

Brussels, 18.4.2024
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COMMISSION IMPLEMENTING DECISION

of 18.4.2024

**establishing adapted rules on the issuing of multiple-entry visas to Indian nationals
residing in India and applying in India 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)

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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 Visas¹, and in particular Article 24(2d) thereof,

Whereas:

- (1) On the basis of the assessment conducted within the 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 (EC) No 810/2009 should be adapted for certain visa applications lodged with Member States' consulates in India, to take account of the local circumstances and of migratory and security risks.
- (2) The conclusion of that assessment was that, due to the unequal distribution of wealth and income in India, first-time applicants pose high migratory and security risks. By contrast, because of the sustained growth of the Indian economy, the number of *bona fide* applicants of Indian nationality that have lawfully used previous visas continues to increase. That group of applicants poses low migratory and security risks. Therefore, more favourable rules than those provided for by Article 24(2) of Regulation (EC) No 810/2009 should apply in respect of those applicants. This approach allows Member States to focus on the examination of those applications most likely to represent a risk. The Commission agrees with this assessment.
- (3) By contrast, the conclusion of the assessment conducted within the local Schengen cooperation was that nationals of other visa-required countries residing in India may be affected by socio-economic instability and uncertain conditions of residence. It was therefore concluded that, in respect of those applicants, it is necessary that the rules provided for in Article 24(2) of Regulation (EC) No 810/2009 should continue to apply. The Commission agrees with that assessment.
- (4) Whilst the objective of the adapted rules set out in this Decision is to ensure a uniform 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. Similarly, they should not affect the possibility for Member States to issue multiple-entry visas valid

¹ OJ L 243, 15.09.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/810/oj>.

for up to 5 years, in justified cases, in accordance with Article 24(2c) of that Regulation.

- (5) Where the validity of the visa would exceed that of the travel document, a multiple-entry visa should be issued with a period of validity corresponding to that of the applicant's travel document minus three months.
- (6) Given that Denmark decided to implement Regulation (EC) No 810/2009, which builds upon 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.
- (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/EC²; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (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 latter's association with the implementation, application and development of the Schengen *acquis*³, which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC⁴.
- (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*⁵, 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/EC⁶.
- (10) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning 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*⁷, which fall within the area referred to in Article

² 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, ELI: <http://data.europa.eu/eli/dec/2002/192/oj>).

³ OJ L 176, 10.7.1999, p. 36, ELI: [http://data.europa.eu/eli/agree_internation/1999/439\(1\)/oj](http://data.europa.eu/eli/agree_internation/1999/439(1)/oj).

⁴ 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, ELI: <http://data.europa.eu/eli/dec/1999/437/oj>).

⁵ OJ L 53, 27.2.2008, p. 52.

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, ELI: <http://data.europa.eu/eli/dec/2008/146/oj>).

⁷ OJ L 160, 18.6.2011, p. 21.

1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁸.

- (11) 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.
- (12) In accordance with Article 24(2d) of Regulation (EC) No 810/2009, rules on the issuance of multiple-entry visas in India for Indian nationals residing in India derogating from those set out in Article 24(2) of that Regulation should therefore be adopted.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Visa Committee established under Article 52(1) of Regulation (EC) No 810/2009,

HAS ADOPTED THIS DECISION:

Article 1

- (1) This Decision applies to visa applications for short-stay visas lodged by Indian nationals residing in India with Member States' consulates in India.
- (2) By way of derogation from Article 24(2), points (a) and (b), of Regulation (EC) No 810/2009, where 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 Council⁹, a multiple-entry visa shall be issued for a validity period of two years, provided that the applicant has obtained and lawfully used two visas within the previous three years.
- (3) This Decision shall not affect the application of Article 24(2), point (c), of Regulation (EC) No 810/2009.
- (4) 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.

⁸ 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, ELI: <http://data.europa.eu/eli/dec/2011/350/oj>).

⁹ 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 (OJ L 77, 23.3.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/399/oj>).

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, 18.4.2024

For the Commission

Ylva JOHANSSON

Member of the Commission

