

Basic information	
<p><b>2022/0132A(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Procedure completed
<p>Schengen area: digitalisation of the visa procedure</p> <p>Amending Regulation 1995/1683 <a href="#">1994/0163(CNS)</a>  Amending Regulation 2002/333 <a href="#">2001/0081(CNS)</a>  Amending Regulation 2003/693 <a href="#">2003/0026(CNS)</a>  Amending Regulation 2003/694 <a href="#">2003/0027(CNS)</a>  Amending Regulation 2008/767 <a href="#">2004/0287(COD)</a>  Amending Regulation 2009/810 <a href="#">2006/0142(COD)</a>  Amending Regulation 2017/2226 <a href="#">2016/0106(COD)</a></p> <p><b>Subject</b></p> <p>7.10.04 External borders crossing and controls, visas</p> <p><b>Legislative priorities</b></p> <p><a href="#">Joint Declaration 2022</a>  <a href="#">Joint Declaration 2023-24</a></p>	

Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<a href="#">LIBE</a> Civil Liberties, Justice and Home Affairs	NEMEC Matjaž (S&D)	13/07/2022
		<b>Shadow rapporteur</b> RADEV Emil (EPP) PETERSEN Morten (Renew) MARQUARDT Erik (Greens /EFA) SOFO Vincenzo (ECR) URBÁN CRESPO Miguel (The Left)	
	<b>Committee for opinion</b>	<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<a href="#">BUDG</a> Budgets	Chair on behalf of committee VAN OVERTVELDT Johan (ECR)	13/07/2022
Council of the European Union			
European	<b>Commission DG</b>	<b>Commissioner</b>	

Commission	Migration and Home Affairs	JOHANSSON Ylva
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Key events			
Date	Event	Reference	Summary
27/04/2022	Legislative proposal published	COM(2022)0658 	
02/05/2022	Committee referral announced in Parliament, 1st reading		
31/01/2023	Vote in committee, 1st reading		
31/01/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
07/02/2023	Committee report tabled for plenary, 1st reading	A9-0025/2023	Summary
13/02/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
15/02/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
29/06/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2023)003992 PE750.204	
17/10/2023	Debate in Parliament		
18/10/2023	Decision by Parliament, 1st reading	T9-0370/2023	Summary
18/10/2023	Results of vote in Parliament		
13/11/2023	Act adopted by Council after Parliament's 1st reading		
22/11/2023	Final act signed		
07/12/2023	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0132A(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 1995/1683 <a href="#">1994/0163(CNS)</a> Amending Regulation 2002/333 <a href="#">2001/0081(CNS)</a> Amending Regulation 2003/693 <a href="#">2003/0026(CNS)</a> Amending Regulation 2003/694 <a href="#">2003/0027(CNS)</a> Amending Regulation 2008/767 <a href="#">2004/0287(COD)</a> Amending Regulation 2009/810 <a href="#">2006/0142(COD)</a> Amending Regulation 2017/2226 <a href="#">2016/0106(COD)</a>
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 079-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Specific opinion	<span style="border: 1px solid red; padding: 2px;">BUDG</span>	<a href="#">PE732.719</a>	11/08/2022	
Committee draft report		<a href="#">PE737.330</a>	18/10/2022	
Amendments tabled in committee		<a href="#">PE739.518</a>	24/11/2022	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0025/2023</a>	07/02/2023	<a href="#">Summary</a>
Text agreed during interinstitutional negotiations		<a href="#">PE750.204</a>	21/06/2023	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0370/2023</a>	18/10/2023	<a href="#">Summary</a>
Council of the EU				
Document type		Reference	Date	Summary
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/A/(2023)003992</a>	21/06/2023	
Draft final act		<a href="#">00041/2023/LEX</a>	22/11/2023	
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		<a href="#">COM(2022)0658</a> 	27/04/2022	<a href="#">Summary</a>
Document attached to the procedure		<a href="#">SEC(2022)0202</a>	28/04/2022	
Document attached to the procedure		<a href="#">SWD(2022)0658</a> 	28/04/2022	
Document attached to the procedure		<a href="#">SWD(2022)0659</a> 	28/04/2022	
Commission response to text adopted in plenary		<a href="#">SP(2023)591</a>	17/01/2024	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	<a href="#">N9-0041/2022</a> <a href="#">OJ C 277 19.07.2022, p. 0007</a>	21/06/2022	
EESC	Economic and Social Committee: opinion, report	<a href="#">CES2915/2022</a>	26/10/2022	

## Additional information

Source	Document	Date
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European Commission	<a href="#">EUR-Lex</a>	
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<b>Final act</b>		
<a href="#">Regulation 2023/2667</a> <a href="#">OJ L 000 07.12.2023, p. 0000</a>		<a href="#">Summary</a>

## Schengen area: digitalisation of the visa procedure

2022/0132A(COD) - 07/12/2023 - Final act

**PURPOSE:** to introduce new rules today which will allow people who plan to travel to the Schengen area to apply online for a visa.

**LEGISLATIVE ACT:** Regulation (EU) 2023/2667 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 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure.

**CONTENT:** the main elements of the regulation are as follows:

### ***Creation of an EU platform for visa applications***

A single technical solution, namely 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. In such cases, Member States would only need to check whether the tool determined the correct competent Member State.

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: (i) whether and what type of visa is required; (ii) the amount of the visa fee; (iii) the Member State competent for handling the application; (iv) which supporting documents are required; (v) 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.

The platform will also enable secure electronic communication between the applicant and the relevant consulate or the central authorities of the relevant Member State, if additional documents or an interview with the applicant are required.

### **Submission of requests**

With a few exceptions, applications for Schengen visas will be made through this platform, a single website, which will forward them to the relevant national visa systems. On this platform, visa applicants will be able to introduce all relevant data, upload electronic copies of their travel- and supporting documents, and pay their visa fees. They will also be notified of the decisions concerning their visa. **In-person appearance** at the consulate will in principle only be necessary for first-time applicants, persons whose biometric data are no longer valid and those with a new travel document.

Member States should allow the following categories of persons to lodge an application without using the EU VAP: (i) 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.

### ***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.

When a person intends to visit several Schengen countries, the platform will automatically determine which one of them is responsible for examining the application on the basis of the duration of stay. However, the applicant will also have the possibility to indicate whether the application needs to be processed by a specific member state according to the purpose of travel.

## **Data protection**

The architecture of the EU VAP will 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.

## **Role of eu-LISA**

The European Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) will manage and provide technical solutions for the EU platform for visa applications and process data submitted by visa applicants on behalf of Member States issuing Schengen visas. eu-LISA will ensure that the EU Visa Application Platform has sufficient capacity and functionality to allow Member States to join it during the transitional period.

ENTRY INTO FORCE: 27.12.2023.

The date of application of the new rules will be set once the technical work on the visa application platform and the digital visa has been completed.

# **Schengen area: digitalisation of the visa procedure**

2022/0132A(COD) - 27/04/2022 - Legislative proposal

PURPOSE: to create an EU platform for online visa applications and the introduction of a digital visa.

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: since the entry into force of the Visa Code in 2010 and the start of operations of the Visa Information System (VIS) in 2011, the **environment in which the visa policy operates has changed considerably**. On the one hand migration and security challenges have increased in recent years; on the other significant technological developments provide new opportunities to make the Schengen visa application process smoother for both travellers and consulates.

While visa processing is already partially digitalised, with applications and decisions being recorded in the VIS, **two important steps remain paper-based** : the visa application procedure and the visa sticker. These two steps are a burden for all stakeholders, from the central national public authorities to the consulates and applicants.

The March 2018 Commission communication on visa policy took on board the idea of 'e-visas'. In addition, a project to develop an EU platform prototype was also carried out by the EU Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) in 2020-2021.

When revising the EU Visa Code in 2019, the European Parliament and the Council explicitly stated the aim of developing a common solution to **allow Schengen visa applications to be lodged online** in the future, thereby making full use of the recent legal and technological developments.

The COVID-19 pandemic, which led to the slowing down of Schengen visa operations worldwide, prompted Member States to call upon the Commission to speed up work on digitalisation of visa procedures. The New Pact on Migration and Asylum proposed by the Commission in 2020 set the objective of making the **visa procedure fully digitalised by 2025**, with a digital visa and the ability to submit visa applications online.

The **main problems** identified by Member States' visa application and issuing authorities are:

- the length of the procedures and the accumulated costs for consulates to manage, process and archive (and eventually destroy) paper documents;
- the current procedure is also complex and cumbersome for visa applicants;
- the physical visa sticker is prone to forgery and fraud and can be stolen;
- there is an increased risk of 'visa shopping' by applicants;
- lastly, the global trend towards digitisation, as well as travellers' demands for increasingly fast, modern and simple procedures, could leave the EU lagging behind.

CONTENT: the Commission is proposing the **digitalisation of the Schengen visa process**, replacing the visa sticker, and introducing the possibility to submit visa applications online through the European online visa platform.

Under the proposal, visa applicants would be able to **apply for a visa online**, including paying the visa fee through a single EU platform, regardless of the Schengen country they want to visit. The platform would (i) automatically determine which Schengen country is competent to consider a given application, (ii) provide applicants with up-to-date information on short-stay Schengen visas, as well as all necessary information on requirements and procedures.

However, first-time applicants, repeat applicants every five years, applicants travelling with children and applicants who will be travelling on a different travel document than the one used for previous visa applications, would still need to present themselves to the consulate or visa application centre to provide biometrics and for identification purposes.

The EU visa application platform is expected to become operational on 1 January 2026. There would be a five-year transition period to allow Member States using their own national visa application platforms to phase out their national solutions and join the EU visa application platform.

The EU visa application platform would benefit Member States by decreasing time spent processing visa applications for consulates and filing the paper applications in the archive. The digital visa would improve the internal security of the Schengen area, as the visa sticker could no longer be falsified, and would considerably reduce the administrative burden on Member States' central authorities and consulates, who would no longer have to spend time and money on manufacturing, ordering and securely transporting visa stickers to the consulates.

The proposal would have a positive impact on EU travel and GDP with an additional **GDP of EUR 53.3 billion on the 2025-2029 period**, as it would mark the transition from a largely paper-based application process to a truly digital and largely harmonised process.

Overall, according to the cost benefit analysis carried out in the context of the impact assessment, **Member States would save EUR 553 million** in administrative costs on the 2025-2029 period.

**BUDGETARY IMPLICATIONS:** the cost of establishing the EU visa application platform will range between **EUR 33.8 million and EUR 41.2 million**. Each Member State will need to connect and update their national system(s) so they can use the services from the new centralised EU visa application platform. The Impact Assessment estimates this cost between EUR 270 000 and EUR 330 000 per Member State.

## Schengen area: digitalisation of the visa procedure

2022/0132A(COD) - 07/02/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Matjaž NEMEC (S&D, SL) 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 proposed Regulation is to digitalise the Schengen visa process, replacing the visa sticker, and introducing the possibility to submit visa applications online through the European online visa platform. A common digital platform will significantly contribute to improving the image of the EU and the Member States ensuring a coherent visa policy and will significantly reduce the number of visa procedures resulting from the loss or exchange of a travel document.

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

### ***Quality system***

Member States should ensure that the service offered to the public is of a high standard and follows good administrative practices. They should allocate appropriate numbers of trained staff and sufficient resources to facilitate as much as possible the visa application process. A 'one-stop' principle should be applied to all applicants.

The new system should also enhance the protection of people with disabilities and address the issues relating to digital literacy and internet accessibility, as well as the language accessibility issues of the EU application platform and the procedure.

### ***Flagged IP addresses***

In certain third countries internet network coverage is still extremely limited. Particular attention should be given to circumstances where several applications are launched from the same location and the same IP address. Flagged IP address alone or the potential duplication of IP addresses should not, in itself, automatically lead to the disqualification of the visa application or be a premise for refusing to grant a visa.

### ***Visa fees***

For applications submitted via the EU application platform, the visa fee should be charged in euro and should be half the amount of the original visa fee. The fee should not be refundable except in certain cases.

### ***Issuing of a visa with limited territorial validity***

The report states that a visa with limited territorial validity issued for humanitarian grounds or because of international obligations could also refer to a visa allowing the holder to enter the territory of the Member State issuing the visa for the purpose of making an application for international protection in that Member State.

### ***Refusal of a visa***

For applications submitted via the EU application platform, as soon as the refusal decision is available, the applicant should be notified by electronic means. A decision on refusal and the reasons on which it is based should be made available to the applicant in the secure account.

The refusal decision should be in the **language** of the Member State that has taken the final decision on the application, another official language of the Union, and the official language(s) of the host country or widely spoken unofficial language(s) of the host country.

The period of the appeal should be initiated once the visa applicant receives the notification of the refusal decision via the EU application platform or via receipt of the standard form described in Annex VI.

Lastly, the report proposes to strengthen the responsibility and mandate of eu-LISA and the national authorities at the different stages of data processing.

## 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: (i) 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 LISA, including maintenance, should be financed by the general budget of the Union.