



2014/0095(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 establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008
(COM(2014)0163 – C7-0135/2014 – 2014/0095(COD))

Rapporteur: István Ujhelyi

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SHORT JUSTIFICATION

The Commission proposal introduces a new type of visa ('touring visa') for both visa-exempt and visa-requiring third-country nationals planning to circulate in the territory of two or more Member States for more than 90 days, for a maximum of 1 year (with the possibility of extension up to 2 years), provided that the applicant does not intend to stay for more than 90 days in any 180-day period in the territory of the same Member State.

Live performance artists, in particular, often experience difficulties in organising tours in the Union. Students, researchers, culture professionals, pensioners, business people, service providers as well as tourists may also wish to stay longer than 90 days in any 180-day period in the Schengen area. However, there is no 'Schengen' visa or other authorisation at EU level allowing for a stay of more than three months in the Schengen area for those legitimate travellers. The lack of appropriate authorisation leads to a loss of potential visitors and consequently to an economic loss.

The legislative gap between the Schengen acquis and the EU and national immigration rules means that such travellers should, in principle, leave the Schengen area on the last day of their consecutive 90-day stay and wait for 90 days outside the Member States before they can return for another legal stay. This situation cannot be justified by Member States' security concerns and does not serve their economic, cultural and educational interests.

The impact of introducing an authorisation allowing third-country nationals to stay more than 90 days in any 180-day period in the Schengen area is included in the Impact Assessment (IA) accompanying the proposal amending the Visa Code.

According to the study supporting the IA, the number of potential beneficiaries of the new touring visa would be between 60 000 and 120 000. These travellers are considered to be 'big spenders' and therefore likely to generate considerable revenue and to boost economic activity in the EU, not least because they stay longer in the Schengen area. The economic impact is estimated between EUR 500 million and 1 billion per year.

More statistics and background information are needed to assess the precise economic and financial impacts of the new touring visa. However, a new impact assessment would cause a huge delay to the adoption of the entire visa package. It should be emphasised that the estimated numbers presented by the Commission are in any event significant. Europe should not throw away the possibility of having 120 000 more visitors in the Schengen area, with a possible economic impact of EUR 1 billion.

During the discussions on the Commission proposal, some critical comments have been made concerning in particular: the relatively limited number of people expected to benefit from the touring visa, the limited capacity of Member States to control that the touring visa holders will not stay longer than 90 days in their territory, and possession by the applicants of sufficient means of subsistence.

It should be noted that touring visa applicants would need to go through a much more difficult application. If the visa applicant is not in good faith, he or she would not apply for a touring visa. Travellers would need to present different documents, such as: proof of sickness

insurance; proof that they intend to stay only for the allowed time period; salary slips or bank statements covering a period of 12 months prior to the application.

As regards potential burden for the consulates, it should be noted that the administrative cost of processing this new type of visa would not be significant, given the relatively limited number of applications expected and the fee to be charged.

For the above reasons, your Rapporteur supports the introduction of the touring visa, and draws attention to the following: continuous monitoring and evaluation of its implementation and provision of the proper figures on the number of applicants, enhanced cooperation between the Commission, consulates and stakeholders, possible integration of the touring visa provisions in the Visa Code.

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 5 – paragraph 8

Text proposed by the Commission

8. Consulates may waive the requirement to present one or more supporting documents if the applicants work for or are invited by a reliable company, organisation or institution ***known to the consulate, in particular at managerial level***, or as a researcher, student, artist, culture professional, sportsman or a staff member with specialist knowledge, experience and technical expertise and if adequate proof is submitted to the consulate in this regard. The requirement may also be waived for those applicants' close family members, including the spouse, children under the age of 18 and parents of a child under the age of 18, in case they intend to travel together.

Amendment

8. Consulates may waive the requirement to present one or more supporting documents if the applicants work for or are invited by a reliable company, organisation or institution, or as a researcher, student, artist, culture professional, sportsman or a staff member with specialist knowledge, experience and technical expertise and if adequate proof is submitted to the consulate in this regard, ***such as a valid work contract or a detailed invitation letter***. The requirement may also be waived for those applicants' close family members, including the spouse, children under the age of 18 and parents of a child under the age of 18, in case they intend to travel together.

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Justification

The notion “known to the consulate” is open to misinterpretation, and it may put

organisations of (smaller) Member States at a disadvantage when visas are processed by consular services of another MS that may not have a general awareness of organisations in another country. Similar to other EU acquis (blue card directive / seasonal workers directive), the touring visa could require a valid work contract as an adequate proof that the applicant possesses sufficient means of subsistence.