



Brussels, 27.5.2020
C(2020) 3328 final

COMMISSION IMPLEMENTING DECISION

of 27.5.2020

amending Implementing Decision C(2015) 6940 final, as regards the list of supporting documents to be submitted by applicants for short stay visas in India

(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 48(1a) (a) thereof,

Whereas:

- (1) Regulation (EC) No 810/2009 lays down procedures and conditions for the issuing of visas for transit through or intended stays on the territory of Member States that do not exceed 90 days in any 180-day period.
- (2) To ensure that the common visa policy is uniformly applied, Regulation (EC) No 810/2009 provides that harmonised lists of supporting documents should be drawn up within local Schengen cooperation in each jurisdiction so that local circumstances can be taken into account.
- (3) Local Schengen cooperation in India has confirmed the need to harmonise the list of supporting documents which is set out in Annex II to Commission Implementing Decision C(2015) 6940 final².
- (4) Following a renewed assessment that takes local circumstances into account, the local Schengen cooperation has confirmed that the list of supporting documents to be submitted by visa applicants in India needs to be revised. The revision should take account of the experience gained from applying the previous harmonised list, the need to restructure the list and specify the documents to be submitted by certain categories of travellers and for certain travel purposes as well as the need to delete documents that have become obsolete.
- (5) For applicants that are known to consulates for their integrity and reliability, it should be possible for those consulates to waive the requirement to submit one or more of the listed supporting documents, in accordance with Article 14(6) of Regulation (EC) No 810/2009. It should also be possible, in justified cases, for consulates to request

¹ OJ L 243, 15.9.2009, p. 1.

² Commission Implementing Decision of 16 October 2015 establishing the list of supporting documents to be submitted by visa applicants in Afghanistan, India, Morocco, Singapore and Trinidad and Tobago (C(2015) 6940 final).

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

- (6) Given that Regulation (EC) No 810/2009 builds upon the Schengen *acquis*, Denmark, in accordance with Article 5 of Protocol No 5 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 European Union and to the Treaty on the Functioning of the European Union, notified the implementation of Regulation (EC) No 810/2009 in its national law. Denmark is therefore bound under international law to implement this Decision.
- (7) 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/EC³. The United Kingdom is therefore not bound by it or subject to its application.
- (8) 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/EC⁴; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (9) 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 latter's association with the implementation, application and development of the Schengen *acquis*⁵, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC⁶.
- (10) 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*⁷, which fall within 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/EC⁸.
- (11) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol signed 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

³ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁴ 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).

⁵ OJ L 176, 10.7.1999, p. 36.

⁶ 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).

⁷ OJ L 53, 27.2.2008, p. 52.

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).

on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁹, which fall within 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/EU¹⁰.

- (12) This Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* 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:

Article 1

Annex II to Implementing Decision C(2015) 6940 final 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, 27.5.2020

For the Commission
Ylva JOHANSSON
Member of the Commission



⁹ OJ L 160, 18.6.2011, p. 21.

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).

