

# Community Code on Visas (Visa Code)

2006/0142(COD) - 07/11/2012 - Follow-up document

The Commission presents a report on the functioning of Local Schengen Cooperation (LSC) during the first two years of implementation of Regulation (EC) 810/2009 ('the Visa Code'). It recalls that in its [Communication on the Global Approach to Migration and Mobility](#), it stressed that facilitating mobility is a strategic element of EU external migration policy, applying to a wide range of people, e.g. short-term visitors, tourists, students, researchers, business people and visiting family members.

Mobility and visa policy are closely inter-linked. Around 12 million short-stay visas were issued by Member States issuing 'Schengen visas' in 2011. Visa policy is a crucial element of any forward-looking policy on mobility.

The report primarily addresses the implementation of local Schengen cooperation and sets out recommendations for enhancing and improving this cooperation. Additionally, it contains recommendations focusing on certain regional aspects such as consular coverage, which links in with some of the priorities proposed in the Global Approach Communication.

The EU is often perceived negatively by third countries because of its arcane and untransparent visa issuing procedures. For many people, their first contact with 'Europe' is with a Member State's consulate when applying for a visa. It is therefore very important to apply the Visa Code correctly so that the process improves, offering visa applicants transparent, fair and equal treatment. LSC is the main tool to guarantee consistent implementation of the Visa Code, taking into consideration local circumstances.

**General assessment:** the legal framework for structured LSC, including the Commission's involvement, has not yet delivered its full potential. However, results achieved in a number of key locations have proved LSC's added value in enhancing harmonisation of the way in which the common visa policy is applied. This contributes to the perception applicants and local authorities have of a real policy ensuring equal and fair treatment. Improved Local Schengen Cooperation contributes to strengthening the credibility of the EU common Visa Policy, to making tangible the advantages for third country nationals and in the long run, to reducing pressure for visa facilitation agreements.

The report draws particular attention to the following points:

**Training:** generally, LSC contact points deplore the lack of structured training on the Visa Code in particular and on the common visa policy in general. This should, of course, be addressed in future.

**Assessment of the need to harmonise the lists of supporting documents:** at this initial stage of the implementation of the Visa Code, work on establishing lists of supporting documents is one of the most important tasks of the LSC and it has the most visible impact on visa applicants and local authorities. However, by July 2012 (i.e. more than 2 years after the start of application of the Code), only five Commission Decisions covering seven LSCs have been adopted (Bosnia-Herzegovina, China, Indonesia, Saudi Arabia, Sri Lanka, Turkey, Vietnam, Egypt, United Kingdom, Chile Kazakhstan, Nicaragua and Nigeria) and work has progressed in another 18 LSCs around the world. There are various reasons for the lack of progress: reluctance on the part of Member States at local level, seemingly unaware of the legal obligation to carry out this assessment; lack of awareness by consulates of certain Member States regarding application of a common visa policy; presence of only one or two Member States, obviously rendering harmonisation less relevant; nationals of the host state not subject to the visa requirement, so harmonisation is considered unnecessary.

There is one common denominator for most of the 30 LSCs that have accomplished this task:

in these locations, the EUD has invested considerable resources in coordinating the work in close cooperation with Member States' consulates.

**Recommendations:** to improve LSC further, and to ensure that its core tasks are carried out in all locations to their full potential, the Commission makes the following recommendations, and states that the latter will only be implemented in Delegations maintaining the same or increased staff levels than in previous years.

### **The role of EU Delegations**

- during the period 2010-2012, the core tasks of LSC have been carried out by EU Delegations' (EUD) staff in an increasing number of delegations. LSC will continue with the same workload level of staff in Delegations with focus in priority countries such as ENP countries and the EU's strategic partners. Burden sharing with Member States embassies and consulates in these countries will contribute to a better functioning of LSC;
- an LSC contact point must be designated in priority countries if this has not yet been done. The contact point should play an active role in LSC and take the lead in chairing meetings to ensure the continuity and coherence of cooperation taking into account burden sharing with Member States, e. g. when the EUD does not have sufficient appropriate staff to carry out LSC tasks, should tasks be delegated to a Member State;
- where relevant, coordination with the LSC taking place in locations outside capitals should be improved, possibly by involving a Member States' consulate as local coordinator;
- where relevant, EUD should in cooperation with Member States' consulates assess whether consular coverage in the host state should be enhanced and, if so, explore the most appropriate way of doing so (e.g. by proposing the setting up of common application centres). This will become particularly relevant in view of the progressive roll-out of the Visa Information System (VIS);
- EUD should in cooperation with Member States' diplomatic missions organise information events with the authorities of the host state to present the common visa policy, particularly the regional roll-out of the VIS, so as to prevent or clarify possible misconceptions. EUD should collect information from third country nationals on how the Visa Code is implemented (for example by opening a 'complaint mail box') and report problems or discrepancies in implementation of the Visa Code and the common visa policy, particularly as regards implementation of Visa Facilitation Agreements, with a view to bringing such problems to the attention of the Commission;
- a section of the EUD's website should be dedicated to general information on the common visa policy.

### **The role of Member States' central authorities**

- Member States' consular staff should be made more aware of the legal obligations concerning 'LSC tasks' provided for by the Visa Code and of the fact that the credibility of the EU is at stake, as many third country nationals form their opinion of the EU through visa issuing procedures;
- in locations where there is no EUD, a Member State should volunteer to designate its consulate in the location concerned to act as LSC contact point and report directly to the Commission on LSC issues.

### **The role of Member States' consulates**

- they should constructively and actively participate in LSC and be ready to share its tasks;
- they should systematically share common LSC reports with their central authorities;
- regional training on the Visa Code should be organised for MS consular staff , particularly as regards roll-out of the VIS in the region concerned;

**The Commission in cooperation with EEAS** should strengthen the capacity of EUD and LSC contact points, with particular attention to regions with a heavy workload, to carry out LSC tasks by:

- organising focused training/information sessions both centrally and regionally, on the application of the Visa Code (and Handbooks) and implementation of the VIS;
- enhancing networking among LSC contact points, possibly by organising an annual seminar where general briefs and updates can be given on EU Home Affairs and related policies;
- improving the basic 'information kit' to LSC contact points, including a template for a 'common information sheet' to ensure coherent communication on the common visa policy;
- revising the Handbook for the organisation of visa sections and local Schengen cooperation, Part II, to clarify implementation of the Visa Code as regards LSC tasks.

The core tasks to be carried out under the Visa Code are fairly specific and operational, and it is essential in the short term to accomplish these, particularly as regards harmonising the list of supporting documents. Better cooperation between Member States and the Commission and burden-sharing within LSC will contribute to building trust in the process.