

Touring visa

2014/0095(COD) - 06/04/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Brice HORTEFEUX (EPP, FR) on the proposal for a regulation of the European Parliament and of the Council establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008.

The committee recommended that the Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Scope: Members propose to **limit the scope of visas to performing artists and elite sports persons** and their support staff who have been able to demonstrate clearly the administrative and logistical obstacles to organising a tour or a competition in several Member States in the Schengen area lasting more than three months. The scope should also include **business related travellers** who encounter similar difficulties to performing artists and elite sports persons during their **working travel**. Family members of those categories could also be granted such visas where appropriate.

Overall, the committee stressed that the touring visa should facilitate **travel by professionals**.

Stringent conditions and procedures for issuing touring visas: the abolition of controls at the internal borders of the Member States makes it difficult to track and trace travellers. Security guarantees should be obtained before a touring visa is issued, in order to limit the risks of fraudulent use, abuse or illegal immigration.

- **Determination of the competent authority:** the Member State which is competent should be that in which the applicant will carry out his professional activity for the longest time. **The country of first entry** should be the competent authority only when the stays in several Member States are of equivalent length or when it is impossible to provide details of the exact period of stay in each Member State.
- **Duration of the touring visa:** the Commission proposes that it should be possible to extend a touring visa for a further year, which would enable the visa holder to stay two consecutive years in the Schengen area. The committee considered that a touring visa should be limited to a maximum duration of **12 months in any period of 15 months**, on condition that the length of stay in each Member State shall not exceed 90 days in any 180-day period.
- **Applications:** applications should be lodged no more than nine months and no less than 40 days before the entry in the Member State concerned in which the applicant intends to stay first. As the examination of applications and consultation of other Member States will be decisive, the period allowed for consideration of applications is extended to 30 days or, in exceptional cases, 40 days.

Consultation with the other Member States concerned: in order to encourage the issuing of touring visas and to enable adjustments to be made, strong cooperation between Member States is proposed. Members suggest that the stage during which the Member States that the applicant wishes to visit consult one another should be prolonged. This consultation stage should be extended to 15 days, to give the authorities of the Member States the necessary time to examine the substantiating documents and, if necessary, to raise objections if there is a risk of irregular immigration or a security risk, in accordance with the rules in force (the Schengen Borders Code).

- **The application procedure:** a more exhaustive list of substantiating documents is proposed. It includes work permits or authorisations issued by one or more of the Member States concerned

when they are required, accident and sickness insurance recognised by the Member States concerned and employment contracts and a certificate of sponsorship issued by the organiser of the arts tour or sports season providing details of the purpose, the activity, the itinerary, the duration of the arts tour or sports season and the job to be done by the applicant. The committee also clarified the terms for refusing or opposing the issuing of a visa.

- **Costs of a visa:** the committee provides for a visa fee of **EUR 100**.

Conditions of entry and immigration issues: in the examination of an application for a touring visa, it shall be ascertained whether the applicant fulfils the entry conditions set out in the Schengen code and particular consideration shall be given to assessing whether the applicant presents a risk of irregular immigration or a risk to the security of the Member States.

The examination of an application for a touring visa shall include, in particular, the assessment of whether applicants have sufficient proof that he or she **will not stay for more than 90 days on the territory of any Member State** and that during the total length of stay the applicant will carry out one of the stated activities. The assessment shall also focus on the documents demonstrating that the applicant has sufficient financial means of subsistence for the whole duration of the intended stay, including their accommodation. There are additional provisions stating that the competent Member State may require the central authorities of other Member States to consult its central authorities during the examination of applications.

Report: 2 years after the date of application of the regulation, the Commission should present to the European Parliament and to the Council an evaluation report assessing the possibility of extending the scope of the touring visa to new categories, such as nationals of third countries listed in Annex II of Council Regulation (EC) No 539/2001.

The annex to the proposal has also been amended in accordance with the amendments made in committee.