

Schengen area: digitalisation of the visa procedure

2022/0132A(COD) - 18/10/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 573 votes to 36, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 1683/95, (EC) No 333/2002, (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure.

The aim of the regulation, that is the establishment of the EU Visa Application Platform (EU VAP) and the introduction of a digital visa, build on other initiatives aiming, on the one hand, at streamlining and harmonising the procedures in the context of the common visa policy and, on the other hand, at aligning travel, entry requirements and border checks within the Schengen Area with the new digital era.

The European Parliament's position, adopted at first reading under the ordinary legislative procedure, should amend the proposal as follows:

Common digital platform for all Member States

The EU Visa Application Platform (EU VAP) should be developed to allow visa applicants to **apply for a visa online, regardless of the Member State of destination**. It should automatically determine which Member State is competent to examine an application, in particular in cases where the applicant intends to visit several Member States.

The EU VAP should provide the applicant with:

- **up-to-date and easily accessible information** and the conditions for entry on the territory of the Member States, in formats that take into account visual impairments;
- a **guidance tool** with which the applicant can find all the necessary information regarding visa requirements and procedures, such as, but not limited to whether and what type of visa is required; the amount of the visa fee; the Member State competent for handling the application; which supporting documents are required; whether an appointment is necessary to collect biometric identifiers and whether it is possible to apply online without an appointment;
- documents in a printable format and should include a communication mechanism, such as a **chatbot**, to answer questions of the applicants as well as information on the processing of personal data in the context of the VIS.

To enable applicants to save information relating to their application, the EU VAP should be able to store data temporarily and strictly for as long as this is necessary for the completion of relevant tasks.

Submission of requests

Appearing in person at the consulate or external service provider should, in principle, be mandatory only for first time applicants and applicants who have acquired a new travel document which needs to be verified, and for the collection of biometric identifiers. However, in cases of doubt concerning the travel document, supporting documents, or both, or in individual cases in a particular location where there is a

high incidence of fraudulent documents, Member States should retain the possibility to ask the applicant to appear in person.

Member States should allow the following categories of persons to lodge an application without using the EU VAP: (it) third-country nationals for **humanitarian** reasons; (ii) third-country nationals in justified individual cases or in cases of **force majeure**; (iii) heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose.

Each applicant should submit a completed **application form** using the EU VAP. The online application form, including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made, should be signed electronically by ticking the appropriate box in the application form. When applying for a visa, applicants should provide proof of supporting documents.

Verification of requests

The EU VAP should conduct an **automated admissibility pre-check** to verify whether the information provided by the applicant fulfils the admissibility requirements for the requested visa. It should notify the applicant if any information is missing and provide the applicant with the possibility to correct the application.

The platform should conduct an automated competence pre-check to pre-determine the competent Member State on the basis of the information provided by the applicant. However, the applicant should be able to indicate that the application be processed by another Member State on the basis of the main purpose of stay. The consulate or the central authorities of that other Member State concerned should then verify whether they are competent to examine the application.

Data protection

The architecture of the EU VAP should ensure data protection by design and by default, the respect of the principle of data minimisation and that, when operational, the EU VAP is implemented in a way that respects access rights under the relevant existing national and Union law.

The text clarifies the role and the responsibilities of the different actors involved in the processing of the data collected from applicants and visa holders.

The applicant must be informed by electronic message of any new information concerning the application or visa. The decision taken by the competent Member State indicating whether the visa is issued, refused, confirmed to a new travel document, extended, annulled or revoked, should be made available to the applicant in a secure account service on the EU VAP.

Role of eu-Lisa

eu-LISA should ensure that the EU visa application platform has sufficient capacity and functionality to enable Member States to join it during the transitional period. The development by eu-LISA of the EU visa application platform and its interconnection with national visa information systems, as well as the operation of the platform by eu-LISA, including maintenance, should be financed by the general budget of the Union.