



**2018/0061(COD)**

26.7.2018

# **DRAFT OPINION**

of the Committee on Transport and Tourism

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)  
(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Rapporteur for opinion: István Ujhelyi

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## SHORT JUSTIFICATION

### 1. Introduction

The Commission proposal for a Regulation amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) seeks to simplify the current procedures for issuing short-stay-visas for the Schengen Agreement area. Many of the results reached in the past discussions in the European Parliament on the Commission's previous Visa package (proposal for recast of Visa Code and proposal for a Touring Visa) are contained in this new proposal.

The proposal shortens and simplifies the procedures for those wanting to come to the EU for short stays, and induce more cost savings and less bureaucracy, whilst striking the right balance between economic and security needs.

Making the access to the Schengen area easier for legitimate travellers will facilitate visiting friends and relatives and doing business. It will boost economic activity and job creation in the tourism sector as well as in related activities such as transport industries. This will help Europe to continue being world's destination number one.

The main achievements of the Visa Code proposal are:

- Reducing the deadline for processing and taking a decision (from 15 to 10 days);
- Making it possible to lodge visa applications in other EU countries consulates if the Member State competent for processing the visa application is neither present nor represented;
- Simplifying application forms and allowing for online applications; Handling the language problem in application process;
- Possibility for Member States to use modern means of communication to interview applicants, rather than requiring them to come to the consulate in person;
- Visas applied for at the external border. In order to promote short-term tourism, a Member State may decide to temporarily allow the lodging of visa applications at a specific land- or sea-border crossing points (maximum 7 days).

Comparing to the proposal we voted in Plenary and even to the original Visa Code there are some outcomes, which are not included into the new Commission proposal. For example, the mandatory issuing of multiple entry visa has been changed to a misinterpreted cascade system. The concept of "touring VISA" and the idea to help the cultural and sport professionals is missing also. All this, does not show a positive approach to the Year of Cultural Heritage. Finally, the mandatory rise of VISA prices is not reasoned and explained.

### 2. The "transport and tourism" dimension of the proposal

*"More flexible visa rules will boost growth and job creation"*

Baring in mind that the primary objective of the Schengen visa system should be to prevent illegal immigration and security threats, making visa application procedure more user friendly is positive for the economy, particularly for the transport and tourism industries.

Based on the figures from the European Commission in its Impact Assessment as well as from various stakeholders, economic impact of making visa rules more flexible will be very significant for the Schengen area (e.g.: study on the economic impact of short stay visa facilitation on the tourism industry and on the overall economies of EU Member States being part of the Schengen Area, EC, DG Enterprise & Industry, August 2013 - Visa facilitation: Stimulating economic growth and development through tourism, World Tourism Organization (UNWTO) January 2013 - Contribution of Cruise Tourism to the Economies of Europe 2017, the Cruise Lines International Association (CLIA) - "WTTC contribution to the Revision of the Visa Code", World Travel and Tourism Council, June 2015).

As stated in the Commission impact assessment, visa-required travellers represent a growing share of all tourist arrivals in the EU and have the strongest growth rates, both in absolute numbers and in terms of expenditure. The number of arrivals of visa-required travellers in accommodations in Schengen countries increased by 175% from 2009 to 2016 (to 37.8 million), while the overall number of arrivals increased by only 38%. Moreover, in absolute numbers, there were approximately 11 million arrivals from China, 6.5 million from Russia, 3.1 million from African countries, and 2.4 million arrivals from Turkey at tourist accommodations in the Schengen area in 2016.

### **3. Your Rapporteur's opinion**

Your Rapporteur supports the aim of simplifying and facilitating visa applications. It will help the visa applicants not to be discouraged by the administrative and economic burdens to enter the Schengen area and will eventually enhance tourism and transport activities in Europe to the benefit of the economy.

We need to develop a stronger mutual understanding between the Schengen area and the third countries: more public awareness, more information campaigns, additional direct flights, etc. I think we may also learn from other visa facilitation systems (USA, Canada and Australia).

Your Rapporteur wishes to introduce some amendments in order to enhance further the user-friendly side of the Commission proposal, around the following main principles:

- Increase the possible period of validity of the multiple entry visa up to 10 years for qualified legitimate travellers in line with other third countries' visa systems.
- Maintain the current Code provision concerning longer validity periods for MEVs instead of the Commission proposed cascade system, which would not serve to increase issuance of MEVs.
- Enable extended stays in the Schengen Area for legitimate travellers while respecting the limits of domestic law.
- Allow applicants to lodge their visa application in another Member State's consulate, when the competent Member State's consulate is at least 500 kilometres away from their residency.
- Apply a percentage of the increased fee for visa applicants to support the joint promotion of the European tourism strategy.
- Incorporate elements agreed in Plenary on the Touring Visa to provide additional safeguards and/or facilitations. This may include, the appointment of the competent

Member State for the issue of the visa where the intended travel involves multiple countries, and the opportunity for certain categories of legitimate travellers to apply nine months before the intended stay.

Concretely, your rapporteur proposes that facilitation procedures should be open to applicants registered in the VIS and who have already obtained and lawfully used two visas within two years prior to their applications, or held a MEV, or a national long stay visa or a residence permit.

## AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

#### Article 1 – paragraph 1 – point 1

Regulation (EC) No 810/2009

Article 1 – paragraph 1

*Text proposed by the Commission*

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period;

*Amendment*

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period *on the territory of any single Member State.*

Or. en

*Justification*

*The proposed approach facilitates visa procedures for tourists. Applying the “90 days within any 180 day period” restriction within a longer period of validity ensures that visa holders prevents consecutive stays in the territory of a single Member State and maintains the integrity of the distinction between short stays under a Schengen visa and longer stays subject to domestic law.*

### Amendment 2

#### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

*Text proposed by the Commission*

(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days; or;

*Amendment*

(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days or ***the Member State where the host organisation or employer is established;***

Or. en

*Justification*

*Where an individual is invited to participate in a project, the competent Member State should be the one where the host organisation or employer is based, as this is the most natural link between the competent Member State and the host organisation or employer inviting the third country national.*

### **Amendment 3**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 7 – point a**

Regulation (EC) No 810/2009

Article 9 – paragraph 1

*Text proposed by the Commission*

1. Applications may be lodged no more than six months, ***and*** for seafarers in the performance of their duties, no more than nine months before the start of the intended visit and, as a rule, no later than 15 calendar days before that start;

*Amendment*

1. Applications may be lodged no more than six months, ***and for professionals in sport or cultural fields, or*** for seafarers in the performance of their duties, no more than nine months before the start of the intended visit and, as a rule, no later than 15 calendar days before that start;

Or. en

*Justification*

*In reviewing the Touring Visa, it was founded and agreed that certain categories of travellers*

would strongly benefit from applying earlier, as it stated in EP report A8-0079. As a result, providing a wider application window to apply for visas will facilitate planning and therefore encourage more sport and cultural arts professionals to visit and offer performances, competitions and other hold events in the Schengen area.

#### **Amendment 4**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 5a (new)**

Regulation (EC) No 810/2009

Article 5 – paragraph 5 (new)

*Text proposed by the Commission*

*Amendment*

**(5a) In Article 5, the following paragraph is added:**

**5. Where the consulate of the competent Member State is located more than 500km from the applicant's place of residency, the applicant may apply for a visa at another Member State's consulate.**

Or. en

*Justification*

*The proposed change addresses the inconvenience faced by some applicants in very large countries, (e.g. China, India and Russia) who would need to travel 1.000 km or more, or required to stay overnight, to lodge an application in the consulate of the competent Member State. This would render an opportunity of lodging a visa application at another Member State's consulate plausible in order to avoid such an inconvenience. This could have a cost-reduction and compensation affect as an important element of any revision of the visa fee.*

#### **Amendment 5**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 12 – point e a (new)**

Regulation (EC) No 810/2009

Article 16 – paragraph 7a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) In Article 16, the following paragraph is inserted:**

**7a. A percentage of the funds raised**

***through the visa fee should be allocated to support the joint tourism promotion strategy;***

Or. en

*Justification*

*There are many existing models in the world where some part of the VISA fee is transferred for joint promotion strategy of the issuing countries and regions. For example, USA use this tool. This proposal will help Europe to continue being the world's number one tourist destination.*

**Amendment 6**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 12 – point d a (new)**

Regulation (EC) No 810/2009

Article 16 – paragraph 4 – point d

*Present text*

(d) representatives of non-profit organisations aged **25** years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.

*Amendment*

***(da) in paragraph 4, point (d) is replaced by the following:***

“(d) representatives of non-profit organisations aged **35** years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations.”

Or. en

*Justification*

*It is proposed to enlarge the age category for mandatory visa fee waivers by Member States, making these available to representatives of non-profit organisations aged 35 years or less participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations. Under the current provision, the age category benefiting from mandatory visa fee waivers by Member States is 25 years or less. The proposed amendment creates more and equal opportunities for young people, including in relation to mobility, education, sports, and cultural exchange.*



## Amendment 7

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 17 – point a – point i

Regulation (EC) No 810/2009

Article 24 – paragraph 1 – subparagraph 2 – first sentence

*Text proposed by the Commission*

*Amendment*

A visa may be issued for one or multiple entries.

A visa may be issued for one or multiple entries. ***The period of validity of the visa shall not exceed 10 years.***

Or. en

#### *Justification*

*Raising the maximum period of validity of visas from five to ten years aligns with existing models around the world, including the USA and Canada. Stays for Schengen visa holders will continue to be limited under the proposed rules to 90 days within 180 days in any single Member State. Extending the maximum from five to ten years eliminates bureaucracy for both Member States and trusted legitimate travellers.*

## Amendment 8

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 17 – point b

Regulation (EC) No 810/2009

Article 24 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) for a validity period of one year, provided that the applicant has obtained and lawfully used ***three*** visas within the previous two years;

(a) for a validity period of one year, provided that the applicant has obtained and lawfully used ***two*** visas within the previous two years;

Or. en

#### *Justification*

*In the current 2010 Visa Code, no cascade approach exists and there is recognition of the specificities of seafarers - through the issuing of mandatory MEVs where they prove the need to travel frequently and prove their integrity and reliability. Under this proposal, such recognition is removed and if seafarers do not meet the requirements under the cascade system, they will only be entitled to MEVs on an optional basis. This puts them in a weaker legal position than under the current 2010 code.*

