



Council of the
European Union

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**Interinstitutional File:
2015/0134 (COD)**

LIMITE

**VISA 146
CODEC 653
COMIX 297**

NOTE

From:	Presidency
To:	Permanent Representatives Committee/ Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland)
No. prev. doc.:	6579/17 VISA 72 CODEC 250 COMIX 146
No. Cion doc.:	10314/1/15 REV1+ADD1
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1683/1995 of 29 May 1995 laying down a uniform format for visas

On 24 June 2015, the European Commission tabled a proposal for a Regulation of the European Parliament (EP) and of the Council amending Regulation (EC) No 1683/1995 of 29 May 1995 laying down a uniform format for visas, as set out in 10314/1/15 REV 1 + ADD 1.

This proposal envisaged a "hybrid" Regulation, applying to the Schengen States and allowing for Ireland and the UK to opt in by reference to Protocol 21 TFEU. However, the Council Legal Service (CLS) expressed the view that the proposal constituted a development of the Schengen acquis, and therefore it was not subject to Protocol 21 but to Protocol 19. This means that Ireland and the UK cannot opt in. At the same time, Member States agreed that a solution would need to be found to allow Ireland to use the visa sticker format in one way or another.

The LIBE Committee of the European Parliament adopted its draft report¹ on 16 February 2016, by taking over the Commission proposal without any amendment and the EP voted positively on 30 May 2016 on the opening of interinstitutional negotiations and on the composition of the negotiating team.

Following discussions at the Visa Working Party, the matter was considered by COREPER on 23 March and 6 and 13 April 2016, where it was agreed to mandate the Presidency to start negotiations with the European Parliament on the basis of the text as set out in 7899/1/16 REV 1.

The first trilogue took place on 29 November 2016 where the Council put forward its interpretation of Regulation 1683/95 explaining the necessity of the amendment to the recitals on that basis, and the possibility to find a practical arrangement for Ireland. The Commission reiterated a reservation on these amendments and stated that it would not be possible on that basis to make a practical arrangement with non-Schengen Member States to exchange technical information in relation to the format of visas. The European Parliament expressed its wish to progress on the proposed Regulation and to find a solution that would allow Ireland to use the visa sticker.

On 19 December 2016, the CLS published its legal opinion on the matter as reflected in 15698/16, which confirms the legal opinion it gave orally on a number of occasions in the Visa Working Party as well as in COREPER.

The issue was discussed again on 13 January 2017 at the Visa Working Party, on 7 February 2017 at the meeting of the JHA Counsellors, and finally on 15 February 2017 at COREPER, during which it was agreed that the Presidency would continue negotiations with the EP on the basis of the mandate as set out in 6579/17.

A second trilogue took place on 26 April 2017 where a compromise could be found on the text of the proposal as set out in the Annex, in which modifications to the Commission proposal are indicated in bold. This compromise is based on the mandate given by COREPER, subject mainly to changes in Article 1 in order to stress that the possible exchange of information between the Commission and UK or Ireland would be for the purpose of issuing national visas only, reflected also in Recital 3a, and to the technical annex in order to remove the reference to the Visa Code in points 8,11 and 12.

¹ See PE569.500v02-00.

On this basis, Coreper is invited to:

- confirm its agreement to the text as set out in the Annex;
 - agree that the Presidency should send a letter to the Rapporteur confirming that, should the European Parliament adopt its position at first reading in the form of the text as contained in the Annex, after its revision by the legal-linguistic experts, the Council would approve the European Parliament's position and adopt the act.
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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EC) No 1683/1995 of 29 May 1995 laying down
a uniform format for visas**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(a) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 1683/95¹ laid down a uniform format for visas.
 - (2) The current visa sticker, which has been in circulation for 20 years, has to be considered as compromised in view of serious incidents of counterfeiting and fraud.
 - (3) Therefore a new common design should be established with more modern security features to render the visa sticker more secure and prevent forgery.
- (3a) Upon request from Ireland or the United Kingdom, the Commission should enter into appropriate arrangements with the requesting Member State to exchange technical information with that Member State in relation to the format for national visas issued by that Member State.**

- (4) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (5) **This Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.**
- (6) **This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.**
- (7) (...)
- (8) (...)
- (9) (...)
- (10) (...)
- (11) This Regulation constitutes an act building upon, or otherwise related to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, of Article 4(1) of the 2005 Act of Accession and of Article 4(1) of the 2011 Act of Accession.
- (12) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁵ which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC⁶.

- (13) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded 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 acquis⁷, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁸,
- (14) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement concluded 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 acquis⁹, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU¹⁰,

Article 1

- **In Article 7 the following subparagraph is added:**

"Upon request from Ireland or the United Kingdom, the Commission shall enter into appropriate arrangements with the requesting Member State to exchange technical information referred to in Article 2, for the purposes of issuing the national visas by the requesting Member State.

Costs to which Ireland and the United Kingdom do not contribute in accordance with Article 5 of Protocol No 21 shall be borne by Ireland or the United Kingdom respectively if they make such request."

- The Annex to Regulation (EC) No 1683/95 is replaced by the text in the Annex to this Regulation

Article 2

Visa stickers conforming to the specifications set out in the annex to Regulation (EC) No 1683/95 which are applicable until the date referred to in the second paragraph of Article 3 may be used for visas issued until six months after that date.

Article 3

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

It shall apply from **fifteen** months after the adoption of the further technical specifications referred to in Article 2 of Regulation (EC) No 1683/95.

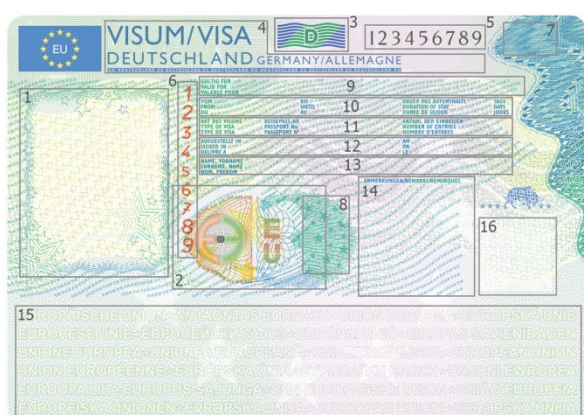
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

ANNEX

to the

Proposal for a Regulation

amending Regulation (EC) No 1683/1995 of 29 May 1995 laying down a uniform format for visas



Security features

1. An integrated colour portrait of the holder produced to high security standards.
2. An optically variable device ('Kinegram' or equivalent) shall appear in this space. Depending on the angle of view, the letters 'E', 'EU' and kinematic guilloche lines become visible in various sizes and colours.
3. This box shall contain the three-letter country code as set out in ICAO Document 9303 on machine-readable travel documents of the issuing Member State **or the acronym 'BNL', if the issuing Member State is a Benelux Member State**, in optically variable colouring. Depending on the angle of view, it shall appear in different colours.

4. The word “visa” and the issuing Member State in capital letters shall appear in this space.
5. This box shall contain the 9-digit national number of the visa sticker in horizontal orientation, which shall be pre-printed in black. A special font type shall be used.
6. This box shall contain the 9-digit national number of the visa sticker in vertical orientation, which shall be pre-printed in red. A special font type shall be used, different from the one used for box 5. The ‘number of the visa sticker’ is the three-letter country code **as set out in ICAO Document 9303** and the national number as referred to in box 5 and box 6.
7. This box shall contain the letters ‘EU’ with a latent image effect. These letters shall appear light when held flat and dark when turned by 90°.
8. This box shall contain the codes according to box 3 with a latent image effect. This code shall appear light when held flat and dark when turned by 90°.

Sections to be completed

The words designating the boxes shall appear in English and French. The issuing State may add a third official Union language. However, the word “visa” in the top line may appear in any one official language of the Union.

9. This box shall begin with the words ‘valid for’. The issuing authority **shall indicate** the territory in which the visa holder is entitled to travel.
10. This box shall begin with the word ‘from’ and the word ‘until’ shall appear further along the line. The issuing authority shall indicate the period of the visa holder’s stay as authorised by the visa. Further along the line the words ‘duration of stay’ (i.e. duration of applicant’s intended stay) and again ‘days’ shall appear.
11. This box shall begin with the words ‘type of visa’. The issuing authority shall indicate the category of visa. Further along the line the words ‘number of passport’ (...) and ‘number of entries’ shall appear.

12. This box shall begin with the words 'issued in' and shall be used to indicate **the name of the location where the issuing authority is situated**. Further along the line the word 'on' (after which the date of issue shall be filled in by the issuing authority) shall appear.
13. This box shall begin with the words 'Surname, Name'.
14. This box shall begin with the word 'remarks'. It shall be used by the issuing authority to indicate any further information. The following two and a half lines shall be left empty for such remarks. In addition, part of this box could be used for a future 2D barcode if included in the common technical specifications.
15. This box shall contain the relevant machine-readable information to facilitate e.g. external border controls. The machine-readable zone shall contain a printed text in the background printing, indicating the codes according to box 3 and 'European Union' in different languages. This text shall not affect the technical features of the machine readable zone or its ability to be read.
16. This box is reserved for the possible addition of a common 2D barcode.
