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MEETING DOCUMENT

From:	Commission Services
To:	Visa Working Party
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Subject:	Evaluation of the Visa Code

Delegations will find attached the presentation made by the Commission services at the meeting of the Visa Working Party on 24 April 2024 on the above-mentioned subject.



Evaluation of the Visa Code

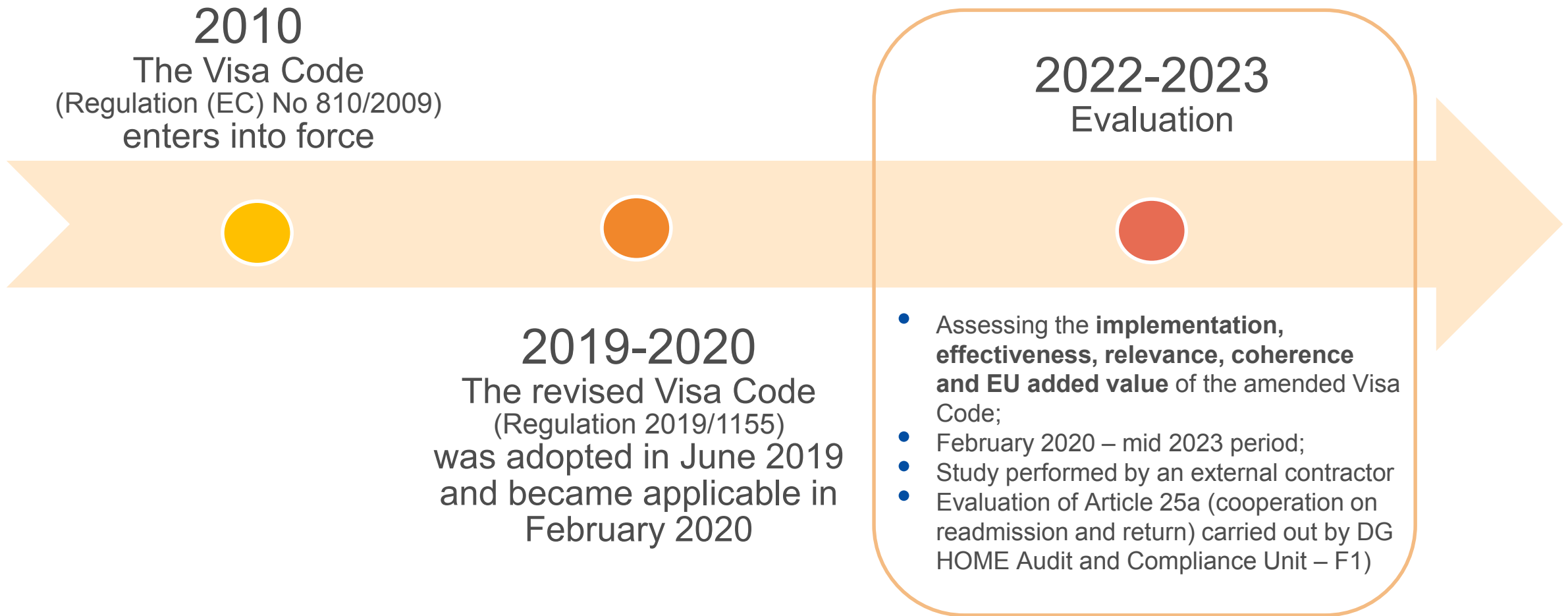
Presentation of the SWD - 24 April 2024

DG HOME – Visa Policy Unit (B.4)

Agenda

- Purpose and scope of the evaluation
- Changes introduced by the 2019 revision
- Trends over the evaluation period
- Evaluation findings
- Conclusions and lessons learnt

Purpose and scope of the evaluation (1)



Purpose and scope of the evaluation (1)

The revised Visa Code (Regulation 2019/1155) aims at :

- contributing to a more **harmonised, flexible and secure EU visa policy**, in line with the **ongoing digital transition**;
- ensuring that **sufficient financial resources** are available to cover the cost of processing visa applications;
- improving **cooperation with third countries** in terms of readmission and returns, while countering security risks from and irregular migration of non-EU countries.

Main challenges identified in 2018 by the Impact Assessment accompanying the proposal (2)

- The visa fee covers only a low share of the overall administrative expenses incurred by Member States in visa processing;
- Member States developed significantly divergent and often restrictive practices when issuing multiple-entry visas (MEVs);
- Low levels of readmission and return of irregular migrants to countries of origin.

Major changes introduced by the 2019 revision (2)



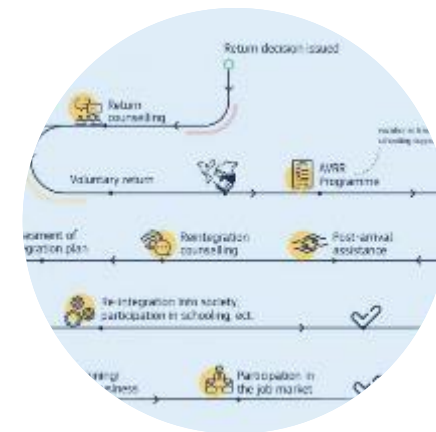
More flexibility and simplicity in visa procedures (extended application period, digital visa applications, visa fee exemptions for minors)



Harmonized practices on issuing MEVs with long validity for applicants with a positive visa history ('cascade rules')



Increasing and regularly revising the amount of the visa and service fees

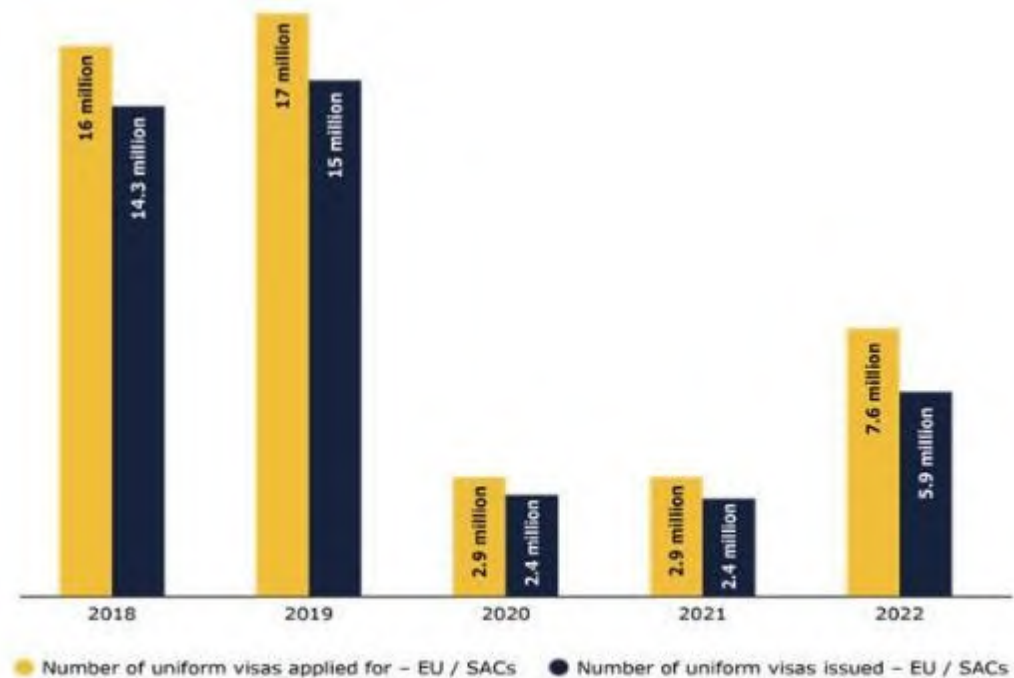


Linking visa policy and cooperation on readmission by establishing an annual assessment process and possibly adopting visa measures

How has the situation evolved over the evaluation period? (3)

Evaluation period characterized by changes in global mobility, distorting the overall picture

- COVID-19 outbreak (March 2020)
Introduction of border controls and travel restrictions
- Sharp decline in applications
(from 17 million in 2019 to 2.9 million in 2021);
- Significant decrease in short stay visas issued
(from 15 million in 2019 to 2.4 in 2021)
- Consulates reported impacts on visa-issuing procedures (inability to fully apply the Visa code requirements, lengthy verification of health-related documents, increase in forged documents, closure of ESPs' operations, decreased administrative burden and costs).



Source: External study, based on EC statistics on short-stay visas issued by the Schengen States

How has the situation evolved over the evaluation period? (3)

- **Russia's war of aggression towards Ukraine**
- Suspension of the VFA and publication of guidelines on general visa issuance in relation to Russian applicants;
- Additional visa and entry restrictions on Russian citizens imposed by MS, borders and consulates closure;
- Decrease in visa applications from Russian citizens and from Chinese citizens (due to COVID-19).

Top countries of origin for visa applications, 2019 and 2022



Source: External study, based on European Commission data¹².

How has the situation evolved over the evaluation period?

Implementing the Visa Code (3)

Concrete measures taken by MS

- Guidance documents, training, expert group meetings, common translation of the application form etc.;
- Waiving the visa fee for specific categories of applicants: applied to a different extent across MS;

Enhanced cooperation with ESPs

- Increased cooperation with ESPs (using more ESPs for a greater number of applications) ;
- Compliant service fee (between EUR 11 and EUR 40);

Digitalisation of visa procedures

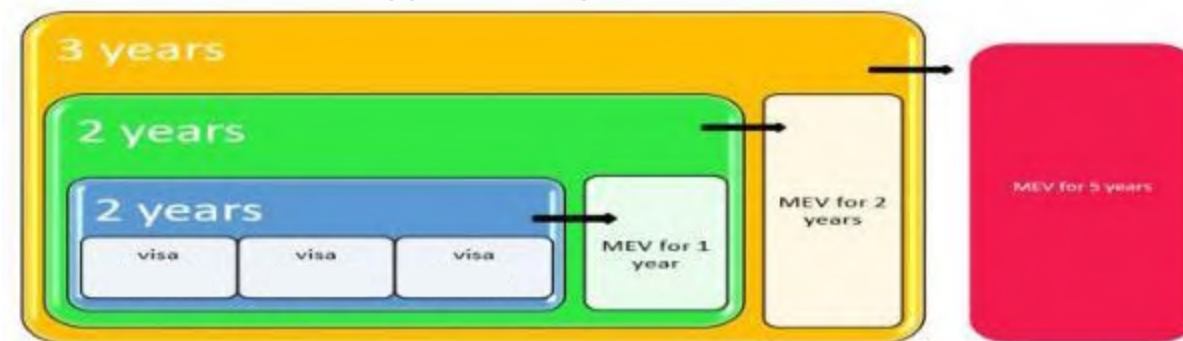
(Article 10, Article 11)

- Possibility to lodge and sign applications electronically where possible, yet in-person application channels remain the most used;
- A majority of MS confirmed that they had implemented or were planning to implement steps towards digitalising visa procedures;

MEVs and the application of the cascade rule

(Article 24) – EC adopted 7 Implementing Decisions establishing adapted rules for nationals of Algeria, Iran, Qatar, Saudi Arabia, Oman, Bahrain and Kuwait

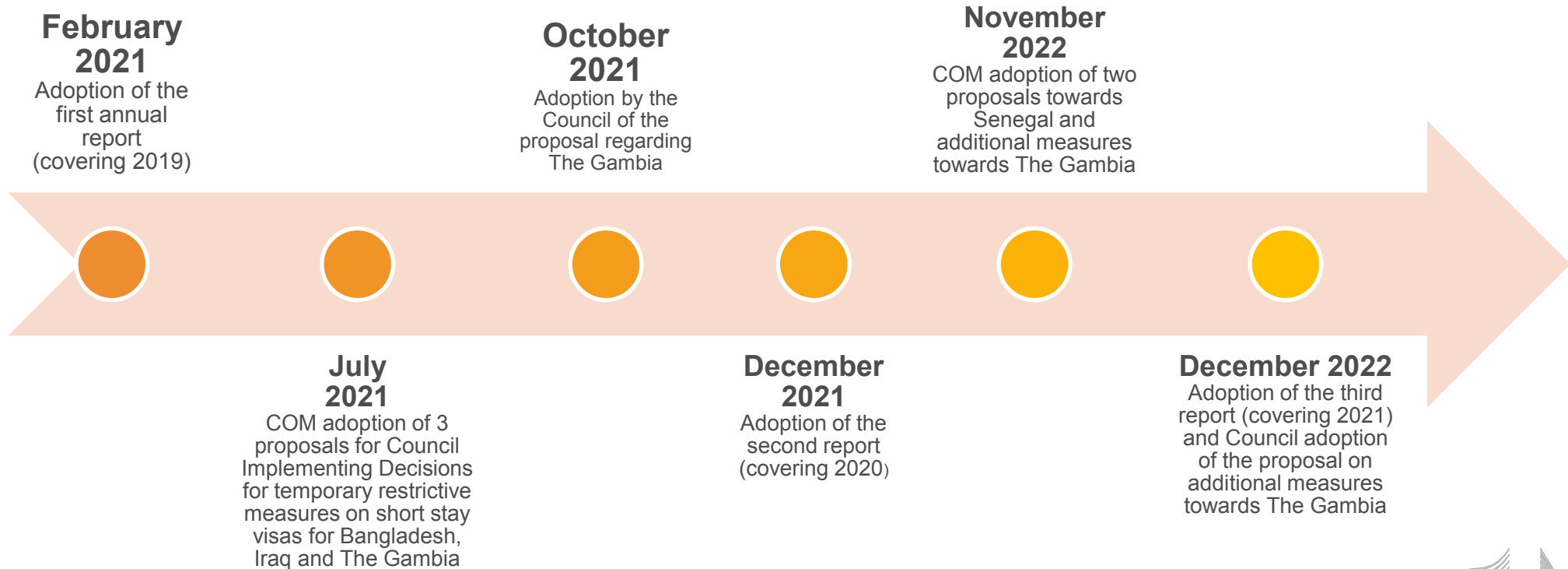
- **< 1 year validity MEVs remain the overwhelming majority** and MEVs with a 5-year validity remain very limited;
- Increase in the share of MEVs with validity of between 1 and 2 years, and with a validity of between 2 and 5 years;
- Possible distortion in the application of the Visa code and related statistics for 2022 due to the COVID-19 outbreak and Russia's war of aggression against Ukraine.



How has the situation evolved over the evaluation period?

Implementing the Visa Code (3)

- Implementation of Article 25a on cooperation on readmission
Annual cycle including a report assessing third countries' level of cooperation on readmission (EU restricted)



Evaluation findings (4)

Harmonised and flexible EU visa policy, including digital transformation (4.1.1)

- **MEVs and cascade rule**
 - Perceived as a positive step contributing to harmonisation, however the COVID-19 outbreak has limited its full application;
 - Fragmented implementation of the cascade rule due to remaining lack of clarity on specific aspects (visa validity for applicants not qualifying for MEVs);
- **Local Schengen cooperation**
 - Further harmonisation achieved at local level through LSC cooperation, with regional differences and engagement;
 - Staff resources and training in EUDEL sometimes perceived as insufficient;
- **Digitalisation**
 - Very limited use of the electronic signature by consulates;
 - Difficulty to assess the impact of legislative changes regarding digitalisation of procedures by MS.

Evaluation findings (4)

Harmonised and flexible EU visa policy, including digital transformation (4.1.1)

Overall

- Visa procedures perceived as **more streamlined, simpler or more flexible**;
- The implementation of the Visa Code remains **fragmented**, as visa procedures are still not fully harmonized (e.g lack of harmonized list of supporting documents / validity of visas for applicants not qualifying for conditions for the cascade);
- Continuation of **visa shopping**, which may result from varying capacities of MS, volume of applications received and applications assessment.

→ The amended Visa Code has contributed to additional flexibility and harmonisation of procedures, yet additional steps are required to fully harmonise the application of the Schengen acquis on visas.

Evaluation findings (4)

Costs and benefits of the implementation of the amended Visa Code (4.1.2)

Stakeholders	Direct costs	Direct benefits	Indirect benefits
Third-country nationals	<ul style="list-style-type: none"> › Visa fee and the service fee › Travel costs; › Costs for mailing the application and related documentation; › Time necessary to collect the required documentation, file the application and complete the process 	<ul style="list-style-type: none"> › Simplification in the visa procedures › Lower waiting times › Less effort for collecting the visa documentation, file the application and complete the process. › Lower travel costs 	
MSs, SAC and consulates	<ul style="list-style-type: none"> › One-off development costs, consisting primarily in setting-up or updating existing IT infrastructures and/or offering training to staff; › Recurring costs, which include costs for operating the systems mentioned above, as well as the staff costs for processing visa applications following the new procedures, such as the amount of time needed for processing visa applications. 	<ul style="list-style-type: none"> › Increase in revenues from visa fees › Streamlining and harmonisation of visa procedures › Decreased the administrative costs (see section 4.1.3) 	
Other stakeholders			<ul style="list-style-type: none"> › Higher number of travellers, thanks to simpler visa procedures › Higher revenue due to higher number of travellers

Limits

- For applicants
 - Service fees often differ and digitalisation remains limited;

- For Member States and consulates
 - Revenues remain below 2019 levels despite increasing the visa fee;
 - Difficulty to establish whether revenues are used to cover earmarked relevant expenditures (e.g IT equipment, new staff and training), yet they are deemed insufficient to support such costs entirely;
 - Suggestion: the EEAS could take a more active role in supporting visa processing through more active LSC (depending on resources and training);

- For industry stakeholders
 - Suggestions: further simplification and extended period of application (seafarers); health test documentation further harmonised and reduced to the minimum required; digitalisation to be continued (e.g online interviews).

Evaluation findings (4)

Regulatory and administrative burden linked to implementation (4.1.3)

- Administrative efforts (measured in full-time equivalent) to process visa applications had started to decrease before the evaluation period and continued after;
- General reduction in costs over the period attributed to a lower volume of applications processed in the 2019-2022 period compared to 2018 (travel restrictions, larger share processed by ESPs) ;
- Streamlining of procedures trend prior to the introduction of the amended Visa Code, offset by external factors (the COVID-19 pandemic and war in Ukraine);
- Consensus among consulates that the amended Visa Code simplified procedures and reduced differences in practices between MS;
- Systematic application and further harmonisation through local adaptation of the MEV cascade rule is expected to bring further simplification;

→ Difficult to discern a direct effect of the amended Visa Code on the regulatory and administrative burden for MS.

Evaluation findings (4)

Readmission cooperation – Processes set up for the implementation of Art.25a (4.1.4)

Duration of the cycle processes

- Each cycle exceeded 1 year: increases complexity of the process;
- Long timespan between the adoption of the report / COM proposals / Council decisions weakens the connection between annual assessment / proposals / decisions;
- Consensus for set timeline – stakeholders indicated 1 year

Involvement of stakeholders

(Commission Services, EEAS/ EUDEL, the Council, MS, Frontex)

- Many stakeholders involved, challenges for consultation with tight timelines and handing restricted documents highlighted.

Completeness and reliability of the data used

(Eurostat and Frontex data)

- Several MS have not yet developed a robust and integrated electronic data collection system;
- Some MS consider that more clarity on definitions and further improvement in guidelines would be needed;

Evaluation findings (4)

Internal and external coherence (4.1.5)

■ **Coherence and complementarity of the amended Visa Code with:**

- Other policies at EU and international level (migration policy, revised VIS, Schengen acquis, digitalisation, management of the external borders);
- Alignment with other EU policy instruments and legislation in relation to fundamental rights, data protection and free movement of persons.

■ **Limits**

- According to several MS, although the amended Visa Code is perceived as positive to harmonise the application of the EU visa policy, it had a limited impact on the Schengen acquis on visas, and persistent differences in the implementation of its provisions remain;
- Concerns raised about respect of data protection standards by ESPs;

■ **As regards non-EU family members of mobile EU citizens**

- Lack of access to consulates and requirement to apply through an ESP, limited waive of the visa fee ;
- The Visa Code does not explicitly specify the exemptions and facilities derived from the EU-UK Withdrawal Agreement

Evaluation findings (4)

Internal and external coherence (4.1.5)

- Coherence of the processes set up for the implementation of Article 25a

Coherence between cycles

- Sequence of Council discussions can change from cycle to cycle;
- Duration of stages differs in different cycles;
- Differences between the cycles provide for flexibility – however they could impact clear communication with stakeholders.

Coherence between stages

- Processes under each stage generally consistent from one cycle to the next;
- Stages may not always be coherent: the output of one stage does not always serve as the input of the next;

Example The Council Implementing Decision on The Gambia was adopted 8 months after the adoption of the first annual report and two months before the adoption of the second annual report, during which continuous engagement with The Gambia took place. For the measures to be assessed, more time would be needed. Thus, the results of Council Implementing Decisions were only taken into account in the third report, which was adopted in December 2022, the same month that the Council Decision for additional measures on The Gambia was also adopted.

Evaluation findings (4)

What is the EU added-value ? (4.2)

- **Clear added-value of the revision indicated by MS and confirmed by industry stakeholders**
- Positive impact on MS, by harmonising and streamlining visa procedures, facilitated locally by cooperation via LSC;
- Possibilities offered regarding digitalisation have been assessed as positive (involvement of central authorities, reduced burden on applicants);
- Harmonisation (MEVs and cascade rule) benefitted authorities, industry stakeholders and travelers;
- Positive impact for industry stakeholders and applicants, by making the procedures faster and more flexible;
- Article 25a: the usefulness of the processes set up was recognised by stakeholders; new communication channels were created; cycles have strengthened data collection and information sharing.

Evaluation findings (4)

What is the EU added-value ? (4.2)

- **Limits**
 - More harmonisation is still needed in the application of the measures (issuance of MEVs) and cooperation in the context of LSC could be further enhanced;
 - Lack of clear link between the amendments to the Visa Code and the digitalisation of the procedures, likely resulting from other factors (COVID-19, broader digital policy in national policy agendas) ;
- Article 25a: effectiveness, efficiency, coherence of the cycle should be continuously improved.

→ **Changes introduced in 2019 could not have been achieved at MS level alone**

Evaluation findings

Is the intervention still relevant ? (4.3)

- New procedures introduced by the revision have not yet fully achieved their objectives;
- While the visa fee does not cover the visa processing costs – and does not intend to –, the new mechanism introduced to dynamically revise the visa fee ensures a better link between costs and revenues;
- The amended Visa Code appears aligned with current and future needs, relevant to the trend of digitalisation overall;
- Article 25a: The assessment cycle is relevant as it is but efforts should be made to reduce its duration as appropriate, the content and structure of the report should be continuously reviewed and refined

▪ Remaining challenges

- Insufficient human resources to process visa applications and recruitment of competent long-term staff in ESPs;

20 Delays in appointments and processing.

Conclusions and lessons learnt (5)

- Evaluation period characterized by the COVID-19 outbreak and Russia's invasion of Ukraine, resulting in data limitations and a distorted overall picture;
- Further harmonisation of the EU visa policy has been partially achieved, yet diverging practices remain;
- Greater flexibility in visa procedures, including enabling digital visa applications;
- However, delays in appointments and processing time persist, and no clear link was established between the amended Visa Code and a significant decrease in costs and administrative burden.
- Article 25a: the implementation of Article 25a has created new channels of and opportunities for communication among Member States, the Commission, the Council, EEAS, Frontex and third countries assessed. It has encouraged more coordinated work on readmission cooperation at national level and has led to the establishment of a framework for the systematic collection of data on readmission cooperation with selected third countries at EU level.

Lessons learnt (5.1)

- **From the Visa procedures perspective**
 - Key role of LSC that could be enhanced by further training of EU Delegation staff;
 - Further progress on the digitalisation will help to continue streamlining and simplifying visa processes for MS;
 - Additional clarifications on the implementation of the MEV cascade would ensure further harmonisation;
 - Additional guidance and updates to the Visa Code Handbook could help in implementation and further harmonisation.
 - Invest sufficient resources in the monitoring of ESPs.
- **From the financial resources perspective**
 - A second review on the increased visa fee could be conducted once sufficient time has passed and global mobility stabilizes.

Lessons learnt (5.1)

- **From the cooperation on readmission perspective (Article 25a)**

General remarks

The assessment cycle is relevant as it is, but efforts should be made to reduce as much as possible its duration to the maximum appropriate, whilst safeguarding the necessary flexibility and the prerogatives of the Commission and the Council on timing the proposal and adoption of the measures;

- Regularity, including predictability and consistency of the processes could further increase the efficiency and coherence of the mechanism and facilitate clear communication with stakeholders.
- Coherence between stages of the same cycle could be further enhanced by increasing the relevance of the output of one stage to help transform it into the input of the next;
- The adequate involvement of stakeholders in relevant stages of the cycle needs to be ensured.

Information and data quality could continue to improve by:

- complementing the existing guidelines to clarify criteria for Member States to use when assessing overall cooperation on readmission;
- encouraging MS to build reliable return case management systems

Lessons learnt (5.1)

- From the cooperation on readmission perspective (Article 25a)

On the reports:

- The content and structure of the report should be continuously reviewed and refined, focussing on the purpose of the regulation and taking into account the workload created.

Design of Article 25a:

- The benefits of an annual assessment compared to a biennial assessment report could be further explored.

Thank you



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