



2014/0094(COD)

15.9.2015

AMENDMENTS

12 - 43

Draft opinion
István Ujhelyi
(PE557.413v01-00)

Proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code)

Proposal for a regulation
(COM(2014)0164 – C8-0001/2014 – 2014/0094(COD))

AM_Com_LegOpinion

Amendment 12
Aldo Patriciello

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) It is necessary to set out rules on the transit through international areas of airports in order to combat irregular immigration. To this end a common list of third countries the nationals of which should be required to hold airport transit visas should be established. Nevertheless, when a Member State experiences a sudden and substantial influx of irregular immigrants, it should be able to introduce temporarily the airport transit visa requirement for nationals of a given third country. The conditions and procedures for doing so should be laid down, in order to ensure that the application of this measure is limited in time and that in accordance with the principle of proportionality, it does not go beyond what is necessary in order to achieve the objective. The scope of the airport transit visa requirement should be limited to responding to the specific situation that prompted the introduction of the measure.

Amendment

(12) It is necessary to set out rules on the transit through international areas of airports in order to combat irregular immigration. To this end a common list of third countries the nationals of which should be required to hold airport transit visas should be established. Nevertheless, when a Member State experiences a sudden and substantial influx of irregular immigrants, it should be able to introduce temporarily the airport transit visa requirement for nationals of a given third country. The conditions and procedures for doing so should be laid down, in order to ensure that the application of this measure is limited in time and that in accordance with the principle of proportionality, it does not go beyond what is necessary in order to achieve the objective. The scope of the airport transit visa requirement should be limited to responding to the specific situation that prompted the introduction of the measure, ***not done by a single Member State but in agreement with the rest of the Union.***

Or. it

Amendment 13
Daniel Dalton

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Applicants should not be required to present travel medical insurance when

Amendment

deleted

lodging an application for a short stay visa because it is a disproportionate burden for visa applicants and there is no evidence that holders of short stay visas present a bigger risk in terms of public medical expenditure in Member States than the visa exempted third country nationals.

Or. en

Amendment 14
Cláudia Monteiro de Aguiar

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) The issuing of visas at the external border should, in principle, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification and publication of the organisational modalities of the scheme. Such schemes should be temporary in nature and the validity of the visa issued should be limited to the territory of the issuing Member State.

Amendment

(30) The issuing of visas at the external border should, in principle, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification, ***online pre-registration of the applicants*** and publication of the organisational modalities of the scheme. Such schemes should be temporary in nature and the validity of the visa issued should be limited to the territory of the issuing Member State.

Or. en

Justification

To avoid queues and delays at the external border, the competent authorities should be notified of upcoming visa applicants through an online pre-registration system which will facilitate the examining and issuing of visas at the external border.

Amendment 15
Daniel Dalton

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The issuing of visas at the external border should, in principle, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification and publication of the organisational modalities of the scheme. Such schemes should be temporary in nature and the validity of the visa issued should be limited to the territory of the issuing Member State.

Amendment

(30) The issuing of visas at the external border should, in principle, remain exceptional. However, to allow Member States to promote short term tourism, they should be authorised to issue visas at the external border based on a temporary scheme and upon notification and publication of the organisational modalities of the scheme. Such schemes should be temporary in nature and the validity of the visa issued should be limited to the territory of the issuing Member State.
Potential abuses and inconsistencies in application of these schemes need to be monitored closely, and if necessary, a review as to the necessity of issuing of external border visas should be undertaken.

Or. en

Amendment 16

Cláudia Monteiro de Aguiar

Proposal for a regulation

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) It is of utmost importance that the European Commission develops a uniform website enabling applicants to lodge their application for a visa on line, with the view to facilitating applicants and attracting more visitors to the Schengen area.

Or. en

Justification

Countries like US, Canada and India have already established an online system for the lodging of visa applications to facilitate applicants and attract more visitors. It is important that the EC starts to work on a uniform EU online website where applicants could lodge their application electronically. This will reduce most of the red tape and burden of the consulates and competent authorities.

Amendment 17

Tomasz Piotr Poręba

Proposal for a regulation

Recital 43

Text proposed by the Commission

Amendment

(43) In order to adapt to changing circumstances the common list of third countries whose nationals are required to be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of the Member States and the list of residence permits entitling their holder to transit through the airports of Member States without being required to hold an airport transit visa, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

deleted

Or. pl

Amendment 18

Inés Ayala Sender

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

9. ‘VIS registered regular traveller’ means

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;

a visa applicant who is registered in the Visa Information System and who has obtained two visas within the **18** months prior to the application;

Or. es

Justification

The period required in order to be deemed a regular visitor is too short. It would not, for example, cover a tourist who visits an EU Member State every year. There is therefore a need for increased flexibility and for the period required in order to be deemed a regular visitor to be extended so that visas can be provided for potential tourist visitors to the EU.

Amendment 19
Daniel Dalton

Proposal for a regulation
Article 5 – paragraph 1 – point b

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) ***may be determined*** in terms of the length of stay, counted in days, ***or alternatively by the main purpose for the applicant's visit, for example a business trip to one Member State***; or

Or. en

Justification

Length of stay does not always determine the main destination of a visit, for example a short conference in one member state could be accompanied by a longer stay in another member state for a holiday, but the conference is the main purpose of the visit.

Amendment 20
Daniel Dalton

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

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, the applicant is entitled to lodge the application:

deleted

a) at the consulate of one of the Member States of destination of the envisaged visit,

b) at the consulate of the Member State of first entry, if point a) is not applicable,

c) in all other cases at the consulate of any of the Member States that are present in the country concerned.

Or. en

Justification

Consular cooperation should be left to member states. These provisions could incentivise member states to save costs and rely on other member states to provide consular services on their behalf.

Amendment 21
Inés Ayala Sender

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the competent consulates referred to in the first subparagraph are more than 500 km from the applicant's place of residence, and the consulate of another Member State is closer, the applicant may lodge the visa application at that consulate.

Or. es

Justification

The aim here is to make applying easier for potential tourists who wish to visit the EU but who live a long way away from the competent consulate.

Amendment 22
Inés Ayala Sender

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Applications may be lodged prior to the period laid down in paragraph 1, up to a maximum of 18 months in advance where applicants can prove they have reserved travel or a tourist package more than 9 months in advance.

Or. es

Amendment 23
Inés Ayala Sender

Proposal for a regulation
Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Without prejudice to Article 12, consulates shall allow travel documents, application forms and other supporting documentation to be sent electronically.

Or. es

Justification

Without prejudice to the obligations laid down in the Code with regard to the need to attend a consulate to provide fingerprints and biometric data, and in order to make it easier to process applications for tourist visas, it is important that application forms, travel documents, photographs and other supporting documentation can be processed electronically. This will also make it easier to file them for use in any future visa applications.

Amendment 24
Inés Ayala Sender

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. **The content of the** electronic version of the application form, **if applicable**, shall be as set out in Annex I.

Amendment

2. **An** electronic version of the application form shall be **available and its content shall be** as set out in Annex I.

Or. es

Justification

It needs to be made clear that the form can be filled in electronically. This will make the applications process easier for applicants and consulates. It will also improve file management and archiving and be beneficial in terms of cutting red tape for tourist visas or people who visit the European Union regularly.

Amendment 25
Daniel Dalton

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. **Points (b), (c) and (d)** of paragraph 1 **do** not apply to applicants who are VIS registered regular travellers and who have lawfully used the two previously obtained visas.

Amendment

2. **Point (b)** of paragraph 1 **does** not apply to applicants who are VIS registered regular travellers and who have lawfully used the two previously obtained visas.

Or. en

Amendment 26
Daniel Dalton

Proposal for a regulation
Article 13 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Close relatives of Union citizens referred to in Article 8(3) shall provide only documentary evidence proving the family relationship with the Union citizen, and that they visit or travel together with the Union citizen. ***deleted***

Or. en

Justification

Relatives of Union citizens should be required to provide more proof of ability to sustain themselves financially.

Amendment 27

Daniel Dalton

Proposal for a regulation

Article 13 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Family members of Union citizens as referred to in Article 3 of Directive 2004/38/EC shall provide only documentary evidence proving that they travel to accompany or join the Union citizen and the family relationship with the Union citizen as referred to in Article 2(2) or the other circumstances referred to in Article 3(2) of that Directive. ***deleted***

Or. en

Justification

Relatives of Union citizens should be required to provide more proof of ability to sustain themselves financially.

Amendment 28

Inés Ayala Sender

Proposal for a regulation
Article 14 – paragraph 3 – point e

Text proposed by the Commission

(e) participants aged **25 years or less** in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;

Amendment

(e) participants aged **30 or under** in seminars, conferences, sports, cultural or educational events organised by non-profit organisations;

Or. es

Justification

The age limit in order to be exempt from visa fees needs to be raised, as many young people of this age are still in education and take part in training activities and seminars. The aim of this amendment is to make the visa process easier for young people wishing to visit the EU and take advantage of what is on offer for tourists here without being put off by the price of the visa.

Amendment 29
Izaskun Bilbao Barandica

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. If the consulate is not competent, it shall, **without delay**, return the application form and any documents submitted by the applicant, reimburse the visa fee, and indicate which consulate is competent.

Amendment

2. If the consulate is not competent, it shall, **within a maximum of eight days**, return the application form and any documents submitted by the applicant, reimburse the visa fee, and indicate which consulate is competent.

Or. es

Amendment 30
Izaskun Bilbao Barandica

Proposal for a regulation
Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, the application shall be inadmissible and the consulate ***without delay*** shall :

Amendment

3. Where the competent consulate finds that the conditions referred to in paragraph 1 have not been fulfilled, the application shall be inadmissible and the consulate shall, ***within a maximum of eight days***:

Or. es

Amendment 31
Izaskun Bilbao Barandica

Proposal for a regulation
Article 17 – paragraph 3 – point b

Text proposed by the Commission

(b) destroy the collected biometric data,

Amendment

(b) destroy the collected biometric data
within the same time frame,

Or. es

Amendment 32
Daniel Dalton

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. Applications shall be decided on within ***10*** calendar days of the date of the lodging of an application which is admissible in accordance with Article 17.

Amendment

1. Applications shall be decided on within ***15*** calendar days of the date of the lodging of an application which is admissible in accordance with Article 17.

Or. en

Justification

10 days is a completely unrealistic timetable for often overburdened Consulates.

Amendment 33
Cláudia Monteiro de Aguiar

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. That period may be extended up to a maximum of 20 calendar days in individual cases, notably when further scrutiny of the application is needed.

Amendment

2. That period may be extended up to a maximum of 20 calendar days in individual cases, notably when further scrutiny of the application is needed ***or due to the workload of the consulate.***

Or. en

Justification

More time should be given to consulates facing workload. Processing time and decision also depend on the season and the geographical location.

Amendment 34
Cláudia Monteiro de Aguiar

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. Applications of close relatives of the Union citizens referred to in Article 8(3) and of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be decided on within 5 calendar days of the date of the lodging of an application. That period may be extended up to a maximum of 10 calendar days in individual cases, notably when further scrutiny of the application is needed.

Amendment

3. Applications of close relatives of the Union citizens referred to in Article 8(3) and of family members of Union citizens as referred to in Article 3(1) of Directive 2004/38/EC shall be decided on within 5 calendar days of the date of the lodging of an application. That period may be extended up to a maximum of 10 calendar days in individual cases, notably when further scrutiny of the application is needed ***or due to the workload of the consulate.***

Or. en

Justification

More time should be given to consulates facing workload. Processing time and decision also

depend on the season and the geographical location.

Amendment 35
Izaskun Bilbao Barandica

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. A decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex V.

Amendment

2. A decision on refusal and the reasons on which it is based, ***as well as avenues of appeal***, shall be notified to the applicant, ***within a maximum of 15 days***, by means of the standard form set out in Annex V.

Or. es

Amendment 36
Cláudia Monteiro de Aguiar

Proposal for a regulation
Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Applicants shall notify the competent authorities of their upcoming application for a visa at the external border by means of an online pre-registration system.

Or. en

Justification

To avoid queues and delays at the external border, the competent authorities should be notified of upcoming visa applicants through an online pre-registration system which will facilitate the examining and issuing of visas at the external border.

Amendment 37
Cláudia Monteiro de Aguiar

Proposal for a regulation
Article 33 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall notify the envisaged schemes to the European Parliament, the Council and the Commission at the latest three months before the start of their implementation. The notification shall define the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme **and** the measures envisaged to ensure the verification of the visa issuing conditions.

Amendment

Member States shall notify the envisaged schemes to the European Parliament, the Council and the Commission at the latest three months before the start of their implementation. The notification shall define the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme, the measures envisaged to ensure the verification of the visa issuing conditions **and the online pre-registration system**.

Or. en

Justification

To avoid queues and delays at the external border, the competent authorities should be notified of upcoming visa applicants through an online pre-registration system which will facilitate the examining and issuing of visas at the external border.

Amendment 38
Inés Ayala Sender

Proposal for a regulation
Article 34 – paragraph 1 – introductory part

Text proposed by the Commission

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States **may** be issued with a visa at the border where:

Amendment

1. A seafarer who is required to be in possession of a visa when crossing the external borders of the Member States **shall** be issued with a visa at the border where:

Or. es

Justification

Experience has shown that there are major divergences between the Member States when it comes to whether seafarers passing through are required to have visas. We need to end these arbitrary arrangements and harmonise the rules in order to provide a higher degree of legal certainty.

Amendment 39
Izaskun Bilbao Barandica

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. es

Amendment 40
Izaskun Bilbao Barandica

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used.

2. The storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used. ***Digital systems shall therefore be developed to ensure transparency in the management of visa stickers.***

Or. es

Amendment 41
Izaskun Bilbao Barandica

Proposal for a regulation
Article 35 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Member States' consulates shall keep archives of applications. Each individual

Member States' consulates shall keep ***digital*** archives of applications. Each

file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

individual file shall contain the application form, copies of relevant supporting documents, a record of checks made and the reference number of the visa issued, in order for staff to be able to reconstruct, if need be, the background for the decision taken on the application.

Or. es

Amendment 42
Izaskun Bilbao Barandica

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. Member States shall deploy appropriate staff in sufficient numbers to carry out the tasks relating to the examining of applications, in such a way as to ensure reasonable and harmonised quality of service to the public.

Amendment

1. Member States shall deploy appropriate staff in sufficient numbers to carry out the tasks relating to the examining of applications, in such a way as to ensure reasonable and harmonised quality of service to the public. ***Staff shall receive training on electronic and digital file management.***

Or. es

Amendment 43
Izaskun Bilbao Barandica

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission

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

Amendment

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 the official languages of the European Union and accessible in all formats necessary to ensure accessibility for people with disabilities.***

