

Community Code on Visas (Visa Code)

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The Commission presents an evaluation of the implementation of regulation (EC) No 810/2009 of the European Parliament and the Council establishing a **Community Code on Visas** (Visa Code).

State of play and objectives of the evaluation: a recent study on the economic impact of short-stay visa facilitation concludes that the number of travellers deterred from coming to the Schengen area by current visa requirements for the six third countries examined represents a significant direct, indirect and induced lost contribution to GDP. A conservative estimate of this annual loss is EUR 4.2 billion, while **a probable estimate is EUR 12.6 billion**. This implies about 80 000 lost jobs from both direct and indirect effects in the Schengen Area under the conservative estimate and about 250 000 under the probable scenario.

The Visa Code has greatly improved Schengen visa procedures since its entry into force three years ago, but the world has not stood still, and objectives and priorities have evolved. In this context, more coherence should also be ensured with trade policies. The latter could for instance be achieved by taking into account trade relations, including trade agreements, when considering negotiating visa facilitation agreements.

This report has been drawn up against this background. It identifies further improvements that can be made to:

- achieve a smarter common visa policy,
- increase the attractiveness of the EU for business, researchers, students and artists and culture professionals,
- respond to current and future challenges.

Need for a review of the existing legal framework: this evaluation has highlighted a number of benefits, but also areas for improvement regarding the **procedures and conditions** for issuing visas. This report has therefore evaluated the extent to which the initial overall goal of facilitating legitimate travel and ensuring equal treatment in similar cases has been achieved, without specifically assessing its effectiveness in terms of contributing to economic growth.

Generally, compared to the situation before its adoption, the Visa Code **clarifies and simplifies the legal framework** for the common visa policy. The Code has to a considerable extent modernised and standardised visa procedures and, if correctly implemented, allows to address certain problems highlighted in the evaluation.

However, the **implementation of the legal provisions has not been optimal**. This can largely be explained by the fact that most elements of flexibility are formulated as options ('may'-clauses) rather than **mandatory rules**.

The legal framework has never really been embraced at local level, and only in a **very few locations has sustainable and continued cooperation** been introduced, whereas in others, certain legal obligations have sometimes simply been ignored.

To work towards a truly common visa policy, the Commission proposes a revision of the Visa Code in order to:

1. **ease the administrative burden** for both applicants and consulates by fully exploiting the benefits of the Visa Information System (VIS) and differentiating the treatment of known/regular travellers and unknown applicants on the basis of clear, objective criteria;
2. **further facilitate legitimate travel by streamlining and fully harmonising procedures** and by rendering certain provisions mandatory where discretion is currently left to consulates: if adopted, these new rules will offer applicants significant procedural facilitations, as follows: first-time applicants should not automatically be eligible for a MEV as their applications need to be thoroughly examined to maintain a high level of security in the Schengen area. But they will benefit from all the general procedural facilitations that the Commission proposes, e.g. abolishing travel medical insurance, shorter deadlines for decision-making and a simplified application form. And they will benefit from 'VIS registered regular traveller' status, with accompanying facilitations, if they apply for a third visa within 12 months of their lawfully used first visa;
3. **revise the existing framework to boost consular cooperation** and ensure easier access to Schengen visa application procedures in as many places as possible;
4. introduce an article in the Visa Code allowing visas to be issued at external borders on a temporary basis under strict conditions;
5. provide certain procedural facilitations to third-country nationals **visiting close relatives** who are Union citizens residing in the territory of the Member State of which they are nationals and to close relatives of Union citizens residing in a third country and wishing to visit together the Member State of which the Union citizen has the nationality;
6. establish that the procedural facilitations referred to above should as a minimum apply to the family members of Union citizens to whom Directive 2004/38/EC applies;
7. propose a legislative initiative to **close the legal gap between the rules on short stays and the rules on admission of third-country nationals** to individual Member States (third-country nationals face problems as authorised stays in the Schengen area are limited to 90 days in any 180-day period. Because of the lack of appropriate authorisation for stays longer than 90 days, they either have to limit their stays or they look to make use of legal instruments that are not designed for 'extending' their authorised stay in the Schengen area in such cases).

Preparatory measures prior to the revision of the Visa Code: pending the adoption of this [proposal](#), the Commission considers it important and necessary to foster harmonisation and implementation of current provisions. The Commission will therefore work with the Member States, in the framework of the Visa Committee and other relevant fora, with a view to ensuring full implementation of the current provisions and by promoting identified best practices.