



**European Economic and Social Committee**

**SOC/582**  
**Visa code revision**

## **OPINION**

European Economic and Social Committee

**Communication from the Commission to the European Parliament and the Council Adapting  
the common visa policy to new challenges**

[COM(2018) 251 - final]

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

[COM(2018) 252 - final]

Rapporteur: **Ionuț SIBIAN**

Referral	European Parliament, 16/04/2018 Council, 02/05/2018 Commission, 18/06/2018
Legal basis	Article 304 of the TFEU
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	19/07/2018
Adopted at plenary	19/09/2018
Plenary session No	537
Outcome of (for/against/abstentions)	vote 166/0/1

## 1. **Conclusions and recommendations**

- 1.1 The EESC acknowledges that the Visa Code is a core element of the common visa policy, by establishing a common set of legal provisions and operational instructions.
- 1.2 The EESC supports the proposed harmonised procedures and conditions established by the Visa Code, allowing for the elimination of situations where similar cases are dealt with differently by EU Member States, while also allowing differentiated treatment based on "visa track record". The EESC also considers that there should be efforts towards establishing harmonised appeal procedures in cases of visa rejection.
- 1.3 The EESC welcomes the harmonisation solution for multiple-entry visas, which allow their holders to travel repeatedly to the EU during the visa's period of validity, as this could contribute to economic growth, cultural and social development and exchanges, as well as enhancing support and understanding between people.
- 1.4 The single-entry visas to be issued at external borders, introduced in the Visa Code in order to promote short-term tourism, demonstrate the flexibility and pragmatic approach taken by the Member States, and the EESC encourages adopting this approach in dealing with several other aspects related to visa issuing, in order to ensure that one-stop shop facilities are offered.
- 1.5 As the European Union should pursue in a proactive manner the observance of full visa reciprocity in its relations with third countries, the EESC urges the Commission to conduct a swift consultation and propose a clear set of actionable proposals that address both facilitation and security.
- 1.6 However, the EESC fully supports the proposal that the Commission should, before taking any decision to temporarily suspend visa exemption for nationals of a third country, take into account the situation of human rights in that third country and the possible consequences of a suspension of the visa exemption for that situation.
- 1.7 At the same time, the EESC recommends that all efforts should be made to collect reliable, relevant and uniform/comparable (as much as possible) data as regards third countries and as regards the situations that allow Member States to decide to temporarily suspend visa requirement exemptions for nationals of a third country listed in Annex II of the Regulation, which lists 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.
- 1.8 The EESC recommends prudence when deciding on the constant (every two years) up-scale revision of the proposed visa fees. This revision should not be automatic, taking into consideration that the proposed cost is already high compared to the growth/development level of some of the third countries concerned.
- 1.9 The EESC is supporting changes to the Visa Code that relate to the additional possibility of filling in and signing the application form electronically in order to align with technological development. At the same time, the EESC requires all Member States to be in favour of online

submission of visa applications and make the necessary developments/changes to support this online procedure, and requests that the Commission includes/presents a realistic deadline for the generalised adoption of online visa submission by Member States.

- 1.10 The EESC welcomes the Commission proposal to abolish the principle of "lodging in person" and it supports and, furthermore, requests rules and regulations enabling the online submission of visa applications. The EESC considers that lodging visa applications in the most convenient and fastest way from the place of residence of the visa applicant should be pursued, including wider use of external service providers if needed and provision of better representation services, as well as increasing cooperation between diplomatic missions of the EU Member States.
- 1.11 The EESC recommends that the Commission reviews the current categories of applicants which benefit from visa waivers and defines them more clearly. Also, the EESC recommends considering offering fee waivers to seniors and representatives of non-profit organisations participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations, without reference to their age or, at least, to consider increasing the age limit.
- 1.12 As the "provisions of the Regulation shall apply to any third-country national who must be in possession of a visa when crossing the external borders of the Member States (...), without prejudice to: the rights of free movement enjoyed by third-country nationals who are family members of citizens of the Union", the EESC would like to highlight the importance of establishing a common practice to avoid discrimination in connection with the definition of "family ties", considering the recent developments in EU Member States as regards the definition of the family.

## 2. **General comments**

- 2.1 The EESC takes note of the Commission Communication to the European Parliament and the Council on the need to adapt the common visa policy to new challenges and in light of this, it supports the two proposals for a regulation on the matter of Community Code on Visas and on 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.
- 2.2 Therefore the EESC acknowledges that the Visa Code has effects that reach beyond the objective of establishing common legal provisions and application procedures and, besides facilitating legitimate travel and tackling irregular immigration, it has an effect on economic growth and job creation, even if this objective was not assigned to the Visa Code from the very beginning. There were 16.1 million applications for uniform visas lodged at the consulates of the Schengen States in 2017 and the trend is growing. Out of this total number of applications, in more than 50% of cases, multiple-entry visas were issued, while the number of visas not issued was 1.3 million, representing 8% of the total requests<sup>1</sup>.

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<sup>1</sup> Visa statistics for consulates, 2017 (<https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy#stats>).

- 2.3 The EESC welcomes the proposed changes meant to make visa processing easier for both applicants and consulates, namely: the possibility to lodge an application 6 months before the intended trip (and 9 months in case of seafarers), the clarifications and extended categories of subjects that can lodge an application on behalf of the applicant and the harmonisation of the supporting documents. Furthermore, the observance of the principle that an applicant should have to go to only one location to lodge an application is most welcome.
- 2.4 However, the EESC also acknowledges that access to consulates continues to be challenging, especially in third countries where most Member States are present only in the capital city and therefore the applicants have to support the costs (in terms of both time and money) of travelling long distances to reach the consulate. Therefore, the EESC welcomes the proposal to abolish the principle of "lodging in person" and calls for the Member States to make the necessary adjustments for the online submission of visa applications. Meanwhile, the EESC also welcomes all types of measures introduced in order to lodge visa applications in the most convenient and fastest way from the place of residence of the visa applicant, including wider use of external service providers if needed and provision of better representation services, as well as increasing cooperation between diplomatic missions of the EU Member States.
- 2.5 Having in mind the recent entry into force of the new rules concerning data protection and privacy (General Data Protection Regulation), the EESC reaffirms the need for external service providers to have the capacity to respect/ensure the safety of the personal data collected. The Member States should take all necessary measures to ensure that the companies that offer visa services (to European nationals, or to non-Europeans for European visas) make the changes in their data protection policies in order to be compliant with the Regulation.
- 2.6 The new shortened deadlines for lodging visa applications and deciding on applications for visas as well as the harmonization of the possibility to issue uniform visas (especially as regards the decision to issue multiple-entry visas) are both deemed as positive by the EESC, as well as the new proposed Article 25(a) on Cooperation on readmission, meant to increase the cooperation of the third countries on readmission of irregular migrants, by introducing the possibility to introduce a restrictive and temporary application of clearly specified measures. A harmonised approach to how to facilitate the visa application procedure for those applicants who have travelled to the EU before must be elaborated.
- 2.7 The EESC recognises that coherence between visa policy and commitments made in other policy areas (e.g. trade agreements) should be ensured and viable. The generally accepted solution should be adopted as regards the visa waiver agreements concluded by Member States with certain third countries. The European Union should pursue in a proactive manner the observance of full visa reciprocity in its relations with third countries.
- 2.8 While understanding the reasoning for the proposed revision of Article 16 of the Visa Code, namely the increase in visa fee levels by 1/3, the EESC is concerned about the possible impediments arising from this increased fee in the case of nationals of some third countries whose development/wealth level is considerably lower than EU Member States'. The comparison of the visa fee level with travel and other costs involved that visa applicants have to cover is not a favourable one, as nowadays widespread low cost travel and accommodation

solutions could result in a situation where the cost of the entire trip is lower or equal to the visa fee.

- 2.9 The EESC believes that the proposal for a revision of the visa fee level every two years should take into consideration the possibility of downsizing this fee, based on the possible implementation of the electronic visa application procedures (which could imply lower personnel and administrative costs for Member States). According to the Commission communication on Adaption the common visa policy to new challenges, most Member States take into consideration the advantages of using digital visas (lower costs for consulates being one of these advantages, along with an efficient and more client-friendly application process compared to the paper-based application system).
- 2.10 Given the current level of the visa fee along with the proposed level, the EESC considers that the possibility of offering fee waivers to representatives of non-profit organisations participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations should be taken into consideration, without reference to their age or, at least, with consideration given to increasing the age limit (the current legislation takes account of age – aged 25 years or less). Also, seniors should be offered such waivers for supporting the active integration of them in society and contributing to the increased quality of life.

Brussels, 19 September 2018

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The president of the European Economic and Social Committee

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