



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 October 2001 (18.10)  
(OR. fr)**

**12796/01**

**LIMITE**

**VISA 116  
COMIX 673**

**OUTCOME OF PROCEEDINGS**

of :	Visa Working Party (Iceland and Norway Mixed Committee)
on :	24 September 2001
No. prev. doc. :	10899/01 VISA 98 COMIX 544
Subject :	Draft Council Decision on the adaptation of Part VII and Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual

Delegations will find attached the text of the above draft Decision, as it stands following the meeting of the Visa Working Party (Iceland and Norway Mixed Committee) on 24 September 2001.

**Draft  
COUNCIL DECISION  
of**

on the adaptation of Part VII and  
Annex 12 of the Common Consular Instructions <sup>1</sup>  
**and Annex 14a of the Common Manual**

THE COUNCIL OF THE EUROPEAN UNION,

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

**Having regard to Council Regulation (EC) No 790/2001 <sup>4</sup> of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance <sup>4</sup>,**

Having regard to the initiative of the Kingdom of Belgium,

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<sup>1</sup> N: scrutiny reservation. D: scrutiny reservation linked in particular to the period necessary to implement the Decision in Germany.

<sup>2</sup> **Cion** questioned the compatibility of the chosen legal basis. It considered that the rules in the draft Decision should be the subject of a proposal based on Title IV of the Treaty for an act amending Article 17 of the Convention implementing the Schengen Agreement, and requiring consultation of the European Parliament.

<sup>3</sup> OJ L 116, 26.4.2001, p. 2.

<sup>4</sup> OJ L 116, 26.4.2001, p. 5.

Whereas:

- (1) The fees to be levied in connection with an application for a visa correspond to the administrative costs incurred.
- (2) 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 Decision, 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 will, 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.
- (3) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of the provisions of the Schengen acquis falling 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 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.
- (4) 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 <sup>5</sup> 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.

**However, no fees are to be levied for administrative costs for visa applications by nationals of third countries who are members of the family of a Union citizen, where such applications are made under Directives 68/360/EEC, 73/148/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC."**

#### Article 2

In Annex 12, **of the Common Consular Instructions and Annex 14a of the Common Manual:**

- 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"

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<sup>5</sup> **Cion** asked that this Part should include a reminder that visas are free for family members of a citizen of the Union.

- The following sentence is to be added after the table:  
"These fees are to be charged in euro, **in US dollars** or in the national currency of the third country where the application is made."

### 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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