



Brussels, 8.9.2023  
C(2023) 6004 final

**COMMISSION IMPLEMENTING DECISION**

**of 8.9.2023**

**establishing adapted rules on the issuing of multiple-entry visas to Kuwaiti nationals  
residing in Kuwait and applying in Kuwait 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 texts are authentic)

# COMMISSION IMPLEMENTING DECISION

of 8.9.2023

## **establishing adapted rules on the issuing of multiple-entry visas to Kuwaiti nationals residing in Kuwait and applying in Kuwait 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 texts are authentic)

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)<sup>1</sup>, and in particular Article 24(2d) thereof,

Whereas:

- (1) On the basis of the assessment conducted within local Schengen cooperation in accordance with Article 24(2b) of Regulation (EC) No 810/2009, the rules on issuing multiple-entry visas set out in Article 24(2) of that Regulation need to be adapted for certain visa applications lodged with Member States' consulates in Kuwait, to take account of the local circumstances and of migratory risks.
- (2) The conclusion of that assessment was that, in light of their stable socio-economic situation, in particular the rights and privileges enjoyed as a result of a special state-society relationship, which is defined by one of the highest per capita earnings in the world and a generous package of state benefits, Kuwaiti nationals residing in Kuwait present very low migratory risk. It is therefore justified to apply, in respect of those applicants, more favourable rules than those provided for by Article 24(2) of Regulation (EC) No 810/2009.
- (3) By contrast, the conclusion of the assessment conducted within local Schengen cooperation was that nationals of other visa-required countries residing in Kuwait do not enjoy most of the privileges granted to Kuwaiti nationals. The assessment concluded that all foreign nationals face the situation that their employment may be cancelled anytime without notice, which as direct consequence ends also their right to reside in Kuwait and increases migratory risk. It is therefore justified to continue applying, in respect of the nationals of other visa-required countries residing in Kuwait, the rules provided for by Article 24(2) of Regulation (EC) No 810/2009. Whilst the objective of the adapted rules set out in this Decision is to ensure a harmonised application of those rules by Member States, they should not affect the possibility for Member States, in individual cases, to shorten the validity period of the visa, in accordance with Article 24(2a) of Regulation (EC) No 810/2009, or to issue multiple-entry visas valid for up to five years, in justified cases, in accordance with Article 24(2c) of that Regulation.

---

<sup>1</sup> OJ L 243, 15.9.2009, p. 1.

- (4) 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, 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.
- (5) 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<sup>2</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) 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*<sup>3</sup>, which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC<sup>4</sup>.
- (7) 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*<sup>5</sup>, 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/EC<sup>6</sup>.
- (8) 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 on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*<sup>7</sup>, 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/EU<sup>8</sup>.

---

<sup>2</sup> 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).

<sup>3</sup> OJ L 176, 10.7.1999, p. 36.

<sup>4</sup> 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).

<sup>5</sup> OJ L 53, 27.2.2008, p. 52.

<sup>6</sup> 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).

<sup>7</sup> OJ L 160, 18.6.2011, p. 21.

<sup>8</sup> 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).

- (9) This Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2005 Act of Accession. [Joint Handbook: 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.
- (10) In accordance with Article 24(2d) of Regulation (EC) No 810/2009, rules on the issuance of multiple-entry visas in Kuwait derogating from those set out in Article 24(2) of that Regulation should therefore be adopted.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

- (1) This Decision applies to visa applications for short-stay visas lodged with Member States' consulates in Kuwait by Kuwaiti nationals residing in Kuwait.
- (2) By way of derogation from Article 24(2), points (a), (b) and (c), of Regulation (EC) No 810/2009, where a Kuwaiti national the applicant fulfils the entry conditions set out in Article 6(1), points (a), (c), (d) and (e) of Regulation (EU) 2016/399 of the European Parliament and of the Council<sup>9</sup>, a multiple-entry visa shall be issued for a validity period of five years.
- (3) Where the validity of the visa would exceed that of the travel document, a multiple-entry visa shall be issued with a period of validity ending three months before the end of validity of the applicant's travel document.

---

<sup>9</sup> Regulation (EU) 2016/399 of 9 March 2016 of the European Parliament and of the Council establishing a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

*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, 8.9.2023

*For the Commission*  
*Ylva JOHANSSON*  
*Member of the Commission*

