



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 13 July 2001 (23.07)
(OR. fr)**

10899/01

LIMITE

**VISA 98
COMIX 544**

OUTCOME OF PROCEEDINGS

from : Visa Working Party/Iceland and Norway Mixed Committee

on : 9 July 2001

No. Cion prop. : 7633/01 VISA 44 COMIX 243 (COM(2001) 157 final)

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

At its meeting on 9 July 2001 the Visa Working Party began its first reading of the above draft Decision.

Delegations will find attached the full text of the draft Decision, with delegations' comments in the footnotes.

Draft
COUNCIL DECISION
of

on the adaptation of Part VII and
Annex 12 of the Common Consular Instructions ¹

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 ² of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ³,

Having regard to the initiative of the Kingdom of Belgium,

¹ **F** and **N**: scrutiny reservation.

² **Cion** questioned the compatibility of the chosen legal basis with Article 17(3) of the Convention implementing the Schengen Agreement.

³ 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.⁴
- (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 acquis⁵.
- (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 States⁶.

⁴ F described the difficulties which could stem from this proposal since the French legal system does not currently allow the fees to be charged if the visa has not been issued.

⁵ OJ L 176, 10.7.1999, p. 1.

⁶ 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 ⁷ 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"

The following sentence is to be added after the table:

"These fees are to be charged either in euro or in the national currency of the third country where the application is made."

⁷ **Cion** asked that this Part should include a reminder that visas are free for family members of a citizen of the Union.

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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