

Mr Tim SPRINGETT, European Community Shipowners' Associations (ECSA)
1625-1635

1. I chair the European Community Shipowners' Associations (ECSA) Social Affairs Committee, which formulates policy on all matters concerning ships' crews. However I am here additionally to represent the views of our social partners, the European Transport Workers' Federation (ETF), which represents European seafarers. Along with the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF), which respectively represent shipowners' and seafarers' interests globally, we have prepared a joint document in response to the Commission's proposal.
2. Approximately 90% of the world's visible trade is transported by merchant ships and handled by ports worldwide. The EU's ports are among the world's busiest, serving as locations for thousands of seafarers joining and leaving their ships and taking the shore leave that is essential to their wellbeing. There is an inextricable relationship between seafarer movement and the facilitation of world trade. With regard to security and irregular migration, the risk profile of seafarers is extremely low.
3. Most seafarers are employed in "tramp" trades, with irregular itineraries and little advance of notice of port calls. This means that seafarer travel often has to be arranged in a short time frame. Hence they require visa applications to be processed within short periods.
4. For many years, third country seafarers have encountered serious practical difficulties in obtaining a visa to enter, re-enter or transit the Schengen area, because of procedural difficulties and differences in interpretation of the rules. The proposal to revise the Visa Code presents an opportunity to recognise the particular nature of employment at sea and the essential contribution of seafarers to our prosperity. In this regard, we welcome the inclusion of a definition of seafarers in article 2(12). This should ensure that no seafarer "falls through the cracks".
6. We welcome the proposal in Article 9 to extend the application period for seafarers to nine months prior to the date on which they will require their visas, along with the acknowledgement of the specific working conditions of seafarers.
7. We welcome the proposed amendment to article 23 that would reduce the processing period for applications from fifteen to ten days after their applications are received. This will benefit seafarers, as they may receive instructions to travel to the Schengen area and join a ship at short notice.
8. The most crucial issue as far as seafarers are concerned is the availability of Multiple-Entry Visas (MEVs) from embassies and consulates in their countries of origin. Single-entry visas make it challenging for seafarers to join and disembark from ships when they are in the Schengen area. Recital 9 acknowledges that MEVs are in the interests of both frequent and regular travellers and Member States' consulates. While under the current rules in the 2009 Visa Code, MEVs shall be issued to seafarers, the Commission's proposal in Article 24 represents a regression in the rights of seafarers and this gives us deep concern.
9. In particular:
 - i) Article 24 (2)(a): would introduce a "cascade" system to determine eligibility for MEVs. A requirement to have obtained and used three visas over a two-year period will be impossible for many seafarers to comply with. A seafarer who is at sea for eight months and then spends four months on voyage leave before his next assignment (which many do) will

have, at best, an opportunity to obtain and use only two visas over a two-year period. We therefore wish to see paragraph 2(a) amended so that the entry criteria to the cascade is changed to **two visas within the preceding two years**.

ii) As proposed under Article 24(2)(c): MEVs **may** be issued to such persons. The specific reference to seafarers no longer appears. No justification has been provided for this regression in seafarers' rights. We wish to see the word "shall" in paragraph 2 (now 2c) re-instated. We also wish the reference to seafarers to be re-instated. Since the specific working conditions of seafarers are acknowledged in the explanatory note to the proposal, it is entirely logical to recognise this in this Article.

10. Mandatory MEVs for seafarers would result in more predictability and reduce the need for seafarers to apply for visas at Schengen borders. Member States issue visas at the border in very limited numbers. The result is that seafarers may be unable join or to disembark from their ships, which is distressing for them as it can delay their arrival or repatriation and prevent them from taking shore leave. It is also disruptive for their employers. Whilst it is of great importance that visas are available to seafarers on arrival at Schengen borders, the establishment of MEVs as the industry norm would reduce the administrative burdens on border control personnel in addition to seafarers and ship operators.
11. We are disappointed that the list of documents required in support of an application is not described in article 14 as exhaustive. Crewing agents assist large number of seafarers with visa applications daily and inconsistencies in the supporting information demanded by Member States' consulates are costly and cause delays. Greater certainty is therefore needed.
12. We are very concerned that seafarers may unwittingly be caught up in the proposal to link the issuance of MEVs to co-operation of the country of the applicant's origin with the EU in respect of re-admission of irregular migrants. The process proposed allows the suspension of visa rights to "all nationals of the third country concerned or to certain categories thereof." In such considerations it will be important to recognise not only the essential nature of their need to travel for the purposes of their employment, but also their very low risk profile. We would like this to be recognised in the text of Article 25a.
13. Finally, we welcome the fact that seafarers will continue to be able to apply for visas at Schengen borders. We note that the Commission proposes (in article 36(2a)) to remove Annex IX of the Code and adopt operational instructions by means of implementing acts in order to update the Annex. We wish to be involved in this process in order to ensure that it reflects the needs of seafarers and the industry.
14. Seafarers' ability to do their jobs and fulfil their essential role in facilitating global seaborne trade should not depend on their nationality and must not be stifled by restrictive conditions that they cannot satisfy.