



# Screening Serbia

**DG Home**  
**Unit C2 Visa Policy**

# The 3 main components of the EU common visa policy:

- *Regulation 539/2001: lists of 3rd countries, whose nationals are subject to or exempt from visa requirements*
- *Regulation 810/2009: the Visa Code*
- *Regulation 1683/95 of 29 May 1995 laying down a uniform format for visas*

# Other legal instruments

- *Visa Facilitations Agreements:*
  - *concern procedures and not conditions*
  - *4 are in force (RU, UK, MD, GE)*
  - *3 (Cape Verde, Azerbaijan, Armenia) are in the adoption procedure*
- *Visa waiver Agreements with some of the third countries whose nationals are visa-exempted*
- *Regulation 767/2008: "VIS Regulation"*

# Who applies the common rules?

- *22 EU Member States*
- *4 associated states (Norway, Iceland, Switzerland, Liechtenstein)*
- *Bulgaria, Croatia, Cyprus and Romania only partially apply the legislation*
- *United Kingdom and Ireland do not participate in this cooperation but apply national rules for issuing visas*

# Regulation 539/2001 (1)

- *Evaluation criteria for visa exemption: public order and security, illegal immigration, reciprocity, regional coherence and the external relations of the EU*
- *Common lists: third countries subject to or exempt from the visa obligation – Annexes (Annex II: 'positive' list; Annex I: 'negative' list)*
- *Periodical revisions of the lists: last revision in 2012, proposal not yet adopted (16 small island nations in the Caribbean and Pacific regions); next one in 2014/2015*

# Regulation 539/2001 (2)

- *Article 4: specific regime for holders of diplomatic, service/official or special passports: MS can exempt them from visa obligation*
- *Reciprocity: need to ensure common approach for all EU Member States – revised reciprocity mechanism about to be adopted (autumn 2013)*
- *New suspension mechanism: to prevent abuse of the visa-free regime – to be adopted in autumn 2013*

# The Visa Code (1)

- *Procedures and conditions for issuing short-stay and airport transit visas*
- *Applied since 5 April 2010 by all Schengen States' consulates worldwide*
- *2 Visa Code Handbooks: operational instructions*
  - *on the processing of visa applications (for consular staff)*
  - *on the organization of visa sections and Local Schengen Cooperation (LSC)*
- *Harmonization at local level via Local Schengen Cooperation*

# The Visa Code (2)

- *Recast of previous legislation*
- *Improves consular organization and cooperation*
- *Enhances the harmonization of procedures*
- *Reinforces visa applicants' rights*



# The Visa Code (3)

- *Commission's communication from November 2012 on the development of the common visa policy to spur growth in the EU – COM(2012) 649 final: possible changes in the visa rules to facilitate travel for legitimate travelers and boost tourism*
- *Evaluation of the implementation of the Visa Code after 2 years*
- *Visa Code revision*

# The Visa Information System (1)

- *The VIS is the EU system for the exchange of data on short-stay visas between Schengen States*
- *The European Commission was responsible for developing the central system (C-VIS) located in France, Strasbourg (central unit) and in Austria, Sankt-Johann im Pongau (back-up central unit)*
- *Member States were responsible for setting up their national systems (N-VIS) and for connecting them to their consular posts, external border crossing points and other competent authorities*
- *Since 1.12.2012, the European IT Agency (Regulation (EU) No.1077/2011 of 25 October 2011) is responsible for the management of the VIS (+ SIS II, EURODAC)*

# The Visa Information System (2)

- *For each application, the following is registered in the VIS:*
  - 1) *data from the application form*
  - 2) *digital photograph and ten fingerprints*
  - 3) *decision taken by the consulate*
- *The VIS is systematically checked at the entry to the Schengen area by border authorities and may be checked by immigration and asylum authorities*
- *Since 1.9.2013, law enforcement authorities may request access to VIS data only for the prevention, detection and investigation of terrorist and other serious crimes. Europol will have access to the VIS for the same purposes.*
- *Strict data protection rules*

# The Visa Information System (3)

- *4 categories of applicants are exempted from the fingerprinting requirement:*
  - *Children under 12;*
  - *Persons for whom fingerprinting is physically impossible;*
  - *Heads of State or government / members of a national government with accompanying spouses and members of their official delegations when invited by Member States' governments or by international organisations for an official purpose;*
  - *Sovereigns and senior members of a royal family when invited by Member States' governments or by international organisations for an official purpose.*
- *After the first application, fingerprints may be copied from the first application file in the VIS.*
- *Data is kept in the VIS for a maximum of 5 years from the expiry of the visa or the date a negative decision is taken.*

# The Visa Information System (4)

- *The VIS is rolled-out gradually, region by region until all Schengen consulates worldwide are connected:*
  - *Commission Decision 2010/49/EC: North Africa (October 2011), the Near East (May 2012), the Gulf region (October 2013).*
  - *Commission Decision 2012/274/EU: West and Central Africa (March 2013), East and Southern Africa (June 2013), South America (September 2013), Central Asia, South East Asia and the occupied Palestinian territory (November 2013).*
- *Commission will soon adopt a Decision setting out the roll-out sequence in the remaining regions of the world.*
- *Expected roll-out completion date: end 2014/beginning 2015.*

*Thank you!*

*Questions?*