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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 20 July 2006

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Draft proposal for a Regulation of the European Parliament and of the Council
establishing a Community Code on Visas

Delegations will find attached the Commission Staff working document "Summary Impact Assessment" attached to the above-mentioned draft proposal.*

Encl.: SEC(2006) 958

* See doc. 11752/06 ADD 1.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.7.2006
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COMMISSION STAFF WORKING DOCUMENT

Annex to the

Draft Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

establishing a establishing a Community Code on Visas

SUMMARY IMPACT ASSESSMENT

**{COM(2006) 403 final}
{SEC(2006) 957}**

SUMMARY IMPACT ASSESSMENT

The establishment of a common visa policy, rendered necessary by the establishment of an area of freedom, security and justice with no internal border controls, is encountering obstacles inherent in the nature and content of its various components.

This analysis has highlighted the difficulties connected with the juxtaposition of different rules and procedures which are not precise enough, are sometimes not very clear and have a legal scope which is as yet ambiguous. This situation leads to divergent interpretations and inadequately harmonised implementation. Deficiencies have also been noted in local consular cooperation, which have aggravated the phenomenon of “visa shopping” and led to disparities in the treatment of visa applicants. This has not helped to create a clear perception of the policy in non-EU countries.

In the political context defined by the Hague Programme, a number of objectives have been identified. Their aim is to clarify the existing provisions, while remedying the shortcomings identified, and to establish an exhaustive, transparent and coherent legislative framework. We should also aim to achieve uniform application of these rules by both the Member States' central authorities and their consular posts in non-EU countries, to ensure that visa applicants receive fair treatment and to combat illegal immigration more effectively.

A number of ways of proceeding have been considered: maintaining the status quo, introducing common training courses, stepping up local consular cooperation, simply updating the Common Consular Instructions or completely recasting them, and creating common offices responsible for the issue of visas.

The impact assessment of each measure suggests that while the complete recasting of the Common Consular Instructions seems most suited to remedying the problems encountered, this may also be seen as a preliminary step towards creating common visa offices. The development of common training courses is also found to be a useful complementary measure and its feasibility should be studied.