

Community code on visas (Visa Code): conditions and procedures for issuing visas

2018/0061(COD) - 14/03/2018 - Legislative proposal

PURPOSE: to reform the EU's common visa policy to adapt the rules to evolving security concerns, challenges linked to migration and new opportunities offered by technological developments.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the **Visa Code**, which entered into force on 5 April 2010, is a core element of the common visa policy: it lays down harmonised procedures and conditions for processing visa applications and issuing visas.

On the basis of an evaluation report on its implementation, the Commission adopted in April 2014 a [proposal to recast the Visa Code](#) with a view to improving travel to the EU through visa facilitation measures (thereby contributing to tourism and trade) and harmonising the implementation of common rules.

However, the divergence between the positions of the European Parliament and the Council as well as the evolution of the migration situation and the increased threat to security observed in recent years have led the Commission to announce the **withdrawal** of its recast proposal.

This proposal takes account of the outcome of the negotiations on the proposal to recast the Visa Code. While preserving security at the external borders and ensuring the smooth functioning of the Schengen area, the proposed amendments aim to **facilitate the movement of *bona fide* travellers and to simplify the legal framework of the visa procedure.**

IMPACT ASSESSMENT: the proposal is based on an impact assessment focusing on the three main issues:

- **insufficient financial resources to support visa processing:** the preferred option is a moderate increase of the common visa fee to EUR 80;
- **repeated visa procedures for regular travellers:** the preferred option is a 'one-size-fits-all' multiple entry visas cascade at EU level and the possibility of adapting the cascade to specific countries;
- **insufficient levels of return of irregular migrants to some countries of origin:** the preferred option is targeted negative incentives. Negative measures in the visa area are likely to be most effective in bringing change in third country governments towards cooperation with Member States on the readmission of irregular migrants, although they might need to be combined.

CONTENT: this proposal amends [Regulation \(EC\) No 810/2009](#) of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code). It lays down the procedures and conditions for issuing visas for intended stays on the territory of Member States not exceeding **90 days in any 180-days period.**

The main elements of the proposal are as follows:

Practical modalities for lodging an application: the proposal extends to **six months** the maximum deadline for lodging an application to allow travellers to plan ahead and avoid peak seasons; due to their specific working conditions, seafarers may lodge their application nine months before the intended trip. Minimum deadline for lodging an application has been set to allow Member States time for proper assessment of applications and organisation of work. The proposal clarifies rules on who may lodge the application on behalf of the applicant and a reference is made to professional, cultural, sports or education association or institution as distinct from commercial intermediaries.

Visa fee: the visa fee is increased from EUR 60 to **EUR 80**. The proposed increase of the fee will allow Member State to maintain adequate levels of consular staff to process visa applications. The visa fee for minors (6-12 years of age) will be increased by EUR 5 to EUR 40.

Decision on the application: the general decision making time should be **maximum 10 days**. This delay may be extended to the maximum period for deciding on applications to 45 days in certain circumstances, when further review of the application is required. In case of visa refusal, procedures should ensure an effective judicial remedy.

Multiple entry visas with longer validity: harmonised rules will apply to multiple entry visas to better prevent 'visa shopping' and to reduce costs and save time for Member States and frequent travellers. Such multiple entry visas will be issued to trusted regular travellers with a positive visa history for a gradually increasing period from **1 up to 5 years**. Travellers' fulfilment of entry conditions will be thoroughly and repeatedly verified.

Short-term visas at external borders: to facilitate short-term tourism, Member States will be allowed to issue **single-entry** visas directly at external land and sea borders under temporary, seasonal schemes subject to strict conditions.

Detailed provisions establish safeguards to minimise the irregular migration and security risks. Such visas will be valid for a stay of a **maximum of 7 days in** the issuing Member State only.

Cooperation on readmission: the general provisions on the limited number of supporting documents, the visa fee, fee waiver for holders of diplomatic passports, 10-day processing time and the issuing of multiple entry visas **will not apply to nationals of third countries not cooperating on readmission** on the basis of objective and relevant criteria. The Commission is regularly to assess third countries' cooperation on readmission, taking account of a number of indicators.

The Commission's proposal for the reform of the Visa Information System legal framework (to be presented in spring 2018) will further enhance the security and efficiency of the visa procedure, in particular by taking account of technological developments.