit, if for unforeseeable and imperative reasons he has not been in a position to apply for a visa in advance, and the reason for crossing the border is to embark on, re-embark on or disembark from a ship on which he will work or has worked as a seaman.

It should be noted that for this particular category of persons, "unforeseeable and imperative" reasons for entry are relatively frequent because of unforeseeable change, due to for instance weather conditions, of schedules of the ship on which the seafarer is to embark, re-embark or disembark from.

Examples of unforeseeable and imperative reasons for entry and consequently application for a visa at the border:

- *A seafarer is told by his shipping agent that he has to embark on a ship in the harbour of Rotterdam (Netherlands) on the 4.11. He receives this message on 1.11, while he is still working on another ship. He will disembark from this ship on 2.11 and will travel by plane to the Netherlands on 3.11.*
- *A seafarer from the Philippines, living in a small village on an island a few hundred kilometres from the embassy, is told by his shipping-agent on 1.5 that he has to embark on a ship in the harbour of Rotterdam (Netherlands) which is leaving the harbour on 8.5.*
- *A seafarer is told by his shipping agent that he has to embark on a ship in the harbour of Rotterdam on the 4.11. He receives this message on 1.11, while he is still working on another ship bound for Piraeus (Greece) on 2.11. He therefore applies for a visa at the external border of Greece where he will enter the territory of the Member States before taking a flight to the Netherlands.*

Examples where the seafarer cannot proof unforeseeable and imperative reasons for entry and consequently application for a visa at the border:

- *A seafarer from the Philippines, living in a small village on an island a few hundred kilometres from the embassy, works on a cruise ship with a regular schedule which leaves from the harbour of Rotterdam (Netherlands) every three months on the same day and time.*
- *A seafarer from the Philippines, living in a small village on an island a few hundred kilometres from the embassy, is told by his shipping-agent on 1.5 that he has to embark on a ship in the harbour of Rotterdam (Netherlands) which is leaving the harbour on 28.5.*

Before issuing a visa at the border to a seafarer, the competent national authorities must exchange information in compliance with the specific operational instructions, see Annex 26 Part 1, by means of the form set out in Annex 26, Part 2.

The general rules in relation to the type of visas to be issued at the external borders apply in the case of seafarers, but the specific nature of the work of seafarers should be taken into consideration by allowing a certain margin in relation to a transit.

Recommended best practice in relation to the issue of visas at the external border to seafarers in transit: A seafarer arrives by plane on 1.11 at Brussels airport (Belgium) in order to embark on a vessel scheduled to arrive in the port of Antwerp (Belgium) on 3.11. Given that the vessel could be delayed, a few days of margin should be added the period necessary for the transit.

PART V: MODIFICATION OF ISSUED VISAS

1. EXTENSION OF AN ISSUED VISA

Legal basis: Visa Code, Article 33

In case a visa holder who is already present on the territory of the Member States is unable to leave before the expiry of his visa for reasons of *force majeure*, humanitarian reasons or serious personal reasons, he should address the request for extension of the visa to the competent authorities of the Member State where he is present even if that is not the Member State whose consulate issued the visa.

Under certain circumstances the authorities of the Member State concerned are obliged to extend the visa (point 1.1) and in other cases they may decide to extend the visa (point 1.2).

1.1. Under which circumstances is it mandatory to extend an issued visa?

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

***Example** of reason of force majeure:*

- last minute change of flight schedule by airline (e.g. due to weather conditions, strike)

***Example** of humanitarian reasons:*

- sudden serious illness of the person concerned (meaning that the person is unable to travel) or sudden serious illness or death of a close relative living in a Member State

According to the VFAs it is mandatory to extend only for reasons of "force majeure" and not for "humanitarian reasons". Nevertheless, third country nationals covered by these VFAs also benefit from the more generous provisions of the Visa Code.

1.1.1. Can a fee be charged for the extension of a visa for reasons of force majeure or for humanitarian reasons?

In case of an extension of a visa for reasons of force majeure or for humanitarian reasons, no fee can be charged.

1.2. Under which circumstances is it not mandatory to extend an issued visa?

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.

***Examples of** serious personal reasons justifying an extension of a visa*

- a Namibian national has travelled to Cologne (Germany) to collect a family member who has undergone an operation. The day before the scheduled departure, the patient has a relapse and is only allowed to leave the hospital two weeks later.

- an Angolan businessperson has travelled to Italy to negotiate a contract with an Italian company and to visit several production sites in Italy. Negotiations take longer than expected and the Angolan national has to stay one week longer than intended.

***Examples of** personal reasons not justifying the extension of a visa:*

- a Colombian national has travelled to Sweden to participate in a family event. At this event he meets an old friend and would like to prolong his stay for another two weeks.

1.2.1. Can a fee be charged for the extension of a visa for serious personal reasons?

In the case of extension of a visa for serious personal reasons, a fee of 30 EUR should be charged.

1.3. Should "prior consultation" be carried out before taking a decision on extending a visa?

If the visa holder applying for an extension of his visa has the nationality of a third country or belongs to a category of such nationals for whom a Member State requires "prior consultation", such consultation should not be carried out again. Since such consultation has been carried out before the issuance of the original visa, it can be assumed that the result of this consultation remains valid.

1.4. What should be the territorial validity of an extended visa?

Generally, the extension should allow the holder to travel to the same territory as the one covered by the initial visa. However, the authorities of the Member State responsible for the extension may limit the territorial validity of the extended visa. The contrary can never be the case, i.e. a visa that originally had a limited territorial validity cannot be extended to allow a stay in the entire territory of the Member States.

1.5. What should be the period of stay allowed for by an extended visa?

Generally, the extension of a visa should not result in a total stay going beyond 90 days in a 180 days period.

1.6. What form should the extension take?

Legal basis: Visa Code, Articles 27 and 33 (6) and Annex X

Extension of visas shall take the form of a visa sticker in the uniform format (Annex 19) and the sticker should be filled in accordance with chapter 11 and Annex 20.

1.7. What should be verified when assessing a request for extension of a visa?

If the competent authority considers that the reasons provided for requesting an extension of a visa (cf. points 1.1 or 1.2) are sufficient, the following should be verified:

- is the applicant's travel document still valid 3 months beyond the intended date of departure?
- does the applicant possess sufficient means of subsistence for the additional period of stay?
- has the applicant presented proof of travel medical insurance for the additional period of stay?

THIS POINT APPLIES ONLY WHERE THE EXTENSION CONCERNS A VISA ISSUED IN A LOCATION WHERE THE VIS HAS BECOME OPERATIONAL :

1.8. Should data on an extended visa be entered into the VIS?

When a visa has been extended, the relevant data shall be entered into the VIS.

2. ANNULMENT OF AN ISSUED VISA

Legal basis: Visa Code, Article 34 and Annex VI

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.

Example: *A Russian national holding a single entry visa issued by the Italian consulate in Moscow arrives at Brussels airport (Belgium) and has no proof of a connecting flight from Brussels to an Italian airport.*

It may be assumed that this visa was fraudulently obtained and the Belgian authorities should annul the visa and inform the Italian authorities of this.

Example: *An Indian national holding a multiple entry visa for 90 days issued by the Italian consulate in Delhi for the purpose of attending a summer course at an Italian university is working illegally in Germany at a restaurant. The financial control authority on illegal employment conducts an investigation and reveals his activity.*

In this case the German authorities shall annul his visa.

2.1. Grounds for annulment

Failure of the visa holder to produce one or more of the supporting documents referred to in [point 6.2.1] or failure to prove, when presenting himself at the border, the possession of sufficient means of subsistence shall not automatically lead to a decision to annul the visa, especially if the visa has been issued by another Member State, but entry should be refused.

Example: *A Ukrainian national holding a multiple entry visa issued (for business purposes) by the Hungarian consulate in Uzhgorod (Ukraine) flies from Kyiv (Ukraine) to Rome (Italy) with the purpose of tourism and he cannot prove the possession of sufficient means of subsistence for staying in Italy. It is obvious that he has already used his visa for business purposes in Hungary and the visa is still valid.*

In this case the visa should not be annulled but entry should be refused.

In case the visa holder cannot prove the purpose of his journey when checked at the border, a further enquiry must be made in order to assess whether the person obtained the visa in a

fraudulent way and represents a risk in terms of illegal immigration. If necessary, contacts with the competent authorities of the Member State having issued the visa will be taken. Only if it is ascertained that the visa was obtained in a fraudulent way, such visa must be annulled.

2.2. How should the annulment be marked?

If a visa is annulled, a stamp stating "ANNULLED" shall be affixed to it and the optical variable feature of the visa sticker, the security feature "latent image effect" as well as the term "visa" shall be rendered unusable by using a sharp instrument. The aim is to prevent the optical variable feature from being removed from the visa sticker and from being misused.

Recommended best practice in relation to the language(s) used for the stamp and information of annulment of a visa**:**

*In order for the relevant authorities of all Member States to understand the meaning of the stamp, the word "annulled" could be indicated in the national language(s) of the Member State carrying out the annulment in for instance English**.** See also point 4.*

THIS POINT APPLIES ONLY WHERE THE ANNULMENT CONCERNS A VISA ISSUED IN A LOCATION WHERE THE VIS HAS BECOME OPERATIONAL :

2.3. Should data on an annulled visa be entered into the VIS?

When a visa has been annulled, the relevant data shall be entered into the VIS.

2.4. Should the annulment be notified to the person concerned and should the grounds for the annulment be given?

The procedures described in this point become mandatory from 5 April 2011.

Until then national rules on motivation and notification of annulment of a visa apply.

When a visa has been annulled, the competent authorities must fill in the standard form for notifying and motivating annulment of a visa substantiating the reason(s) for the annulment, and submit it to the third-country national concerned, see Annex 25.

2.5. Does the person concerned have the right to appeal a decision on annulment?

The procedures described in this point become mandatory from 5 April 2011.

Until then national rules on the right to appeal a decision on annulment of a visa apply.

Persons whose visa has been annulled shall have the right to appeal. Appeals shall be conducted against the Member State that has taken the decision on annulment. When notifying the annulment to the person concerned, information regarding the procedure to be followed in the event of an appeal should be given.

3. REVOCATION OF AN ISSUED VISA

Legal basis: Visa Code, Article 34 and Annex VI

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.

Example: *A visa must be revoked at the border if the holder of the visa has become the subject of an alert in the Schengen Information System (SIS), since the visa was issued.*

A visa may be revoked at the request of the visa holder. Such a request should be made in writing. The competent authorities of the Member States that issued the visa shall be informed of such revocation.

3.1. Grounds for revocation

Failure of the visa holder to produce, one or more of the supporting documents referred to in Part II, point 6.2, or failure to prove, the possession of sufficient means of subsistence shall not automatically lead to a decision to revoke the visa, especially if the visa has been issued by another Member State.

3.2. How should revocation be marked?

If a visa is revoked, a stamp stating "REVOKED" shall be affixed to it and the optical variable feature of the visa sticker, the security feature "latent image effect" as well as the term "visa" shall be rendered unusable by using a sharp instrument. The aim is to prevent the optical variable feature from being removed from the visa sticker and from being misused.

Recommended best practice in relation to the language(s) used for the stamp and information of revocation of a visa**:**

In order for the relevant authorities of all Member States to understand the meaning of the stamp, the word "revoked" could be indicated in the national language(s) of the Member State carrying out the revocation in for instance in English. See also point 4.

THIS POINT APPLIES ONLY WHERE THE REVOCATIONT CONCERNS A VISA ISSUED IN A LOCATION WHERE THE VIS HAS BECOME OPERATIONAL :

3.3. Should data on a revoked visa be entered into the VIS?

When a visa has been revoked, the relevant data shall be entered into the VIS.

3.4. Should the revocation be notified to the person concerned and should the grounds for the revocation be given?

The procedures described in this point become mandatory from 5 April 2011.

Until then national rules on notification and motivation of the revocation of a visa apply.

When a visa has been revoked, the competent authorities must fill in the standard form for notifying and motivating the revocation of the visa substantiating the reason(s) for the revocation, and submit it to the third-country national concerned, see Annex 25.

3.5. Does the person concerned have the right to appeal a revocation?

The procedures described in this point become mandatory from 5 April 2011.

Until then national rules on the right of appeal of the revocation of a visa apply.

Persons whose visa has been revoked shall have the right to appeal, unless the revocation was carried out at the request of the visa holder. An appeal shall be conducted against the Member State that has revoked. When notifying the revocation to the person concerned, information regarding the procedure to be followed in the event of an appeal should be given.

4. TRANSLATIONS OF "ANNULLED" AND “REVOKED”

EN	ANNULLED	REVOKED
BG	АНУЛИРАНА	ОТМЕНЕНА
ES	ANULADO	RETIRADO
CS	NEPLATNÉ	ZRUŠENO
DA	ANNULLERET	INDDRAGET
DE	ANNULLIERT	AUFGEHOBEN
ET	TÜHISTATUD	KEHTETUKS TUNNISTATUD
EL	ΚΑΤΑΡΓΕΙΤΑΙ	ΑΝΑΚΑΛΕΙΤΑΙ
FR	ANNULÉ	ABROGÉ
IT	ANNULLATO	REVOCATO
LV	ANULĒTA	ATCELTA
LT	PANAIKINTA	ATŠAUKTA
HU	MEGSEMMISÍTVE	VISSZAVONVA
MT	ANNULLATA	REVOKATA
NL	NIETIG VERKLAARD	INGETROKKEN
PL	UNIEWAŻNIONO	COFNIĘTO
PT	ANULADO	REVOGADO
RO	ANULAT	REVOCAT
SK	ZRUŠENÉ	ODVOLANÉ
SL	RAZVELJAVLJENO	PREKLICANO
FI	MITÄTÖN	KUMOTTU
SV	UPPHÄVD	ÅTERKALLAD
NO	ANNULLERT	INNDRATT

PART VI: LIST OF RELEVANT LEGISLATION

- **Union law:**

  - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed at Schengen on 19 June 1990 (OJ L 239, 22.9.2000, p. 19);

  - 94/795/JHA: Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ L 327, 19.12.1994, p. 1);

  - Council Regulation (EC) N° 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p.1) as amended by Council Regulation (EC) N° 334/2002 of 18 February 2002 amending Council Regulation (EC) N° 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 53, 23.2.2002, p. 7);

  - Council Regulation (EC) No 856/2008 of 24 July 2008 amending Regulation (EC) No 1683/95 laying down a uniform format for visas as regards then numbering of visas (OJ L 235, 2.9.2008, p. 1)

  - Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community (OJ L268, 3.10.1998, p. 1)

  - Charter of Fundamental Rights of the European Union (OJ C 364, 18.12.2000, p.1) ;

  - Council Regulation (EC) N° 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 (OJ L 81 of 21.3.2001, p.1), amended by the following:

    - Council Regulation (EC) N° 2414/2001 (OJ L 327 of 12.12.2001) p.1);

    - Council Regulation (EC) N° 453/2003 (OJ L 69 of 13.3.2003, p.10);

    - Council Regulation (EC) N° 851/2005 of 2 June 2005 amending Regulation (EC) N° 539/2001 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 as regards the reciprocity mechanism (OJ L 141, 4.6.2005, p.3);

    - Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 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 (OJ L 405, 30.12.2006, corrigendum: OJ L 29, 3.2.2007, p. 10)

– Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 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 (OJ L 336, 18.12.2009, p. 1–3)

– Council Regulation (EC) N° 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 (OJ L 53, 23.2.2002, p.4);

– Council Regulation N° 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1);

– Council Regulation (EC) N° 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 099, 17.4.2003, p. 8);

– Council Regulation (EC) N° 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) N° 693/2003 (OJ L 099, 17.4.2003, p. 15);

– Council Decision of 8 March 2004 concerning the conclusion of a Memorandum of Understanding between the European Community and the National Tourism Administration of the Peoples' Republic of China on visa and related issues concerning tourist groups from the Peoples' Republic of China (ADS) (OJ L 83, 20.3.2004, p. 12);

– Council Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 229, 29.6..2004, p. 35);

– Regulation N° 562/2006 of 15 March 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) (OJ L 105, 13.4.2006, p. 1);

– Decision N° 896/2006 of the European Parliament and of the Council of 14 June 2006 establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 167, 20.6.2006, p.8);

– Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external

land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006; corrigendum OJ L 29, 3.2.2007, p. 3);

– Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 161, 20.6.2008, p. 30)

– 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) (OJ L 243, 15.9.2009, p. 1)

- **International law:**

– Convention of 7 December 1944 on International Civil Aviation (ICAO Convention, Annex 2, 9;

– European Convention for the protection of Human Rights of 4 November 1950 and its Protocols;

– ILO Convention on Seafarers' Identity Documents (No 185) of 19 June 2003;

– Agreement between the European Community and its Member States, of one part, and the Swiss Confederation, of the other, on the free movement of persons (OJ L 114, 30.4.2002, p. 6);

– Council Decision 2007/840/EC of 29 November 2007 on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas (OJ L 332, 18.12.2007, p. 68)

– Guidelines for the implementation of the agreement between the European Community and Ukraine on the facilitation of the issuance of visas

– Council Decision 2007/340/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of issuance of short-stay visas (OJ L 129, 17.5.2007, p. 27)

– Common Guidelines for the implementation of the agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas

– Council Decision 2007/821/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas (OJ L 334, 19.12.2007, p. 85)

– Draft Guidelines for the implementation of the agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas

– Council Decision 2007/822/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas (OJ L 334, 19.12.2007, p. 97)

– Guidelines for the implementation of the agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas

– Council Decision 2007/823/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas (OJ L 334, 19.12.2007, p. 109)

– Draft Guidelines for the implementation of the agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas

– Council Decision 2007/824/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas (OJ L 334, 19.12.2007, p. 125)

– Draft Guidelines for the implementation of the agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas

– Council Decision 2007/825/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas (OJ L 334, 19.12.2007, p. 137)

– Draft Guidelines for the implementation of the agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas

– Council Decision 2007/827/EC of 22 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (OJ L 334, 19.12.2007, p. 169)

– Guidelines for the implementation of the agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas.