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COVER NOTE

From: Consultative Group of the Legal Services
date of receipt: 20 November 2014
To: President of the Council of the European Union

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL on the Union Code on Visas (Visa Code) (recast)
[Doc. 8401/14 VISA 90 CODEC 971 COMIX 201 - COM(2014) 163 final]
- *Opinion¹ on the application of the Principles of Subsidiarity and
Proportionality*

Delegations will find attached the above-mentioned opinion.

Encl.: _____

¹ Translation(s) of the opinion may be available at the Interparliamentary EU information exchange site IPEX at the following address: <http://www.ipex.eu/IPEXL-WEB/search.do>



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 05 AOUT 2014

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

**Proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code)
COM(2014) 164 final of 1.4.2014 - 2014/0094 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 30 April 2014 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas resulted in the Consultative Working Party's establishing, by common accord, as follows.

1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.

2) In recital 12 of the recast proposal, for reasons of consistency between the text of that recital and the text of Article 3(3) the added words "*when a Member State experiences a sudden and substantial*" should have been presented between adaptation arrows, and should not have been identified with the grey-shaded type generally used for identifying substantive changes.

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

3) The currently applicable wording of Article 5(2) of Regulation (EC) No 810/2009 should have been present in the draft recast text, and should have been identified with a “substantive deletion” sign (i.e. double strikethrough combined with grey-shaded type).

4) The following parts of the text of the recast proposal should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in Article 8(6), the entire text of point (c);
- in Article 12(2), the deletion of the words "*the applicant shall be required to appear in person. At that time*";
- in Article 14(3)(e), the replacement of the words "*representatives of non-profit organisations*" with the word "*participants*";
- in Article 34(1), the deletion of the words "*for the purpose of transit*";
- in Article 34(2), the deletion of the word "*in transit*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



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