

NET position – Visa Code – Trilogue Negotiations

NET took note of both the results of the plenary vote at the European Parliament and of the Council general approach with regard to the European Commission proposal to revise Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

In view of the upcoming trilogue negotiations, NET would like to position itself on the topic, with the aim of helping finding compromises, always having in mind that visa facilitation takes place within an increasingly competitive market. Unless the application process becomes less burdensome for tourists coming to Europe for legitimate purposes (including tourism), other destinations will benefit.

Overall, NET fully supports the following ideas:

- If consulates are not present in a third country, representation agreements with other Member States can be agreed upon;
- External service providers can also play their role, as long as fees are fair, and Member States continue to be well represented in third countries;
- Reduction of the time to process a visa application;
- Increase of the time for travellers to plan their trip;
- The application form can be signed electronically;
- The use of multiple-entry visas is welcomed (nevertheless, a more user friendly system should be found, so that travellers can easily use and understand their rights).

In addition, NET urges EU negotiators to consider the points below and to look favourably on their adoption.

Biometric data (art. 13/2/1)

NET fully supports the position of the Parliament:

- The applicant may not be requested by an external service provider to appear in person for each application in order to collect biometric identifiers each time. To enable external service providers to verify that biometric identifiers have been collected, the applicant shall be issued with a receipt after the collections of the biometric identifiers.

Justification: to get the biometric data collected each time someone enters Schengen, is an administrative and financial burden to the traveller that should be avoided. What is important is that the biometric data is collected in such a way that it only needs to happen once, barring exceptional circumstances. Appropriate processes can be devised such that data quality and security may be assured long-term, and that the applicant will be accurately matched with his or her previously collected biometric data.

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Visa fee – art. 16

NET fully supports the Parliament position on the following points:

- Waive of visa fee for children under 12; family members of EU nationals; students and researchers;
- Children between 12 and 18 years old to pay a fee of 40€;
- Applicants whose data are already registered in the Visa Information System and whose biometric identifiers have been collected shall pay a visa fee of 60€.

Nevertheless, NET supports the Council position when it states that the amount of the visa fee should be reviewed every three years (instead of two, as proposed by the Commission and defended by the Parliament).

Justification:

- NET defends that the increase in the normal visa fee from 60€ to 80€ should be compensated by other advantages (e.g. under-age);
- The visa fee should not be too high in order not to discourage travellers to come to Europe.
- A review does not imply an upwards revision: this should not be the norm. NET's position remains that visa facilitation processes constitute an investment, and should not be treated as a profit centre; this approach has been echoed in the level of fee fixed for ETIAS.

Interview – art. 21

NET fully welcomes the possibility of conducting interviews using modern digital tools and remote means of communication, such as voice or video calls via internet (Parliament position).

Justification: In its proposal the European Commission states in its Memorandum that Member States should use modern means of communication to interview applicants, rather than requiring them to come to the consulate in person. But this reference is not explicit in article 21/8. NET would welcome this addition.

Modalities for lodging the application – art. 9

NET's 1st preferred option

Applications can be lodged 9 months before the travel (European Parliament position).

NET's 2nd preferred option

If there is no possible agreement on the 1st option, NET would propose the following:

- Travellers can lodge the application 8 months before the travel
- Seafarers can lodge the application 9 months before the travel

Justification:

- It allows the traveller to better plan the trip
- Seafarers should have a special regime, due to their specific circumstances (as it had been proposed by the European Commission). Typical contracts have a duration of 8 months, which means that the seafarer will be already at sea on the opening date for visa applications.

Decision on the application – art. 23

NET's 1st preferred option

NET supports the Parliament position:

- Applications should be decided in 10 calendar days;
- Or five calendar days for visa applicants, whose data are already recorded in the Visa Information System and whose biometric identifiers have been collected.

NET's 2nd preferred option

If there is no possible agreement on the 1st option, NET would agree with the Council general approach (15 days for applications to be decided). But NET would insist that visa applicants, whose data is recorded in the VIS and whose biometric identifiers have been collected, should have a quicker reply (between 5 and 8 calendar days).

Justification:

- There are fewer processes to complete before a response can be given and the applicant has a legitimate expectation that prior data collection will allow a quicker response; perception of service standard is an essential aspect of Schengen's competitiveness.

Member State competent for examining the application – art. 5

NET agrees with the Parliament position when stating that if the Member State that is competent is located at a distance of more than 500 km from the applicant's place of residence, or if a return journey by public transport from the applicant's place of residence would require an overnight stay, and if the consulate of another Member State is located closer to the applicant's place of residence, the applicant shall be entitled to lodge the application at the consulate of the latter Member State.

Justification:

- The average cost for travelling to the consulate (for the fingerprints to be collected) –is estimated at EUR 60¹;
- But in some cases travel expenses amount to several hundred EUR and have a far greater impact on the applicant's budget than the visa².

Visas applied at the external border – art. 36

¹ Page 56 - Commission Impact Assessment: [link](#)

² Page 34 Commission Impact Assessment: [link](#)

NET supports the possibility of Member States to promote short term tourism and to decide temporarily to allow the lodging of visa applications at a specific land- or sea-border crossing point, as proposed by the Commission and defended by the European Parliament.

Justification: This is not a mandatory requirement but an optional system that would facilitate bona fide travellers to enter Schengen.

Travel Health Insurance

NET's 1st preferred option

Travel health insurance is not mandatory – Parliament's position.

Justification:

- The travel medical insurance is a disproportionate burden for visa applicants;
- There is no evidence that holders of short term visas present a bigger risk in terms of public medical expenditure in Member States than the visa exempted third country nationals;
- The requirement to show medical insurance at time of application is unreasonable since:
 - time of application may be several months before departure and health circumstances change;
 - insurance could be cancelled prior to departure;
 - in the event application was unsuccessful, applicant may have been put to unrecoverable cost.

NET's 2nd preferred option

NET acknowledges that the travel medical insurance was one of the blocking points in the last trilogue negotiations. In order to find a compromise, NET would understand if this requirement continues to be mandatory (if other of the NET priorities would be taken on board).

Supporting documents – art. 14/1/b + Annex II/A/3/a

In general terms NET advocates that requirements for supporting documents be uniform in order to minimise unexpected documentary requirements that cause delay.

Nevertheless, NET defends that when it comes to supporting documents, there should be some flexibility.

NET would very much welcome **to include Amendment 13 of the TRAN Opinion Report in the final compromise:** “Member States may require applicants to present a proof of accommodation or proof of sufficient means to cover expenses, including confirmation from inbound agent that accommodation arrangements are being

handled”.

Justification:

- Tour operators organising group travel typically cannot make a hotel reservation until the group size is known, that size being dependent on the successful number of visa applications. Therefore, proof of specific accommodation during application process is often unavailable;
- Hotels also have issues where visa applicants make a reservation, but either cancel the reservation once a visa is granted (reservations can often be cancelled up to 48 hrs before arrival) or do not show up (using fake or soon-to-expire credit card details to secure the booking).
- For these reason NET recommends that the traveller either presents proof of accommodation, or proof of sufficient means to cover expenses or confirmation from inbound agent / operator that accommodation arrangements are being handled.

Other points

NET supports the following points included in the European Parliament’s report:

- External service providers (art. 17): the fee should reflect the services offered;
- Visa applications and decisions on applications are examined and taken by consulates. Member States should ensure that they are present or represented by another Member State in third countries whose nationals are subject to the visa requirement and ensure that consulates have sufficient knowledge of the local situation to ensure the integrity of the visa application procedure;
- Consulates to have a complaints procedure;
- A common solution ensuring full visa digitalisation should be developed by 2025 in the form of an online platform and an EU E-visa. An accelerated programme could allow remote submission of digital documentation and maximise efficiencies available through electronic forms of checks and reassurance such as are commonplace in other sectors with a high due diligence burden.

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