

USER MANUAL FOR THE SHORT-STAY "SCHENGEN" CALCULATOR

1. Introduction

Regulation (EU) No 610/2013 of 26 June 2013, amended the Convention Implementing the Schengen Agreement, the Schengen Borders Code and the Visa Code and – among others – re-defined the concept of "short stay" for third-country nationals in the Schengen area¹ which is a fundamental element of the Schengen acquis.

As from 18 October 2013 for the vast majority of the third-country nationals – irrespective of being visa required or exempt – who intend to travel to the Schengen area for a short stay (contrary to reside in one of the Member States for longer than 3 months) the maximum duration of authorised stay is defined as *"90 days in any 180-day period [...]". "The date of entry shall be considered as the first day of stay on the territory of the Member States and the date of exit shall be considered as the last day of stay on the territory of the Member States. Periods of stay authorised under a residence permit or a long-stay visa shall not be taken into account in the calculation of the duration of stay on the territory of the Member States."*

Contrary to the definition which was in force until 18 October 2013, the new concept is more precise by setting the duration in days, instead of months. Moreover, the term "from the date of first entry" which gave rise to many uncertainties and questions (especially after a judgment of the Court of Justice of the EU from 2006 (Case 241/05 "Bot")) has been dropped from the provision.

The notion of "any", implies the application of a "moving" 180-day reference period, looking backwards at each day of the stay (be it at the entry or at the day of an actual check), into the last 180-day period, in order to verify if the 90 days / 180-day requirement continues to be fulfilled.

Among others, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

Stays in Bulgaria, Croatia, Ireland, Romania, Cyprus and the United Kingdom shall not be taken into account as they are not (yet) part of the Schengen area without internal borders. At the same time, the non-EU Member States Iceland, Liechtenstein, Norway and Switzerland belong to the Schengen area; short stays in these countries count in when assessing the compliance with the 90 days / 180-day rule.

Please note that the change does not apply to the visa waiver agreements concluded between the EU and Antigua and Barbuda, The Bahamas, Barbados, Brazil, Saint Kitts and Nevis, Mauritius, and Seychelles where the old definition ("3 months during a 6 months period following the date of first entry") continues to apply. For citizens of these 7 third countries the calculator is not recommended to be used.

The length of stay of non-EU citizens traveling with a visa issued in accordance with the visa facilitation agreements concluded by the EU and certain third countries is to be calculated according to the new calculation method as there is reference in these agreements to "90 days per period of 180 days".

2. The short-stay calculator

¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm

In order to apply the 90 days / 180-day rule, a calculator has been developed for the general public and for the Member States' authorities. **The calculator is a helping tool only; it does not constitute a right to stay for a period resulting from its calculation.** It is always for the Member States' competent authorities (in particular for the border guards) to implement the provisions and make a decision on the length of the authorised stay or on the overstay.

The calculator has been extensively tested before making it available for the public, nevertheless irregularities cannot be excluded. Efforts have been made to limit the number of them to the very minimum. It is a JavaScript programme and, in principle, its use neither requires any further programmes installed on your computer, nor internet connection. Opening the programme needs a web browser (e.g. Explorer, Mozilla, Chrome) though.

The calculator deals with the 90 days / 180-day rule only. In case of visa-obliged third-country nationals, the length of authorised stay is clearly stated in the visa sticker and often differs from 90 days (which is the maximum that can be granted). In addition, the authorised stay should be consumed within the validity period of the visa. **The calculator does not support the calculation of stay against the authorised stay indicated on the visa sticker, if this period is shorter than 90 days within 180 days and against the validity of the visa.** On the basis of the previous entry and exit dates, the software can "only" calculate whether the third-country national fulfils the general 90 days / 180-day rule or not, and it can give projections for the maximum length of stays in the future from the intended date of entry on the basis of previous entry and exit dates. Holders of short-stay (C-type) visas should therefore also check the validity of the visa and the number of days authorized as indicated on the visa sticker.

The calculator cannot take into account more favourable rules applicable to short-stays of third-country nationals under bilateral visa waiver agreements between certain Schengen States and certain third countries as provided by Article 20(2) of the Convention Implementing the Schengen Agreement (CISA). According to that provision Member States have the possibility to "extend" the duration of stay of visa-free third-country nationals beyond 90 days under the following circumstances. In case a Schengen State concluded a bilateral visa waiver agreement with a third country of the so-called "positive visa list" (like Canada, New Zealand or the US) before the entry into force of the Schengen Agreement (or the date of its later accession to the Schengen Agreement), the provisions of that bilateral agreement may continue to apply. The CISA provides for a Schengen State the possibility to extend a visa-free stay beyond 90 days in its territory for the nationals of the third country concerned in accordance with such an existing bilateral agreement. Thus, for example the nationals of Canada, New Zealand, US, etc. – depending on the continued application of the agreement by the Schengen State - may stay in such Schengen States for the period provided by the bilateral visa waiver agreement in force between the two countries (generally three months), on top of the general 90 days stay in the Schengen area. Article 20(2) of the CISA only provides for the possibility for the Schengen States to apply their "old" bilateral agreements for such extension, but this is not an obligation. No algorithm could be developed in the calculator to take into account this possibility.

3. How to use the calculator?

The date of the entry into force of the new definition of short-stay (90 days in any 180-day period) is 18 October 2013. The definition implies looking 180 days backwards: the calculator cannot be used for stays spent earlier than that. Therefore, **the calculator cannot take into account entry and exit dates earlier than 22 April 2013.** Should they be inserted, an error message will be given, stating the following: "The date of entry into force of the "new" definition of "short stay" is 18 October 2013 and therefore the calculator cannot be used for

entries/stays earlier than 22 April 2013 (= 18.10.13 minus six months). The calculator does not support calculation of entries/stays earlier than 22 April 2013. The "old" definition applies for such entries/stays ("3 months in 6 months from the date of first entry)."

The calculator has two functionalities.

In "**Control**" mode it calculates the length of previous and/or on-going stays and provides an answer whether the stay of the person complied/complies with the 90 days / 180-day rule (on the day of control), by responding whether the 90-day limit is exceeded or not within the relevant 180-day reference period. If the rule is respected the calculator notes that there is "No overstay in the registration period." In addition, it also indicates which is the last day of stay when the 90 days / 180-day rule would still be respected ("Possible stay until dd/mm/yy"). In case the rule is not respected, the calculator provides for the number of days spent in the 180-day reference period ("Days of stay in the 180-days period dd/mm/yy to dd/mm/yy: x day(s)") and also notes in which period the possible overstay occurred ("Possible overstay in the period from dd/mm/yy to dd/mm/yy (x days)").

The objective of the "**Planning**" mode is to provide information on what is the **maximum length of stay which may be allowed on a particular day in the future. This date is to be** introduced as a date of entry to the top left hand box – "Date of entry/Control:". Depending on the previous entries and exits in the relevant 180-day period, as a result, the calculator either states that "The stay may be authorized for up to: x day(s)", or in case of possible overstay, it provides the same information as in "Control" function (see above).

4. How to enter the dates?

The calculator uses the following date format: dd/mm/yy (e.g. 01/01/14 for 1 January 2014). There is no need to enter"/" (e.g. for 1 January 2014, "010114" shall be added). Should you fail to use this format, an error message will appear stating that: "The date dd/mm/yy is not a valid date".

"Date of entry/control:" The actual calendar day is generated by the calculator automatically, which can be changed. In control function this box is to be interpreted as "date of control", while in planning function as "date of entry".

"Enter previous stay(s) in the Schengen area:" The first column is for entry dates, while the second column is for exit dates. The third column is for the corresponding length of stay which is filled in by the calculator by pushing the "Calculate" button. This column should therefore be left empty by the user. The date format to be used for adding the entry/exit dates is similarly the 6-digit "ddmmyy". With the "tab" button of your keyboard it is possible to move between the boxes.

If you see three columns, you should not necessarily add the entry and exit dates in chronological order but you should match the date of exit to the corresponding date of entry. Otherwise the calculator provides the following response: "The stay with entering date dd/mm/yy is later than the exit date dd/mm/yy. Calculation of stay is not possible." By pressing the "**Passport**" button only one column would remain. This function allows adding entry and exit dates in random order; the calculator will do the matching. However it is necessary to make a distinction between entries (with a "+" before the 6-digit entry date) and exits (with a "-" before the 6-digit entry date), e.g. +010114 stands for an entry stamp in the passport of 1 January 2014, while -010214 stands for an exit stamp of 1 February 2014. The value added of the "Passport" functionality is that the calculator will do the automatic sorting

of exit dates to the corresponding entry dates. This functionality is primarily designed for border guards.

Irrespective of whether the calculator is used in "Passport" mode or not, should there be a **missing entry or exit date, the calculator will not be able to make the calculation**. In this case, the calculator will only state that: "Calculation of stay is not possible". Therefore, in case you are (the traveller is) still staying in the territory of the Schengen area, in order to check the compliance with the 90 days / 180-day rule on a particular date (date of control), please also add that date as a date of (the last) exit.

Please check the entry and exit stamps in the passport, and on the basis of the entry and exit stamps affixed by the authorities of one of the Schengen States in the past 180 days, add the date of entries and exits to the calculator as explained above. Please note that periods of stay authorised under a residence permit or a long-stay visa (D-type visa) shall not be taken into account in the calculation. Accordingly, the dates of the entries and exits (if any) related to residence in a particular Schengen State shall not be inserted.

Deletion of entries: The "Reset" button clears all entries. Entries in specific boxes can be deleted with the "delete" button on your keyboard.

Possible technical (!) irregularities with the calculator (i.e. bugs) can be reported at HOME-CALCULATOR@ec.europa.eu

6. Examples

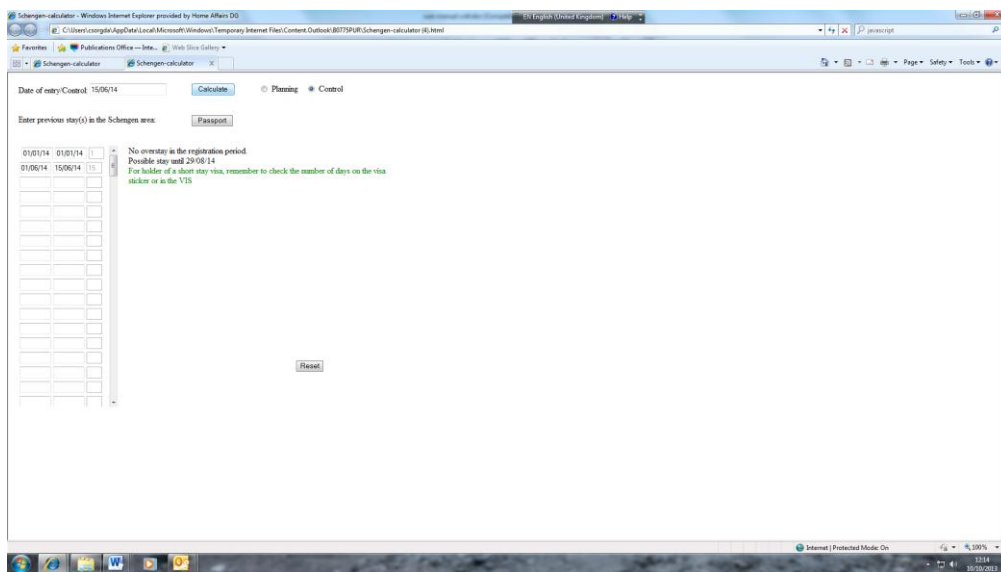
The following examples illustrate the application of the 90 days / 180-day rule and the use of the calculator.

Person not subject to the visa requirement

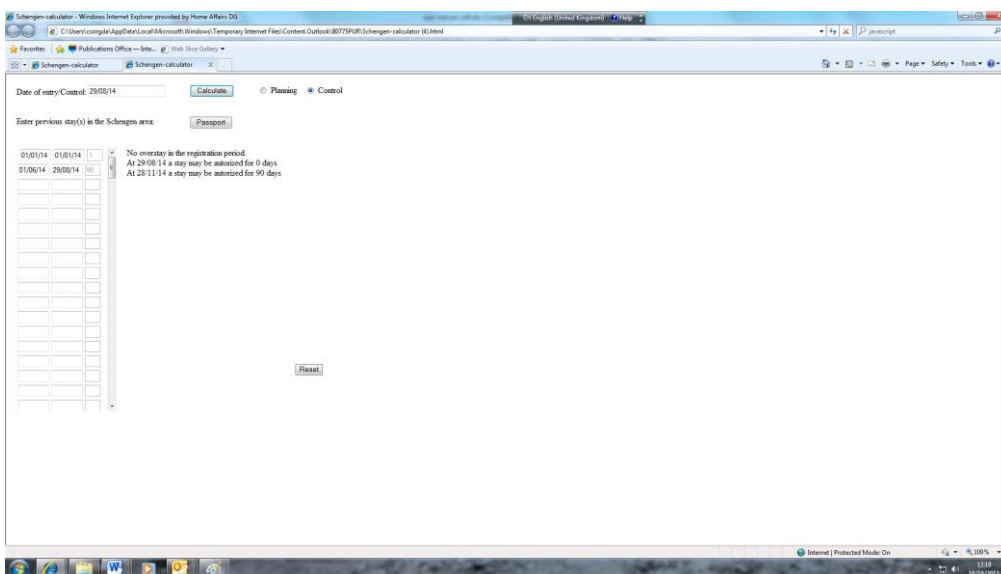
A person not subject to the visa requirement entered the territory of the Schengen States for the first time on 1 January 2014 and left the same day. Then, (s)he enters again on 1 June 2014 and stays until 20 September 2014. What is the situation on specific dates? When should this person have left the Schengen area to comply with the 90 days / 180-day rule?

On 15.6.2014: Over the last 180 days (18.12.2013 – 15.6.2014) the person had stayed 1 day (1.1.2014) plus 15 days (1.6 – 15.6.2014) \Rightarrow 15 days = no overstay; compliance with the 90 days / 180-day rule.

(You can enlarge the document on your monitor to see the screenshots better.)



On 29.8.2014: Over the last 180 days (3.3.2014 – 29.8.2014) the person had stayed 90 days (1.6.2014 – 29.8.2014) \Rightarrow 29.8.2014 = last day of authorised stay.



Person subject to the visa requirement

A third-country national has been granted a multiple-entry visa for one year (1.1.2015 to 31.12.2015) allowing for a stay of 90 days per 180 days. The visa holder enters on 1 January 2015 and leaves on 10 January 2015 (10 days), then enters and leaves respectively on 1 March 2015 and 30 March 2015 (30 days) and finally enters and leaves on 1 May 2015 and 9 June 2015 (40 days). What is the situation on specific dates? For how long would the person be allowed to enter again (consecutive stay) to comply with the 90 days / 180-day rule?

On 20.6.2015: The person might enter for a consecutive 20 days maximum (10 days "leftover" from the authorised 90 days (20-29.6), plus additional 10 days since on 30.6.2015 the stay on 1.1.2015 becomes irrelevant on 1.7.2015 the stay on 2.1.2015 becomes irrelevant, etc. (will be outside the 180-day reference period).

The screenshot shows the 'Schengen-calculator' web application. The 'Date of entry/Control' is set to 20/06/15. The 'Calculate' button is highlighted. The 'Enter previous stay(s) in the Schengen area' section contains a table with the following data:

Date of entry	Date of exit	Days of stay
01/01/15	10/01/15	10
01/03/15	30/03/15	30
01/05/15	09/06/15	40

Summary statistics shown:

- Start of 90 days period: 23/03/15
- Start of 180 days period: 23/12/14
- The stay may be authorized for up to 20 day(s)

The interface also includes a 'Reset' button and a 'Passport' button. The browser window title is 'Schengen-calculator - Windows Internet Explorer provided by Home Affairs DO'.

On 7.8.2015: The person can still enter for a consecutive 20 days maximum as explained above, since the 30-day stay starting on 1.3.2015 will only become irrelevant on 28.8.2015 (since its corresponding 180-day reference period starts from 2.3.2015). Therefore, on 26.8.2015 the person should leave the Schengen area as on that day (s)he will reach the 90 days within the 180-day reference period.

