NET position on the revision of the Visa Code

NET takes note of the Commission proposal amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) – (COM(2018)252 final).

It is to be reminded that, the EU / Schengen Member States rank amongst the world's leading tourist destinations[1]. In 2016, there were approximately 875 million arrivals at tourist accommodations in Schengen (around 85% of the total arrivals in the EU 28 and non EU Schengen countries). In the same year, the tourism industry contributed 10,2% of the EU GDP and accounted for 11,6% of the EU labour market.[2]

As stated in the Commission impact assessment, visa-required travellers represent a growing share of all tourist arrivals in the EU and have the strongest growth rates, both in absolute numbers and in terms of expenditure. The number of arrivals of visa-required travellers in accommodations in Schengen countries increased by 175% from 2009 to 2016 (to 37.8 million), while the overall number of arrivals increased by only 38%.[3]Moreover, in absolute numbers, there were approximately 11 million arrivals from China, 6.5 million from Russia, 3.1 million from African countries, and 2.4 million arrivals from Turkey at tourist accommodations in the Schengen area in 2016[4].

Figures show that the proportion of visitors originating from visa requiring markets is still small. However, taking into account the potential for job creation and growth that travellers from third countries constitute (namely from countries like China, Middle East, India), it is essential that the process and policies for obtaining visas are as simple, fast, flexible and inexpensive as possible, while at the same time meeting the utmost security standards needed and border management requirements.

In this sense, NET welcomes the following points of the Commission proposal:

- **Member State competent for examining and deciding on an application** (art.5): the length of stay is the only applicable criteria. This enhances clarity for visa applicants and avoids disagreement among Member States about competence;

- **Application form** (art.11):
  - it can be signed and filled in electronically;
  - it should be available in the official language of the Member State competent for the visa issuance, and of the host state.

- **Decision on application** (art.10) - applications shall be decided in 10 calendar days (instead of the current 15 days);

- **Modalities for lodging application** (art.9/1/a) - applications can be lodged six months before the travel (instead of three months), which allows better planning of

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[1] Eurostat database

[2] World Travel & Tourism Council, https://www.wttc.org/research/economic-research/economicimpact-analysis/

[3] Commission Impact assessment: page 85 (link)

[4] EUROSTAT

the trip;

- **Interview** (art.21/8): possibility of Member States to use modern means of communication to interview applicants, rather than requiring them to come to the consulate in person;

- **Visas applied for at the external border** (art.36/a): in order to promote short term tourism, a Member State **may** decide to temporarily allow the lodging of visa applications at a specific land- or sea-border crossing points (maximum 7 days).

Nevertheless, NET has the following remarks:

1. **Multiple entry visas** (art 24):

   o The Commission impact assessment states that the low share of MEVs among the total number of visas issued imposes unnecessarily restraints for further growth of the industry and limits competitiveness[5];

   o The impact assessment also recognises that another consequence of the low volume of MEVs with long validity is that frequent travellers have to apply repeatedly for a visa, which represents an administrative burden not only to travellers but also to consulates[6], with neither economic nor security benefit;

   o It also acknowledges that the standard validity of visitor visas issued by the United States and Canada and in China is of 10 years duration – these countries argue that security is not compromised if checks in databases are continuously performed[7];

   o For all these reasons, NET advocates an extensive use by Member States of **MEVs.** While recognising MEVs utility in encouraging repeat travel among a desirable economic demographic, NET has serious concerns with regard to the strict cascade criteria proposed by the Commission[8]:

     ▪ Given probable patterns of leisure travel from successful long-haul origin markets for the EU, it would be very unlikely that a prospective visitor would meet the requirement of having used three visas within the previous two years, in order to be granted a MEV for a validity period of one year;
     ▪ The same would apply to the system of two years or five years (please see footnote 5);
     ▪ We consider that the criteria are too complex to be readily understood by travellers who - we must always remember - have other options among established and fast-developing destinations

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[5] Page 15 of the Impact assessment: link
[6] Same reference as previous one
[7] Page 14 of the Impact Assessment
[8] The Commission proposes the following criteria for MEVs (art. 24):
Multiple-entry visas with a long validity shall be issued for the following validity periods, unless the validity of the visa would exceed that of the travel document:
(a) for a validity period of one year, provided that the applicant has obtained and lawfully used three visas within the previous two years;
(b) for a validity period of two years shall be issued, provided that the applicant has obtained and lawfully used a previous multiple-entry visa valid for one year;
(c) for a validity period of five years, provided that the applicant has obtained and lawfully used a previous multiple-entry visa valid for two years.";

keen to secure their business. They would act as a deterrent, to the Schengen zone's competitive disadvantage.

- We are unaware of any evidence or model that suggests such a complex, multi-staged approach would positively affect security outcomes.

2. Supporting documents

The requirement to provide proof of accommodation raises real practical issues for tourism enterprises.

On the one hand, tour operators organising group travel cannot make a hotel reservation until the group number is known and this will depend on the successful number of visa applications. This means that there will be no hotel reservation, if the visa is not granted. But the visa is not granted if there is no hotel reservation.

Hotels also have issues were visa applicants make a reservation, but either cancel the reservation once they have their visa application (reservations can often be cancelled up to 48 hrs before arrival) or do not show up (using fake credit card details to secure the booking).

Proposal by NET:

NET proposes that visa applicants should either <u>provide proof of accommodation or sufficient means to cover accommodation or confirmation from inbound agent/operator that accommodation arrangements are in hand.</u> Art. 14/1/b and Annex II/A/3/a should be revised accordingly.

3. **Visa Fee** (art.16)

NET opposes:
- The increase in the visa fee from EUR 60 to EUR 80;
- The increase in the visa fee for minors (6-12 years of age) from EUR 35 to EUR 40;
- The possibility to assess the need to revise the fee every two years taking into account criteria such as the EU inflation rate.

The reasons for the visa fee to be as low as possible are the following:

- Member States' cost for processing visas stand in no relation to the revenue they are supposed to gain from inbound travel and tourism. Governments should treat visa processing capacity as an investment, taking into account that the economic activity of third-country nationals visiting the EU is estimated to be over 2% of GDP;

- The impact assessment recognises, that the visa fee is only part of the total expenses traveller needs to cope with. One should also consider the service fee for the External Service Provider (if this is the case); the travel medical insurance (average of EUR 45 cost); costs for obtaining supporting documents (e.g. notarisation or legalisation of official documents); courier fees for the return of the travel documents[9]; costs for the travelling to the consulate (to give fingerprints) – the average cost is estimated at EUR 60, but in some cases these costs are several hundred EUR and have a far greater impact on the applicant's budget than the visa

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[9] Page 34 Commission Impact assessment: link

fee[10].

Proposal by NET:

- No increase in the visa fee **or**
- Any revision of the visa fee should be compensated by a reduction of other costs, such as the possibility to submit a visa application in another EU consulate if the consulate of the Member State competent for the processing of the visa is located more than 200-500km from the applicant's place of residency.

Other remarks:

- **Online visa applications** – the submission of the visa application and the issuing of a visa sticker remain mostly paper-based. NET urges the European Commission to launch the necessary steps to further digitalise the visa application procedure as soon as possible;

- **Interoperability of systems** – all security checks developed by the EU shall be fully interoperable and avoid any duplication (e.g. Visa Information System; Entry-Exit System; Schengen Information System). Whereas the principles of internal security and border management shall be fulfilled, any additional administrative burden should be eliminated, as they might undermine the willingness of tourists to come to Europe.

- **External service providers** should not be a justification for Member States not to be well represented in third countries. NET also advocates for the service fee to remain low, otherwise travellers might be discouraged to travel.

NET trusts that these comments will be taken into consideration by the EU institutions and is open to further discussions.

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[10] Page 34 Commission Impact Assessment: link