



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Assemblée nationale for its Opinion concerning the proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast) {COM (2014) 164 final}, the proposal for a Regulation of the European Parliament and of the Council establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008 {COM (2014) 163 final} and the Commission report on a Smarter Visa Policy for Economic Growth {COM(2014)165 final}.

The Commission welcomes the Assemblée nationale's broad support for the proposal introducing the touring visa. It takes note of its suggestions to target the new type of visa to the categories of applicants for whom a real need has been identified and to ensure that thorough checks on applicants' means of subsistence are carried out.

Similarly, the Commission welcomes the Assemblée nationale's broad support for the proposal for a Regulation on the Union Code on Visas and the general objectives behind it, namely to harmonise practices and simplify the procedures for applying for visas and processing the applications for the benefit of applicants and Member States' consulates. The Commission has taken note of the Assemblée nationale's comments regarding certain aspects of the proposed measures and would like to draw the Assemblée nationale's attention to the attached annex for its detailed response.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Assemblée nationale and looks forward to continuing our political dialogue in the future.

Yours faithfully,

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First Vice-President*

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Member of the Commission*

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Annex

The Commission has carefully considered each of the issues raised by the Assemblée nationale in its Opinion and is pleased to offer the following clarifications.

I. Proposal for a Regulation of the European Parliament and of the Council establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008

The Commission notes that the ongoing negotiations in both the European Parliament and the Council move in the direction of narrowing down the scope of the new touring visa to certain categories of applicants who have a legitimate interest to travel through the Schengen area for more than 90 days. In the Commission's view, this category should include all nationals of visa-free countries (e.g. Australia, Canada, United States, Israel, Japan, South Korea, Brazil) as their inclusion would not present any additional security or migratory risk compared with the current situation. As regards the verification of applicants' financial situation, the Commission fully shares the Assemblée nationale's views and recalls that applicants will have to prove they have sufficient means of subsistence and a stable economic situation, for instance by means of salary slips and bank statements covering a period of 12 months prior to the application.

II. Proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast)

(1) The abolition of the requirements on travel medical insurance (TMI)

In its Opinion, the Assemblée nationale finds the abolition of the requirements on TMI problematic. The Commission understands that such abolition could seem excessive but a contrario it draws attention to the fact that the TMI requirement could be seen as an excessive burden as it is not an entry condition checked at the external borders and the requirement only applies to third country nationals holding a short-stay visa. During the preparation of its proposal, the Commission has sought to obtain information from Member States on several aspects related to TMI such as the efficiency of the insurances in terms of honouring the costs of emergency medical treatment. However, such information is generally not available to Member States. Some Member States claim to have large amounts of unpaid debts incurred in the treatment of persons who are not nationals of the Member State concerned. Nevertheless, it often turns out that a large part of such debts relate to the treatment of 'visa-free' third country nationals or citizens of other EU Member States. Lacking solid evidence of the added value of TMI, the Commission considers that this requirement should not be maintained.

(2) 'Mandatory' representation

In its Opinion the Assemblée nationale has expressed disagreement with the concept of "mandatory representation". The Commission emphasises that it favours traditional representation established on the basis of a bilateral arrangement between two Member States. According to the Commission's proposal, an applicant who resides in a location

where the competent Member State is neither present nor represented may lodge his/her application at any of the consulates of the Member States present in that location. However, this does not prevent Member States from concluding a formal arrangement. The new provision may even encourage Member States to do so. The Commission finds it difficult to accept that applicants in certain parts of the world are obliged to travel long distances to apply for a visa because many Member States have a fairly limited consular network. Such 'ad hoc' representation should be seen as a logical development of the Schengen cooperation based on solidarity and burden sharing. Moreover, the administrative impact of mandatory representation should not be overstated, as Member States are generally present or at least already represented in locations with a high number of applications. The purpose of mandatory representation would thus be to fill the remaining "blank spots". The Commission estimated in its Impact Assessment¹ that it would lead to only about 100,000 additional applications per year for the representing Member States.

(3) The issuing of multiple-entry visas with a long validity

As regards the issuing of multiple-entry visas with a long validity to certain categories of visa applicants, i.e. VIS registered regular travellers, the Commission stresses that its proposal does not provide for the "automatic" issuing of such visas. According to the Commission's proposal, only persons who fall into this category, that is to say persons who fully comply with the entry conditions, and who have lawfully used the previous visa, should mandatorily be issued such visas with a long validity.

(4) Temporary schemes for issuing visas at the external borders

The Assemblée nationale also expresses concerns about the proposal regarding the possibility for a Member State to issue visas at the external borders under a temporary scheme. The Commission would like to emphasise that such temporary schemes are to be carefully prepared and managed: first of all any Member State intending to establish such a scheme must notify the European Parliament, the Council and the Commission three months ahead of the start of the scheme. The notification should cover the following elements: the purpose which should be to promote short-term tourism, the length of the scheme (that must not go beyond five months in any calendar year), a clear definition of the categories of beneficiaries, the geographical scope, the organisational modalities of the scheme and the measures envisaged to ensure the verification of the visa issuing conditions. After the end of the scheme, the Member State concerned must submit a detailed report to the Commission on the implementation of the scheme. Finally, it is important to recall that visas issued under such a scheme will be valid only for a maximum of 15 calendar days and only for the territory of the issuing Member State, meaning that the holder would not be entitled to travel to other Member States.

¹ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/visa-policy/docs/ia_visas_code_final_report_eu_template_14032014_en.pdf