



EUROPEAN COMMISSION

Brussels, 14.3.2018
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REGULATORY SCRUTINY BOARD OPINION

**Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EC) No 810/2009 establishing a Community Code on
Visas (Visa Code)**

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{SWD(2018) 77}
{SWD(2018) 78}



EUROPEAN COMMISSION

Regulatory Scrutiny Board

Brussels,

Ares(2018)

Opinion

Title: Impact Assessment / Community Code on Visas

(version of 31 January 2018)*

Overall opinion: POSITIVE

(A) Context

The border-free Schengen area needs a common visa policy. Visas issued by a Schengen State allow their holders to circulate in the entire Schengen area. The Visa Code Regulation establishes procedures and conditions for issuing visas for stays of 90 days or less in any 180 days period. Visas for stays longer than 90 days is an area of national competence.

The Commission proposed revisions to the Visa Code in April 2014. Negotiations with the European Parliament and the Council reportedly stalled. Since then the broader political context has evolved, with crises of refugees and irregular migration and increased concerns about internal security.

The Commission has announced that it will withdraw the April 2014 proposal and prepare a new revision of the Visa Code. This impact assessment considers three new elements that emerged in negotiations between the co-legislators.

(B) Main considerations

The Board finds the report reader-friendly and informative. It notes services' commitments to make additional edits to the report.

The Board gives a positive opinion, with a recommendation to further improve the report with respect to the following key aspects:

- (1) The report does not fully explain what the current proposal retains from the 2014 proposal and what is new.**
- (2) The report does not sufficiently examine how sensitive its ranking of the options is to changes in how different criteria are weighted.**
- (3) The report does not examine the potential to simplify processes and reduce administrative burdens.**

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Further considerations and recommendations for improvement

(1) The report should clarify upfront which elements of the 2014 legislative proposal are kept and why. It should also explain better how and why the new issues dealt with were selected. An annex could provide more detailed information about the 2014 proposal and the issues that carry over in this initiative.

(2) The report should discuss potential for administrative simplification. It might add a section to explain how the preferred policy option would simplify procedures and for whom. This might also concern issues carried over from the 2014 proposal.

(3) The baseline to which the policy options are compared should not include the 2014 Commission proposal which has not been adopted and which this initiative would replace. Rather, the baseline should refer to the current policy framework. Regarding the return of irregular migrants, the baseline should clarify what flexibility and margin for manoeuvre the existing “toolbox” approach offers. The impact analysis could then usefully compare the policy options on the return policy to this “toolbox” approach.

(4) The comparison of the policy options should not use political feasibility as a criterion. The report should compare the policy options based on objective criteria. It could then explain why some policy options do not appear to have political support.

(5) Regarding the multi-criteria analysis, the report should explain the weightings it attaches to the criteria and perform a sensitivity analysis to check how robust the conclusions are to alternative weightings. This sensitivity analysis could be presented in an annex. The report should better argue some of the scores given to the different criteria.

The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The lead DG shall ensure that the recommendations of the Board are taken into account in the report prior to launching the interservice consultation.

The attached quantification tables may need to be adjusted to reflect any changes in the choice or the design of the preferred option in the final version of the report.

Full title	Impact assessment accompanying a proposal for a Regulation of the European Parliament and the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)
Reference number	2017/HOME/208
Date of RSB meeting	21/02/2018

ANNEX: Quantification tables extracted from the draft impact assessment report submitted to the Board on 31/01/2018

(N.B. The following tables present information on the costs and benefits of the initiative in question. These tables have been extracted from the draft impact assessment report submitted to the Regulatory Scrutiny Board on which the Board has given the opinion presented above. It is possible, therefore, that the content of the tables presented below are different from those in the final version of the impact assessment report published by the Commission as the draft report may have been revised in line with the Board's recommendations.)

I. Overview of Benefits – Preferred options		
Description	Amount	Comments
Direct benefits		
Additional revenue from visa fee	EUR 205 million	<u>Member States'</u> visa-issuing authorities are the beneficiaries.
Savings in administrative costs (due to more issuing of MEV with long validity and higher return rates)	Not quantifiable due to lack of data	<u>Member States'</u> visa, asylum and police authorities are the main beneficiaries.
Savings in visa application costs	Not quantifiable due to lack of data	<u>Frequent travellers</u> will benefit from more MEV with long validity.
Indirect benefits		
Revenue from increased tourism and travel (due to more MEV with long validity)	Not quantifiable due to lack of data	The <u>travel and tourism industry</u> across the Schengen area will be the main beneficiary.
Higher security (due to more financial resources for visa processing and higher return rates)	Not quantifiable in principle	Main beneficiary are Member States' <u>societies</u> at large.

II. Overview of costs – Preferred option (million EUR)							
Preferred options		Citizens/Consumers		Businesses		Administrations	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
1C1	Direct costs	-	205 ¹	-	-	-	-
	Indirect costs	-	-	-	-	-	-
2C2	Direct costs	-	-	-	-	-	-
	Indirect costs	-	-	-	-	-	-
3C2	Direct costs	n/a	n/a	-	-	-	-
	Indirect costs	n/a	n/a	n/a	n/a	-	-

¹ Per year, for visa applicants in third countries.