



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 June 2001 (04.07)  
(OR. fr)**

**10463/01**

**LIMITE**

**VISA 89  
COMIX 496**

**NOTE**

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from : Belgian delegation  
to : Visa Working Party

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Subject : Draft Council Decision on the adaptation of Part VII and Annex 12 of the  
Common Consular Instructions

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**DRAFT**  
**COUNCIL DECISION**  
**of**

on the adaptation of Part VII and  
Annex 12 of the Common Consular Instructions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications <sup>1</sup>,

Having regard to the initiative of the Kingdom of Belgium,

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<sup>1</sup> OJ L 116, 26.4.2001, p. 2.

Whereas:

- (1) The fees to be levied in connection with an application for a visa correspond to the administrative costs incurred in processing that application, the visa as such being free. This approach is intended to reduce the increasing number of unrealistic applications.
- (2) This Decision builds on the Schengen acquis, in accordance with the Protocol integrating it into the framework of the European Union, as laid down by Annex A to Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis <sup>1</sup>.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this instrument, and is therefore not bound by it or subject to its application. Given that this Decision aims to build upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will transpose it into its national law.
- (4) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the Schengen acquis within the meaning of the Agreement concluded on 18 May 1999 by the Council of the European Union and those two States <sup>2</sup>.

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<sup>1</sup> OJ L 176, 10.7.1999, p. 1.

<sup>2</sup> OJ L 176, 10.7.1999, p. 36.

- (5) Pursuant to Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom are not participating in the adoption of this Decision. Consequently, and without prejudice to the provisions referred to in Article 4 of the Protocol, the provisions of this Decision apply neither to Ireland nor to the United Kingdom,

HAS ADOPTED THIS DECISION:

#### Article 1

Section 4 of Part VII of the Common Consular Instructions shall be replaced by the following:

"4. Fees to be levied for the issue of visas

The fees to be levied correspond to the administrative costs of processing the visa application and are listed in Annex 12".

#### Article 2

In Annex 12, the title and the sentence "Fees, in EURO, to be charged when issuing uniform visas" shall be replaced by "Fees to be charged, in EURO, corresponding to the administrative costs of processing the visa application"

#### Article 3

This Decision shall apply from.....

Article 4

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at

For the Council  
The President

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