COMMISSION IMPLEMENTING DECISION

of 14.5.2019


(Only the Bulgarian, Croatian, Czech, Dutch, English, 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:


(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) The guidelines supporting Member States’ authorities in the correct implementation of Directive 2004/38/EC of the European Parliament and of the Council\(^2\) with respect to non-EU family members of EU citizens should be revised to take account of relevant recent judgments of the Court of Justice of the European Union. Further guidance should be ensured on issues where Member States and family members encounter persistent problems in areas such as supporting documents or burden of proof, and emerging problems such as abuse or fraud in the context of entry visa applications.


Additional guidelines and recommended best practices should be established to take into account that the full roll-out of the Visa Information System has been completed, rendering certain past practices obsolete. Moreover, further experience has shown the need for operational guidelines to take account of the use of external service providers for the collection of visa applications and to address deficiencies encountered in Schengen evaluations across several Member States. Minor technical updates should also be made to take account of amendments to legal acts in relevant areas such as Regulation (EU) No 2016/399 of the European Parliament and of the Council.

The Handbook has been substantially amended several times. Since further amendments are to be made, the Handbook should be replaced in its entirety in the interests of clarity.

Given that Regulation (EC) No 810/2009 builds upon the Schengen acquis, Denmark decided to implement Regulation (EC) No 810/2009 in its national law, 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. Denmark is therefore bound under international law to implement this Decision.

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. 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.

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. 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.

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 latters’ 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.

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\textsuperscript{7}, 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 2008/146/EC\textsuperscript{8}.

(11) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen acquis\textsuperscript{9} within the meaning 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\textsuperscript{9}, 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\textsuperscript{10}.

(12) This Decision constitutes an act building upon, or otherwise relating to, the Schengen acquis\textsuperscript{9} within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 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:

\textit{Article 1}

The Annex to Decision No C(2010)1620 establishing the Handbook for the processing of visa applications and the modification of issued visas is replaced by the Annex to this Decision.

\textsuperscript{7} OJ L 53, 27.2.2008, p. 52.

\textsuperscript{8} 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).

\textsuperscript{9} OJ L 160, 18.6.2011, p. 21.

\textsuperscript{10} 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, the French Republic, the Republic of Croatia, 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, 14.5.2019

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIÇARNAU
Director of the Registry
EUROPEAN COMMISSION