

Brussels, 29 November 2024  
(OR. en)

16195/24

VISA 173  
ASILE 125  
MIGR 434  
FRONT 316  
IXIM 241  
COMIX 482

**'I/A' ITEM NOTE**

---

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Council conclusions on "Towards a more strategic approach on EU visa policy" – Approval

---

1. On the basis of the discussion held on the subject on 18 September 2024 in the Visa Working Party<sup>1</sup>, on 14 October 2024, the Hungarian Presidency of the Council tabled a set of draft Council conclusions on “Towards a more strategic approach on EU visa policy”.
2. The draft conclusions built upon the reflection carried out by past Presidencies on the future of visa policy, with a primary focus on preventing the abuse of the EU’s visa regime and identifying and further improving tools and mechanisms to support this aim.
3. The Council conclusions also offers the opportunity to provide the Commission with political guidance for the drafting of an EU strategy on visa policy, which the Commission, at the JHA Council of June 2024, committed to prepare and which should be submitted in 2025.

---

<sup>1</sup> 12930/24.

4. The Presidency proposal and its subsequent revised versions were discussed by the Visa Working Party at its meetings of 23 October and 15 November 2024 and by the JHA Counsellors at their meeting on 7 November 2024. Following an informal silence procedure launched on 19 November and closed on 21 November 2024, the text was further fine-tuned to meet delegations' remaining concerns.
5. In light of the above, the Permanent Representatives Committee is invited to:
  - confirm the agreement on the text of the draft Conclusions as set out in the Annex, and
  - forward the attached draft conclusions for approval to the Council (Justice and Home Affairs) at its meeting of 12 December 2024.

---

**Draft Council Conclusions on****Towards a more strategic approach on EU visa policy**

1. By regulating entry of third country-nationals into the Schengen area and facilitating legitimate travel, EU visa policy plays a fundamental and primary role in safeguarding the integrity of the Schengen area and enhancing its resilience to migration and security challenges.

At the same time, visa policy has an important role in the EU's international relations and holds significant value for both third countries and the EU by facilitating travel, fostering people-to-people contacts, as well as promoting tourism and economic growth.

In the broader geopolitical context, it can enhance more balanced cooperation with partner countries within the framework of comprehensive partnerships, that support EU interests while carefully considering the potential impacts, in particular on migration flows and security concerns. The Council recognises the role of visa policy in migration partnership dialogues, encouraging the countries of origin and transit to undertake reforms, intensify efforts to combat irregular migration and align their policies with the EU's migration and visa rules.

2. The Council stresses that full consideration shall be given to migration and internal security aspects when tackling visa-related topics in the Council, in particular in the foreign affairs policy field. The Council underlines the importance of a strategic approach to visa policy, whereby decisions should consider the interests of all relevant areas, in close cooperation between the Commission, the European External Action Service (EEAS) and the Council, in order to maintain a sustainable visa policy in the future. It is essential that decisions regarding visa liberalisation or facilitation be designed and adopted so as to not generate any security or migration risk.

In this regard, the Council stresses the need for the EU to apply a whole-government approach, ensuring that all relevant Council preparatory bodies and policy implications – and particularly those related to justice and home affairs – are involved and taken into full consideration in each step of the process when a visa liberalisation dialogue with a third country or a decision on visa liberalisation is being considered. This includes the development of benchmarks in a transparent manner to ensure that both foreign policy and internal security and migratory concerns are properly addressed.

3. Visa-free travel to the EU is a privilege for the nationals of third countries, creating benefits but also responsibilities for them and it is at the same time a powerful Union instrument that needs to be used in a more strategic manner. The Council underlines the importance of continuous fulfilment of the established benchmarks by third countries who have obtained visa exemption through a visa liberalisation dialogue, in order to remain accountable. In addition, all third countries benefitting from visa-free access to the EU need to comply with the visa exemption criteria in accordance with Regulation (EU) 2018/1806 on a continuous basis.
4. The Council welcomes the diplomatic efforts and active engagement of the Commission and the EEAS in restoring visa reciprocity with visa-free third countries. In this context, preserving the visa-free status of the Member States is essential. In addition, the Council, also considering the overall relations with third countries and the EU's interest, expresses its strong interest to ensure equal and fair treatment for all EU citizens when travelling to third countries.

5. While Member States agree that visa facilitation agreements remain crucial instruments in the EU's relations with third countries, the Council reaffirms that there is an increasing emphasis on their strategic use in external relations, particularly as a means to achieve broader Union objectives in other policy areas, especially in the context of readmission policy. This objective could be achieved by tailor-made agreements with country-specific conditions in the future, thereby serving the interests of the EU. Visa facilitation agreements should, however, not be regarded as a predetermined first step towards visa liberalisation, but as stand-alone decisions in themselves. Furthermore, the current practice of concluding readmission agreements in parallel to the granting of visa facilitations should remain, as a precondition, a crucial element of the process.
6. To promote the coherence and sustainability of the EU's visa policy, the EU should primarily focus on the efficient and effective use of the existing tools and further strengthening and enhancing them. These include, inter alia, the visa suspension mechanism, the Article 25a mechanism of the Visa Code, the optimal use of the Visa Information System (VIS), and the seamless implementation of the Union's information systems.

The Council underscores the importance of a timely and effective implementation of the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) and the revised VIS. Reliable operation of all these information systems is vital in strengthening border security and addressing challenges to internal security and migration, including the abuse of visa-free travel and overstays. Evaluation of the functioning of these systems, within the framework of interoperability, will help to formulate more effective EU responses to future challenges.

The Council also highlights the extensive legislation that has been adopted in relation to these information systems and its implementation in the coming years, including the digitalisation of the Schengen visa procedures. The ongoing digitalisation trends, along with the implementation of the interoperability framework, including automated risk assessment and multiple-identity detection, will provide a broader range of information on travellers. This enhanced data will further contribute to the visa procedures, with the potential to detect and reduce abuses and to support deliberations and monitoring under the visa suspension mechanism.

7. The Council looks forward to the early adoption of the revised visa suspension mechanism, which will better equip the EU to address abuses of visa-free regimes, including in particular abuses by visa-free third-country nationals applying for international protection. The Council has also expressed its support for strengthening the monitoring of and reporting on third countries benefitting from visa-free access to the EU. This enhanced scrutiny will be important in identifying and addressing potential challenges and will contribute to a more secure and resilient European Union.
8. The Council emphasises that, in addition to the swift adoption of the revision of the visa suspension mechanism, the EU needs to remain alert to existing and emerging challenges, with the aim of preventing abuse of the EU's visa regime. Such challenges need to be systematically monitored and addressed, particularly to ensure that visa-exempt countries do not become hubs for irregular migration. In this regard, visa policy alignment to the EU's visa regime by third countries, especially those neighbouring the EU, is urgent and essential in order to reduce possible abuse and to ensure the sustainability of the visa-free regime between the EU and these countries. Visa policy alignment is equally important by third countries who have engaged in a visa liberalisation dialogue with the EU, which includes this benchmark. While the EU should continue diplomatic outreach and high-level contacts with third countries, it expects tangible commitment from them to take the necessary measures to effectively address abuses.

9. The Council acknowledges that the EU should take further steps to mitigate the risk of abuse of visas by asylum seekers. To reduce the cases when third-country nationals lodge asylum applications after entering the Schengen area with a visa and to have more comprehensive statistical data on this phenomenon, the Council emphasises the need to systematically consult the VIS in asylum procedures and record successful asylum identifications. This practice ensures that the visa history of applicants is adequately considered and strengthens the EU's capacity to manage asylum applications more effectively. Closer cooperation and data sharing between visa and asylum authorities, fostering the exchange of experience as well as the integration and analysis of the relevant data at EU level are necessary elements for an effective asylum management.

In this context, it is also crucial that the revised Eurodac provides a proper framework to store a widened range of data on asylum seekers as soon as possible. To this end, the Council calls for the continued implementation of the revised VIS alongside Eurodac, to ensure that information on visa applicants is shared efficiently among Member States, helping to identify potential security and migration challenges and to enable cross-system statistics. In the long-term, the associated statistics will be provided by the Central Repository for Reporting and Statistics (CRRS) within the interoperability framework. However, until this is achieved, the Council encourages the Commission to further explore the possibility of making better use of the statistical data-providing capacity of eu-LISA, including analysis of the shared data, which could help to identify evolving trends and improve risk analysis.

10. A well-functioning return and readmission system contributes to combating irregular migration. The effective use of the Article 25a mechanism of the Visa Code is a crucial element in improving readmission cooperation with third countries. Acknowledging the diplomatic and operational efforts undertaken by the Commission, the EEAS and the Member States, and with encouragement to uphold the favourable dynamics introduced in the mechanism, the Council underlines that, while maintaining flexibility, the implementation of the process should be further optimised in order to develop a more powerful and credible mechanism. When assessing the third countries concerned, potential threats to public order and internal security posed by their nationals who are obliged to return should also be considered. It is important that the third countries concerned undertake every effort to increase their level of cooperation, particularly when it comes to readmitting their own nationals and complying with all commitments under the respective readmission agreements or arrangements. The Council stresses the need to convey a clear and unified message towards third countries that further measures will be implemented if cooperation does not improve within a reasonable period of time. In this context, the possibility to explore in the future a legislative reform of Article 25a mechanism should not be excluded.
11. The Council underlines the need for a more harmonised application of existing visa legislation, and in particular the thorough implementation of the Visa Code by all Member States. Training is an important tool to achieve this, and the use of the Visa Code Training (VCT) should be encouraged by Member States. To achieve harmonised implementation, further measures shall be taken to reduce the opportunities for ‘visa shopping’, in particular through stronger and better coordinated local Schengen cooperation.



12. As migration patterns evolve and the complexity of global mobility increases, the EU must strengthen its collective efforts to safeguard its external borders and the integrity of the Schengen area. The Council recognises the importance of a comprehensive review of the EU's visa policy with the aim of bolstering the security of Schengen and supporting the EU's migration policy framework. By adopting a holistic and forward-looking approach, the EU can better adapt to changing migration dynamics, prevent and respond to immediate migration and security challenges and to abuses of the visa regime. The Council welcomes the Commission's commitment to develop a Union strategy on visa policy that responds to both current and future challenges.
-