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## INFORMATION NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)  
- Outcome of the European Parliament's proceedings  
(Strasbourg, 10 to 13 December 2018)

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## I. INTRODUCTION

The rapporteur, Juan Fernando LÓPEZ AGUILAR (S&D, ES), presented a report consisting of 78 amendments (amendments number 1-78) to the proposal for a Regulation on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

In addition, the GUE/NGL political group tabled 10 amendment(s) (amendments number 79-88).

## II. VOTE

When it voted on 11 December 2018, the plenary adopted amendments 1, 3-4, 6-12, 14, 15, 17-55, 57-68, 70-78 as well as amendment 88 to the proposal for a Regulation. No other amendments were adopted. The amendments adopted are set out in the annex.

At the end of the vote, the proposal was referred back to the Committee, pursuant to Rule 59(4)(4) of the European Parliament's Rules of Procedure, thereby not bringing the Parliament's first reading to a close and opening the negotiations with the Council.

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## **Visa Code \*\*\*I**

**Amendments adopted by the European Parliament on 11 December 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) (COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))<sup>1</sup>**

**(Ordinary legislative procedure: first reading)**

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<sup>1</sup> The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0434/2018).

## Amendment 1

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(1) The European Union's common short-stay visa policy has been an integral part to the establishment of an area without internal borders. Visa policy ***should remain an essential tool for facilitating tourism and business, while helping counter security risks and the risk of irregular migration to the Union.***

*Amendment*

(1) The European Union's common short-stay visa policy has been an integral part to the establishment of an area without internal borders. ***A visa policy which respects human rights and fundamental freedoms should facilitate travel by third-country nationals to the EU while guaranteeing free movement of persons and maintaining the security of people within EU territory. The common visa policy should be consistent with other Union policies, including those on freedom of movement, residence and mobility.***

## Amendment 3

### Proposal for a regulation

#### Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) When applying this Regulation, Member States should respect their respective obligations under international law, in particular the United Nations Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention on the Rights of the Child and***

*other relevant international instruments.*

## Amendment 4

### Proposal for a regulation

#### Recital 4

##### *Text proposed by the Commission*

(4) The visa application procedure should be as easy as possible for applicants. It should be clear which Member State is competent for examining an application for a visa in particular where the intended visit covers several Member States. Where possible, Member States should allow for application forms to be completed and submitted electronically. Deadlines should be established for the various steps of the procedure in particular to allow travellers to plan *ahead* and avoid peak seasons in consulates.

##### *Amendment*

(4) The visa application procedure should be as easy ***and at reasonable costs*** as possible for applicants. It should be clear which Member State is competent for examining an application for a visa in particular where the intended visit covers several Member States. Member States should allow for application forms to be completed and submitted electronically. Deadlines should be established for the various steps of the procedure in particular to allow travellers to plan ***a reasonable time in advance*** and avoid peak seasons in consulates. ***As part of the further development of the acquis towards a truly common visa policy, procedures and conditions for issuing visas should be further harmonised and their uniform application be reinforced.***

## Amendment 6

### Proposal for a regulation

#### Recital 4 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(4a) Visa applications and decisions on applications are examined and taken by consulates. Member States should ensure that they are present or represented by another Member State in third countries whose nationals are subject to the visa requirement and ensure that consulates***

*have sufficient knowledge of the local situation to ensure the integrity of the visa application procedure.*

## Amendment 7

### Proposal for a regulation Recital 5

*Text proposed by the Commission*

*Amendment*

**(5) Member States should not be obliged to maintain the possibility of direct access for the lodging of applications at the consulate in places where an external service provider has been mandated to collect visa applications on its behalf, without prejudice to the obligations imposed on Member States by Directive 2004/38/EC<sup>18</sup>, in particular its Article 5(2).**

*deleted*

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<sup>18</sup> Council Directive 2004/38/EC of the European Parliament and of 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.

## Amendment 8

### Proposal for a regulation Recital 5 a (new)

*Text proposed by the Commission*

*Amendment*

**(5a) Applicants should not be required to present travel medical insurance when lodging an application for a short-stay visa. It is a disproportionate burden for visa applicants and there is no evidence that holders of short-stay visas present a**

*bigger risk in terms of public medical expenditure in Member States than visa-exempted third country nationals.*

## Amendment 9

### Proposal for a regulation Recital 6

*Text proposed by the Commission*

(6) The visa fee should ensure that sufficient financial resources are available to cover the expenses of visa processing, including appropriate structures and sufficient staff to ensure the quality and integrity of the examination of visa applications. The amount of the visa fee should be revised *on a two-yearly basis* on the basis of objective criteria.

*Amendment*

(6) The visa fee should ensure that sufficient financial resources are available to cover the expenses of visa processing, including appropriate structures and sufficient staff to ensure the quality, *speed* and integrity of the examination of visa applications. The amount of the visa fee should be revised *every two years* on the basis of objective *assessment* criteria.

## Amendment 10

### Proposal for a regulation Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

*(6a) The arrangements for the reception of applicants should duly respect human dignity and fundamental rights, as referred to in the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms. Visa applications should be processed on a non-discriminatory basis and in a professional manner which respects applicants.*

## Amendment 11

### Proposal for a regulation Recital 7

*Text proposed by the Commission*

(7) To ensure that nationals of third countries subject to the visa requirement can lodge their visa application ***in their place of residence even if no Member State is present for the purpose of collecting applications***, external service providers should be enabled to ***provide the necessary service*** for a fee exceeding the general maximum level.

*Amendment*

(7) To ensure that nationals of third countries subject to the visa requirement can lodge their visa application ***as close as possible to their place of residence***, external service providers should be enabled to ***collect applications*** for a fee exceeding the general maximum level.

## Amendment 12

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

(8) Representation arrangements should be streamlined and obstacles to the conclusion of such arrangements among Member States should be avoided. The representing Member State should be responsible for the entire processing of visa applications without the involvement of the represented Member State.

*Amendment*

(8) Representation arrangements should be streamlined ***and eased*** and obstacles to the conclusion of such arrangements among Member States should be avoided. The representing Member State should be responsible for the entire processing of visa applications without the involvement of the represented Member State.

## Amendment 14

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

(11) In case of lack of cooperation ***of*** certain third countries to readmit their nationals apprehended in an irregular situation and failure of those third countries to cooperate effectively in the return process, a restrictive and temporary application of certain provisions of Regulation (EC) No 810/2009 should on the basis of a transparent mechanism based

*Amendment*

(11) In case of ***satisfactory cooperation or a*** lack of cooperation ***by*** certain third countries to readmit their nationals apprehended in an irregular situation and ***either satisfactory willingness or*** failure of those third countries to cooperate effectively in the return process, a restrictive and temporary application of certain provisions of Regulation (EC) No



on objective criteria, be applied to enhance a given third country's cooperation on readmission of irregular migrants.

810/2009 should on the basis of a transparent mechanism based on objective criteria, be applied to enhance a given third country's cooperation on readmission of irregular migrants, *or to encourage its continuation*.

## Amendment 15

### Proposal for a regulation Recital 12

*Text proposed by the Commission*

(12) Applicants who have been refused a visa should have the right to appeal which should, *at a certain stage of the proceedings*, guarantee an effective judicial appeal. *More* detailed information on the refusal grounds and procedures for appeal of negative decisions should be provided in the notification of the refusal.

*Amendment*

(12) Applicants who have been refused a visa should have the right to appeal which should guarantee an effective *and prompt* judicial appeal. Detailed information on the refusal grounds and procedures for appeal of negative decisions should be provided in the notification of the refusal.

## Amendment 17

### Proposal for a regulation Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

*(13a) This Regulation respects fundamental rights and observes the rights and principles recognised in particular by international treaties and the Charter of Fundamental Rights of the European Union. In particular, it seeks to ensure full respect for the right to protection of personal data as set out in Article 16 TFEU, the right to private and family life as set out in Article 7, the right to asylum as set out in Article 18 and the rights of the child as set out in Article 24 of that Charter, and protection of vulnerable publics.*

## Amendment 18

### Proposal for a regulation Recital 16

#### *Text proposed by the Commission*

(16) Flexible rules should be established to allow Member States to optimise the sharing of resources and to increase consular coverage. Cooperation among Member States (Schengen Visa Centres) could take any form suited to local circumstances in order to increase geographical consular coverage, reduce Member States' costs, increase the visibility of the Union and improve the service offered to visa applicants.

#### *Amendment*

(16) Flexible rules should be established to allow Member States to optimise the sharing of resources and to increase consular coverage. Cooperation among Member States (Schengen Visa Centres) could take any form suited to local circumstances in order to increase geographical consular coverage, reduce Member States' costs, increase the visibility of the Union and improve the service offered to visa applicants. ***The common visa policy should contribute to generating growth and be coherent with other Union policies, such as those concerning external relations, trade, education, culture and tourism.***

## Amendment 19

### Proposal for a regulation Recital 17

#### *Text proposed by the Commission*

(17) Electronic visa application systems developed by Member States ***help*** to facilitate application procedures for applicants and consulates. A common solution ***allowing*** full digitisation should be developed, making full use of the recent legal and technological developments.

#### *Amendment*

(17) Electronic visa application systems developed by Member States ***are essential in order*** to facilitate application procedures for applicants and consulates. A common solution ***ensuring*** full digitisation should be developed ***by 2025 in the form of an online platform and an EU E-visa, thereby*** making full use of the recent legal and technological developments, ***to allow visa application online to accommodate the needs of applicants and attract more visitors to the Schengen area. The electronic visa application system should be fully accessible for the people with disabilities. Straightforward and streamlined procedural guarantees should***

*be strengthened and uniformly applied.*

## **Amendment 20**

### **Proposal for a regulation Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) When applying Regulation (EC) No 810/2009, Member States should respect their respective obligations under international law, in particular the United Nations Convention Relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention on the Rights of the Child and other relevant international instruments.***

## **Amendment 21**

### **Proposal for a regulation Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***(27a) The necessary measures shall be taken to implement this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purposes of making technical amendments to the Annexes to this Regulation.***

## Amendment 22

### Proposal for a regulation Recital 27 b (new)

*Text proposed by the Commission*

*Amendment*

***(27b) Appropriate measures should be adopted for the monitoring and evaluation of this Regulation in relation to harmonisation of the processing of visa applications. Monitoring and evaluation should also seek to monitor full respect for fundamental rights by Member States when processing applications, as well as the application of the principle of non-discrimination and the protection of personal data.***

## Amendment 23

### Proposal for a regulation Article 1 – paragraph 1 – point 1

Regulation (EC) No 810/2009

Article 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period.;

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period, ***and intended stays by Sport and Culture Professionals for up to one year without staying more than 90 days in any 180-day period in any single Member State.***

## Amendment 24

### Proposal for a regulation Article 1 – paragraph 1 – point 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) In Article 1, the following paragraph is added:***

***‘3a. When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the Charter of Fundamental Rights of the European Union (‘the Charter’), relevant international law, including the United Nations Convention Relating to the Status of Refugees (‘the Geneva Convention’), obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights. In accordance with the general principles of Union law, decisions under this Regulation shall be taken on an individual basis.’;***

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 b (new)**

Regulation (EC) No 810/2009

Article 1 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

***(1b) In Article 1, the following paragraph is added:***

***(3b) The European Commission shall present an electronic visa application, E-visa, by 2025.***

## **Amendment 26**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point d**

Regulation (EC) No 810/2009

Article 2 – point 12 a (new)

*Text proposed by the Commission*

*Amendment*

***12a. Sport and Culture Professionals:  
Third-country nationals who are not  
citizens of the Union within the meaning  
of Article 20(1) of the Treaty, and belong  
to the following categories: performing  
artists and their support staff, elite sports  
persons and their support staff and, where  
applicable, family members of those  
categories, who have been able to  
demonstrate clearly the administrative  
and logistical obstacles to organising a  
tour or a competition in several Member  
States in the Schengen area lasting more  
than three months.***

**Amendment 27**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a (new)**

Regulation (EC) No 810/2009

Article 3 – paragraph 5

*Text proposed by the Commission*

*Amendment*

(3) *in Article 3(5) points (b) and (c) are  
replaced by the following:*

(3) *in Article 3(5) points (b) and (c) are  
replaced by the following:*

***"(b) third-country nationals holding a  
valid residence permit issued by a  
Member State which does not take part in  
the adoption of this Regulation or by a  
Member State which does not yet apply  
the provisions of the Schengen acquis in  
full, or third-country nationals holding  
one of the valid residence permits listed in  
Annex V issued by Andorra, Canada,  
Japan, San Marino or the United States***

*of America guaranteeing the holder's unconditional readmission, or holding a residence permit for the Caribbean parts of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);*

*(c) third-country nationals holding a valid visa for a Member State which does not take part in the adoption of this Regulation, or for a Member State which does not yet apply the provisions of the Schengen acquis in full, or for a country party to the Agreement on the European Economic Area, or for Canada, Japan or the United States of America, or holders of a valid visa for the Caribbean parts of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba), when travelling to the issuing country or to any other third country, or when, having used the visa, returning from the issuing country;"*

## Amendment 28

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EC) No 810/2009

#### Article 5 – paragraph 1 b

##### *Text proposed by the Commission*

(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days; or;

##### *Amendment*

(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State ***where the host organisation or undertaking is located, if applicable, or the Member State*** whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days or, ***if the main destination cannot be ascertained, the Member States through whose external border the applicant intends to enter the territory of***

*the Member States;*

## **Amendment 29**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 a (new)**

Regulation (EC) No 810/2009

Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(5a) In Article 5, the following paragraph is inserted:***

***‘2a. If the Member State that is competent in accordance with points (a) or (b) of paragraph 1., is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 10, the applicant shall be entitled to lodge the application:***

***(a) at the consulate of one of the Member States of destination of the intended visit,***

***(b) at the consulate of the Member State of first entry, if point (a) is not applicable,***

***(c) in all other cases at the consulates of any of the Member States that are present in the country where the applicant lodges the application.***

***If the consulate of the Member State that is competent in accordance with paragraph 1 or the consulate of the Member State referred to in the first subparagraph of this paragraph are located at a distance of more than 500 km from the applicant’s place of residence, or if a return journey by public transport from the applicant’s place of residence would require an overnight stay, and if the consulate of another Member State is located closer to the applicant’s place of***



*residence, the applicant shall be entitled to lodge the application at the consulate of the latter Member State.’;*

## **Amendment 30**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 b (new)**

Regulation (EC) No 810/2009

Article 5 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***(5b) In Article 5, the following paragraph is inserted:***

***‘2b. If the Member State that is competent in accordance with paragraphs 1 or 2 has, in accordance with Article 8, established a representation arrangement with another Member State for the purpose of considering applications and issuing visas on its behalf, the applicant shall submit his or her application to the consulate of the representing Member State.’;***

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6 – point -a (new)**

Regulation (EC) No 810/2009

Article 8 – paragraph 1

*Present text*

*Amendment*

1. A Member State may agree to represent another Member State that is

‘1. ***Without prejudice to Article 6,*** a Member State may agree to represent

competent in accordance with Article 5 for the purpose of examining applications and issuing visas on behalf of that Member State. A Member State may also represent another Member State in a limited manner solely for the collection of applications and the enrolment of biometric identifiers.

another Member State that is competent in accordance with Article 5 for the purpose of examining applications and issuing visas on behalf of that Member State. A Member State may also represent another Member State in a limited manner solely for the collection of applications and the enrolment of biometric identifiers.’;

## Amendment 32

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 6 – point b a (new)

Regulation (EC) No 810/2009

Article 8 – paragraph 6

#### *Present text*

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

#### *Amendment*

#### ***(ba) in Article 8, paragraph 6 is amended***

‘6. With a view to ensuring that a poor transport infrastructure or long distances in a specific region or geographical area does not require a disproportionate effort on the part of applicants to have access to a consulate, Member States lacking their own consulate in that region or area shall endeavour to conclude representation arrangements with Member States that have consulates in that region or area ***in order to combat discrimination between third-country nationals due to inequality of access to consular services.***

***Such agreements may also be concluded with the representation of an EU Member State in a neighbouring country of the third country concerned if it is closer to the home of the applicant.’***

## Amendment 33

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 7 – point a

Article 9 – paragraph 1

*Text proposed by the Commission*

Applications may be lodged ***no more than six months, and for seafarers in the performance of their duties***, no more than nine months before the start of the intended visit and, as a rule, no later than 15 calendar days before that start.;

*Amendment*

Applications may be lodged no more than ***nine*** months before the start of the intended visit and, as a rule, no later than 15 calendar days before that start. ***In justified individual cases of urgency, including when it is necessary on professional grounds, on humanitarian grounds, for reasons of national interest or because of international obligations, the consulate may waive the latter time limit.***;

**Amendment 34**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point a a (new)**

Regulation (EC) No 810/2009

Article 9 – paragraph 3

*Present text*

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

*Amendment*

***(aa) In Article 9, paragraph 3 is amended***

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

***In an electronic procedure, in the event of failure to reply within one month of the submission of the application, provision shall be made for a remedy to enable the application to be examined in any event.’***

## Amendment 35

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 810/2009

Article 9 – paragraph 4 – point a a (new)

*Text proposed by the Commission*

*Amendment*

*(a a) by the legal representatives of the applicant*

## Amendment 36

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 8 – point a

Regulation (EC) No 810/2009

Article 10 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Applicants *shall appear* in person *when lodging an application for the collection of fingerprints, in accordance with Article 13 (2), (3) and (7)(b).;*

*Without prejudice to the provisions of Articles 13, 42, 43 and 45, applicants may lodge their applications in person or electronically.*

## Amendment 37

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 9 a (new)

Regulation (EC) No 810/2009

Article 13 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(9a) in Article 13, paragraph 2 the following subparagraph is added:*

*‘Without prejudice to paragraph 3, the applicant may not be requested by an external service provider to appear in person for each application in order to collect the biometric identifiers each time. To enable external service providers to verify that biometric identifiers have been collected, the applicant shall be issued with a receipt after the collection of the biometric identifiers.’;*

### **Amendment 38**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 10 – point a**

Regulation (EC) No 810/2009

Article 14 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

4. Member States may require applicants to present a proof of sponsorship and private accommodation or both by completing a form drawn up by **each Member State**. That form shall indicate in particular:

4. Member States may require applicants to present a proof of sponsorship and private accommodation or both by completing a form drawn up by **the Commission**. That form shall indicate in particular:

### **Amendment 39**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 10 – point a**

Regulation (EC) No 810/2009

Article 14 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

***The Commission shall adopt the form by means of implementing acts in accordance with the examination procedure referred to in Article 52(2). The form shall be used to inform the sponsor/inviting person about the processing of their personal data and the applicable rules.*** In addition to the Member State's official language(s), the form shall be drawn up in at least one other official language of the institutions of the Union.

**Amendment 40**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EC) No 810/2009

Article 15

*Text proposed by the Commission*

***(11) Article 15 is amended as follows:***

***(a) paragraph 1 is replaced by the following:***

*‘*

***1. Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses that might arise in connection with repatriation for medical reasons, urgent medical attention and emergency hospital treatment or death, during their intended stay on the territory of the Member States.;***

*,*

***(b) in paragraph 2, the first subparagraph is replaced by the***

*Amendment*

***Article 15 is deleted***

***Deletion of Travel Medical Insurance***

*following:*

‘

**2. Applicants for a uniform visa for multiple entries shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.;**

’

## Amendment 41

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12

Regulation (EC) No 810/2009

Article 16

#### *Present text*

Article 16

Visa fee

1 Applicants shall pay a visa fee of EUR 80.

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

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

#### *Amendment*

**Article 16 will be replaced as follows:**

Article 16

Visa fee

1 Applicants shall pay a visa fee of EUR 80.

**1a Applicants whose data are already entered registered in the Visa Information System and whose biometric identifiers have been collected in accordance with Article 13 shall pay a visa fee of EUR 60.**

**2 Children from the age of 12 years and below 18 years shall pay a visa fee of EUR 40.**

**2a Applicants which form part of a group travelling for sports, cultural or educational purposes shall pay a visa fee of EUR 60.**

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

- (a) children under *six* years;
- (b) school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or educational training;
- (c) researchers from third countries travelling for the purpose of carrying out scientific research *as defined in Recommendation No 2005/761/EC<sup>27</sup> 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 (21)*;
- (d) representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.

5 The visa fee may be waived for:

- (a) children from the age of *six* years and below the age of *12* years;
- (b) holders of diplomatic and service passports;
- (c) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations.

6 In individual cases, the amount of the visa fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests *as well as* interests in the field of foreign policy,

- (a) children under *twelve* years;
- (b) school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or educational training;
- (c) researchers from third countries, *as defined in Council Directive 2005/71/EC<sup>27</sup>*, travelling for the purpose of carrying out scientific research *or participating in a scientific seminar or conference*;
- (d) representatives of non-profit organisations aged 25 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.

*(e) family members of the citizens of the Union as referred in to Article 5(2) of Directive 2004/38/EC*

5 The visa fee may be waived for:

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

*(d) applicants for a visa with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as beneficiaries of a Union resettlement or relocation programme.*

*(e) applicants for a visa with limited territorial validity*

6 In individual cases, the amount of the visa fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests, interests in the field of foreign policy, development



development policy and other areas of vital public interest or for humanitarian reasons.

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<sup>27</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289, 3.11.2005, p. 15).

policy and other areas of vital public interest, or for humanitarian reasons *or because of international obligations*.<sup>27</sup>;

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<sup>27</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research (OJ L 289, 3.11.2005, p. 15).

## Amendment 42

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 13

Regulation (EC) No 810/2009

#### Article 17

##### *Present text*

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

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

##### *Amendment*

***(13) Article 17 will be amended as follows:***

Article 17

Service fee

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

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

***3 Within the framework of local Schengen cooperation, Member States shall ensure that the service fee charged to an applicant duly reflects the services offered by the external service provider and is adapted to local circumstances.***

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

5 The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates.

*Furthermore, they shall aim to harmonise the service fee applied.*

4 The service fee shall not exceed half of the amount of the visa fee set out in Article 16(1), irrespective of the possible reductions in or exemptions from the visa fee as provided for in Article 16(2), (4), (5) and (6). ***It shall include all costs related to the submission of the visa application, including the transmission of the application and the travel document from the external service provider to the consulate and the return of the travel document to the external service provider.***

5 The Member State(s) concerned shall maintain the possibility for all applicants to lodge their applications directly at its/their consulates ***or at the consulate of a Member State with which it/they have a representation arrangement, in accordance with Article 40.***

***5a The applicant shall be given a receipt upon payment of the service fee.***

## Amendment 43

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 13 a (new)

Regulation (EC) No 810/2009

Article 19 – paragraph 3

#### *Present text*

Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, the application shall be inadmissible and the consulate shall without delay:

#### *Amendment*

#### ***(13 a) Article 19 - paragraph 3***

"Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, ***it shall, where appropriate, notify the applicant, indicate the deficiencies and allow the applicant to correct them. If the deficiencies are not***

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

*corrected*, the application shall be inadmissible and the consulate shall without delay:

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

"

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 13 a (new)**

Regulation (EC) No 810/2009

Article 19 – paragraph 4

#### *Present text*

4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds *or* for reasons of national interest.

#### *Amendment*

***(13a) in Article 19, paragraph 4 is replaced by the following:***

- ‘4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds, for reasons of national interest *or because of international obligations*.’;

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 14 – point a**

Regulation (EC) No 810/2009

Article 21 – paragraph 3 – point e

#### *Text proposed by the Commission*

#### *Amendment*

(a) in paragraph 3, point (e) is **replaced by the following** :

(a) in paragraph 3, point (e) is **deleted**.

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 14 – point c**

Regulation (EC) No 810/2009

Article 21 – paragraph 8

##### *Text proposed by the Commission*

8. During the examination of an application, consulates may in justified cases carry out an interview with the applicant and request additional documents.

##### *Amendment*

8. During the examination of an application, consulates may in justified cases carry out an interview with the applicant and request additional documents. ***These interviews may be conducted using modern digital tools and remote means of communication, such as voice or video calls via internet. Fundamental rights of applicants shall be guaranteed during the process.***

#### **Amendment 47**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 15 – point a a (new)**

Regulation (EC) No 810/2009

Article 22 – paragraph 4

##### *Present text*

4. The Commission shall ***inform Member States of*** such notifications.

##### *Amendment*

***(aa) paragraph 4 is replaced by the following:***

‘4. The Commission shall ***publish*** such notifications.’;

## Amendment 48

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 16 – point a

Regulation (EC) No 810/2009

Article 23 – paragraph 1

#### *Text proposed by the Commission*

Applications shall be decided within 10 calendar days of the date of the lodging of an application which is admissible in accordance with Article 19.

#### *Amendment*

Applications shall be decided within 10 calendar days of the date of the lodging of an application which is admissible in accordance with Article 19, ***or within five calendar days for visa applicants whose data are already recorded in the Visa Information System and whose biometric identifiers have been collected in accordance with Article 13.***

## Amendment 49

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 16 – point a

Regulation (EC) No 810/2009

Article 23 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

That period may be extended up to a maximum of **45** calendar days in individual cases, notably when further scrutiny of the application is needed.

#### *Amendment*

That period may be extended up to a maximum of **30** calendar days in individual cases, notably when further scrutiny of the application is needed.

## Amendment 50

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 16 – point a a (new)

Regulation (EC) No 810/2009

Article 23 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) the following paragraph is inserted:  
'2a. Applications shall be decided on  
without delay in justified individual cases  
of urgency, including when it is necessary  
on professional grounds, on  
humanitarian grounds, for reasons of  
national interest or because of  
international obligations.'***

## **Amendment 51**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 17 – point a a (new)**

Regulation (EC) No 810/2009

Article 24 – paragraph 1a (new)

*Text proposed by the Commission*

*Amendment*

***1a Applicants whom the consulates  
consider to meet the entry conditions and  
in respect of whom no grounds for refusal  
referred to Article 32 exist shall be issued  
a visa in accordance with this Article.***

## **Amendment 52**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 17 – point b**

Article 24 – paragraph 2 – point a

*Text proposed by the Commission*

(a) for a validity period of one year, provided that the applicant has obtained and lawfully used three visas within the previous two years;

*Amendment*

(a) for a validity period of one year, provided that the applicant has obtained and lawfully used three visas within the previous two years, ***and for the case of seafarers in the performance of their duties, for a validity period of one year, provided that the applicant has obtained and lawfully used two visas within the previous two years;***

**Amendment 53**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 17 – point b**

Regulation (EC) No 810/2009

Article 24 – paragraph 2 – point b

*Text proposed by the Commission*

(b) for a validity period of ***two*** years ***shall be issued, provided that*** the applicant has obtained ***and lawfully used a previous*** multiple-entry visa valid for one year;

*Amendment*

(b) for a validity period of ***2*** years ***if*** the applicant has obtained, ***within the preceding two years, a*** multiple-entry visa valid for one year;

**Amendment 54**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 17 – point b**

*Text proposed by the Commission*

(c) for a validity period of five years, ***provided that*** the applicant has obtained ***and lawfully used*** a previous multiple-entry visa valid for two years.;

*Amendment*

(c) for a validity period of five years ***if*** the applicant has obtained, ***within the preceding three years***, a previous multiple-entry visa valid for two years.;

**Amendment 55**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 17 – point c**

*Text proposed by the Commission*

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

*Amendment*

2c. Without prejudice to paragraph 2, a multiple entry visa valid for up to five years ***shall*** be issued to applicants who prove the need or justify their intention to travel frequently and/or regularly, ***in particular due to their occupational or family status, such as business persons, civil servants engaged in regular official contacts with Member States and EU institutions, representatives of civil society organisations travelling for the purpose of educational training, seminars and conferences, family members of citizens of the Union, family members of third-country nationals legally residing in Member States and seafarers***, provided that they prove their integrity and reliability, in particular the lawful use of previous visas, their economic situation in the country of origin and their genuine intention to leave the territory of the Member States before the expiry of the



visa for which they have applied.

## Amendment 57

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 18

Regulation (EC) No 810/2009

Article 25 a

#### *Text proposed by the Commission*

“Article 25a

Cooperation on readmission

1. Article 14 (6), Article 16(1) and (5), point (b), Article 23(1), and Article 24(2) **shall not apply to applicants or** categories of applicants, **who are nationals of a third country that is considered not to be cooperating sufficiently with Member States on the readmission of irregular migrants, on the basis of relevant and objective data, in accordance with this Article.** This Article is without prejudice to the powers conferred on the Commission by Article 24(2d).

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

(a) the number of **return decisions issued to persons illegally staying on the territory of the Member States from the third country in question;**

(b) **the number of actual returns of**

#### *Amendment*

“Article 25a

Cooperation on readmission

1. **Depending on third countries' levels of cooperation with Member States on the readmission of irregular migrants, assessed on the basis of relevant and objective data, the application of** Article 16(1a) and (5), point (b) and Article 24(2) **hereafter may be adjusted for** categories of applicants **or all applicants with the nationality of that third country as specified in paragraph 4.**

This article is without prejudice to the powers conferred on the Commission by Article 24(2d)

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

(a) the number of **third-country nationals who are subject to an administrative or judicial decision in accordance with Directive 2008/115/EC of the European Parliament and of the Council;**

*persons issued with return decisions as a percentage of the number of return decisions issued to citizens of the third country in question including, where appropriate, on the basis of Union or bilateral readmission agreements, the number of third country nationals who have transited through its territory;*

*(c) the number of readmission requests accepted by the third country as a percentage of the number of such applications submitted to it.*

*(b) the number of readmission requests by a Member State accepted by the third country as a percentage of the number of such applications submitted to it;*

*(c) the levels of practical cooperation in the area of return at the different stages of the return procedure, such as:*

*(i) timely assistance of identification procedures;*

*(ii) delivery and acceptance of necessary travel documents;*

*The Commission shall report the results of its assessment to the European Parliament and the Council, which shall discuss the matter, in particular with regard to the level of cooperation with the relevant third country in the readmission of irregular migrants.*

*In particular, the following elements shall be considered to assess a country's cooperation on readmission:*

*(a) participation in pilot projects on labour migration, thus contributing to the desincentivizing irregular migration;*

*(b) demonstrated efforts to reintegrate returnees and ensure the sustainability of returns;*

*(c) demonstrated efforts to fight against trafficking and smuggling and ensuing violations of rights of involved individuals (participation in capacity building and training activities including on preventing abuse and exploitation).*

*The Parliament shall be informed by the Commission of the conclusions of the*

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

4. The Commission shall examine any notification **made pursuant to paragraph 3 within a period of one month.**

5. Where, on the basis of the analysis referred to in paragraphs 2 and 4, the Commission decides that a country is **not** cooperating sufficiently, **and that action is therefore needed, it may, taking also account of the Union's overall relations with the third country concerned, adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2):**

(a) **temporarily suspending the application of either Article 14(6), Article 16(5) point (b), Article 23(1), or Article 24(2), or of some or all of those provisions, to all nationals on the third country concerned or to certain categories thereof, or**

(b) **applying the visa fee set out in Article 16(2a) to all nationals of the third country concerned or to certain categories thereof.**

**assessment.**

3. A Member State may also notify the Commission if it **observes** substantial and persisting problems **as well as substantial** cooperation **improvement encountered** with a third country in the readmission of irregular migrants on the basis of the same indicators as those listed in paragraph 2.

The Commission shall examine any notification within a period of **15 days. The Commission shall immediately inform the Council and the Parliament of the results of its examination.**

4. Where, on the basis of the analysis referred to in paragraphs 2 and 3, **taking account of the Union's overall relations with the third country concerned, especially in cooperation in the field of readmission, and taking into account the assessment and discussions referred to in paragraph 2, the Commission decides that a country is:**

(a) cooperating sufficiently, **it shall adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2a), for certain categories of nationals or for all nationals of the third country concerned applying for visa on the territory of that third country:**

(i) **lowering the visa fee according to Article 16(2a);**

(ii) **reducing the time within which decisions on an application shall be made, according to Article 23(1a);**

(iii) **increasing the period of validity of multiple entry visas according to the last subparagraph of Article 24(2); and/or**

(iv) **facilitating participation in labour migration projects;**

(b) **not cooperating sufficiently, it may, taking also account of the Union's overall relations with the third country concerned, adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2a):**

*(i) temporarily modifying the application of either Article 14(6) or of Article 23(1), or temporarily suspending Article 16(5b), Article 23(1), or some of their provisions, or Article 24(2).”*

*6. The Commission shall continuously assess on the basis of the indicators set out in paragraph 2 whether significant improvement in the given third country's cooperation on readmission of irregular migrants can be established and, taking also account of the Union's overall relations with the third country concerned, may decide to repeal or amend the implementing act referred to in paragraph 5.*

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

#### **Amendment 58**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 22 – point a a (new)**

Regulation (EC) No 810/2009

Article 32 – paragraph 1 – paragraph a – point vii

*Present text*

*Amendment*

*(aa) in Article 32, paragraph 1, point (vii) is deleted*

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

## Amendment 59

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 22 – point a b (new)

Regulation (EC) No 810/2009

Article 32 – paragraph 2

#### *Present text*

2. A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI.

#### *Amendment*

***(ab) paragraph 2 is replaced by the following:***

‘2. A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI ***in a language which the applicant understands or can be reasonably supposed to understand.***’;

## Amendment 60

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 22 – point b

Regulation (EC) No 810/2009

Article 32 – paragraph 3

#### *Text proposed by the Commission*

3. Applicants who have been refused a visa shall have the right to appeal which shall, at a certain stage of the proceedings, guarantee an effective judicial appeal. Appeals shall be instituted against the Member State that has taken the final decision on the application and in accordance with the national law of that Member State. Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI.;

#### *Amendment*

3. Applicants who have been refused a visa shall have the right to appeal which shall, at a certain stage of the proceedings, guarantee an effective judicial appeal. Appeals shall be instituted against the Member State that has taken the final decision on the application and in accordance with the national law of that Member State. ***The deadline for appeal shall be at least 30 calendar days.*** Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI, ***in a***

*language the applicants understand or are reasonably supposed to understand.;*

## **Amendment 61**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 22 – point b**

Regulation (EC) No 810/2009

Article 32 – paragraph 3 a

*Text proposed by the Commission*

*Amendment*

***3a. The standard form for notifying and motivating refusal, annulment or revocation of a visa set out in Annex VI shall be available, as a minimum, in the following languages:***

***(a) the official language(s) of the Member State for which a visa is requested; and***

***(b) the official language(s) of the host country.***

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

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

## **Amendment 62**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 22 c (new)**

Regulation (EC) No 810/2009

Article 34 – point 7

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

***(22c) in Article 34, paragraph 7 is amended***

‘7. A visa holder whose visa has been annulled or revoked shall have the right to appeal, unless the visa was revoked at his request in accordance with paragraph 3. Appeals shall be conducted against the Member State that has taken the decision on the annulment or revocation and in accordance with the national law of that Member State. Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI. ***If the recipient of an annulled visa is already present on the territory of a Member State, no return decision may be taken until the appeal period is exhausted or the final decision on the appeal has been duly notified to the recipient.***’

**Amendment 63**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 22 b (new)**

Regulation (EC) No 810/2009

Article 35 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(24b) in Article 35, paragraph 2 is deleted;***

**Amendment 64**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 24**

Regulation (EC) No 810/2009

## Article 36a – paragraph 3

### *Text proposed by the Commission*

3. The Member State concerned shall establish appropriate structures and deploy specially trained staff for the processing of visa applications and the carrying out of all verifications and risk assessment, as set out in Article 21.

### *Amendment*

3. The Member State concerned shall establish appropriate structures and deploy specially trained staff for the processing of visa applications and the carrying out of all verifications and risk assessment, as set out in Article 21. ***Staff shall receive training on digital file management.***

## Amendment 65

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 24 b (new)

Regulation (EC) No 810/2009

Article 37 – point 2

### *Present text*

2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used.

### *Amendment*

***(24b) in Article 37, paragraph 2 is amended***

‘2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used. ***Any fraud or major loss must be reported to the Commission.***’

## Amendment 66

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 25

Regulation (EC) No 810/2009

Article 37 – paragraph 3 – subparagraph 2



*Text proposed by the Commission*

Individual application files shall be kept for a minimum of **one year** from the date of the decision on the application as referred to in Article 23(1) or, in the case of appeal, until the end of the appeal procedure.

*Amendment*

Individual application files shall be kept for a minimum of **two years** from the date of the decision on the application as referred to in Article 23(1) or, in the case of appeal, until the end of the appeal procedure.

**Amendment 67**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 26 a (new)**

Regulation (EC) No 810/2009

Article 38 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(26a) in Article 38, the following paragraph is inserted:***

***‘4a. Member States shall ensure that consulates have a complaints procedure in place for visa applicants. Information on this procedure shall be made available by the consulate on their website and, where applicable, by the external service provider. Member States shall ensure that a record of complaints is kept.’;***

**Amendment 68**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 26 b (new)**

Regulation (EC) No 810/2009

Article 39 – paragraph 1

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

**(26b) in Article 39, paragraph 1 is amended**

'1. Member States' consulates shall ensure that applicants are received courteously. ***The arrangements for the reception of applicants and for processing their applications should duly respect fundamental rights, as referred to in the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms. Visa applications should be processed on a non-discriminatory basis and in a professional manner which respects applicants.***'

## Amendment 88

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 26 c (new)

Regulation (EC) No 810/2009

Article 39 – paragraph 3

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

**(26c) in Article 39, paragraph 3 is amended as follows:**

"3. While performing their tasks, consular staff shall not discriminate against persons on grounds of ***nationality***, sex, ***gender, family status***, origin, ***actual or assumed*** religion, belief, disability, age or sexual orientation."

## Amendment 70

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 29 – point d

Article 43 – paragraph 9

*Text proposed by the Commission*

9. Member **States** shall be responsible for compliance with the rules **on** the protection of personal data and ensure that the external service provider is subject to the monitoring by the data protection supervisory authorities pursuant to Article 51(1) of Regulation (EU) 2016/679.

*Amendment*

9. **The Member State(s) concerned** shall **still** be responsible for compliance with the rules, **including with regard to respect for fundamental rights, and in particular the principle of non-discrimination and** the protection of personal data, and **shall** ensure that the external service provider is subject to the monitoring by the data protection supervisory authorities pursuant to Article 51(1) of Regulation (EU) 2016/679.

**Amendment 71**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 33 – point b**

Regulation (EC) 810/2009

Article 48 – paragraph 1 a – point (c)

*Text proposed by the Commission*

(c) ensure a common translation of the application form, where relevant;

*Amendment*

(c) ensure a common translation of the application form, **and of the standard form for notifying and giving reasons for refusal, annulment or revocation of a visa**, where relevant;

**Amendment 72**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 33 – point d**

Regulation (EC) No 810/2009

Article 48 – paragraph 3 – point (b) – (vi)

*Text proposed by the Commission*

*Amendment*

(vi) trends in refusals;

(vi) trends in refusals **and the reasons therefor**;

### **Amendment 73**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 33 – point d**

Regulation (EC) No 810/2009

Article 48 – paragraph 3 – point d

*Text proposed by the Commission*

*Amendment*

**(d) information on insurance companies providing adequate travel medical insurance, including verification of the type of coverage and possible excess amount.**

**deleted**

### **Amendment 74**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 34 a (new)**

Regulation (EC) No 810/2009

Article 49

*Present text*

*Amendment*

Article 49

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

Member States hosting the Olympic **Games** and Paralympic Games shall apply the specific procedures and conditions

**(34a) Article 49 is amended**

‘Article 49

Arrangements in relation to the Olympic and Paralympic Games **and other high-level international sporting competitions**

Member States hosting the Olympic and Paralympic Games **and other high-level international sporting competitions** shall

facilitating the issuing of visas set out in Annex XI.

apply the specific procedures and conditions facilitating the issuing of visas set out in Annex XI.’

## Amendment 75

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 35

Regulation (EC) No 810/2009

Article 50 b – paragraph 1

#### *Text proposed by the Commission*

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

#### *Amendment*

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall ***be forwarded simultaneously and without delay and shall*** state the reasons for the use of the urgency procedure.

## Amendment 76

### Proposal for a regulation

#### Article 2 – paragraph 1

#### *Text proposed by the Commission*

1. **Three** years after [the date of entry into force of this Regulation], the Commission shall produce an evaluation of the application of this Regulation. This overall evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation.

#### *Amendment*

1. **Two** years after [the date of entry into force of this Regulation], the Commission shall produce an evaluation of the application of this Regulation. This overall evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation.

## Amendment 77

**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. No later than one year after [the date of entry into force of this Regulation], the Commission shall submit an evaluation report to the European Parliament and to the Council on the abolition of visa stickers and the introduction of the digital visa making it possible for a Schengen visa to be issued simply by registering it in the VIS and sending an electronic notification to the applicant.**

**Amendment 78**

**Proposal for a regulation**  
**Annex IV a (new)**

Regulation (EC) No 810/2009

Annex XI

*Present text*

*Amendment*

ANNEX XI SPECIFIC PROCEDURES AND CONDITIONS FACILITATING THE ISSUING OF VISAS TO MEMBERS OF THE OLYMPIC FAMILY PARTICIPATING IN ***THE OLYMPIC GAMES AND PARALYMPIC GAMES***

‘ANNEX XI SPECIFIC PROCEDURES AND CONDITIONS FACILITATING THE ISSUING OF VISAS TO MEMBERS OF THE OLYMPIC AND ***SPORTING*** FAMILY PARTICIPATING IN ***THE OLYMPIC GAMES, PARALYMPIC GAMES AND HIGH-LEVEL SPORTING COMPETITIONS***’