Proposal for a Council Regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form

(2001/C 180 E/28)

(Text with EEA relevance)

COM(2001) 157 final — 2001/0081(CNS)

(Submitted by the Commission on 22 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62, 2), b), iii) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The harmonisation of visa policy is an important measure in relation to establishing progressively an area of freedom, security and justice, specifically as regards border crossing.

(2) The forms for affixing visas issued to persons holding travel documents which are not recognised by the Member State drawing up the form do not currently correspond to the required security standards. For this reason, it is necessary to harmonise the format for such forms in order to render them more secure.

(3) This uniform format must contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification; they must also be suited to use by all Member States and bear universally recognisable harmonised security features which are clearly visible to the naked eye.

(4) This Regulation only lays down the description of the model for the uniform format; this needs to be supplemented by further technical specifications which are to remain secret in order to prevent counterfeiting and falsifications and which may not include personal data or references to such data. Powers to adopt such technical specifications should be conferred to the Commission, who shall be assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas [1].

(5) To ensure that the information referred to is not made available to more persons than necessary, each Member State should designate a single body having responsibility for printing the uniform format, with Member States remaining free to change the body, if need be; each Member State should communicate the name of the competent body to the Commission and the other Member States.

(6) With regard to the personal data to be entered on the uniform formats, it is necessary to ensure compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [2].

(7) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis in the sense of the Protocol integrating the Schengen acquis into the framework of the European Union.

(8) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [3], they should be adopted by use of the regulatory procedure provided for in Article 5 of that decision,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of this Regulation, 'form for affixing a visa' shall mean the document issued by the authorities of a Member State to the holder of a travel document which is not recognised by that Member State, to which its competent authorities affix a visa.

2. The form for affixing a visa shall correspond to the model set out in the annex.

3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), it shall be for each Member State to decide whether separate visa sheets should be issued to the principal and each of their dependant(s).

[1] OJ L 164, 14.7.1995, p. 1.

[2] OJ L 281, 23.11.1995, p. 31.

[3] OJ L 184, 17.7.1999, p. 23.

Article 2

The technical specifications for the uniform format for forms for affixing the visa and the specifications relating to the following shall be established in compliance with the procedure referred to in Article 5 (2):

a) security requirements including enhanced anti-forgery, counterfeiting and falsification standards

b) conditions of storage to prevent theft;

c) rules for the filling in of the uniform format for affixing the visa;

d) other conditions necessary for the implementation of the uniform format.

Article 3

The specifications referred to in Article 2 shall be secret and not be published. They shall be made available only to the bodies designated by the Member States as responsible for the printing and to persons duly authorised by a Member State or the Commission.

Each Member State shall designate one body having responsibility for printing the uniform format for forms. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly.

Article 4

The format, production and use of the uniform format for forms shall comply with Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1].

Without prejudice to these rules, persons to whom the uniform format for forms is issued shall have the right to verify the personal particulars contained in the uniform format for forms and, where appropriate, to ask for any corrections or deletions to be made.

No information in machine-readable form shall be given on the uniform format for forms.

Article 5

1. The Commission shall be assisted by the Committee instituted by Article 6 of Regulation (EC) No 1683/95.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be one month.

Article 6

The uniform format for form for affixing a visa set out in Article 1 shall be used by the Member States no later than 2 years after the adoption of the measures referred to in Article 2(a). However, the validity of authorisations granted already and issued on another format shall not be affected by the introduction of the uniform format for affixing the visas, unless the Member State concerned decides otherwise.

Article 7

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the EC Treaty.

---

[1] OJ L 281, 23.11.1995, p. 31.

ANNEX

Name of Member State
Nom de l'État membre

Form for affixing a visa
Formulaire pour apposer le visa

No: .....

Issuing authority:
Autorité de délivrance:

.....

.....
Stamp
Tampon

.....

Date: ....
Date: Signature
Signature

Enter the holder's surname, forename(s), date of birth and passport number if the passport number is not indicated in the machine-readable area.

Indiquez le nom, prénom, date de naissance du titulaire et le Nº du passeport, si ce n'est pas indiqué dans la zone lisible à la machine.

VISA sticker

The printed text shall appear in English and French. The issuing Member State may add other language(s). However, the words 'Form for affixing a visa' and 'Visa sticker', the name of the issuing Member State and the instructions may appear in any language(s).