



Plenary sitting

A8-0079/2016

6.4.2016

*****I**
REPORT

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))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Brice Hortefeux

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0163),
 - having regard to Article 294(2) and Article 77(2)(a), (b) and (c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0135/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 10 September 2014¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Transport and Tourism (A8-0079/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The Treaty on the Functioning of the European Union (TFEU) distinguishes between, on the one hand, the conditions

¹ OJ C 458, 19.12.2014, p. 36.

of entry to the Member States and the development of a common policy on short-stay visas (Article 77(2)), and, on the other hand, the conditions of entry for the purpose of residing legally in a Member State and issuing long-stay visas and residence permits for that purpose (Article 79). However, the TFEU does not define the notion of short stay.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Several sectorial Directives have been adopted regarding the conditions for admission of third-country nationals to the territory of the Member States for a period exceeding three months. Article 21 of the Convention Implementing the Schengen Agreement¹ grants third-country nationals who hold valid residence permits or national long-stay visas issued by one of the Member States the right of free movement within the territory of the other Member States for up to 90 days in any 180-day period.

(2) Article 21 of the Convention Implementing the Schengen Agreement¹ grants third-country nationals who hold valid residence permits or national long-stay visas issued by one of the Member States the right of free movement within the territory of the other Member States for up to 90 days in any 180-day period.

¹Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.9.2000, p. 19.

¹Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.9.2000, p. 19.

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Furthermore, several sectorial Directives have been adopted regarding the conditions for admission of third-country nationals to the territory of the Member States for a period exceeding three months. Accordingly, non-EU nationals covered by those Directives should be excluded from the scope of this Regulation.

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) Visa-requiring and visa-exempt third-country nationals may have a ***legitimate*** interest in travelling within the Schengen area for more than 90 days in a given 180-day period without staying in any single Member State for more than 90 days. Rules should therefore be adopted to allow ***for this possibility***.

(3) Visa-requiring and visa-exempt third-country nationals may have a ***professional*** interest in travelling within the Schengen area for more than 90 days in a given 180-day period without staying in any single Member State for more than 90 days. ***A lack of appropriate authorisation leads to a loss of potential visitors and to economic losses for the Member States and the Union.*** Rules should therefore be adopted to allow ***categories of third-country nationals with interest in so doing to travel within the Schengen area for more than 90 days in a given 180-day period.***

Amendment 5

Proposal for a regulation Recital 4

Text proposed by the Commission

Amendment

(4) 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. The lack of appropriate authorisation leads to a loss of potential visitors and consequently to an economic loss.

(4) Performing artists and their support staff, elite sports persons and their support staff and business related travellers who wish to stay longer than 90 days in any 180-day period in the Schengen area to carry out their activities and who cannot obtain a visa extension under Regulation (EU) xxx/xxxx of the European Parliament and of the Council^{1a}, are required to leave the Schengen area for 90 days in a given 180 day period, in order to re-enter. The Schengen system does not thus fully cater for such situations.

^{1a} Regulation (EU) xxx/xxxx of the European Parliament and of the Council of xxx on the Union Code on Visas (Visa Code) (recast) (OJ L x, xxx, p. x).

Amendment 6

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) The Treaty distinguishes between, on the one hand, the conditions of entry to the Member States and the development of a common policy on short-stay visas, and on the other hand, the conditions of entry for the purpose of residing legally in a Member State and issuing long-stay visas and residence permits for that purpose. However, the Treaty does not define the notion of short stay.

deleted

(Reorganisation. Now Recital 1.)

Amendment 7

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) A new type of visa ('touring visa') should be established 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, provided that they do not intend to stay for more than 90 days in any 180-day period in the territory of the same Member State. At the same time, the 90 days per 180 days rule should be maintained as a general dividing line between short stays and long stays, as it does not pose any problems for the vast majority of travellers.

Amendment

(6) A new type of visa ('touring visa') should **accordingly** be established 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 work purposes**, provided that they do not intend to stay for more than 90 days in any 180-day period in the territory of the same Member State. At the same time, the 90 days per 180 days rule should be maintained as a general dividing line between short stays and long stays, as it does not pose any problems for the vast majority of travellers.

Amendment 8

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) Where relevant, the provisions of Regulation (EU) No xxx/201x of the European Parliament and of the Council⁴ and Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵ should apply to the application for and the issuing of touring visas. ***Given the different needs and conditions of third-country nationals applying for touring visas and due to economic and security considerations, specific rules should nevertheless be introduced, among others, as regards the authorities taking part in the procedures, the application phase, the examination of and decision on applications and the issuing and refusal of touring visas.***

Amendment

(7) Where relevant, the provisions of Regulation (EU) No xxx/201x of the European Parliament and of the Council⁴ and Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵ should apply to the application for and the issuing of touring visas. ***Owing to the special circumstances arising in connection with the activities performed by persons in the categories identified in this Regulation, specific rules should be laid down for touring visas. Those rules should apply to the authorities taking part in the procedures, the application phase, the examination of and decision on applications and the issuing and refusal of touring visas.***

⁴ Regulation (EU) No xxx/201x of the European Parliament and of the Council of xxx establishing a Union Code on Visas (Visa Code) (recast) (OJ L x, xxx, p. x).

⁵ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁴ Regulation (EU) No xxx/201x of the European Parliament and of the Council of xxx establishing a Union Code on Visas (Visa Code) (recast) (OJ L x, xxx, p. x).

⁵ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Nationals of third countries listed in Annex II of Council Regulation (EC) No 539/20016 should benefit from certain facilitations, such as the exemption from the collection of fingerprints.

⁶ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L, 81, 21.3.2001, p. 1).

Justification

Given that touring visa holders will be moving around the EU for periods of more than one month and up to one year (or more if extensions are granted), no distinction should be made between nationals of different countries. Fingerprinting should be compulsory for everyone.

Amendment 10

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The interaction between stays on the basis of short-stay visas, long-stay visas

Amendment

(9) The interaction between stays on the basis of short-stay visas, **national** long-stay

and residence permits and stays on the basis of touring visas should be clarified to ensure legal certainty. It should be possible to combine stays on the basis of touring visas with previous and future visa-free stays, stays on the basis of short-stay visas, *long-stay visas or residence permits*.

visas and residence permits and stays on the basis of touring visas should *indeed* be clarified to ensure legal certainty. It should be possible to combine stays on the basis of touring visas with previous and future visa-free stays *and previous and future stays on the basis of short-stay visas. provided that visa holders do not intend to stay for more than 90 days in any 180-day period in the territory of the same Member State. Stays on the basis of a national long-stay visa or residence permit combined with a touring visa should be subject to the immigration policy of the Member State in question.*

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) It should be possible to extend the authorised stay, taking into consideration specific travel patterns and needs, provided that holders of a touring visa continue to fulfil the entry and visa issuing conditions and can prove that during their prolonged stay, they comply with the requirement of not staying for more than 90 days in any 180-day period in the territory of the same Member State.

Amendment

deleted

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Following the establishment of the touring visa, *Article 20(2) of the Convention implementing the Schengen Agreement should be amended as it is incompatible* with 77(2)(a) and (c) of the Treaty on the Functioning of the European Union *due to the fact that the common*

Amendment

(12) Following the establishment of the touring visa, *and the gradual phase-in of the Entry-Exit System (EES), compatibility of relevant provisions of bilateral visa waiver agreements* with Article 77(2)(a) and (c) of the Treaty on the Functioning of the European Union

policy on visas cannot be based on the existence or non-existence of bilateral visa waiver agreements concluded by Member States. The authorised length of stay of third-country nationals should not depend on the number and content of such bilateral agreements concluded in the past.

should be scrutinised as well as the coexistence of these provisions with the touring visa. Due to the legal uncertainty and to the risk of irregular migration arising from the existence of those agreements but also to the shortcomings at the external borders of the Union and to the increase in the level of risk for the internal security of Member States resulting from terrorist threats, Member States are strongly encouraged to assess the potential impact of the relevant provisions in bilateral agreements on the integrity of the Schengen area and to review them accordingly. Therefore, contracting parties are invited to open negotiations, as soon as possible, in order to amend or repeal the provisions relating to the visa exemption contained in bilateral agreements if they represent an obstacle to the proper functioning of the visa policy.

Amendment 13

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) A five-year transitional period should be provided for phasing out the impact of bilateral visa waiver agreements as far as the overall length of stay of third-country nationals in the Schengen area is concerned.

Amendment

(13) A five-year transitional period should be provided for phasing out the impact of bilateral visa waiver agreements as far as the overall length of stay of third-country nationals in the Schengen area is concerned. *At the expiration of that transitional period, Article 20(2) of the Convention implementing the Schengen Agreement should be amended accordingly.*

Amendment 14

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for private and family life referred to in Article 7, protection of personal data referred to in Article 8 and the rights of the child referred to in Article 24 of the Charter.

Amendment

(15) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for ***protection of personal data referred to in Article 16 TFEU, the right to private and family life referred to in Article 7 of the Charter***, protection of personal data referred to in Article 8 ***of the Charter*** and the rights of the child referred to in Article 24 of the Charter. ***Member States shall also respect the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data in gathering and processing data.***

Amendment 15

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Two years after the date of application of this Regulation, the Commission should present to the European Parliament and to the Council an evaluation report on the implementation of this Regulation. The Commission should assess, inter alia, the possibility of extending the scope of the touring visa to new categories, such as nationals of third countries listed in Annex II of Council Regulation (EC) No 539/2001.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

2. It shall apply to third-country nationals who are not citizens of the Union within the meaning of Article 20(1) of the Treaty, ***without prejudice to:***

(a) the right of free movement enjoyed by third-country nationals who are family members of citizens of the Union;

(b) the equivalent rights enjoyed by third-country nationals and their family members, who, under agreements between the Union and its Member States and these third countries, enjoy rights of free movement equivalent to those of Union citizens and members of their families.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2. It shall apply to third-country nationals who are not citizens of the Union within the meaning of Article 20(1) of the Treaty, ***and belong to the following categories: performing artists and their support staff, elite sports persons and their support staff, business related travellers and, where applicable, family members of those categories.***

2a. This Regulation is without prejudice to:

(a) the right of free movement enjoyed by third-country nationals who are family members of citizens of the Union;

(b) the equivalent rights enjoyed by third-country nationals and their family members who, under agreements between the Union and its Member States and these third countries, enjoy rights of free movement equivalent to those of Union citizens and members of their families.

Amendment 18

Proposal for a regulation

Article 1 – paragraph 3– point b

Text proposed by the Commission

(b) access to the labour market and the exercise of an economic activity.

Amendment

(b) access to the labour market and the exercise of an economic activity ***and the enjoyment of the rights deriving from these;***

Amendment 19

Proposal for a regulation

Article 1 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) social policy;

Amendment 20

Proposal for a regulation

Article 1 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) tax policy.

Amendment 21

Proposal for a regulation

Article 3 — point 2

Text proposed by the Commission

Amendment

(2). ‘touring visa’ means an authorisation issued by a Member State with a view to an intended stay in the territory of two or more Member States for a duration ***of more than 90 days in any 180-day period,*** 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.

(2) ‘touring visa’ means an authorisation issued by a Member State with a view to an intended stay in the territory of two or more Member States for a duration ***of 12 months in any 15-month period,*** provided that the applicant does not stay for more than 90 days in any 180-day period in the territory of the same Member State;

Amendment 22

Proposal for a regulation Article 3 — point 2 a (new)

Text proposed by the Commission

Amendment

(2a) ‘Member States concerned’ means the Member States in which the touring visa applicant intends to stay in order to carry out one of the activities referred to in Article 1(2) of this Regulation;

Amendment 23

Proposal for a regulation Article 3 — point 2 b (new)

Text proposed by the Commission

Amendment

(2b) ‘Competent consulate’ means the consulate of the Member State concerned which, under the terms of this Regulation, has responsibility for assessing and taking a decision on the touring visa application;

Amendment 24

Proposal for a regulation Article 3 — point 2 c (new)

Text proposed by the Commission

Amendment

(2c) ‘Organiser’ means a legal entity registered in one or more Member States or a legal entity registered in a non-EU country that is known to one or more Member States for its reliability and integrity and is authorised to organise an arts tour or a sports competition.

Amendment 25

Proposal for a regulation

Article 4

Text proposed by the Commission

1. Article 4(1), (3), (4) and (5), Article 6(1) and Article 7(2) and (3) of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

2. Applications shall not be examined and decided on at the external borders of the Member States.

3. The Member State competent for examining and deciding on an application for a touring visa shall be the Member State ***whose external border the applicant intends to cross in order to enter the territory of the Member States.***

4. Applications by nationals of third countries listed in Annex II to Regulation (EC) No 539/2001 legally present in the territory of a Member State may be lodged within the territory of that Member State ***provided that the consulate of the competent Member State has at least 20 calendar days to decide on the application.***

Amendment

1. Article 4(1), (3), (4) and (5), Article 6(1) and Article 7(2) and (3) of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

3. The Member State competent for examining and deciding on an application for a touring visa shall be the Member State ***concerned in which the applicant intends to stay for the longest period for the purpose of carrying out one of the activities referred to in Article 1(2). Where the stays in the Member States concerned are of an equivalent length or where it is impossible for the applicant to provide details of the exact period of stay in each Member State concerned, the Member State competent for examining and deciding on the application for a touring visa shall be the Member State concerned in which the applicant intends to stay first.***

3a. Applications shall be submitted to the competent consulate or the authority duly designated and may not be examined and decided on at the external borders of the Member States.

4. Applications by nationals of third countries listed in Annex II to Regulation (EC) No 539/2001 legally present in the territory of a Member State may be lodged within the territory of that Member State:

a) with the authority duly designated for

5. Applications by third-country nationals, ***irrespective of their nationality***, who hold a valid residence permit or valid long-stay visa issued by a Member State may be lodged within the territory of that Member State at least 20 calendar days before the expiry of the residence permit or long-stay visa.

6. In cases referred to in paragraphs 4 and 5 the competent Member State for examining and deciding on an application for a touring visa shall be the Member State the applicant intends to enter first making use of the touring visa.

Amendment 26

Proposal for a regulation Chapter II a (new)

Text proposed by the Commission

that purpose, if that State is the competent Member State;

(b) with the competent consulate, if another State is the competent Member State.

5. Applications by third-country nationals who ***already*** hold a valid residence permit or valid ***national*** long-stay visa issued by ***the*** Member State ***of residence*** may be lodged within the territory of that Member State:

(a) with the authority duly designated for that purpose, if that State is the competent Member State;

(b) with the competent consulate, if another State is the competent Member State.

Amendment

***Chapter IIa
Application***

Amendment 27

Proposal for a regulation Article 5

Text proposed by the Commission

1. Article 8(1), (2), (5), (6) and (7), Article 9, Article 10(1), and (3) to (7), Article 11, points (b) and (c), Article 12, Article 13(1), points (a) to (d), Article 13(5), (6) and (7), Articles 14 and 15 of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

2. The application form for the touring visa shall be as set out in Annex I.

3. In addition to the criteria set out in Article 11, points (b) and (c), of Regulation (EU) No xxx/201x [Visa Code (recast)], applicants shall present a travel document that is recognised by the Member State ***competent for examining and deciding on an application and at least one other Member State to be visited.***

4. ***In addition to the categories of persons listed in Article 12(7) of Regulation (EU) No xxx/201x [Visa Code (recast)], nationals of third countries listed in Annex II of Council Regulation (EC) No 539/2001 shall be exempt from the requirement to give fingerprints. In those cases, the entry 'not applicable' shall be introduced in the VIS in accordance with Article 8(5) of Regulation (EC) No 767/2008.***

5. In addition to the supporting documents listed in Article 13(1) of Regulation (EU) No xxx/201x [Visa Code (recast)], applicants shall present:

a) appropriate proof that they intend to stay in the territory of two or more Member

Amendment

1. Article 8(2), (5), (6) and (7), Article 9, Article 10(1), and (3) to (7), Article 11, points (b) and (c), Article 12, Article 13(1), points (a) to (d), Article 13(5), (6) and (7), Article 14 **(2) to (6)** and Article 15 of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

1a. Applications shall be lodged no more than nine months and no less than 40 days before the entry in the Member State concerned in which the applicant intends to stay first.

2. The application form for the touring visa shall be as set out in Annex I

3. In addition to the criteria set out in Article 11, points (b) and (c), of Regulation (EU) No xxx/201x [Visa Code (recast)], applicants shall present a travel document that is recognised by ***all*** the Member States ***concerned.***

5. In addition to the supporting documents listed in Article 13(1) of Regulation (EU) No xxx/201x [Visa Code (recast)], applicants shall present:

(a) appropriate proof that they intend to stay in the territory of two or more

States for longer than 90 days in any 180-day period without staying for more than 90 days in any 180-day period in the territory of any of these Member States;

b) proof that they have sickness insurance for all risks normally covered for nationals of the Member States to be visited.

6. The possession of sufficient means of subsistence and a stable economic situation shall be demonstrated by means of salary slips or bank statements covering a period of 12 months prior to the date of the application, **and**/or supporting documents that demonstrate that applicants will benefit from or will acquire sufficient financial means lawfully during their stay.

7. If the purpose of the visit requires a work permit in one or more Member States, when applying for a touring visa, it shall be sufficient to prove the possession

Member States for longer than 90 days in any 180-day period without staying for more than 90 days in any 180-day period in the territory of any of these Member States;

(b) proof that they have **accident and** sickness insurance for all risks normally covered for nationals of the Member States to be visited, **including repatriation costs, and valid for the duration of the total stay;**

(c) appropriate proof that during their stay they will carry out one of the activities referred to in Article 1(2) by means of an employment contract or any other contract concluded with the organiser or organisers of the tour or event(s) and, where applicable, a certificate of sponsorship produced by the latter;

(d) any work permits or authorisations required by the Member State or States concerned for the purpose of carrying out activities referred to in Article 1(2) of this Regulation, covering the duration of the work to be performed in each of the Member States concerned, where such work permits or authorisations have been issued at the moment of the lodging of the application.

6. The possession of sufficient means of subsistence and a stable economic situation shall be demonstrated by means of salary slips or bank statements covering a period of 12 months prior to the date of the application or supporting documents that demonstrate that applicants will benefit from or will acquire sufficient financial means lawfully during their stay. **Consulates may however consider an undertaking from the organiser or the employer to be sufficient to demonstrate compliance with this condition.**

7. Holders of a touring visa shall be allowed to apply in the Member State where they are legally present for the work permit required in the Member State to be

of a work permit in the Member State competent to examine and decide on an application for a touring visa. Holders of a touring visa shall be allowed to apply in the Member State where they are legally present for the work permit required in the Member State to be visited next.

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.*

visited next.

8. Consulates may waive the requirement to present one or more supporting documents if:

(a) the applicants work for or are invited by an organiser or employer known to the competent consulate and if adequate proof is submitted to the competent consulate in this regard; and

(b) the applicant is known to the competent consulate for his integrity and reliability and if adequate proof is submitted to the competent consulate in this regard.

9. Each applicant shall pay a visa fee of EUR 100.

Amendment 28

Proposal for a regulation Chapter II b (new)

Chapter IIb

Examination of and decision on an application

Amendment 29

**Proposal for a regulation
Article 6**

Text proposed by the Commission

Amendment

Examination of and decision on an application

Verification of consular competence and admissibility

1. Articles 16 and 17, ***Article 18(1), (4), (5), (9), (10) and (11), Article 19 and Article 20(4), last sentence***, of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.
2. In addition to the verifications provided in Article 17(1) of Regulation (EU) No xxx/201x [Visa Code (recast)] to assess the admissibility of the application, the competent consulate shall verify whether the travel document satisfies the requirement set out in ***Article 5(3)***.
3. ***The examination of an application for a touring visa shall include, in particular, the assessment of whether applicants have sufficient financial means of subsistence for the whole duration of the intended stay, including their accommodation, unless it is provided by the inviting or hosting company, organisation or institution.***
4. ***The examination of an application for a touring visa and decision on that application shall be conducted irrespective of stays authorised under previously issued short-stay visas or a short-stay visa waiver, long-stay visas or residence permits.***
5. ***Applications shall be decided on within***

1. Articles 16 and 17***(1), (2) and (3)***of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.
2. In addition to the verifications provided in Article 17(1) of Regulation (EU) No xxx/201x [Visa Code (recast)] to assess the admissibility of the application, the competent consulate shall verify whether the travel document satisfies the requirement set out in ***this Regulation***.

20 calendar days of the date of the lodging of an admissible application. Exceptionally, this period may be extended for up to a maximum of 40 calendar days.

Amendment 30

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Verification of entry conditions and risk assessment

1. Article 18(4), (5), (9), (10) and (11) of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

2. In the examination of an application for a touring visa, it shall be ascertained whether the applicant fulfils the entry conditions set out in Article 5(1)(a), (c), (d) and (e) of Regulation (EC) No 562/2006 and particular consideration shall be given to assessing whether the applicant presents a risk of irregular immigration or a risk to the security of the Member States and whether the applicant intends to leave the territory of the Member States before the expiry of the visa applied for.

3. In addition to the verifications provided for in Article 18(5) of Regulation (EU) No xxx/201x [Visa Code (recast)], the consulate shall verify that the applicant has accident and sickness insurance meeting the requirements set out in Article 5 (5)(b) of this Regulation.

4. The examination of an application for a touring visa shall include, in particular, the assessment of whether applicants have sufficient proof that he or she will not stay for more than 90 days on the territory of any Member State and sufficient proof that during the total length of stay the applicant will carry out one of the

activities referred to in Article 1(2). That assessment shall also focus on the documents demonstrating that the applicant has sufficient financial means of subsistence for the whole duration of the intended stay, including their accommodation, unless it is provided by the inviting or hosting company, organisation or institution.

5. The examination of an application for a touring visa and decision on that application shall be conducted irrespective of stays authorised under previously issued short-stay visas or a short-stay visa waiver, national long-stay visas or residence permits.

Amendment 31

Proposal for a regulation Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6b

Consultation of central authorities of other Member States

1. Article 19(2) and (4) of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

2. The competent Member State may require the central authorities of other Member States to consult its central authorities during the examination of applications lodged by nationals of specific third countries or specific categories of such nationals.

3. The competent Member State shall also inform the central authorities of the Member States on the territory of which the applicant intends to stay in order to carry out one of the activities referred to in Article 1(2) of this Regulation.

4. In addition, if the applicant is the holder of a valid short-stay visa, national long-stay visa or residence permit issued in a Member State other than the

competent Member State, the competent Member State shall inform the central authority of the Member State which issued the short-stay visa, the national long-stay visa or the residence permit that the application is under examination.

5. The competent Member State shall notify the Commission of the launch of consultations with the Member States concerned in connection with the examination of the application. Such notifications shall also be provided within local Schengen cooperation in the jurisdiction concerned.

6. The competent Member State shall, where the latter so request, forward to the central authorities of the Member States concerned copies of the valid travel document, proof of accident and sickness insurance and proof that the applicant will carry out activities referred to in Article 1(2) on the territory of the Member State concerned by means of the procedure referred to in Article 16(3) of Regulation (EC) No 767/2008.

7. The central authorities of the Member States consulted shall reply definitely within a period of 15 calendar days after being consulted. The absence of reply within this deadline shall mean that they have no ground for objecting to the issuing of the visa.

8. If the central authority of one of the Member States on the territory of which the applicant intends to stay objects to a touring visa being issued, it shall inform the competent Member State of its position within 15 calendar days of the date of consultation by means of the procedure referred to in Article 16(3) of Regulation (EC) No 767/2008. Any such objections shall be duly substantiated in accordance with Article 6a(2).

Amendment 32

Proposal for a regulation Article 6 c (new)

Text proposed by the Commission

Amendment

Article 6c

Decision on the application

- 1. Applications shall be decided on within 30 calendar days of the date of the lodging of an admissible application. Applications lodged by an applicant whose data is recorded in the VIS shall be decided on within 20 calendar days of the date of lodging of an admissible application. Exceptionally, these periods may be extended up to a maximum of 40 calendar days.**
- 2. Unless the application is withdrawn, a decision shall be taken to:**
 - (a) issue a touring visa valid on the territory of the Member States which did not object in accordance with Article 7;**
 - (b) refuse a touring visa in accordance with Article 7a.**

Amendment 33

Proposal for a regulation Chapter II c (new)

Text proposed by the Commission

Amendment

Chapter II c

Issuing and refusal of a visa

Amendment 34

Proposal for a regulation Article 7

1. Article 21(6), Article 24(1), (3) and (4), Article 25, Article 26(1) and (5), Articles 27 **and 28, Article 29(1), point (a)(i) to (iii), (v) and (vi) and point (b), and Article 29(3) and (4)** of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

2. The touring visa shall allow for multiple entries to the territory of all Member States, without prejudice to paragraph 5.

3. The length of authorised stay shall **be decided on the basis of a thorough examination of the application. The length of authorised stay shall not exceed one year, but it can be extended for up to a further year in accordance with Article 8.**

4. The period of validity of the touring visa shall correspond to the length of authorised stay.

5. If applicants hold a travel document that is recognised by one or more, but not all, Member States the touring visa shall be valid for the territory of the Member States which recognise the travel document, provided that the intended stay is longer than 90 days in any 180-day period in the territory of the Member States concerned.

6. The touring visa shall be issued in the uniform format for visas as set out in Council Regulation (EC) No 1683/95¹ with the heading specifying the type of visa with the letter "T".

7. In addition to the reasons of refusal listed in Article 29(1) of Regulation (EU) No xxx/201x [Visa Code (recast)], a visa

1. Article 21(6), Article 24(1), (3) and (4), Article 25, Article 26(1) and (5), Articles 27 of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

3. The **total** length of authorised stay **on the territory of two or more Member States concerned shall be equivalent to the period of validity marked on the touring visa sticker and shall not exceed 12 months in any period of 15 months. The length of stay in each Member State shall not exceed 90 days in any 180-day period.**
3a. In accordance with Article 6c(2)(a), the touring visa shall only be valid for the territory of the Member States concerned.
3b. The touring visa shall allow for multiple entries to the territory of all Member States concerned.

6. The touring visa shall be issued in the uniform format for visas as set out in Council Regulation (EC) No 1683/95¹ with the heading specifying the type of visa with the letter "T".

shall be refused if applicants do not provide:

(a) appropriate proof that they intend to stay in the territory of two or more Member States for longer than 90 days in any 180-day period without staying for more than 90 days in any 180-day period in the territory of any of these Member States;

(b) proof that they have sickness insurance for all risks normally covered for nationals of the Member States to be visited.

8. 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 II.

1 Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

1 Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

Amendment 35

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Refusal of a visa

1. Article 29(1)(a)(i), (ii), (iii), (v) and (vi) and (b), Article 29(3) to (4) of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

2. In addition to the reasons for refusal listed in Article 29(1) of Regulation (EU) No xxx/201x [Visa Code (recast)], a visa shall be refused if applicants do not provide:

a) appropriate proof that they intend to stay in the territory of two or more Member States for longer than 90 days in any 180-day period without staying for more than 90 days in any 180-day period in the territory of any of these Member

States;
(b) appropriate proof that during their stay they will carry out one of the activities referred to in Article 1(2) by means of an employment contract or any other contract concluded with the organiser or organisers of the tour or event(s) and, where applicable, a certificate of sponsorship produced by the latter;
(c) proof that the applicant has accident and sickness insurance recognised by the Member States concerned that covers all risks normally covered for nationals of the Member States to be visited, including repatriation costs, valid for the duration of the total stay.
3. If the central authorities of the majority of the Member States consulted object, providing reasons for doing so, to the issuing of a touring visa, in accordance with Article 6b(8), the visa shall be refused.
4. 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 II.

Amendment 36

Proposal for a regulation Article 8

Text proposed by the Commission

Amendment

Article 8

Modification of an issued visa

1. Article 30(1), (3), (6) and (7) and Article 31(1) to (5), (7) and (8) of Regulation (EU) No xxx/201x [Visa Code (recast)] shall apply.

deleted

2. In addition to the possibility of extension for specific reasons provided in Article 30(1) of Regulation (EU) No xxx/201x [Visa Code (recast)], holders of a touring visa may apply for an extension in the territory of the Member States not

earlier than 90 days and not later than 15 days before the expiry of their touring visa.

3. The consulate of the Member State to be visited next shall be competent to examine and decide on an application for extension.

4. Applicants shall request the extension by submitting a completed application form as set out in Annex I.

5. A fee of EUR 30 shall be charged for each application for an extension.

6. As regards a work permit, Article 5(7) shall apply for extensions, where applicable.

7. Decisions shall be taken within 15 calendar days of the date of the lodging of an application for an extension.

8. When applying for an extension, applicants shall prove that they continue to fulfil the entry and visa issuing conditions and to comply with the requirement not to stay for more than 90 days in any 180-day period in the territory of a single Member State.

9. During the examination of an application for an extension, the competent authority may in justified cases call applicants for an interview and request additional documents.

10. An extension shall not exceed one year, and the overall length of an authorised stay, that is, the length of the initially authorised stay and its extension, shall not exceed two years.

11. A decision to refuse an extension and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex II.

12. Applicants whose application for an extension has been refused shall have the right to appeal. Appeals shall be introduced against the Member State that has taken the final decision on the application for an extension and in accordance with the national law of that Member State. Member States shall provide applicants with detailed information regarding the procedure to be

followed in the event of an appeal, as specified in Annex II.

13. A decision on annulment or revocation of a touring visa and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex II.

Amendment 37

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall inform the Commission of the documents which a holder of a touring visa must be in possession of in order to be able to perform each of the activities referred to in Article 1. The Commission shall draw up and update a table of those documents, which it shall make available to Member States.

Amendment 38

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

By [***three*** years after the date of application of this Regulation] the Commission shall ***evaluate the application*** of this Regulation.

By [***two*** years after the date of application of this Regulation] the Commission shall ***present to the European Parliament and to the Council an evaluation report on the implementation*** of this Regulation. ***This evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of this Regulation.*** ***The Commission shall assess the scope of the Regulation and the possibilities to expand to new categories, such as nationals of third countries listed in Annex II of Council Regulation (EC) No 539/2001¹, and also assess the financial***

impact of the introduction of the touring visa on Member States, the exhaustiveness of the supporting documents, and the functioning of the consultation process between Member States.

On the basis of that evaluation, the Commission may propose the necessary amendments to review the list of categories benefiting from this regulation.

1 Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. (OJ L 081, 21.3.2001, p.1)

Amendment 39

Proposal for a regulation

Annex I – Section for official use only

Text proposed by the Commission

Application lodged at:

- Consulate
- External service provider***
- Commercial intermediary***
- Competent authority ***for extension***
- Other

File handled by:

Documents submitted:

- Travel document

- Means of subsistence
- Invitation***

- Means of transport
- Work/employment contract
- Means of subsistence

- Other:
- Decision:
- Visa refused

Amendment

Application lodged at:

- Consulate

- Competent authority
- Other

File handled by:

Documents submitted:

- Travel document
- Organiser's certificate***
- Means of subsistence

- Accident and sickness insurance***
- Means of transport
- Work/employment contract
- Means of subsistence
- Work permit or authorisation issued by one or more Member State(s)***

- Other:
- Decision:
- Visa refused

Visa issued

Extension refused

Extension granted

Valid:

From:

Until:

Number of days:

Visa issued

Visa issued with the exception of Member State(s) : (list)

Valid:

From:

Until:

Number of days:

Amendment **40**

Proposal for a regulation
Annex I – part 21

Text proposed by the Commission

21. Purpose(s) of the journey:

Tourism

Business

Work

Research

Study

Other (please specify)

Amendment

21. Purpose(s) of the journey:

Business

Work

Other (please specify):

EXPLANATORY STATEMENT

According to the Commission's definition, the touring visa is a visa which will permit the holder to travel within the Schengen Area for a total of more than 90 days, provided that he does not stay in the same Member State for more than 90 days within any 180-day period. It is valid for one year and may be renewed for a further year.

The touring visa is a completely new invention, with no known equivalent. No type of visa exists which is issued for a period exceeding three months and permits the holder to move freely in more than one State – indeed, in this case, in 26 Member States – without any precise reason.

This Commission initiative is a response to a concern raised by certain professional circles which, in the course of their activities, encounter administrative and logistical obstacles to the organisation of their travel within the Schengen area.

In the course of the various discussions, the Commission has stated that creating the touring visa would be a formidable force for growth, generating between EUR 500 million and 1 billion per annum.

Despite repeated requests from your rapporteur, the Commission has not been able either to provide details of this estimate or to prove that it is accurate.

Moreover, while your rapporteur acknowledges that it is desirable to resolve the difficulties encountered by members of certain professions, he is also convinced that, as the touring visa is unprecedented, its creation should be based on a prudent and gradual approach.

The lack of reliable reference data and of any precedent confirms your rapporteur's conviction that this new type of visa can be a success only on condition that it is subject to strict conditions during the first years in which it is issued and that it is assessed at the end of that period.

Your rapporteur's aim is therefore to make it possible to create a visa which on the one hand responds to the concerns expressed by the professional circles which most commonly have occasion to travel for more than three months in the Schengen area and on the other hand is based on sufficiently stable and secure arrangements to encourage its issuance.

In order to make the Commission proposal clearer, your rapporteur has opted to rework it, inserting articles modelled on the Visa Code.

1. Clarification of scope

In defining the scope of the proposal, the Commission does not specify what categories of people would be issued with touring visas. However, Recital 4 mentions live performance artists, students, researchers, culture professionals, pensioners, business people, service providers and tourists.

On the basis of the impact assessment accompanying the revision of the Visa Code, which is

not, however, specific to the touring visa, the Commission estimates that the visa would be issued only to a very limited number of third-country nationals: between 60 000 and 120 000.

In the absence of a specific defined category, any third-country national could apply for a touring visa on condition that he had fulfilled a certain number of criteria relating to economic and financial resources. This makes it difficult to accept that the number of visa-holders suggested by the Commission is accurate.

As regards tourists, your rapporteur believes that the absence of any stated reason and the impossibility of supplying precise and indisputable documents concerning the planned itineraries could give rise to uncertainty on the part of consular services.

As a result, the number of touring visas issued would be limited. Your rapporteur therefore does not consider it desirable to issue touring visas to tourists.

Sectoral directives exist which cover researchers and students. In the view of your rapporteur, it is essential that legislators should not bring about duplication or confusion, either for applicants or for consular services. Accordingly, he does not consider that researchers and students should be able to apply for touring visas.

In view of the unique and unprecedented character of the touring visa, your rapporteur believes that this type of visa should facilitate travel by professionals who have a legitimate reason to travel within the Schengen area for more than three months and who can demonstrate the fact.

He therefore proposes that such visas should be issued to performing artists and elite sports persons and their support staff who have been able to demonstrate clearly the administrative and logistical obstacles to organising a tour or a competition in several Member States in the Schengen area lasting more than three months. The scope should also include business related travellers who encounter similar difficulties to performing artists and elite sports persons during their working travel.

2. Adopting more stringent conditions and procedures for issuing touring visas

The abolition of controls at the internal borders of the Member States makes it difficult to track and trace travellers. Your rapporteur believes that security guarantees should be obtained before a touring visa is issued, in order to limit the risks of fraudulent use, abuse or illegal immigration.

Your rapporteur therefore proposes the following amendments:

(a) Determination of the competent authority

The Member State which is competent should be that in which the applicant will carry out his professional activity for the longest time.

Only when the stays in several Member States are of equivalent length or when it is impossible to provide details of the exact period of stay in each Member State should the country of first entry be the competent authority.

(b) Consultation of the other Member States concerned

In order to encourage the issuing of touring visas and to enable adjustments to be made, your rapporteur considers that strong cooperation between Member States is the sine qua non for the success of this new instrument.

He therefore proposes that the stage during which the Member States that the applicant wishes to visit consult one another should be prolonged, to ensure that no doubts exist in advance of the issuing of the visa.

This consultation stage should be extended to 15 days, to give the authorities of the Member States the necessary time to examine the substantiating documents and, if necessary, to raise objections if there is a risk of irregular immigration or a security risk, in accordance with the rules in force (the Schengen Borders Code).

(c) The application procedure

After a careful examination of the list of substantiating documents proposed by the Commission, your rapporteur has arrived at the view that it is unsatisfactory, because some of the documents demanded could easily be forged or unusable, such as a hotel reservation.

A more exhaustive list is therefore proposed. It includes work permits or authorisations issued by one or more of the Member States concerned when they are required, , accident and sickness insurance recognised by the Member States concerned and above all employment contracts and a certificate of sponsorship issued by the organiser of the arts tour or sports season providing details of the purpose, the activity, the itinerary, the duration of the arts tour or sports season and the job to be done by the applicant.

Arts tours or sports seasons do not come about haphazardly but require long preparation, which may have begun the previous year. Your rapporteur therefore considers that organisers will be able to supply the applicant with a certificate and with the necessary documents to enable him to apply between nine and 40 days before the applicant enter the first country of entry.

As the examination of applications and consultation of other Member States will be decisive, the period allowed for consideration of applications is extended to 30 days or, in exceptional cases, 40 days.

3. Renoucement to the possibility to extend the validity of the touring visa

The Commission proposes that it should be possible to extend a touring visa for a further year which would enable the visa holder to stay two consecutive years in the Schengen area. Without any obligation to leave the territory of the Member States between two touring visas, it even becomes possible to stay many more years in the Schengen area.

Your rapporteur considers the possibility of staying a full year in the Schengen to be already a major change to the current visa policy He also believes the visa holder should leave the Schengen area for three months before he enters again. Therefore, he suggests limiting the validity of the touring visa to twelve months out of fifteen months.

4. Coordination with national visa and immigration policies

The combination of stays on the basis of a national long stay visa or residence permit with a touring visa is subject to the immigration policy of the Member State in question. Therefore, decisions regarding rights deriving from the existence of a national long stay visa or residence permit should not be dealt in the present regulation.

However, your rapporteur believes it is important the competent Member State for examining and deciding on an application informs the central authority of the Member State which issued a national long stay visa or a residence permit in order to avoid any abuse or exploitation for fraudulent ends.

16.10.2015

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

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

Recital 3

Text proposed by the Commission

(3) Visa-requiring and visa-exempt third-country nationals may have a legitimate interest in travelling within the Schengen

Amendment

(3) Visa-requiring and visa-exempt third-country nationals may have a legitimate interest in travelling within the Schengen

area for more than 90 days in a given 180-day period without staying in any single Member State for more than 90 days. Rules should therefore be adopted to allow for this possibility.

area for more than 90 days in a given 180-day period without staying in any single Member State for more than 90 days. Rules should therefore be adopted to allow for this possibility *or to facilitate the renewal of visas previously issued for individuals who continue to meet the minimum entry criteria.*

Amendment 2

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) It is of the utmost importance that the Commission develop a uniform website to enable applicants to lodge applications for a touring visa online, with a view to facilitating applicants and attracting more visitors to the Schengen area.

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 Commission 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 3

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. The Member State competent for examining and deciding on an application for a touring visa shall be the Member State *whose external border* the applicant intends to *cross in order to enter the territory of the Member States.*

3. The Member State competent for examining and deciding on an application for a touring visa shall be the Member State whose *territory constitutes the first destination of* the applicant.

Justification

The competent Member State for examining and deciding on an application for a Touring

Visa should be the one where the applicant intends to stay first for a duration of not more than 90 days in any 180-day period.

Amendment 4

Proposal for a regulation Article 4 – paragraph 6

Text proposed by the Commission

6. In cases referred to in paragraphs 4 and 5 the competent Member State for examining and deciding on an application for a touring visa shall be the Member State the applicant intends to **enter** first making use of the touring visa.

Amendment

6. In cases referred to in paragraphs 4 and 5 the competent Member State for examining and deciding on an application for a touring visa shall be the Member State **whose territory constitutes the first destination of** the applicant making use of the touring visa.

Justification

The competent Member State for examining and deciding on an application for a Touring Visa should be the one where the applicant intends to stay first for a duration of not more than 90 days in any 180-day period.

Amendment 5

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

Text proposed by the Commission

(b) proof that they have sickness insurance for all risks normally covered for nationals of the Member States to be visited.

Amendment

(b) proof that they have sickness insurance for all risks normally covered for nationals of the Member States to be visited **and to cover any expenses which might be incurred in connection with repatriation for medical reasons, urgent medical attention, emergency hospital treatment or death.**

Justification

Due to their length of stay the applicants for a Touring Visa should not be a burden for the health care systems of the Member States.

Amendment 6

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.

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.

Amendment 7

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

5. Applications shall be decided on within 20 calendar days of the date of the lodging of an admissible application. Exceptionally, this period may be extended for up to a maximum of 40 calendar days.

Amendment

5. Applications shall be decided on within 20 calendar days of the date of the lodging of an admissible application. Exceptionally ***and for a duly stated reason which the applicant is notified of***, this period may be extended for up to a maximum of 40 calendar days.

Amendment 8

Proposal for a regulation

Article 8 – paragraph 9

Text proposed by the Commission

9. During the examination of an application for an extension, the competent authority may in justified cases call applicants for an interview and request additional documents.

Amendment

9. During the examination of an application for an extension, the competent authority may in justified cases, **and within 10 calendar days of the date of the lodging of that application**, call applicants for an interview and request additional documents.

Amendment 9

Proposal for a regulation

Article 8 – paragraph 12

Text proposed by the Commission

12. Applicants whose application for an extension has been refused shall have the right to appeal. Appeals shall be introduced against the Member State that has taken the final decision on the application for an extension **and in accordance with the national law of that Member State**. Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex II.

Amendment

12. Applicants whose application for an extension has been refused shall have the right to appeal **within 15 calendar days**. Appeals shall be introduced against the Member State that has taken the final decision on the application for an extension. Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex II.

PROCEDURE – COMMITTEE ASKED FOR OPINION

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|---|--|
| Title | Establishment of a touring visa and amendment to the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008 |
| References | COM(2014)0163 – C7-0135/2014 – 2014/0095(COD) |
| Committee responsible Date announced in plenary | LIBE 3.4.2014 |
| Opinion by Date announced in plenary | TRAN 15.4.2015 |
| Rapporteur Date appointed | István Ujhelyi 23.4.2015 |
| Date adopted | 13.10.2015 |
| Result of final vote | +: 36 -: 4 0: 4 |
| Members present for the final vote | Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Tania González Peñas, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Jens Nilsson, Markus Pieper, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault D’Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Jill Seymour, Claudia Tapardel, Pavel Telička, István Ujhelyi, Wim van de Camp, Elissavet Vozemberg, Janusz Zemke, Roberts Zile, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska |
| Substitutes present for the final vote | Evžen Tošenovský |

PROCEDURE – COMMITTEE RESPONSIBLE

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|---|--|-------------------|-------------------|--------------------|
| Title | Establishment of a touring visa and amendment to the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008 | | | |
| References | COM(2014)0163 – C7-0135/2014 – 2014/0095(COD) | | | |
| Date submitted to Parliament | 19.3.2014 | | | |
| Committee responsible Date announced in plenary | LIBE 3.4.2014 | | | |
| Committees asked for opinions Date announced in plenary | AFET 3.4.2014 | DEVE 3.4.2014 | TRAN 15.4.2015 | CULT 27.11.2014 |
| Not delivering opinions Date of decision | AFET 7.10.2014 | DEVE 22.7.2014 | CULT 1.12.2014 | |
| Rapporteurs Date appointed | Brice Hortefeux 24.9.2014 | | | |
| Discussed in committee | 5.3.2015 | 14.9.2015 | 16.11.2015 | 16.3.2016 |
| Date adopted | 16.3.2016 | | | |
| Result of final vote | + : 41 - : 14 0 : 0 | | | |
| Members present for the final vote | Jan Philipp Albrecht, Gerard Batten, Heinz K. Becker, Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Lorenzo Fontana, Mariya Gabriel, Ana Gomes, Jussi Halla-aho, Monika Hohlmeier, Brice Hortefeux, Sophia in 't Veld, Iliana Iotova, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Louis Michel, Claude Moraes, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský | | | |
| Substitutes present for the final vote | Kostas Chrysogonos, Carlos Coelho, Anna Maria Corazza Bildt, Gérard Deprez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Miltiadis Kyrkos, Gilles Lebreton, Andrejs Mamikins, Petri Sarvamaa, Elly Schlein, Barbara Spinelli, Jaromír Štětina, Josep-Maria Terricabras, Róza Gräfin von Thun und Hohenstein, Geoffrey Van Orden | | | |
| Substitutes under Rule 200(2) present for the final vote | Margrete Auken | | | |
| Date tabled | 6.4.2016 | | | |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 41 | + |
|------|---|
| ALDE | Gérard Deprez, Louis Michel, Cecilia Wikström, Sophia in 't Veld |
| ECR | Jussi Halla-aho, Timothy Kirkhope, Helga Stevens, Geoffrey Van Orden, Beatrix von Storch, Branislav Škripek |
| ENF | Gilles Lebreton |
| PPE | Heinz K. Becker, Carlos Coelho, Anna Maria Corazza Bildt, Agustín Díaz de Mera García Consuegra, Frank Engel, Mariya Gabriel, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Petri Sarvamaa, Csaba Sógor, Róza Gräfin von Thun und Hohenstein, Tomáš Zdechovský, Jaromír Štětina |
| S&D | Caterina Chinnici, Tanja Fajon, Ana Gomes, Anna Hedh, Iliana Iotova, Sylvia-Yvonne Kaufmann, Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Elly Schlein, Birgit Sippel, Josef Weidenholzer |

| 14 | - |
|------|---|
| EFDD | Gerard Batten, Ignazio Corrao, Laura Ferrara, Kristina Winberg |
| ENF | Lorenzo Fontana |
| GUE | Kostas Chrysogonos, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat |
| NI | Udo Voigt |
| VERT | Jan Philipp Albrecht, Margrete Auken, Josep-Maria Terricabras, Bodil Valero |

| 0 | 0 |
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Key to symbols:

+ : in favour

- : against

0 : abstention