



Brussels, 29.4.2014
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COMMISSION IMPLEMENTING DECISION

of 29.4.2014

on amending Commission Decision No C(2010)1620 of 19 March 2010 establishing the Handbook for the processing of visa applications and the modification of issued visas as amended by Commission Implementing Decision No C(2011)5501 final of 4 August 2011

(Only the Bulgarian, Croatian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)¹, and in particular Article 51 thereof,

Whereas:

- (1) Commission Decision No C(2010)1620 final of 19 March 2010 establishes the Handbook for the processing of visa applications and the modification of issued visas in accordance with Article 51 of the Visa Code in view of providing operational instructions, best practices and recommendations on the performance of tasks of Member States' staff examining and taking decisions on visa applications and modifying issued visas. It was amended by Decision No C(2011)5501 of 4 August 2011.
- (2) The Handbook for the processing of visa applications and the modification of issued visas should be updated whenever necessary in order to remain a useful tool for Member States' staff examining and taking decisions on visa applications and modifying issued visas.
- (3) Additional guidelines and recommended best practices should be adapted in particular to take account of amendments to Regulation (EC) No 562/2006 of the European Parliament and of the Council² introduced by Regulation (EU) No 610/2013 of the European Parliament and of the Council³, and of amendments to Council Regulation (EC) No 539/2001⁴ introduced by Regulation (EU) No 1289/2013 of the European

¹ OJ L 243, 15.9.2009, p. 1.

² Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 105, 13.4.2006, p. 1.

³ Regulation (EU) No 610/2013 of the European Parliament and of the Council amending Council Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council, OJ L 182, 29.6.2013, p. 1.

⁴ Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001, p.1.

Parliament and of the Council⁵. Moreover, further experience has shown that the operational guidelines should better take account of the particular circumstances under which seafarers work.

- (4) Given that Regulation (EC) No 810/2009 builds upon the Schengen acquis in accordance with Article 5 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community and Article 4 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on the European Union and the Treaty on the Functioning of the European Union, Denmark notified the implementation of this acquis in its national law. It is therefore bound under international law to implement this Decision.
- (5) This Decision constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis. The United Kingdom is therefore not bound by it or subject to its application. This Decision should therefore not be addressed to the United Kingdom.
- (6) This Decision constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis. Ireland is therefore not bound by it or subject to its application. This Decision should therefore not be addressed to Ireland.
- (7) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.
- (8) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement 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 acquis, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of the Council Decision 2008/146/EC .
- (9) As regards Liechtenstein, this Decision 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 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 acquis, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU .

⁵ Regulation (EU) No 1289/2013 of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 347, 20.12.2013, p. 74.

- (10) As regards Cyprus, this Decision constitutes provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.
- (11) As regards Bulgaria and Romania, this Decision constitutes provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession.
- (12) As regards Croatia, this Decision constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2012 Act of Accession.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Commission Decision No C(2010)1620 establishing the Handbook for the processing of visa applications and the modification of issued visas is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, Republic of Croatia, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 29.4.2014

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

