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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT Accompanying the document Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009, and (EU) No 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 1683/95, (EC) No 333/2002, (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure

Delegations will find attached document SWD(2022) 659 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

**Proposal for a Regulation of the European Parliament and of the Council
amending Regulations (EC) No 767/2008, (EC) No 810/2009, and (EU) No 2017/2226 of
the European Parliament and of the Council, Council Regulations (EC) No 1683/95,
(EC) No 333/2002, (EC) No 693/2003 and (EC) No 694/2003 and Convention
implementing the Schengen Agreement, as regards the digitalisation of the visa
procedure**

{COM(2022) 658 final} - {SEC(2022) 202 final} - {SWD(2022) 658 final}

Executive Summary Sheet
Legislative initiative on the digitalisation of visa procedures (2021 CWP item)
A. Need for action
Why? What is the problem being addressed?
Member States' authorities dealing with visa applications and visa issuing are burdened by lengthy processes and accumulating costs to manage, process, archive and eventually destroy paper documents under the current visa procedure. Member States are also increasingly dependent on external service providers. There is also a security risk related to the possibility of forgery and counterfeiting of the visa sticker, as well as increased risk of visa shopping due to fragmented visa procedures across Member States. Finally, the COVID-19 pandemic has shown that the current practice is not fit to respond and react to crises. The current procedure is also complex and burdensome for visa applicants. Visa applicants have to travel to the nearest consulate or visa application centre for each application and leave the travel document there, preventing further travel during the application process. Frequent travellers need to repeat the same lengthy procedure for each application, which may differ depending on the destination. Applicants also pay additional fees when applying through an external service provider. The root causes of these problems are the legal requirement for Member States to issue a paper visa sticker, Member States' reliance on in-person/paper-based practices, and the heterogeneous level of digitalisation and fragmented visa procedures across the Member States.
What is this initiative expected to achieve?
The overall objective of the initiative is to simplify, harmonise and reduce the administrative burden to apply for a Schengen visa to make the EU a more attractive destination for visa-required travellers and to improve the security and safety of the Schengen area. In order to achieve this, it aims at streamlining and making more efficient the visa application procedure for applicants and Member States through digital means and at increasing the security of the Schengen area through the digitalisation of the visa sticker and digitalised application procedures. A largely paperless and contactless visa procedure will be more cost-effective and save time for travellers and consulates, while also ensuring the highest level of security at EU borders and safeguarding the protection of applicants' personal data.
What is the value added of action at the EU level?
The objective to make visa procedures more secure and fit for the digital age cannot be achieved by Member States acting alone. The further improvement of these common procedures requires EU action. The problems identified above are unlikely to disappear in the near future and they are directly related to the current legal provisions. Amendments of the related legislation (mostly the Visa Code and the VIS Regulation) are only possible at EU level since the objectives of this Regulation build on other initiatives aiming at streamlining and harmonising the procedures in the context of the common visa policy, and also because short-stay visas are part of the Schengen acquis. By reason of scale, effects and impact of the envisaged actions, the objectives can only be achieved efficiently and systematically at EU level.
B. Solutions
What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why?
The Impact Assessment evaluates five policy options, with varying levels of EU intervention in the current visa process: • Option 1, considered as the baseline scenario, envisages no legislative action to be undertaken at EU level. Member States would continue (or not) to develop their national tools. The Commission would issue non-binding recommendations to Member States and support them with soft law measures. The visa sticker would continue to be used to issue visas. • Option 2 includes minimal legislative changes at EU level, aiming to remove legal obstacles that limit the possibility for the Member States to further digitalise the visa application process. The digital visa

would replace the paper visa sticker (mandatory) and a common web service for visa holders would be introduced to check its validity.

- **Option 3** foresees the (mandatory) replacement of the paper visa sticker with the digital visa and the development of an optional EU visa application platform. Under this option, Member States could choose to participate in the EU visa application platform, develop/continue to use their own national portals or not develop any digital solution.
- **Option 4** foresees a mandatory digital visa and a mandatory EU visa application platform, in which all Member States would have to participate after a transition period.
- **Option 5** foresees a mandatory EU visa application platform for all Member States without transition period, a fully digital procedure (including enrolment of biometric data by applicants through digital means) and the digital visa (mandatory).

The **preferred option** is **option 4**, as it would contribute to tackle the root causes of the current problems and would remove the fragmented and paper-based visa application process and harmonise the current heterogeneous levels of digitalisation, while ensuring a high degree of security.

Who supports which option?

Member States have an overall preference for options 3 and 4. In particular:

- 14 Member States favour the use of an EU application platform on a voluntary basis (option 3) whereas
- 10 would be in favour of mandatory use of the platform with a transition period (option 4).
- All Member States support an option which provides for a digital visa.

National data protection authorities also expressed a preference for options 3 and 4.

The **travel and tourism industry** unanimously supports option 4, highlighting the positive impact on travel to the EU and the increased attractiveness of the EU as a travel destination.

C. Impacts of the preferred option

What are the main benefits of the preferred option?

The **EU visa application platform** would benefit Member States by decreasing time spent processing visa applications for consulates and archiving the paper applications. Cases of visa shopping would be directly reduced and checks against the Visa Information System would be done at an earlier stage.

The **digital visa** would improve the internal security of the Schengen area, as the visa sticker could no longer be falsified, and would considerably reduce the administrative burden on Member States' central authorities and consulates, who would no longer have to spend time and money on manufacturing, ordering and securely transporting visa stickers to the consulates. Overall, under option 4, Member States would save EUR 510.9 million in administrative costs over 2025-2029.

Visa applicants would also benefit from option 4. Repeat applicants would no longer need to incur the cost of travel to apply for a visa, and applicants would keep their travel documents with them throughout the application process. Under option 4, applicants would on average save EUR 31 per application out of a total of EUR 74 spent in the baseline scenario for each application.

Option 4 is also expected to have a slight positive impact on the contribution of visa-required third-country nationals to the EU GDP due to a possible increase of visa required third-country nationals travelling to the EU. However, the impact of the increase in travellers on the EU GDP has to be considered carefully as it relies on an expected additional number of travellers in the 2025-2029 period, which is difficult to predict.

Overall, option 4 would largely harmonise the currently fragmented landscape for application procedures in the Member States, and improve the image of the EU as a unified entity in line with the common visa policy.

What are the main costs of the preferred options?

Establishing the EU visa application platform will represent a substantial cost in comparison to the baseline. The estimated cost is EUR 41.2 million for its creation and EUR 12.8 million yearly for it to be operated and maintained.

Every Member State will need to connect and update their national system(s) so they can use the services from the new centralised EU digital application platform. Cost estimates are EUR 270 000 - 330 000 per Member State. Investments at Member States level for the implementation of the digital visa are negligible.

The environmental costs associated with the application process for repeat applicants will be nearly null, as they no longer need to travel to apply or collect their travel document. Paper consumption will also decrease, with positive impacts on the environment. The potential increase in tourism to the EU thanks to the digitalisation of visa procedures could trigger additional CO2 emissions; however this expected increase relies on an additional number of travellers that is difficult to predict and that is not certain, unlike the environmental benefits linked to the reduction of travel for applicants and paper consumption for applications and the visa sticker.

How will businesses, SMEs and micro-enterprises be affected?

The main businesses that would benefit from the initiative would be those in the travel and tourism sectors. Representatives of the European tourism industry expressed strong support for digitalising the visa process and underlined the need for the EU to offer a seamless travel experience in order to compete with other global destinations.

Will there be significant impacts on national budgets and administrations?

The preferred option foresees an impact on national administration in particular as regards the costs to connect and update their national system(s) and store application data. Expected savings in administrative costs (EUR 510.9 million in the 2025-2029 period for all Member States) would largely offset these costs (EUR 140 million for all Member States in the 2025-2029 period).

Will there be other significant impacts?

As regards **data protection**, in option 4 the EU platform would introduce uniform data processing practices, which would apply to all Member States. It would reduce exposure of personal data to external service providers, as repeat travellers would be able to apply directly through the EU application portal. Nevertheless, according to by the EDPS, certain data protection risks are inherent to digitalisation. This is why the principles of “purpose limitation” and “data minimisation” will have to be strictly respected.

The **right to non-discrimination** for third country nationals with low IT access and literacy would not be breached as external service providers and travel operators would provide assistance.

As to the rights of **people with disabilities**, people unable to hear and/or see would benefit from less assistance in person but could be helped by enhancing the accessibility of online application tools, in line with recognised guidelines on web accessibility. External Service Providers could also provide guidance to people with disabilities or low IT literacy. The situation of people with reduced mobility would improve as in certain circumstances people would no longer be required to visit a visa application centre or consulate.

D. Follow up

When will the policy be reviewed?

Article 57 of the Visa Code and Article 50 of the revised VIS Regulation on Monitoring and Evaluation already provide for monitoring and evaluation obligations, e.g. to produce an evaluation of its application two years after all the provisions of the Visa Code have become applicable. This general principle of these articles will also apply to the changes stemming from the adoption of the proposal on digitalisation of visa procedures.