



Brussels, 5.1.2022
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COMMISSION IMPLEMENTING DECISION

of 5.1.2022

establishing adapted rules on the issuing of multiple-entry visas to applicants for short stay visas in Algeria

(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 Visas (Visa Code)¹, and in particular Article 24 (2d) thereof,

Whereas:

- (1) Regulation (EC) No 810/2009 enables the Commission to adopt, where necessary, more favourable or more restrictive rules for the issuance of multiple-entry visas in a given third-country, where, in accordance with Article 24(2b) of that Regulation by way of derogation from its Article 24(2), Member States' consulates have assessed within local Schengen cooperation that the rules set out in that Article need to be adapted to take account of local circumstances, and of migratory and security risks.
- (2) The assessment conducted within local Schengen cooperation in Algeria has concluded that the rules on issuing multiple-entry visas set out in Article 24(2) of Regulation (EC) No 810/2009 need to be adapted for visa applications lodged with Member States' consulates in Algeria to take account of the local circumstances and of migratory risks.
- (3) The conclusion of the assessment by local Schengen cooperation in Algeria is that in the light of the volatile economic situation in Algeria, which may have a significant impact on the migratory risk presented by visa applicants, and of the difficulty in anticipating further economic fluctuations, it is necessary to adapt the general rules provided for by Article 24(2) of Regulation (EC) No 810/2009 to the local circumstances.
- (4) For that purpose, by way of derogation from Article 24(2), point (a), in Algeria, a multiple entry visa should be issued for a validity period of one year, provided that the applicant has obtained and lawfully used three visas with a minimum duration of validity of six months within the previous two years. Moreover, by way of derogation from Article 24(2), point (b), a multiple-entry visa with a validity period of two years should be issued, provided that the applicant has obtained and lawfully used two multiple entry visas valid for one year within the preceding three years. Finally, by way of derogation from Article 24(2), point (c), a multiple-entry visa valid for two years should be issued, provided that the applicant has obtained and lawfully used one

¹ OJ L 243, 15.9.2009, p. 1.

multiple-entry visa valid for two years within the preceding three years. 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.

- (5) While 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.
- (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 on the position of Denmark, 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) For 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*³, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC⁴.
- (9) For 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) For 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

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).

³ OJ L 176, 10.7.1999, p. 36.

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).

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).

development of the Schengen *acquis*⁷, 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/EU⁸.

- (11) This Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within, respectively, the meaning of 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.
- (12) In accordance with Article 24(2d) of Regulation (EC) 810/2009, rules on the issuance of multiple-entry visas in Algeria derogating from those set out in Article 24(2) of Regulation (EC) No 810/2009 should therefore be adopted.
- (13) 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 Algeria.
- (2) By way of derogation from Article 24(2), points (a), (b) and (c), 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 under the following conditions and for the following validity periods:
 - (a) for a validity period of one year, provided that the applicant has obtained and lawfully used three multiple entry visas with a minimum validity of 6 months within the previous two years;
 - (b) for a validity period of two years, provided that the applicant has obtained and lawfully used two previous multiple-entry visas valid for one year within the previous three years;
 - (c) for a validity period of two years, provided that the applicant has obtained and lawfully used one previous multiple-entry visa valid for two years within the previous three years.
- (3) However, 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.

⁷ OJ L 160, 18.6.2011, p. 21.

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).

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 (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, 5.1.2022

For the Commission
Ylva JOHANSSON
Member of the Commission

