



Brussels, 3.9.2014
C(2014) 6146 final

COMMISSION IMPLEMENTING DECISION

of 3.9.2014

establishing the list of supporting documents to be presented by visa applicants in Cape Verde, Kenya and the Philippines

(Only the Bulgarian, Croatian, Czech, Dutch, 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(1) thereof,

Whereas:

- (1) Regulation (EC) No 810/2009 lays down the Union rules for the issuing of visas for transit through or intended stays in the territory of Member States not exceeding 90 days in any 180 days period.
- (2) According to Regulation (EC) No 810/2009, visa applicants are required to present documents indicating among other things the purpose of their journey and the fact that they fulfil the entry conditions as set out in Article 5 of Regulation (EC) No 562/2006 of the European Parliament and of the Council². In order to ensure harmonised application of the common visa policy, Regulation (EC) No 810/2009 established that within local Schengen cooperation the need to complete and harmonise the lists of supporting documents should be assessed in each jurisdiction in order to take account of local circumstances.
- (3) The local Schengen cooperation in Cape Verde, Kenya and the Philippines have confirmed the need to harmonise the list of supporting documents and have accordingly drawn up lists.
- (4) In individual cases it should still be possible for consulates to waive the requirement to submit one or more of the listed supporting documents in the case of applicants known to them for their integrity and reliability in accordance with Article 14(6) of Regulation (EC) No 810/2009 or, in justified cases, during the examination of an application, to request additional documents, in accordance with Article 21(8) of Regulation (EC) No 810/2009.
- (5) Given that Regulation (EC) No 810/2009 builds upon the Schengen acquis, Denmark, 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

¹ OJ L 243, 15.9.2009 p. 1.

² Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing the Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). OJ L 105, 13.4.2006, p. 1.

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, decided to implement Regulation (EC) No 810/2009 in its national law. Denmark is therefore bound under international law to implement this Decision.

- (6) 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 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.
- (7) 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 its adoption and is not bound by it or subject to its application. This Decision should therefore not be addressed to Ireland.
- (8) 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 association of those two States 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 of 17 May 1999⁵.
- (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, 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/EC⁶.
- (10) 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, which fall within the area referred to in Article

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 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 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).

1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁷.

- (11) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.
- (12) As regards Bulgaria and Romania, this Decision constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession.
- (13) As regards Croatia, this Decision constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2012 Act of Accession.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee.

HAS ADOPTED THIS DECISION:

Article 1

- (a) The list of supporting documents to be submitted by applicants for short stay visas in Cape Verde shall be as set out in the Annex I.
- (b) The list of supporting documents to be submitted by applicants for short stay visas in Kenya shall be as set out in the Annex II.
- (c) The list of supporting documents to be submitted by applicants for short stay visas in the Philippines shall be as set out in the Annex III.

⁷ 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, Republic of Croatia, the French Republic, 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, 3.9.2014

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

