

4353/95

RESTREINT

ASIM 13

NOTE

from : General Secretariat

to : Visa Working Party

Subject: Proposal for a Council Regulation (EC) laying down a uniform format for visas

Delegations will find attached a copy of the amendments passed by the European Parliament on 16 January 1995.

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Uniform format for visas *

A4-0117/94

Proposal for a Council Regulation laying down a uniform format for visas
(COM(94)0287 - C4-0115/94 - 94/0163(CNS))

The proposal was approved with the following amendments:

Commission text ⁽¹⁾	Amendments
(Amendment 1)	
Title	
Proposal for a Council Regulation laying down a uniform format for visas	Proposal for a Council Regulation laying down a uniform format for visas <u>for short stays</u>
(Amendment 2)	
Citation 3a (new)	
	<u>Having regard to the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981, and the recommendation No R (87) 15 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector adopted on 17 September 1987.</u>

(1) OJ No C 238, 26.8.1994, p. 8.

(Amendment 3)
Recital 4

Whereas this Regulation only lays down such specifications of the format that are not secret; whereas these specifications need to be supplemented by further specifications which must remain secret in order to prevent counterfeiting and falsification; whereas power to decide on further specifications should be conferred on the Commission; whereas, having regard to the object of this Regulation, it is appropriate that these decisions should be adopted according to procedure III(a) provided for in Council decision 87/373/EEC;2

Whereas this Regulation only lays down such specifications of the format that are not secret; whereas the secret specifications may not include or refer to personal data, but must be confined to data necessary to prevent counterfeiting and falsification; whereas these specifications need to be supplemented by further specifications which must remain secret and whose aim must in all cases be to prevent counterfeiting and falsification; whereas power to decide on further specifications should be conferred on the Commission; whereas, having regard to the object of this Regulation, it is appropriate that these decisions should be adopted according to procedure II(b) provided for in Council decision 87/373/EEC;

(Amendment 5)
Recital 6

Whereas to be effective this Regulation should apply to all types of visa, since otherwise the uniform format would be supplemented by national visas not covered by Community norms; whereas the uniform visa must be designed for use for different types of visa;

Deleted

(Amendment 6)
Article 2

Further specifications which shall render the visa difficult to counterfeit or falsify and which are of a secret nature, shall be added by the Commission according to the procedure set out in Article 6.

Further specifications designed solely to render the visa difficult to counterfeit or falsify and which are of a secret nature, shall be added by the Commission according to the procedure set out in Article 6.

(Amendment 8)
Article 4(1)

1. In its presentation, production and use the uniform format shall conform to the relevant provisions relating to personal data protection.

1. In its presentation, production and use the uniform format shall conform to the relevant provisions relating to personal data protection, in particular the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981, and the recommendation No R (87) 15 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector adopted on 17 September 1987.

(Amendment 7)
Article 6, third, fourth and fifth subparagraphs

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of two months, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission shall defer application of the measures which it has decided for a period to be laid down in each act adopted by the Council, but which may in no case exceed three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation laying down a uniform format for visas (COM(94)0287 - C4-0115/94 - 94/0163(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council, COM(94)0278 - 94/0163(CNS)(1),
 - having been consulted by the Council pursuant to Article 100c(3) of the EC Treaty (C4-0115/94),
 - having regard to Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Legal Affairs and Citizens' Rights and the Committee on Foreign Affairs, Security and Defence Policy (A4-0117/94),
1. Approves the Commission proposal, subject to Parliament's amendments;
 2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 5. Instructs its President to forward this opinion to the Council and Commission.

(1) OJ No C 238, 26.8.1994, p. 8.

4120/1/95
REV 1

RESTREINT

ASIM 2

NOTE

from: Visa Working Party

to : Steering Group I

No. prev. doc.: 4120/95 ASIM 2

Subject: **Proposal for a Council Regulation laying down a uniform format for visas**

At its meeting on 31 January and 1 February 1995, the Visa Working Party examined the above proposal on the basis of a Presidency compromise text (4120/95 ASIM 2). It reached broad agreement on the attached text; the few questions outstanding are dealt with in footnotes.

It should be noted that delegations entered general linguistic reservations pending receipt of the text in their respective languages.

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PRESIDENCY COMPROMISE PROPOSAL

**COUNCIL REGULATION
LAYING DOWN A UNIFORM FORMAT FOR VISAS**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular Article 100c(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

1. Whereas Article 100c(3) of the Treaty requires the Council to adopt measures relating to a uniform format for visas before 1 January 1996;
2. Whereas the introduction of a uniform format for visas is an important step towards the harmonization of visa policy; whereas Article 7a of the Treaty establishing the European Community sets the common objective of an area without internal frontiers in which the free movement of persons is ensured; whereas this step is also to be regarded as forming a coherent whole with measures to be adopted under Title VI of the Treaty on European Union;
3. Whereas it is essential that the uniform format for visas should contain all the necessary information and meet very high technical standards, notably as regards safeguards against counterfeiting and falsification; whereas it must also be suited to use by all the Member States and bear universally recognizable security features which are clearly visible to the naked eye;
4. Whereas this Regulation only lays down such specifications as are not secret; whereas these specifications need to be supplemented by further specifications which must remain secret in order to prevent counterfeiting and falsification and which may not include personal data or references to such data; whereas powers to adopt further specifications should be conferred on the Commission; whereas, having regard to the object of this Regulation, it is appropriate that these measures should be adopted in accordance with procedure III(b) provided for in Council Decision 87/373/EEC;

5. Whereas, to ensure that the information referred to is not made available to more persons than necessary, it is also essential that each Member State should designate not more than one body having responsibility for printing the uniform format for visas, with Member States remaining free to change the printer, if need be; whereas for security reasons each Member State must communicate the name of the printer concerned to the Commission and the other Member States;
6. Whereas, to be effective, this Regulation should apply to all visas covered by Article 5; whereas Member States should in addition be free also to use the uniform visa format for visas which can be used for purposes other than those covered by Article 5 provided visible differences are incorporated to make confusion with the uniform visa impossible;
7. Whereas, with regard to the personal data to be entered on the uniform format for visas in accordance with the Annex hereto, compliance should be ensured with Member States' data-protection provisions as well as with the relevant Community legislation,

HAS ADOPTED THIS REGULATION:

Article 1

Visas issued by the Member States in conformity with Article 5 shall be produced in the form of a uniform format (sticker). They shall conform to the specifications set out in the Annex.

Article 2

Further technical specifications which render the visa difficult to counterfeit or falsify shall be laid down in accordance with the procedure set out in Article 6.

Article 3

1. The specifications referred to in Article 2 shall not be published and shall be secret. They shall be made available only to printers designated by the Member States and to persons duly authorized by a Member State or the Commission.
2. Each Member State shall designate one body having responsibility for printing visas. It shall communicate the name of that printer to the Commission and the other Member States. The same printer may be designated by two or more Member States for this purpose. Each Member State shall be entitled to change its designated printer. It shall inform the Commission and the other Member States accordingly.

Article 4

1. Without prejudice to the relevant provisions concerning data protection, an individual to whom a visa is issued shall have the right to verify the personal particulars entered on the visa and, where appropriate, to ask for any corrections or deletions to be made (1).
2. No information in machine-readable form shall be given on the uniform format for visas unless it also appears in the boxes described in points 6 to 12 of the Annex hereto, or unless it is mentioned in the relevant travel document.

(1) B/D/S/UK: Scrutiny reservations.

Article 5 ⁽¹⁾

For the purposes of this Regulation, a "visa" shall mean an authorization given by or a decision taken by a Member State which is required for entry onto its territory with a view to :

- an intended stay in that Member State or in several Member States of no more than three months in all ;
- transit through the territory or airport transit zone of that State or several Member States.

Article 6

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

⁽¹⁾ The wording of this Article has been aligned on that of Article 5 of the draft Regulation on third countries whose nationals must be in possession of a visa (9989/2/94 ASIM 189 REV 2).

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of two months, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority ⁽¹⁾.

Article 7

Where Member States use the uniform visa format for purposes other than those covered by Article 5, appropriate measures must be taken to ensure that confusion with the visa referred to in Article 5 is not possible.

Article 8

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

Article 1 shall become applicable six months after such publication.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

⁽¹⁾ The Commission has a reservation on the use of a III(b)-type committee.

(¹)

Security Features

1. A sign consisting of nine ellipses in a fan-shape shall appear in this space.
2. An optically variable mark ("kinegram" or equivalent) shall appear in this space. Depending on the angle of vision, 12 stars, "E" signs and a globe become visible in various sizes and colours.
3. The logo consisting of a letter or letters indicating the issuing Member State (or "BNL" in the case of the Benelux countries, namely Belgium, Luxembourg and the Netherlands) with a latent image effect shall appear in this space. This logo shall appear light when held flat and dark when turned by 90°. The following logos shall be used : BNL for Benelux, D for Germany, DK for Denmark, E for Spain, F for France, GR for Greece, I for Italy, IRL for Ireland, P for Portugal, UK for the United Kingdom.
4. The word "visa" in capital letters shall appear in the middle of this space in optically variable colouring. Depending on the angle of view, it shall appear green or red.
5. This box shall contain the number of the visa, which shall be pre-printed and shall begin with the letter or letters indicating the issuing country as described in point 3 above. The following special type shall be used : (²).

(¹) When published in the Official Journal this will be reproduced in colours based on a photograph of a specimen visa.

(²) The correct type will be used in the final version as published in the Official Journal.

Sections to be completed

6. This box shall begin with the words "valid for". The issuing authority shall indicate the territory for which the visa is valid (one Member State; several Member States; all the countries of the European Union). ⁽¹⁾
7. This box shall begin with the word "from" and the word "until" shall appear further along the line. The issuing authority shall indicate here the period of validity of the visa.
8. This box shall begin with the words "number of entries" and further along the line the words "duration of stay" (i.e. duration of applicants' intended stay) and again "days" shall appear.
9. This box shall begin with the words "issued in" and shall be used to indicate the place of issue.
10. This box shall begin with the word "on" (after which the date of issue shall be filled in by the issuing authority) and further along the line the words "number of passport" shall appear (after which the holder's passport number shall appear).
11. This box shall begin with the words "type of visa". The issuing authority will indicate the category of visa in conformity with Articles 5 and 7.
12. This box shall begin with the word "remarks". It shall be used by the issuing authority to indicate any further information which is considered necessary, provided that it complies with Article 4 of this Regulation. The following two and a half lines shall be left empty for such remarks.
13. This box shall contain the relevant machine-readable information to facilitate external border controls.

The paper shall be pastel green with red and blue markings.

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

⁽¹⁾ UK: scrutiny reservation on the grounds that a future legal situation could hardly be anticipated in this way.

The Commission representative entered a reservation and wanted the text in brackets replaced by: "Where the visa is to be valid for the entire territory to which the Treaty establishing the European Community applies by virtue of Article 227 thereof, the indication shall be "European Union".".

DRAFT DECLARATIONS
for the minutes of the Council meeting
at which the Regulation is adopted

Re 4th recital and Article 6

"The Council states that the technical specifications relating to the common visa format should be considered by the committee set up under Article 6 on the basis of the present Schengen visa format already agreed by nine Member States.

The Council takes note of the fact that the Schengen States have agreed to release all technical and confidential information on the visa format to the Committee concerned and that prior discussions at a technical level have already taken place.

The Council invites the Commission to take the required measures in full knowledge of the work already undertaken in this area."
