



Brussels, 26.6.2023
C(2023) 4053 final

COMMISSION IMPLEMENTING DECISION

of 26.6.2023

amending Implementing Decision C(2014) 6146 as regards the list of supporting documents to be submitted by applicants in Kenya for short stay visas

(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 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)¹, and in particular Article 14(5a) thereof,

Whereas:

- (1) Regulation (EC) No 810/2009 lays down the procedures and conditions for the issuing of visas for intended stays on the territory of Member States not exceeding 90 days in any 180-day period.
- (2) In order to ensure a harmonised application of the common visa policy taking into account local circumstances, Article 48(1a), point (a) of Regulation (EC) No 810/2009 provides that the harmonised lists of supporting documents to be submitted by visa applicants should be drawn up through local Schengen cooperation in each jurisdiction.
- (3) Annex II to Implementing Decision C(2014) 6146² sets out the list of supporting documents to be submitted by applicants for short stay visas in Kenya.
- (4) Following a renewed assessment taking local circumstances into account, the local Schengen cooperation has confirmed that the harmonised list of supporting documents to be submitted by visa applicants in Kenya needs to be revised. That list should be restructured to improve clarity and further increase harmonisation. The revision should also take account of the experience gained in applying the previous list, by further specifying the documents to be submitted by applicants travelling for the purpose of medical treatment, tourism, sports events, business, and visiting family and friends. The documents to be submitted with an application for an airport transit visa should be added to the list. Documents that have become obsolete should no longer be included in the list. The Commission agrees with this assessment.
- (5) For applicants that are known to consulates for their integrity and reliability, it should be possible for those consulates to waive the requirements of Article 14(1) of Regulation (EC) No 810/2009, in accordance with Article 14(6) of that Regulation. It should also be possible, in justified cases, for consulates to request additional

¹ OJ L OJ L 243, 15.9.2009, p. 1.

² Commission Implementing Decision of 3 September 2014 establishing the list of supporting documents to be presented by visa applicants in Cape Verde, Kenya and the Philippines.

documents during an examination of an application, in accordance with Article 21(8) of Regulation (EC) No 810/2009.

- (6) Given that Denmark decided to implement Regulation (EC) No 810/2009 which builds on the Schengen *acquis* in its national law, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is bound under international law to implement this Decision.
- (7) This Decision constitutes a development in the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC³. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) As regards Iceland and Norway, this Decision constitutes a development of the 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 latter's association with the implementation, application and development of the Schengen *acquis*⁴, which fall under the area referred to in Article 1, point B of Council Decision 1999/437/EC⁵.
- (9) 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*⁶, which fall under the area referred to in Article 1, point B of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC⁷.
- (10) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* 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*⁸, which fall under the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁹.

³ 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).

⁴ OJ L 176, 10.7.1999, p. 36.

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).

⁶ OJ L 53, 27.2.2008, p. 52.

⁷ 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).

⁸ OJ L 160, 18.6.2011, p. 21.

⁹ 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

- (11) This Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning, respectively, of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2005 Act of Accession.
- (12) Implementing Decision C(2014) 6146 should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee,

HAS ADOPTED THIS DECISION:

Article 1

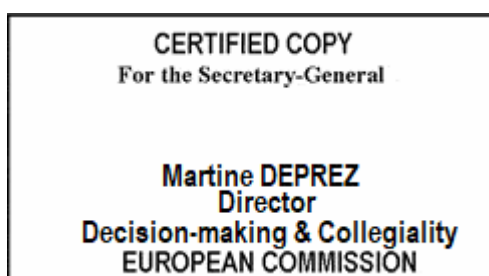
Annex II to Implementing Decision C(2014) 6146 is replaced by the text in the Annex to this Decision.

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, 26.6.2023

For the Commission
Ylva JOHANSSON
Member of the Commission



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).