



Brussels, 22.10.2014
C(2014) 7594 final

COMMISSION IMPLEMENTING DECISION

of 22.10.2014

amending Implementing Decision C(2011)5500 final, as regards the title and the list of supporting documents to be presented by visa applicants in China

(Only the Bulgarian, Croatian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish text 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), and in particular Article 48(1)¹,

Whereas:

- (1) Regulation (EC) No 810/2009 lays down the Union rules for the issuing of visas for transit through or intended stays in the territory of Member States not exceeding 90 days in any 180 days period.
- (2) In order to ensure harmonised application of the common visa policy, Regulation (EC) No 810/2009 established that within local Schengen cooperation the need to complete and harmonise the lists of supporting documents should be assessed in each jurisdiction in order to take account of local circumstances.
- (3) The local Schengen cooperation in China has confirmed the need to harmonise the list of supporting documents and have accordingly drawn up a list which is set out in Commission Implementing Decision C(2011)5500 final².
- (4) Further to a renewed assessment taking into account local circumstances, the local Schengen cooperation has confirmed the need for revising the list of supporting documents to be submitted by visa applicants in China to take account of the experience gained and recognizing the relative value as supporting documents of online bookings of flight and hotel accommodation for certain categories of applicants and with a view to facilitating the procedure for both applicants and consulates.
- (5) The title of the Implementing Decision C(2011)5500 final refers to the cities where the consulates are located in the third countries concerned. As new consulates were opened in other cities in China, the title is no more accurate. As also in the future new

¹ OJ L 243, 15.9.2009, p. 1.

² Commission Implementing Decision C(2011)5500 final of 4.8.2011 establishing the list of supporting documents to be presented by visa applicants in China (in Beijing, Guangzhou, Chengdu, Shanghai and Wuhan), Saudi Arabia, Indonesia and Vietnam (in Hanoi and Ho-Chi Minh City) http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/1_en_act_part1_v4_en.pdf#zoom=100

consulates may be opened in yet other locations, it is appropriate to delete the references to the cities from the title of that Decision.

- (6) In individual cases it should still be possible for consulates to waive the requirement to submit one or more of the listed supporting documents in the case of applicants known to them for their integrity and reliability in accordance with Article 14(6) of Regulation (EC) No 810/2009 or, in justified cases, during the examination of an application, to request additional documents, in accordance with Article 21(8) of Regulation (EC) No 810/2009.
- (7) Given that the waiving of the requirement for visa applicants in China wishing to travel for specific purposes to present reservation of return or round ticket and proof of accommodation is a deviation from usual practice, the impact and implementation of that aspect of this Decision, in particular as regards abuse or refusal of entry, should be monitored in order to establish whether the waiving of these requirements should be terminated or should also be applied in other locations and for all or only some purposes of travel.
- (8) Given that Regulation (EC) No 810/2009 builds upon the Schengen acquis, Denmark, 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 to the Treaty on the Functioning of the European Union, decided to implement Regulation (EC) No 810/2009 in its national law. Denmark is therefore bound under international law to implement this Decision.
- (9) 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/EC³. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application. This Decision should therefore not be addressed to the United Kingdom.
- (10) 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/EC⁴. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application. This Decision should therefore not be addressed to Ireland.
- (11) 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/EC⁵.
- (12) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European

³ 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 (OJ L 131, 1.6.2000, p. 43).

⁴ 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 (OJ L 64, 7.3.2002, p. 20).

⁵ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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 (OJ L 176, 10.7.1999, p. 31).

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/EC⁶ read in conjunction with Article 3 of Council Decision 2008/146/EC .

- (13) 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/EU⁷.
- (14) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.
- (15) As regards Bulgaria and Romania, this Decision constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession.
- (16) 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.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. Implementing Decision C(2011)5500 final is amended as follows:
 - (a) in the title the phrases "(in Beijing, Guangzhou, Chengdu, Shanghai and Wuhan)" and "(in Hanoi and Ho-Chi Minh City)" are deleted;
 - (b) the Annex I to Implementing Decision C(2011)5500 final is replaced by the text in the Annex to this Decision.

⁶ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, 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 (OJ L 53, 27.2.2008, p. 1).

⁷ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol 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, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

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, 22.10.2014

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

