



**2014/0094(COD)**

24.6.2015

## **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  
on the Union Code on Visas (Visa Code)  
(COM(2014)0164 – C8-0001/2014 – 2014/0094(COD))

Rapporteur: István Ujhelyi

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## SHORT JUSTIFICATION

### 1. Introduction

The Commission proposal is aimed at shortening and simplifying the current procedures for issuing short-stay-visas for the Schengen area, inducing more cost savings and less bureaucracy, whilst striking the right balance between economic and security needs.

Making access to the Schengen area easier for legitimate travellers will facilitate visiting friends and relatives and doing business. It will also boost economic activity and job creation in tourism and related sectors. This will help Europe continue being world's number one tourist destination.

The main elements of the Visa Code proposal are:

Reducing the deadline for processing a visa application and taking a decision; 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; Facilitations for regular travellers including mandatory issuing of multiple entry visas valid for three years; Simplifying application forms and allowing online applications; Possibility for special schemes granting visas at the border that are valid for up to 15 days; Possibility to facilitate the issuing of visa for visitors attending major events.

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

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

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

Based on the figures from the European Commission and various stakeholders, the 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 2014', The Cruise Lines International Association (CLIA) – 'WTTC contribution to the Revision of the Visa Code', World Travel and Tourism Council, June 2015).

More flexible and accessible visa rules could lead to an increase in trips to the Schengen area of between 30% and 60%, considering only the 6 following countries: China, India, Russia, Saudi Arabia, South Africa and Ukraine.

This could mean as much as €130 billion in total direct spending over five years (in accommodation, food and drink, transport, entertainment, shopping, etc.), and could translate into some 1.3 million jobs in tourism and related sectors.

### 3. Your Rapporteur's opinion

Your Rapporteur supports the aim of simplifying and facilitating visa applications. This 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 third countries: more public awareness, more information campaigns, additional direct flights, etc. We can 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 aspects of the Commission proposal, around the following main principles:

- More flexibility in Member States' competence on visa applications and better consular cooperation;
- Stronger facilitation for applicants registered in the Visa Information Service (VIS);
- Issuing a Multiple Entry Visa (MEV) for a longer period (at least 5 years up to 10 years);
- Facilitating seafarers to apply for a visa at the external border of the Union.

Concretely, your Rapporteur proposes that facilitation procedures should be open to applicants registered in the VIS who have already obtained and lawfully used one visa within the 12 months prior to their application, or held a MEV, a national long stay visa or a residence permit.

Regarding consular co-operation, your Rapporteur considers that applicants should not be forced to undertake a return journey of more than 1 000 km or spend one overnight stay to reach the consulate of the Member State competent for processing the visa application, if there is a better alternative with another Member State consulate.

Your Rapporteur wishes also to improve the accessibility of the Schengen visa Internet website by making it available in more languages.

Finally, your Rapporteur suggests complementing the requirements concerning the supporting documents relating to accommodation submitted by an applicant.

## 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

##### Recital 10

###### *Text proposed by the Commission*

(10) It should be presumed that applicants who are registered in VIS and have obtained and lawfully used *two visas* within the 12 months prior to the application fulfil the entry conditions regarding the risk of irregular immigration and the need to possess sufficient means of subsistence. However, this presumption should be rebuttable where the competent authorities establish that one or more of these conditions are not fulfilled in individual cases.

###### *Amendment*

(10) It should be presumed that applicants who are registered in VIS and have obtained and lawfully used *one visa* within the 12 months prior to the application fulfil the entry conditions regarding the risk of irregular immigration and the need to possess sufficient means of subsistence. However, this presumption should be rebuttable where the competent authorities establish that one or more of these conditions are not fulfilled in individual cases.

Or. en

###### *Justification*

*The proposed criteria are too restrictive for travellers who have already been issued a multiple entry visa, a national visa for long-term stay or a residence permit. Especially for crew members of cruise lines, seasonality and the average length of their contracts make it difficult to obtain two visas in a 12-month period. The lawful use of one visa should be sufficient. It would not increase the security risk, as only applicants with a proven track record of lawful visits would be entitled to a MEV.*

### Amendment 2

#### Proposal for a regulation

##### Article 2 – point 9

*Text proposed by the Commission*

9. 'VIS registered regular traveller' means a visa applicant who is registered in the Visa Information System and *who* has obtained **two visas** within the 12 months prior to the application;

*Amendment*

9. 'VIS registered regular traveller' means a visa applicant who:

**(a)** is registered in the Visa Information System and has obtained **a visa** within the 12 months prior to the application;

**(b)** *has previously obtained a multiple entry visa, a national visa (type 'D') or a national residence permit issued by a Member State which was valid for at least six months provided that the application is lodged no later than 12 months after expiry of that multiple entry visa, national visa or national residence permit; or*

**(c)** *has lawfully travelled to the Schengen area on two occasions within the 12 months prior to the application;*

Or. en

*Justification*

*The proposed criteria are too restrictive for travellers who have already been issued a multiple entry visa, a national visa for long-term stay or a residence permit. Especially for crew members of cruise lines, seasonality and the average length of their contracts make it difficult to obtain two visas in a 12-month period. The lawful use of one visa should be sufficient. It would not increase the security risk, as only applicants with a proven track record of lawful visits would be entitled to a MEV.*

**Amendment 3**

**Proposal for a regulation**

**Article 5 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. If the Member State that is competent in accordance with paragraph 1, point (a) or (b), is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6, the applicant is entitled to lodge the

*Amendment*

2. If the Member State that is competent in accordance with paragraph 1, point (a) or (b), is neither present nor represented in the third country where the applicant lodges the application in accordance with Article 6, **or where its nearest consulate or a**

application:

*Schengen Visa Centre is located more than 500 km from the applicant's place of residence, or if a return journey by public transport from the applicant's place of residence would require an overnight stay*, the applicant is entitled to lodge the application:

Or. en

#### *Justification*

*The proposed change addresses the inconvenience faced by some applicants in very large countries (e.g. China, India, Russia) who would need to travel 1 000 km or more, or spend an overnight stay, to lodge an application in the consulate of the competent Member State. It would be appropriate to extend the possibility of lodging a visa application at another Member State consulate to avoid such an inconvenience.*

#### **Amendment 4**

##### **Proposal for a regulation Article 8 – paragraph 1**

###### *Text proposed by the Commission*

1. Applications may be lodged **six** months before and no later than 15 calendar days before the start of the intended visit.

###### *Amendment*

1. Applications may be lodged **twelve** months before and no later than 15 calendar days before the start of the intended visit.

Or. en

#### *Justification*

*Six months is not sufficient for early bookings. For instance, cruise booking is possible up to 18 months in advance. This amendment would address the uncertainty of potential travellers as to whether they should book a cruise or another holiday package. This would also benefit crew members that already serve onboard before taking service on a cruise ship in Europe, who have difficulties in applying for a visa within the 6-month period proposed by the Commission.*

#### **Amendment 5**

##### **Proposal for a regulation Article 18 – paragraph 2**

*Text proposed by the Commission*

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller who has lawfully used the **two** previously obtained **visas**, it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, a risk to the security of the Member States, and the possession of sufficient means of subsistence.

*Amendment*

2. In the examination of an application for a uniform visa lodged by a VIS registered regular traveller who has lawfully used the previously obtained **visa**, it shall be presumed that the applicant fulfils the entry conditions regarding the risk of irregular immigration, a risk to the security of the Member States, and the possession of sufficient means of subsistence.

Or. en

*Justification*

*The Commission proposal requires applicants to have obtained two visas in the past 12 months in order to become VIS registered regular travellers and benefit from multiple entry visas. This provision should be modified in line with the amendment to the definition of 'VIS registered regular traveller'.*

**Amendment 6**

**Proposal for a regulation**

**Article 21 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

A visa may be issued for one or multiple entries. The period of validity of a multiple entry visa shall not exceed **five** years. The period of validity of a multiple entry visa may extend beyond the period of validity of the passport to which the visa is affixed.

*Amendment*

A visa may be issued for one or multiple entries. The period of validity of a multiple entry visa shall not exceed **ten** years. The period of validity of a multiple entry visa may extend beyond the period of validity of the passport to which the visa is affixed.

Or. en

*Justification*

*There are many examples of multiple entry visas for long periods of up to 10 years. For instance, USA and Canada give this facilitation to Chinese citizens. Providing multiple entry visas of 10 years to legitimate travellers will help Europe to continue being the world's number one tourist destination.*

## Amendment 7

### Proposal for a regulation Article 21 – paragraph 3

*Text proposed by the Commission*

3. VIS registered regular travellers who have lawfully used **the two** previously obtained **visas** shall be issued a multiple entry visa valid for at least **three** years.

*Amendment*

3. VIS registered regular travellers who have lawfully used **their** previously obtained **visa** shall be issued a multiple entry visa valid for at least **five** years.

Or. en

*Justification*

*Increasing the minimum validity of the multiple entry visa would also increase the number of visits of third-country nationals to Europe and boost the economy.*

## Amendment 8

### Proposal for a regulation Article 21 – paragraph 4

*Text proposed by the Commission*

4. Applicants **referred to in paragraph 3** who have lawfully used the multiple entry visa **valid for three years** shall be issued a multiple entry visa valid for five years provided that the application is lodged no later than one year from the expiry date of the multiple entry visa **valid for three years**.

*Amendment*

4. Applicants who have lawfully used the multiple entry visa **referred to in paragraph 3** shall be issued a **new** multiple entry visa valid for **at least** five years provided that the application is lodged no later than one year from the expiry date of the multiple entry visa **referred to in paragraph 3**.

Or. en

*Justification*

*Increasing the minimum validity of a new multiple entry visa would also increase the number of visits of third-country nationals to Europe and boost the economy.*

## Amendment 9

### Proposal for a regulation Article 34 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

**(a) he fulfils the conditions set out in Article 32(1); and**

**deleted**

Or. en

*Justification*

*Given the nature of the work, the length of the contracts and the fact that seafarers are already employed on a ship when arriving to the Schengen area, they should have the flexibility of applying for a visa at the border. It is therefore suggested to delete this provision, so that seafarers can apply at the border provided they are crossing that border in order to embark on, re-embark on or disembark from a ship on which they will work or have worked.*

## **Amendment 10**

### **Proposal for a regulation Article 45 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Commission shall establish a Schengen visa Internet website containing all relevant information relating to the application for a visa.

4. The Commission shall establish a Schengen visa Internet website containing all relevant information relating to the application for a visa. ***That website shall be available in all official Union languages and the main language of the five third countries with the highest number of Schengen visa applications. In addition, that website shall provide the contact details of, and the web link to, the consulates of the Member States responsible for examining a visa application.***

Or. en

*Justification*

*It is important to create a website that operates as a one stop shop for all information on visa application. Given the complexity of the Visa Code, simple information must be provided to visa applicants so that they know when, where and how to make a visa application.*

## Amendment 11

### Proposal for a regulation

#### Annex II – part A – point 3 – point a

*Text proposed by the Commission*

(a) documents relating to accommodation;

*Amendment*

(a) documents relating to accommodation,  
***or evidence of sufficient means to cover accommodation;***

Or. en

#### *Justification*

*The proof of sufficient means to cover the accommodation should be mentioned in this paragraph, also taking into account Article 13(1) point b. In fact, documents relating to accommodation might not be adequate to prove that the traveller will stay in a hotel or other accommodation, as he or she might cancel the booking after confirmation.*