

On 18.10.2013 shall enter into force the modifications to the Schengen Borders Code and Visa Code ^[1], which modify the principles of calculating the period of stay in the Schengen area on the basis of multiple short-term visa.

Starting from 18.10.2013, upon checking of the authorised period of stay, the 180-days period preceding the date of checking shall be counted backward. Different from the previous regulation, the periods shall not be counted starting from the first entry to the state/Schengen area, but the period is movable and it depends on the date of checking the visa. If the person has stayed in the Schengen area during the 180-day backward counting period, then the number of days stayed shall be discounted from the number of days authorised by the visa. The dates of stay shall include only those dates, which will remain in the 180-day backward counting period. Upon counting the duration of stay on the territories of Member States, the stay on the basis of residence permit or long-term visa shall not be taken into account.

Whereas the 180-day period shall no longer depend on the first entry to the state/Schengen area, but the 180-day backward counting period is movable, then the persons travelling on the basis of visa must be careful and must watch that they will not stay on the territories of Member States during the 180-day period longer than the period of stay authorised by the visa.

An explanatory sample about the calculating of the authorised period of stay on the basis of multiple short-term visa starting from 18.10.2013

A person is holding a multiple short-term visa with validity period of 15.11.2012–15.11.2013 (1 year).

The person is authorised to stay 90 days within the period of 180 days.

The holder of visa:

- enters the Schengen area on 20.11.2012 and exits on 08.01.2013 (50 days)
- enters the Schengen area on 01.05.2013 and exits on 01.06.2013 (32 days)
- enters the Schengen area on 18.09.2013 and exits on 19.10.2013 (32 days)

On 19.10.2013 upon exit the person's stay in the Schengen area during the 180-day backward counting period preceding the date of check, i.e. during the period of 23.04.2013–19.10.2013, is being checked. The entry and exit dates are counted into the number of days stayed.

Into the 180-day backward counting period 23.04.2013–19.10.2013 shall be counted the stays during the time periods of 01.05.2013–01.06.2013 (32 days) and 18.09.2013–19.10.2013 (32 days), from the authorised 90 days the person has stayed in the Schengen area 64 days.

The stay during the time period of 20.11.2012–08.01.2013 shall not fall into the 180-day backward counting period and shall not be taken into account.

[1] Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council