

# **Guidance for the implementation of Council Implementing Decision (EU) 2021/1781 of 7 October 2021 on the suspension of certain provisions of Regulation (EC) 810/2009 of the European Parliament and of the Council with respect to The Gambia**

## **I. Introduction**

On 7 October 2021, the Council adopted Council Implementing Decision EU 2021/1781 on the suspension of certain provisions of (EC) 810/2009 of the European Parliament and of the Council (Visa Code) with respect to The Gambia.<sup>1</sup>

A harmonised implementation of these measures by all Member States is essential and therefore it is necessary to draw up operational guidelines. A harmonised implementation will also ensure coherence, clarity and transparency of the visa measures in any given consular location.

## **II. The measures and their implementation**

The provisions of the Visa Code that are temporarily suspended for nationals of The Gambia who are subject to the visa requirement are listed in points 1) – 4) below. For all other aspects of the application and examination procedures, the general rules of the Visa Code continue to apply as well as the relevant operational guidance set out in the Visa Code Handbook II.<sup>2</sup>

- 1) Categories of persons to whom the below measures do not apply:
  - Gambian nationals who are family members of Union citizens to whom Directive 2004/38/EC applies or of a national of a third country enjoying a right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States on the one hand and the third country on the other hand.  
  
As regards “family members of a Union citizen to whom Directive 2004/38/EC applies”, ‘EU citizens’ should be understood as also covering UK nationals who exercised free movement and are now covered by the Withdrawal Agreement.
  - Nationals of The Gambia applying for a visa for the purpose of attending meetings of international intergovernmental organisations or of international conferences hosted by a Member State.
- 2) Supporting documents (Article 14(6))

---

<sup>1</sup> OJ L 360, 11.10.2021, p. 124

<sup>2</sup> COM(395) 2020

The Decision suspends the possibility of waiving, in individual cases, some of the requirements with regard to the documentary evidence to be submitted by visa applicants. This means that irrespective of a given applicant's 'visa history' and correct use of previously granted visas, a full set of supporting documents proving fulfilment of the entry conditions as set out in the Schengen Borders Code should be submitted at every application.

3) Optional visa fee waiver (Article 16(5)(b))

The Decision suspends the possibility of individual Member States to waive the visa fee for holders of diplomatic and service passports in accordance with point (b) of Article 16(5) of the Visa Code. The Member States that apply such (bilateral fee waivers) are invited to suspend the waiver for this category of applicants and charge the visa fee of 80 EUR.

4) Processing time (Article 23(1))

The Decision suspends the general 15 calendar days processing period referred to in Article 23(1) of the Visa Code. Consequently, the standard processing time should be 45 days in all cases falling within the scope of the measures.

5) Validity of the visa to be granted

The Decision suspends the issuing of multiple entry visas (MEVs) in accordance with Article 24(2) and (2c) of the Visa Code. This means that only single entry visas should be issued to applicants covered by the measures. The validity of the single entry visas should correspond to the length of the intended visit to which the period of grace of 15 days is added (Article 24(1), third subparagraph of the Visa Code).

### **III. Implementation and information to the public**

Member States should apply these operational guidelines for all applications lodged from 1<sup>st</sup> November 2021 by Gambian nationals falling within the scope of the measures, irrespective of their place of residence.

Member States' central authorities are therefore responsible for sharing these guidelines with all their consular representations around the world.

Member States remain responsible for informing the general public of the temporarily applicable visa measures, cf. the Visa Code, Article 47(1).

#### **IV. The role of the local Schengen cooperation**

Member States shall under the coordination of the EU Delegation within the local Schengen cooperation regularly exchange information on the implementation of these measures to monitor their correct application, where relevant. Reports of such exchanges should be shared with the Member States central visa authorities and the Commission (DG HOME).

---