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PROPOSAL

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 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 COM(2022) 658 final.

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 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

{SEC(2022) 202 final} - {SWD(2022) 658 final} - {SWD(2022) 659 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The EU common visa policy is an essential element in ensuring the security and proper functioning of the external borders of the Schengen area. It facilitates legitimate stay in or transit through Schengen countries and has contributed to the harmonisation of the Member States visa issuing practices. To maintain a high level of internal security, safeguard the free movement of persons in the Schengen Area, and facilitate legitimate travel to the EU by third country nationals whilst reducing irregular migration, the Member States are currently working on improving the management of their common external borders.

Since the entry into force of the Visa Code in 2010[1] and the start of operations of the Visa Information System (VIS) in 2011[2], the environment in which the visa policy operates has changed considerably. On the one hand migration and security challenges have increased in recent years; on the other significant technological developments provide new opportunities to make the Schengen visa application process smoother for both travellers and consulates.

While visa processing is already partially digitalised, with applications and decisions recorded in the VIS, two important steps remain paper-based: the visa application process and the visa sticker. These two steps create a burden for all stakeholders, from central national public authorities, i.e. ministries of home and foreign affairs, to consulates and applicants. Member States are aware of this and a certain number of them have partially digitised their application process to make it more efficient and user-friendly.

At EU level, in 2017, the Estonian Council Presidency opened the discussion in the Visa Working Party of the Council[3] on options to improve the current visa process with an online visa application[4] and a digital visa.[5] This political impetus, together with current and future legislative changes, i.e. the revised Visa Code,[6] the VIS revision,[7] the Entry/Exit System (EES),[8] and the European Travel Information and Authorisation System (ETIAS),[9] led the

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1 Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

2 Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (OJ L 218 13.8.2008, p. 60).

3 https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/visa-working-party/

4 Presidency Council of the European Union, e-Visa: Improving the current visa process with online visa application, 12546/17, October 2017

5 Presidency Council of the European Union, e-Visa: Improving the current visa process with digital visa, 11816/17; September 2017

6 Regulation (EU) 2019/1155 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) (OJ L 188, 12.7.2019, p. 25).

7 Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System (OJ L 248, 13.7.2021, p. 11).

8 Regulation (EU) No 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the

Commission to issue a Communication of 14 March 2018[10] on adapting the common visa policy to new challenges and to launch a reflection on the move towards digital visas.

The March 2018 Commission communication on visa policy took on board the idea of "e-visas". As announced in this Commission communication, a feasibility study on the digitalisation of visas procedures was carried out in 2019 and its results have been used in the context of the impact assessment accompanying this proposal. In addition, a project to develop an EU platform prototype was also carried out by the EU Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) in 2020-2021 in close coordination with the Commission and Member States. The lessons learnt from this prototype will be used for the development of the future EU application platform.

When revising the EU Visa Code in 2019, the European Parliament and the Council explicitly stated the aim of developing a common solution to allow Schengen visa applications to be lodged online in the future, thereby making full use of the recent legal and technological developments[11]. The COVID-19 pandemic, which led to the slowing down of Schengen visa operations worldwide partly due to the difficulty of receiving visa applicants in consulates and visa application centres, prompted Member States to call upon the Commission to speed up work on digitalisation of visa procedures. The New Pact on Migration and Asylum[12] proposed by the Commission on 23 September 2020 set the objective of making the visa procedure fully digitalised by 2025, with the introduction of a digital visa and the ability to submit visa applications online.

Nationals of 102 third countries are currently required to hold a valid visa in order to cross the EU external borders.[13] Visas are issued by Member States through a network of consulates in third countries.[14] In the projections used in the impact assessment accompanying this

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Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20) (hereinafter: Entry/Exit System/EES).

9 Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1) (hereinafter: ETIAS Regulation).

10 Communication from the Commission to the European Parliament and the Council, Adopting the common visa policy to new challenges, COM(2018) 251 final, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/20180314_communication-commission-parliament-council-adapting-common-visa-policy-new-challenges_en.pdf.

11 Recital 20 in Regulation (EU) 2019/1155.

12 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM(2020) 609 final, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609.

13 Annex I to Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303, 28.11.2018, p. 39).

14 Member States can agree bilaterally to be represented by another Member State in a third-county through representation agreements. This means that not all Member States have consulates in all visa-required third countries.

proposal[15], the number of short-stay visas is expected to slightly increase until 2025 and then stabilise.

By introducing the possibility for visa applicants to sign application forms electronically, the amended Visa Code[16] has created the possibility for the digital submission and processing of visa applications; however, most Member States only digitalised parts of the short stay visa process and still rely heavily on paper-based procedures. As a result, the degree of digitalisation as well as the visa application process differs from one Member State to another.

The current fragmentation in terms of national practices for managing the application process negatively affects the functioning of the EU Visa policy applied and the perception of the European Union as a single geographical entity and makes the visa application process burdensome for visa applicants

Besides, since the current short-stay visas rules at EU level do not lay down any digitalisation obligation to Member States, the current paper-based procedures generate high management costs for Member States associated with handling paper applications.

Furthermore, the physical visa sticker is prone to falsification and fraud (e.g. forgery and counterfeiting) and can be stolen, which represents a security risk. The visa sticker was introduced in 1995, and has been regularly updated to improve its security features ever since. The most recent innovation is the introduction of a signed 2D-barcode on the visa sticker[17] which will enter into force on 1 May 2022[18]. Nevertheless, the visa sticker is likely to remain vulnerable to counterfeiting or falsification.

Another risk identified in relation to the current situation is the risk of visa shopping by applicants. Heterogeneity in the way an application can be submitted can potentially create an incentive for visa applicants to choose to lodge an application at a Member State with a more digitalised application procedure, which would be different from the Member State that would otherwise be competent for the examination of the visa application.

In addition, third countries that compete directly with the EU in attracting third country visitors, such as Australia and New Zealand, already have fully digitalised processes in place for all foreign nationals that are subject to visa requirements. Other countries (e.g. UK, US, Canada, [Russia,] India) have digitised the process to facilitate visa-required third country nationals from certain key countries in quickly and easily obtaining an electronic travel authorization instead of a visa for certain travel purposes. These procedures are to a great extent comparable to European Travel Information and Authorisation System (ETIAS). In

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15 Study to assess the various options related to visa process digitalisation and to support the preparation of an impact assessment - Final Report available: https://ec.europa.eu/home-affairs/study-assess-various-options-related-visa-process-digitalisation-and-support-preparation-impact_en.

16 Regulation (EC) No 810/2009 of the European Parliament and the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1) and Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) (OJ L 188, 12.7.2019, p. 25).

17 Regulation (EU) 2017/1370 of the European Parliament and of the Council of 4 July 2017 amending Council Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 198, 28.7.2017, p. 24).

18 The susceptibility to fraud of the visa sticker is substantiated by the Commission's Implementing Decision C(2020) 2672 of 30.4.2020 introducing a digital seal on the uniform format for visas. This implementing decision was adopted after many forgeries of the new visa sticker were discovered in Member States shortly after its introduction (December 2019).

comparison, the visa application procedure to visit the EU is quite complex and cumbersome[19]. The global digitalisation trend, together with travellers' expectations for increasingly fast, modern and simple procedures could leave the EU lagging behind and provoke economic disadvantages for the EU, notably for the EU industry as international travels contribute positively to the EU GDP, in particular to the tourism industry.

Consequently, the costs of non-action at EU level could increase over time. Without digitalisation, Member States would continue to face a heavy administrative burden to manage visa processes, visa applicants would continue to undergo costly and time-consuming procedures and the risks attached to the security of the visa sticker would continue to exist.

The main problems identified in relation to Member States' authorities dealing with visa application and visa issuing are:

- The lengthy process and accumulating costs for consulates to manage, process and archive (and eventually destroy) paper documents. The dependence of Member States on external service providers to fulfil their obligations relating to visa management in a context of an increase of visa applications and the obligation for third country nationals to visit the consulate or a visa application centre each time they need to apply. On average, 90% of short-stay visas applications are submitted through external service providers. This also involves large-scale contracts and monitoring costs and additional costs for visa applicants.
- The paper-based process is not threat or risk-proof. The COVID-19 pandemic had a substantial impact on the visa procedure as it systematically requires the physical presence of the applicant at a consulate or an external service provider at key stages of the Schengen visa application procedure.
- The physical visa sticker is prone to falsification and fraud (e.g. forgery and counterfeiting), and it needs to be transported and securely stored.[20]
- Increased risk of visa shopping by applicants. Applicants might be tempted to apply for a visa to a Member State that offers an expeditious visa application process instead of the Member State they actually want to visit.

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 behind, which makes it more difficult to identify oneself and to travel abroad during the application process.
- Frequent travellers need to repeat the same lengthy procedure for each application, which may differ depending on the Member State of destination.

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19 For instance, a 2018 survey by the European Tourism Association estimated that the current visa process is putting off 25% of Indian travellers considering the Schengen area as a travel destination. This would therefore confirm that some visa-required travellers might be discouraged to travel to the EU because of visa requirements https://www.etoa.org/eu-schengen-visa-long-haul-markets/

20 The susceptibility to fraud of the visa sticker is substantiated by the Commission's Implementing Decision C(2020) 2672 of 30.4.2020 introducing a digital seal on the uniform format for visas. This implementing decision was adopted after many forgeries of the new visa sticker were discovered in Member States shortly after its introduction (December 2019).

- Applicants also pay additional fees when applying through an external service provider.

The root causes of these problems are the legal requirements for Member States to issue a paper visa sticker, Member States' reliance on in-person and paper-based practices, and the heterogeneous level of digitalisation and fragmented visa procedures across the Member States.

Therefore, the digitalisation of visa procedures offers an opportunity to improve the visa application process, reducing the costs and the burden on stakeholders, while improving the security of the Schengen area. Moreover, the digitalisation of the visa process is in line with recent legislative developments[21] relating to the IT landscape for border management, contributing to enhanced security of the Schengen Area.

- **Consistency with existing policy provisions in the policy area**

The digitalisation of the visa application procedure and the implementation of a digital visa is consistent with several major developments in the field of visa and border policy:

- The revision of the Visa Code in 2020, which made it easier for regular travellers to apply for visas with a longer validity and allowed electronic visa applications (used by a few Member States) and electronic signature (not used by Member States so far).
- The recently revised Visa Information System (VIS) Regulation[22].
- The European Travel Information and Authorisation System (ETIAS)[23], which is part of the Smart Border and interoperability framework and introduces an online travel authorisation for third country nationals who do not require a visa. This travel authorisation differs from the visa procedure, which requires submission of the biometrics and physical presence of applicants to mitigate the higher migration and security risks of visa-required third countries.
- The Entry-Exit System (EES), which will be operational in 2022 and will require every traveller visiting the Schengen area for short stays to record his/her entry and exit at the external border crossing points allowing for the detection of overstayers[24].

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21 Such as the Interoperability Regulation (Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

22 Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021. The revised VIS regulation will allow more thorough background checks on visa applicants, close security information gaps through better information exchange between Member States, broaden the Visa Information System to include long-stay visas and residence permits, and will allow combatting abduction and trafficking of children by lowering the fingerprinting age for minors. Together with the other new and upgraded information systems, the new Visa Information System should be operational and fully interoperable by the end of 2023.

23 ETIAS legal basis: Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

24 EES will be interoperable with VIS and the other EU information systems so that all information is cross-checked (e.g. the systems will provide information as to whether a visa holder has already a file in EES.

- This proposal is without prejudice to Directive 2004/38/EC[25]. The proposal does not in any respect amend Directive 2004/38.
- This proposal is without prejudice to Part Two of the EU-UK Withdrawal Agreement[26] .

- **Consistency with other Union policies**

The initiative on visa digitalisation is included in the Commission Work Programme for 2021[27] and referred to in the New Pact on Migration and Asylum, as noted above. The initiative is mentioned in the Commission communication on *A strategy towards a fully functioning and resilient Schengen area*[28], as one of the key actions announced by the Commission to improve external border management.

The initiative also fits with the general EU approach to encourage the modernisation and digitalisation of public services and the Commission communication[29] on the *2030 Digital compass: the European way for the digital decade*.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of the legislative initiative is Article 77(2) of the Treaty on the Functioning of the European Union (TFEU). Article 77(2)(a) TFEU empowers the Union to develop measures concerning 'the common policy on visas and other short-stay residence permits'. Article 77(2)(b) TFEU empowers the Union to develop measures concerning 'the checks to which persons crossing external borders are subject. Article 79(2)(a) empowers the Union to develop measures concerning 'the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits'. As the legal instrument aims at the digitalisation both of short-stay and long-stay visas (only the digital visa format for the latter), a joint legal basis consisting of Articles 77(2) and 79(2) TFEU is needed.

- **Subsidiarity (for non-exclusive competence)**

The current disparities between Member States' visa application processes and different degrees of digitalisation show that the objective to make visa procedures more secure and fit for the digital age cannot be achieved by Member States acting in isolation. The further improvement of these common procedures requires EU action as most of the issues identified are linked to EU law. The problems identified above are unlikely to disappear in the near future and are directly related to existing EU law provisions.

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25 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

26 Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

27 COM(2020) 690 final, Commission Work Programme 2021, A Union of vitality in a world of fragility, p.6.

28 Communication from the Commission to the European Parliament and the Council "A strategy towards a fully functioning and resilient Schengen area", COM(2021) 277 final.

29 COM(2021) 118 final, Commission communication on the 2030 Digital Compass: the European way for the Digital Decade.

This Regulation, is aiming at streamlining and harmonising the procedures in the context of the common visa policy and. In addition, the initiative is aligning travel, entry requirements and border checks within the Schengen area through digitalisation and the interoperability framework at the borders. Therefore, the amendments of the relevant parts of the Schengen acquis (primarily the Visa Code and the VIS regulation and other related legislative acts[30]) are only possible at Union level.

By reason of scale, effects and impact of the envisaged actions, the objectives can only be achieved efficiently and systematically at EU level.

- **Proportionality**

According to the principle of proportionality laid down in Article 5(4) TEU, there is a need to match the nature and intensity of a given measure to the identified problem. All problems addressed in this legislative initiative call, in one way or another, for EU-level legislative action enabling Member States to tackle these problems effectively.

The proposal envisages the mandatory replacement of the paper visa sticker with the digital visa and a mandatory EU visa application platform, in which all Member States applying the Schengen *acquis* in full[31] and Schengen associated countries[32] would have to participate once the system starts operation. It will be possible for Member States to avail themselves of an optional transition period.

The proposal contributes to tackling the root causes of the current problems. It would put an end to the fragmented and paper-based visa application process and harmonise the current heterogeneous levels of digitalisation, while ensuring a high degree of security.

This would not go beyond what is necessary to achieve the objectives explained in the previous sections.

- **Choice of the instrument**

The objectives of this proposal can be achieved by a legislative act that will modify the existing visa procedures. Therefore, a regulation amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009 and consequential amendments of other regulations is needed.

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30 Namely Regulation (EU) 2017/2226 of the European Parliament and of the Council, Council Regulation (EC) No 1683/95, Council Regulation (EC) No 333/2002, Council Regulation (EC) No 693/2003, Council Regulation (EC) No 694/2003, and Convention implementing the Schengen Agreement.

31 With the exception of Ireland, which does not participate in the Union's visa policy. As regards Cyprus, Bulgaria, Romania and Croatia, the provisions of this Regulation constitute provisions building upon, or otherwise relating to, the Schengen acquis within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession read in conjunction with Council Decision (EU) 2017/1908 and Article 4(2) of the 2011 Act of Accession.

32 Iceland, Norway, Liechtenstein and Switzerland.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

All stakeholders expressed wide support for the initiative, underlining the expected benefits and conveniences deriving from a modern, user-friendly digital solution, which is expected to facilitate administrative procedures.

During consultations, all Member States expressed support for the introduction of a digital visa. The Member States also support the extension of this digitalisation to long-stay visas. Regarding the EU online application platform, a number of Member States would favour the use of an EU application platform on a voluntary basis (Option 3, described below) whereas others supported the mandatory use of the platform with a transition period (Option 4, described below).

The Fundamental Rights Agency as well as national data protection authorities emphasised the need to adhere to the data protection principles of 'purpose limitation' and 'data minimisation' when collecting personal data, the importance of clearly defining which authorities have access to which data and the need for the digital application process to be accessible for people with disabilities.

As regards the different policy options, national data protection authorities expressed a preference for the development and building of an EU visa application platform, either on a voluntary or mandatory basis (options 3 and 4, respectively, described below).

The Commission also consulted all relevant stakeholders, including the Fundamental Rights Agency, Europol, the European Data Protection Supervisor (EDPS) as well as national data protection authorities on a fully digital visa application procedure which would have exempted travellers from visiting consulates or external service providers to submit their biometrics (see Option 5 below). This was opposed by most stakeholders in particular due to the remote collection of biometrics. In general, the EDPS explained that the higher degree of digitalisation of the options, the greater the risks to data protection. The Commission took the feedback of the EU agencies and national authorities in close consideration, including as regards the concerns raised by the online collection of biometrics under Option 5.

Frontex indicated that the introduction of a digital visa would be welcome as it will make forging visa stickers even more difficult (no more "physical" visa). In addition, the high operating costs of the visa sticker would disappear.

Representatives of the travel and tourism industry supported unanimously Option 4. They highlighted that this would facilitate the application procedure for visa applicants, as well as the positive impact on travel to the EU and the increased attractiveness of the EU as a travel destination. They underlined the need for the EU to offer a seamless travel experience equivalent to the one proposed by countries like Australia, in particular towards travellers from Asian countries subject to visa requirements. Whilst also showing an interest in Option 5, they recognised it could pose security challenges. The responding business organisations also underlined the need to ensure data security, and to envisage a transitional period to ensure a smooth transition from paper-based to digital solutions, as well as a need for fall-back solutions in case of technical issues.

The results of a public consultation held from March to June 2021 also show a very strong support for the digitalisation process, both regarding the digital visa and the possibility to

apply online (515 responses). Both the introduction of an online application platform and a digital visa are seen as very positive developments which would facilitate the short-stay visa application procedure and traveling to the EU for visa holders.

- **Collection and use of expertise**

The Commission contracted an external consultant to conduct a study on the feasibility and implications of options to digitalise visa processing. The report was published in September 2019 and is available online[33].

In addition, an external contractor has assisted the Commission by conducting a study including a detailed cost-benefit analysis of the different policy options, which supported the work on the Impact Assessment report. The call for the study was launched in December 2020, following which two substantive bids were evaluated, leading to the award decision at the end of January 2021 to Deloitte.

- **Impact assessment**

In line with its "Better Regulation" policy, the Commission conducted an Impact Assessment.[34] The Impact Assessment evaluated five policy options, with varying levels of EU intervention in the current visa process:

Option 1 considered as the baseline scenario: under the baseline scenario, no legislative action would be undertaken at EU level. Member States would continue (or not) to develop their national tool. The Commission would issue non-binding recommendations to Member States and support them with soft law measures.

Option 2 includes some minimal legislative changes at European level, aiming to remove legal obstacles that limit the possibility for Member States to further digitalise the visa application process. A mandatory digital visa would replace the paper visa sticker and a web service would be introduced to check its validity.

Option 3 envisages the development and building of an EU visa application platform, albeit only on an opt-in basis. Member States could choose to participate in the EU visa application platform on a voluntary basis or develop, or continue to use, their own national platforms, or even not to develop any digital application solution. Visa holders would be able to check the validity of their digital visa through the EU visa application platform depending on the Member State that issued the visa.

Option 4 like Option 3, this option also includes the development of an EU visa application platform. Whereas participation of the Member States to the EU visa application platform would be optional under Option 3, under Option 4 the EU platform would be mandatory for every Member State after a transition period. Visa holders would be able to check the validity of their digital visa through the EU visa application platform.

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33 Study on the feasibility and implications of options to digitalise visa processing, 2019 https://op.europa.eu/en/publication-detail/-/publication/4cb4fbb8-4c82-11ea-b8b7-01aa75ed71a1/language-en

34 Study to assess the various options related to visa process digitalisation and to support the preparation of an impact assessment - Final Report available: https://ec.europa.eu/home-affairs/study-assess-various-options-related-visa-process-digitalisation-and-support-preparation-impact_en.

Option 5 includes the full digitalisation of the EU visa application procedure on a mandatory basis and without a transition period. Unlike all other options, the applicant would be able to enrol his/her biometric data through a digital application, removing the need to visit the consulate or visa application centre in person which would still exist under all other options.

Based on the findings of the Impact Assessment report, Option 4 is considered the preferred option as it would best achieve all objectives set by the initiative. Option 4 would simplify and harmonise the visa application process, achieving reduction of the administrative burden for Member States (estimated at EUR 510.9 million over the 2025-2029 period) and applicants and would contribute to increase the security of the Schengen visa process. It would also be a good option in relation with other criteria such as data protection and fundamental rights.

Option 4 implies the development of a mandatory EU digital visa application platform for short-stay visas and mandates the use of the digital visa. A transition period would be planned to enable those Member States using or developing their own national visa platforms to phase out their national solutions and join the EU visa application platform, thereby minimizing possible sunk investment costs. Member States would start using the EU visa application gradually within the transition period.

In addition, the EU visa application platform would rely on a decentralised storage of applications in Member States national systems. Consequently, all Member States that have already partially digitalised their application system (e.g. electronic form) should be able to re-use the interface used for transmitting the data in the electronic form to the national visa system used for processing applications. Member States that also have a solution in place whereby the entire application is digitalised may keep their current digital storage solutions. In addition to the lower risks for security or data protection, the decentralised storage would allow mitigating sunk costs for Member States which have already invested in digitalisation and have set up the relevant storage capabilities.

Under this option, third country nationals can apply for a short-stay visa online, via the application platform. However, first-time applicants, repeat applicants every five years[35], applicants travelling with children (to protect the interest of the child) and applicants who will be travelling on a different travel document than the one used for previous visa applications, would still need to present themselves to the consulate or visa application centre to provide biometrics and for identification purposes, or provide additional information, when necessary.

From the point of view of the security of the Schengen area, a digital visa application process handled via an EU visa application platform and relying on the digital visa would strengthen the security of the overall process, contribute to the security of the Schengen external borders, and increase trust amongst Member States. It would also allow for the partly automated determination of the Member State which is competent for assessing the visa application, on the basis of the criteria of the Visa Code, thus significantly reducing the risk of visa shopping

The digital visa would considerably reduce security risks compared to the visa sticker. This would be the case also in a fall-back scenario, i.e. where checks against the VIS and other EU information systems are technically not possible. It would not be possible to steal blank visas

[35] According to the applicable rules of the Visa Code (Regulation (EC) No 810/2009), biometric data are, in principle, to be collected every 59 months, starting from the date of the first collection; otherwise they are copied from the previous application

stickers, as can be the case in Member States' consulates today[36]. Option 4 will harmonise the formats and data quality of supported documents uploaded on the EU application platform which will provide additional safeguards regarding detection of forged documents

- **Regulatory fitness and simplification**

As per the Commission's Regulatory Fitness and Performance Programme (REFIT), all initiatives aimed at changing existing EU legislation should aim to simplify and deliver stated policy objectives more efficiently (i.e. by reducing unnecessary regulatory costs). While this initiative has not been subject to the REFIT initiative, it will significantly reduce the overall administrative costs of Member States to manage visa applications, as demonstrated by the Impact Assessment.

- **Fundamental rights**

This legislative initiative puts a particular focus on the need to ensure full compliance with fundamental rights as enshrined in the EU Charter of Fundamental Rights.

Visa applicants with reduced mobility would increasingly benefit from the less frequent need to visit a consulate or a visa application centre. On the other hand, certain categories of applicants would still be able to apply at a consulate or a visa application centre if the assistance provided by the EU visa application platform, or by service providers and family or friends, is not sufficient[37].

Applying online is likely to improve the experience of applying for a visa for people with impaired vision. Digital application platforms, either at EU or national level, have to comply with the Accessibility Directive[38], under which Member States have to ensure that 'public sector bodies take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust'. Websites should therefore allow users to change how the information is displayed (font size, colours, etc.) and could also offer audio assistance (reading out texts). This would not be possible, or it would be to a lesser extent, with a paper-based application process. In addition, it would guarantee high accessibility to people unable to see or hear, because the standards and features embedded in the EU application platform would be applied by all countries.

The special provisions which would be applicable to individual cases because of humanitarian reasons would also apply to people with lower IT literacy who would require technical assistance. Nevertheless, digital accessibility issues will gradually decline over time due to the global increase of IT literacy.

As to the rights of the child, the applicable legislative regime which guarantees the on-site process for children would remain in place. The revised VIS Regulation already introduced

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36 Member States are obliged under the Visa Code to report to the Commission on any significant loss of blank visas stickers. (Art 37 (2).

37 This has been factored in the calculation of costs and benefits, assuming that 3% of the applications would still be made through paper applications. This would concern applicants who cannot apply online or applicants that are required to provide paper supporting documents. Given the applying through digital means will be far easier than through paper at the consulate, the percentage will be very low.

38 Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1–15).

changes aiming particularly to strengthen the fight against the abuse of children's rights by lowering the fingerprinting age (from 12 to 6 years), but also imposing strict safeguards to biometric data of children, in particular by limiting the storage period of the data: fingerprints and facial images pertaining to children below the age of 12 will be erased upon the visa having expired and the child having exited the external borders. For repeat applicants with children, a new repeat application will necessitate another on-site procedure in all such cases.

The role of external service providers in the context of digitalisation would depend on which tasks Member States would outsource to them in the new digitalisation context, when allowed by the legislative framework. A large part of administrative tasks currently entrusted to external service providers would no longer be necessary with digital procedures (such as inserting information from the physical application form into digital form). In the short term, the role of external service providers in providing general assistance to the applicant might increase (e.g. assistance to people without IT literacy). However, in the long term, their role with regards to the collection of applications should decrease because repeat applicants who have valid biometrics already enrolled would be able to apply fully online. From a data protection point of view, the use of external service providers entails *de facto* an additional exposure of personal data to third-parties. This does not pose a threat to data protection as long as processes and technologies used by external service providers comply with data protection and privacy enhancing principles and that proper monitoring of each external service provider is carried out by Member States authorities.

As pointed out by the EDPS, the data protection impact of the initiative is primarily stemming from the introduction of a visa application platform (with an impact on the handling of personal data by external service providers, data security of the platform). In that regard, the analysis of the options has shown that Option 5 presented serious risks regarding data protection due to the self-enrolment of biometrics through digital means. All other options were relatively equivalent as far as data protection was concerned.

Regarding digital visas, currently the information about a visa is both stored in a large-scale EU database – the VIS, as well as evidenced by affixing a visa sticker in the passport. Hence, dematerialising the visa sticker into a purely digital visa does not change the fact that the visa information is, and will still be, stored in a large-scale EU database. The VIS regulation already contains high data protection safeguards (retention rules, access rules, access rights, rights to rectification, completion, erasure of personal data and restriction of processing etc.). Moreover, the recently revised VIS Regulation has further enhanced these data protection safeguards by bringing data protection provisions in line with applicable data protection legislative standards. These enhanced data protection safeguards will continue to apply, as the information contained in the digital visas will continue to be stored in the VIS.

4. BUDGETARY IMPLICATIONS

- **EU Visa application platform**

With regard to the budget implication for the EU institutions, as estimated in the Digital Visa Prototype study[39], the cost of establishing the EU visa application platform will range

[39] A project with eu-LISA to develop and test a prototype of a future EU online visa application platform launched in September 2020 in accordance with a Service Level Agreement signed between DG HOME and eu-LISA on 27 July 2020. The project is to analyse the costs as well as technical and legal

between EUR 33.8 million and EUR 41.2 million (including the managed service costs and the adaptations needed for VIS)[40]. Once this managed service is created, operation and maintenance costs will amount to a yearly cost between EUR 10.5 million and EUR 12.8 million, including 10 staff for eu-LISA.

Concerning the impact on Member States, each Member State will need to connect and update their national system(s) so they can use the services from the new centralised EU visa application platform. The Impact Assessment estimates this cost between EUR 270 000 and EUR 330 000 per Member State. Once connected, the national systems will need to store the received applications so they can be examined later. The Impact Assessment estimated an investment of roughly EUR 2.5 million to EUR 3 million (on average) per Member State[41] for these infrastructure provisions. This cost would greatly depend on the number of visa applications a Member State receives per year. Once the national systems have been updated and connected to the managed service and sufficient storage space is envisaged, these new enhanced national systems will also need to be maintained, with an estimated cost between EUR 460 000 and EUR 570 000 per Member State, annually. This cost also varies with the number of applications a Member State receives. It should be underlined that all of the abovementioned costs will, as a result of economies of scale, be lower than the costs a Member State would incur if it were to develop its own online visa application platform.

- **Digital visa**

The cost attached to the digital visa at central-level (service to check the validity of visas) is included in the abovementioned cost of the EU Visa application platform (functionality of the platform). In addition to this, the records of visas currently issued are already digitally stored in VIS. Therefore, digitalisation of visas would not imply any other additional costs for the EU budget.

The introduction of the digital visa would trigger only negligible costs for Member States, as per calculations in the impact assessment accompanying this proposal. Indeed, the tools to generate and verify a signed 2D barcode will already be in place to comply with the Commission's Implementing Decision introducing a digital seal on the uniform format for visas[42].

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

A robust monitoring and evaluation mechanism will be crucial to ensure that the envisaged beneficial effects of the implementation of an EU visa application platform and of the digital visa materialise in practice.

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requirements of a future EU online application platform. The final report of the project to be submitted by October 2021.

40 Estimated to last three years based on the 2019 digital visa feasibility study.

41 Please note that this average cost deviates from the one presented in option 3. This is because the 17 Member States that were selected in policy Option 3 account only for 43% of the visa applications while accounting for roughly 75% of all Member States. This is the reason infrastructure costs cannot be scaled linearly based on the number of Member States that decide to opt in.

42 C(2020)2672. This Implementing Decision stipulates that all Member States shall apply the digital seal at the latest two years after the notification (i.e. 1 May 2022).

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. A dedicated article in the VIS Regulation is added, addressing specifically the evaluation of changes stemming from the adoption of the proposal on digitalisation of visa procedures.

Indicators will allow to measure progress to reach the main objectives, namely to simplify and harmonise the visa application process for Member States and third-country nationals; to reduce risks of (identity) fraud, forgery and facilitate the verification process at the border; and to make the EU a more attractive destination for travellers.
Implementation of visa policy is also monitored or assessed through the Schengen evaluation mechanism in accordance with Council Regulation (EU) No 1053/20133, without prejudice to the Commission's role as guardian of the Treaties (Article 17(1) TEU).

- **Variable geometry**

This proposal builds upon and develops the Schengen *acquis* regarding external borders and visas in that it concerns the crossing of external borders and the granting of short-stay visas. Because the legal basis for this proposal is to be found in Title V of Part Three of the TFEU, the system of 'variable geometry', as provided for in the protocols on the position of Denmark and Ireland and the Schengen protocol, applies. The consequences for the various protocols and Schengen association agreements therefore have to be considered with regard to Denmark, Ireland, Iceland and Norway; and Switzerland and Liechtenstein.

Likewise, the consequences for the various Acts of Accessions must be considered. The detailed situation of each of the States concerned is set out in recitals 40-47 of this proposal.

- **Detailed explanations of the provisions of the proposal**

Article 1 of the proposal modifies the provisions of Regulation (EC) No 810/2009 (the Visa Code) to implement the proposal, by making the following notable modifications, alongside a number of other consequential amendments:

- The special status of visa applicants who are family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in relation to their host State, by virtue of Article 14(3) of the EU-UK Withdrawal Agreement, is reflected in Article 1 and throughout the text;
- Article 5 lays down the rule to determine the competent Member State to examine an application;
- Article 9 introduces the obligation to apply through an EU digital visa application platform, at the same time maintaining the possibility to cater to certain exceptions, namely visas issued at the external border, visas issued for Heads of State or Government, and individual cases because of humanitarian reasons;
- Article 10 provides for the general rules for lodging an application, with some adaptations to ensure that the rules can apply to a digital context;
- Article 12 outlines that the travel document will have to be presented with the first application, whereas afterwards a scanned copy uploaded to the EU application platform will suffice;
- The rules provided for in Article 13 on biometric identifiers are kept in place, and only targeted changes are made to reflect the EU digital application platform

functionalities in particular the use of the external service provider gateway when biometrics are collected by such providers;

- Article 18 is modified in order to reflect the automated competence and admissibility pre-check carried out by the EU visa application platform;
- Article 19 is amended to adapt the rules of admissibility to the use of the EU visa application platform, in particular the inclusion of admissibility pre-check performed by the EU visa application platform;
- The rules set in Article 24 on issuing multiple entry visas are maintained. However, as consequence of dematerialising visas, the validity of the visa will no longer be limited by the expiry date of the passport;
- Article 26a outlines that visas will be issued in a digital format in the Visa Information System.

Article 2 implements the EU visa application platform, by proposing a series of changes in Regulation (EC) No 767/2008 (VIS Regulation). The following notable modifications are made, alongside a number of other consequential amendments:

- Article 2a introduces the online EU visa application platform as a new functionality in the Visa Information System;
- A new Chapter Ia is introduced, laying down the functionalities of the EU visa application platform: outlining the information to be included in the online application form, building on information currently required from applicants (Article 7b); listing the steps to be taken by applicants to submit an application on the platform, mirroring the model of ETIAS and the existing visa application process (Article 7c); introducing the payment and appointment tool (Article 7d); establishing a gateway to allow read-only access to VIS data for External Service Providers (Article 7e); explaining how the notification of decisions will be undertaken, also following the ETIAS model (Article 7f).
- Article 7b provides for specific provisions on the use of the EU application platform by family members of Union citizens or of other third-country nationals enjoying the right of free movement under Union law or of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement.

Article 3 amends Council Regulation (EC) No 1683/95 (Visa Sticker Regulation) to implement the digital visa by specifying that Member States implementing the Schengen *acquis* in full shall issue visas in digital format.

Article 4 amends Council Regulation (EC) No 333/2002 (uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form). With the introduction of digital visas which are not affixed to a travel document, it is no longer necessary to have a special form for affixing visas by the authorities of a Member State to the holder of a travel document which is not recognised by that Member State.

Article 5 provides for targeted amendments to Council Regulation (EC) No 694/2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit

Documents (FRTD). In order to reflect the digitalisation, it is specified that such documents will be issued in digital format.

Article 6 amends the Convention implementing the Schengen Agreement. As the format for short-stay visas, as set by Council Regulation (EC) No 1683/95, is also used for long-stay visas. Therefore, the Convention implementing the Schengen Agreement is amended to enable that long-stay visas are also issued in digital format.

Article 7 amends Council Regulation (EC) No 693/2003 (on Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD). The application procedure for these documents is paper-based. In order to reflect digitalisation developments, Council Regulation (EC) No 693/2003 and Council Regulation (EC) No 694/2003 are amended to enable the issuance in digital format, as well as digital applications.

Article 8 provides for targeted technical amendments to Regulation (EU) 2017/2226 (Entry/Exit System Regulation), which are rendered necessary by the introduction of the digital visa and the abolition of the physical visa sticker, in particular the transfer of data from VIS to the EES when a valid visa has been confirmed in a new travel document.

Article 9 provides for standard provisions on the evaluation of the EU application platform.

Article 10 lays out provisions on the start of operations of the EU application platform and digital visa. It also provides for a transition period for the Member States which do not wish to avail themselves of the EU visa application platform, and describes the modalities of this transition period.

Article 11 is a standard provision on entry into force of the amending regulation.

2022/0132 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2), point (a), and 79(2), point (a), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The Union's common visa policy has been an integral part of the establishment of an area without internal borders. Visa policy should remain an essential element in helping counter security risks and the risk of irregular migration to the Union, while facilitating tourism and business. The common visa policy should contribute to generating growth and be consistent with other Union policies, such as those concerning external relations, trade, education, culture and tourism. In March 2018 Commission communication on visa policy addressed the concept of "e-visas" and announced a feasibility study on digital visa procedures and the intention to assess options and promote pilot projects to prepare the ground for future proposals. When revising the EU Visa Code in 2019, the European Parliament and the Council explicitly stated the aim of developing a common solution in the future to allow Schengen visa applications to be lodged online, thereby making full use of recent legal and technological developments[43].

(2) The initiative is in line with the general EU approach to encourage the modernisation and digitalisation of public services and the Commission communication on the *2030 Digital compass: the European way for the digital decade*[44]. Since the entry into force of Regulation (EC) No 810/2009 of the European Parliament and of the Council[45] in 2010 and the start of operations of the Visa Information System (VIS) in 2011 under Regulation (EC) No 767/2008 of the European Parliament and of the Council[46],

43 Recital 20 in Regulation (EU) 2019/1155

44 COM(2021) 118 final, Commission communication on the 2030 Digital Compass: the European way for the Digital Decade

45 Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1).

46 Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, (OJ L 218, 13.8.2008, p. 60).

migration and security challenges faced in recent years have considerably transformed the visa policy context. In addition, significant technological developments provide new opportunities to make the Schengen visa application process smoother and more effective for third-country nationals and Member States authorities.

(3) The COVID-19 pandemic, which led to the slowing down of Schengen visa operations worldwide partly due to the difficulty of receiving visa applicants in consulates and Visa Application Centres, prompted Member States to call upon the Commission to speed up work on digitalisation of visa procedures.

(4) The New Pact on Migration and Asylum proposed by the Commission on 23 September 2020 set the objective of making the visa procedure fully digitalised by 2025, with a digital visa and the ability to submit visa applications online.

(5) While visa processing is already partially digitalised, with applications and decisions recorded in the VIS, two important steps remain paper-based: the visa application process and the issuance of the visa to the applicant by means of a visa sticker. This creates a burden for all stakeholders, in particular for Member States authorities issuing visas and visa applicants. Member States are aware of this and some of them have already implemented digital solutions in order to provide applicants with a modern and user-friendly application procedure and to improve the efficiency of handling visa applications.

(6) Visa applicants should be able to apply for a visa online through a single EU platform, regardless of the Member State of destination. This tool should automatically determine which Member State is competent to examine an application, in particular where the applicant intends to visit several Member States. Member States will only need to check whether the tool determined the correct competent Member State.

(7) The EU online application platform should provide the applicant with up-to-date information on Schengen short-stay visas and a guidance tool with which the applicant can find all the necessary information regarding the requirements and procedures, such as, but not limited to, whether a visa is required and what type of visa; the amount of the visa fee; the Member State competent for handling the application; the supporting documents required; the need for an appointment to collect biometrics or the possibility to apply online without an appointment. The EU application platform should also allow to establish a secure electronic communication between the applicant and the competent consulate or the central authorities of the competent Member State by electronic means, should additional documents or an interview be required.

(8) Visa applicants should be able to submit their application, provide data required in the application form, provide a scanned copy of the travel document, and provide supporting documents and travel medical insurance in digital format through the EU application platform. In order to enable applicants to save information relating to their application, the online application platform should be able to store data temporarily. Once the applicant has submitted the online application and the Member States perform the appropriate checks, the application file will be transferred to the national system of the competent Member State and stored there. Consulates would consult the information stored at a national level and push only the required data to the central VIS.

(9) Appearing in person at the consulate or external service provider should, in principle, be mandatory only for first time applicants and applicants who have acquired a new travel document, which needs to be verified, and for the collection of biometric identifiers.

(10) Repeat applicants should be able to apply fully online within a period of 59 months after their initial successful application provided that they apply with the same travel document. Once this period of time has elapsed, biometrics should be collected again, as referred to in Regulation (EC) No 810/2009, under which biometric data are, in principle, to be collected every 59 months, starting from the date of the first collection.

(11) Specific provisions apply to third-country nationals subject to a visa requirement, who are family members of citizens of the Union to whom Directive 2004/38/EC of the European Parliament and of the Council[47] applies or of third-country nationals enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, and who do not hold a residence card pursuant to Directive 2004/38/EU, or of UK nationals who are beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community[48] (EU-UK Withdrawal Agreement) in relation to their host State, and who do not hold a EU-UK Withdrawal Agreement residence document.

(12) Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. The respective limitations and conditions are to be found in Directive 2004/38/EC. As confirmed by the Court of Justice of the European Union, family members referred to under recital 11 have not only the right to enter the territory of the Member State but also to obtain an entry visa for that purpose. Member States must grant such persons every facility to obtain the necessary visas which must be issued free of charge as soon as possible and on the basis of an accelerated procedure and with due regards to the procedural safeguards that apply to them. Against this background, in particular, such family members should be entitled to lodge their visa application, their application for a confirmation of a valid visa in a new travel document or their application for the extension of their visa without using the EU application platform, as this may facilitate their visa application. In such a case, they should be entitled to choose to lodge their applications in person at the consulate or at the external service providers. In addition, the EU online visa application platform should fully take into account the rights and facilitations granted to the beneficiaries of the free movement *acquis*. The same applies with regard to family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in relation to their host State, by virtue of Article 14(3) of the EU-UK Withdrawal Agreement.

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47 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

48 Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

(13) Special provisions should apply in individual cases because of humanitarian reasons or to Heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose, sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose.

(14) Special provisions which should apply in individual cases because of humanitarian reasons could cover digital accessibility issues

(15) A third party authorised by the visa applicant or empowered by law to represent them should be able to lodge an application on their behalf, provided this person's identity is included in the application form. It should be possible for travellers to authorise commercial intermediaries to create and submit an application on their behalf.

(16) Each applicant should submit a completed application form using the EU application platform, including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made. Each applicant should also state that they have understood the conditions for entry referred to in Regulation (EU) 2016/399 of the European Parliament and of the Council[49] and that they could be requested to provide the relevant supporting documents at each entry. Application forms for minors should be submitted and electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.

(17)]The payment of the visa fee should be made by using a third-party gateway linked to the online application platform and the payments would be directly transferred to the appropriate Member State. The data required for securing the electronic payment should not form part of data stored in VIS.

(18) The EU application platform will also contain the appointment tool, which the Member State may decide to use to manage appointments at their consulates or the external service providers. While the use of such tool should remain optional, as it might not be appropriate across all locations and for all consulates, Member States should nevertheless use local Schengen cooperation to discuss whether a harmonised approach regarding the use of the appointment tool could be followed in specific third countries or specific locations.

(19) The system should notify the applicant if information is missing and the system should provide the applicant with the possibility of correcting the application. The EU application platform should indicate to the applicant of the admissibility of his/her application via an automated admissibility pre-check. The pre-check should ensure that the information provided fulfils the admissibility requirements for the requested visa.

(20) Where the competent consulate or the central authorities of the competent Member State finds that it is responsible to examine the application, it should accept it and the data should be imported into the national system from the temporary storage as established by the VIS Regulation and deleted from the temporary storage with the exception of contact data.

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[49] Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

(21) Applicants should be notified of the decision taken by the competent Member State on their application by electronic means, indicating whether the visa is issued; refused; confirmed to a new travel document; extended; annulled or revoked, in accordance with Regulations (EC) No 810/2009 and (EC) No 767/2008.

(22) In order to reduce security risks related to counterfeited and stolen visa stickers, a visa should be issued in digital format and no longer as a visa sticker affixed to the travel document.

(23) In order to ensure maximum security and prevent counterfeiting or forgery, the notification of digital visa should be in the form of a 2D barcode, cryptographically signed by the Country Signing Certificate Authority (CSCA) of the issuing Member State. In case VIS is unavailable or unreachable, checks would rely on a 2D barcode from the signing authority.

(24) In case the travel document of the visa holder is lost, stolen or has expired and the visa is still valid, the visa holder could apply via the EU application platform for the confirmation of the visa in a new travel document under the condition that the new travel document is of the same type and issued by the same country as the lost, stolen or expired travel document. The visa holder should appear in person to the consulate or the external service provider to present the new travel document in order to verify the authenticity of the new travel document.

(25) Data stored in the EU application platform should be safeguarded using privacy-enhancing implementation measures.

(26) External service providers should have access to the EU application platform only to retrieve and review submitted applications; verify the data temporarily stored (for example, scan of travel document); collect and upload biometric identifiers; perform quality checks of the uploaded supporting documents; confirm that an application has been reviewed and thus making it available to the consulate for further processing; external service providers should not have access to data stored in VIS.

(27) It is necessary to determine the date from which operations start, including the digital visa and the EU application platform. A Member State may, for a period of 5 years from the date of start of operations, decide not to avail itself of the online EU application platform. Nevertheless, a Member State may notify that it wishes to join the online EU application platform before the end of the transition period. During the transitional period, if the Member State processing its visa applications decided not to avail itself of the online EU application platform, visa holders will still be able to verify the digital visas using the web-service of the EU application platform.

(28) EU application platform should contain a functionality for applicants to verify their digital visas.

(29) The Member States which do not apply the Schengen *acquis* in full, and therefore do not have access to VIS to enter visa applications and store digital visas, should continue to issue visas in the form of a uniform format (sticker).

(30) In order to enable the application of Decision No 565/2014/EU, Bulgaria, Croatia, Cyprus and Romania should have read-only access of digital visas stored in VIS.

(31) The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) should be responsible for the technical development and operational management of the EU application platform and its components, as part of VIS.

(32) The system architecture of the EU application platform should reuse the existing and upcoming systems that are part of the new framework for interoperability to the full extent possible, and in particular European Travel Authorisation Information System (ETIAS) and Entry-Exit System (EES), while respecting the current limitations of technology and the current investments made by Member States in their own national systems.

(33) Checking of digital visas at the border should rely on the existing and upcoming EU system architecture for border management and should consist of the visa holder's information stored in the VIS. This information should be verified with biometric data by Member States authorities.

(34) The format for short-stay visas, as set by Council Regulation (EC) No 1683/95[50], is also used for long-stay visas. Therefore, the Convention implementing the Schengen Agreement[51] should be amended to enable that long-stay visas are also issued in digital format.

(35) Since the introduction of digital visas would obviate the need for affixing the physical visa sticker, the Regulation Council Regulation (EC) No 333/2002[52] setting the uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State should be modified accordingly.

(36) Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) constitute documents having the value of transit visas authorising their holders to enter in order to pass through the territories of Member States in accordance with the provisions of the Schengen *acquis* concerning the crossing of external borders. Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) are issued in uniform formats and the application procedure is paper-based. In order to reflect digitalisation developments, and Council Regulation (EC) No 693/2003[53] and Council Regulation (EC) No 694/2003[54], should be amended to enable the issuance in digital format, as well as digital applications.

(37) In order to ensure that the application form and the refusal forms cater for the possibilities when a visa applicant submitted their application via the EU application platform or not, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the list of information that the EU application platform should contain and to amend the appropriate standard forms and formats. It is of particular importance that the Commission carry out appropriate consultations during its preparatory

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50 Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

51 Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

52 Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).

53 Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

54 Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[55]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(38) Since the objectives of this Regulation, namely, the establishment of the European online visa application platform and the introduction of a digital visa builds on other initiatives aiming, on the one hand, at streamlining and harmonising the procedures in the context of the common visa policy and, on the other hand, at aligning travel, entry requirements and border checks within the Schengen Area with the new digital era, the amendments of the related legislation are only possible at Union level and are part of the Schengen *acquis*. The Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(39) This Regulation is without prejudice to the application of Directive 2004/38/EC and of Part Two of the EU-UK Withdrawal Agreement.

(40) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. The introduction of an EU application platform and of a digital visa will fully respect the right to protection of personal data, the respect for private and family life, the rights of the child, and the protection of vulnerable persons All safeguards on fundamental rights included in the Visa Information System Regulation will remain fully applicable in the context of the future EU Visa application platform and of the digital visa, in particular regarding to the rights of child. The platform will have to take into account requirements laid down in the Accessibility Directive[56] to ensure an easy access for people with disabilities.

(41) In accordance with Articles 1 and 2 of the Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

(42) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part[57]; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

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55 OJ L 123, 12.5.2016, p. 1.

56 Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, (OJ L 327, 2.12.2016, p. 1–15).

57 This Regulation falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

(43) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*[58] which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC[59].

(44) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[60] which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[61].

(45) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[62] which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[63].

(46) This Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession,

(47) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council[64] and delivered an opinion on [XX][65].

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58 OJ L 176, 10.7.1999, p. 36.

59 Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

60 OJ L 53, 27.2.2008, p. 52.

61 Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

62 OJ L 160, 18.6.2011, p. 21.

63 Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

64 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 810/2009

Regulation (EC) No 810/2009 is amended as follows:

(1) in Article 1(2), the following point (c) is added:

"(c) the residence rights enjoyed in the host State by third-country nationals who are family members of UK nationals who themselves are beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* ('EU-UK Withdrawal Agreement').

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* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).";

(2) in Article 2, the following points 10a and 10b are inserted:

"10a. 'application form' means the uniform form set out in Annex I, either available online via the EU application platform or on paper;

10b. 'digital visa' means visas issued in digital format as a record in VIS;";

(3) in Article 3(5), point (d) is replaced by the following:

"(d) family members of citizens of the Union referred to in Article 1(2), point (a), and family members of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement referred to in Article 1(2), point (c);";

(4) in Article 5(1), point (b) is replaced by the following:

"(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days;";

(5) in Article 8, the following paragraph 4a is inserted:

"4a. Bilateral representation arrangements shall be displayed in the EU application platform referred to in Chapter Ia of Regulation (EC) No 767/2008.";

(6) Article 9 is amended as follows:

(a) the following paragraphs 1a and 1b are inserted:

"1a. Applicants shall lodge an application via the EU application platform, as referred to in Chapter Ia of Regulation (EC) No 767/2008.

1b. By derogation from paragraph 1a, the following categories of persons may lodge an application without using the EU application platform:

(a) third-country nationals in individual cases for humanitarian reasons;

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bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39–98)

65 [OJ C …].

(b) heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose, sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose;

(c) third-country nationals to whom visas are issued at the external border in accordance to Chapter VI.";

(b) in paragraph 4 the following point (d) is added:

"(d) by another person when it is lodged via the EU application platform.";

(7) Article 10 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. When lodging an application, applicants shall, where required in accordance with Article 13, appear in person to provide their fingerprints and facial image. Applicants shall also appear in person for the verification of their travel document in accordance with Article 12.";

(b) the following paragraphs 1a and 1b are inserted:

"1a. Member States may, in justified and individual cases, require that the applicant presents a travel document and/or provides supporting documents. This shall be possible in exceptional cases and in cases where there is a high incidence of fraudulent documents in a particular location.

1b. Consulates shall, within local Schengen cooperation, assess the implementation of the conditions laid down in paragraph 1a, to take account of local circumstances.";

(c) paragraph 3 is replaced by the following:

"3. When lodging the application, the applicant shall:

(a) provide data referred to in Article 11;

(b) provide proof of holding the travel document in accordance with Article 12;

(c) allow his or her facial image to be taken live in accordance with Article 13 or, where the exemptions referred to in Article 13(7a) apply, present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95;

(d) allow the collection of his or her fingerprints in accordance with Article 13, where applicable;

(e) pay the visa fee in accordance with Article 16;

(f) provide proof of the supporting documents in accordance with Article 14;

(g) where applicable, provide proof of possession of adequate and valid travel medical insurance in accordance with Article 15.";

(8) Article 11 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Application form shall be submitted via the EU application platform. In cases referred to in Article 9(1b), the applicants may submit a manually or electronically completed application form set out in Annex I.

The Commission shall adopt delegated acts in accordance with Article 51a in order to update the application form as set out in Annex I or submitted via the EU application platform.

The application form shall be signed. It may be signed electronically. Persons included in the applicant's travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising permanent or temporary parental authority or legal guardianship.";

(b) paragraph 1b is deleted;

(c) the following paragraph 1c is inserted:

"1c. Each applicant shall submit a completed application form including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made. Each applicant shall also state that he or she has understood the conditions for entry referred to in Article 6 of Regulation (EU) 2016/399 and that he or she may be requested to provide the relevant supporting documents at each entry.";

(9) Article 12 is replaced by the following:

"*Article 12*
Travel document

1. The applicant shall provide proof of holding a valid travel document satisfying the following criteria:

   (a) its validity shall extend at least three months after the intended date of departure from the territory of the Member States or, in the case of several visits, after the last intended date of departure from the territory of the Member States. However, in a justified case of emergency, this obligation may be waived;

   (b) it shall have been issued within the previous 10 years.

2. The applicant shall only be required to present the travel document in person in case of a first application with that travel document, or if the applicant needs to provide biometrics.

   The first subparagraph shall not affect the application of Article 10(1a).

3. The travel documents shall be checked using the appropriate technology.

4. Where the application is submitted via the EU application platform, the consulate or the external service provider shall verify that the presented travel document, which is presented in person in accordance with paragraph 2, corresponds to the scanned copy uploaded by the applicant.

   If the verification is done by the external service provider, the external service provider shall use the external service provider gateway referred to in Article 7e Regulation (EC) No 767/2008.

5. Where the quality of the scanned copy referred to in paragraph 4 is unsatisfactory or where there are doubts, notably regarding authenticity the competent consulate or the

external service provider shall take a new scan and upload it to the EU application platform..";

(10) in Article 13, the following paragraph 7c is added:

"7c. Where the biometric identifiers are collected by an external service provider in accordance with Article 43, the external service provider gateway referred to in Article 7e Regulation (EC) No 767/2008 shall be used for this purpose.";

(11) Article 14 is amended as follows:

(a) in paragraph 1, the introductory words are replaced by the following:

"When applying for a uniform visa, the applicant shall provide proof of:";

(b) in paragraph 2, the introductory words are replaced by the following:

"When applying for an airport transit visa, the applicant shall provide proof of:";

(12) in Article 15(2), the second subparagraph is replaced by the following:

"In addition, such applicants shall declare, as part of the application form, that they are aware of the need to be in possession of travel medical insurance for subsequent stays.";

(13) in Article 16(7), the first subparagraph is replaced by the following:

"For applications submitted via the EU application platform, the visa fee shall be charged in euro and shall not be refundable except in the cases referred to in Article 18(2) and Article 19(3). ";

For application not submitted via the EU application platform, when charged in a currency other than the euro, the amount of the visa fee charged in that currency shall be determined and regularly reviewed in application of the euro foreign exchange reference rate set by the European Central Bank. The amount charged may be rounded up and it shall be ensured under local Schengen cooperation that similar fees are charged.";

(14) in Article 18 the following paragraphs 3 and 4 are added:

"3. For applications submitted via the EU application platform, following the notification by the EU application platform on the automated competence and admissibility pre-check pursuant to Article 7c(9) of Regulation (EC) No 767/2008, the consulate or the central authorities of the Member State notified by the system shall verify whether they are competent to examine and decide on it.

4. In cases referred to in paragraph 3, if the Member State finds that it is not competent, it shall, without delay, notify the applicant using the secure account service in the EU application platform, indicating which Member State is competent.

The applicant may withdraw the application. If the application is withdrawn application data shall be deleted from temporary storage., pursuant to Article 7c of Regulation (EC) No 767/2008";

(15) Article 19 is amended as follows:

(a) the following paragraph 1a is inserted:

"1a. For applications submitted via the EU application platform, after the notification by the EU application platform on the automated admissibility pre-check pursuant to Article 7c(9) of Regulation (EC) No 767/2008, indicating that the application is

admissible, the consulate or the central authorities of the Member State notified by the system shall conduct the checks in paragraph 1 without delay.";

(b) the following paragraph 2b is inserted:

"2b. For applications submitted via the EU application platform, where the competent consulate or the central authorities of the competent Member State find that the conditions referred to in paragraph 1 have been fulfilled, the application shall be admissible and the competent consulate or the central authorities of the competent Member State shall accept the application.";

(c) the following paragraph 4a is added:

"4a. For applications submitted via the EU application platform, the competent consulate or the central authorities of the competent Member State shall be able to accept an application which has not been lodged within the period referred to in Article 9(1), notably in justified cases of urgency referred to in Article 9(3).";

(16) Article 20 is deleted;

(17) Article 21 is amended as follows:

(a) in paragraph 3, point (a) is replaced by the following

"(a) that the travel document provided or presented is not false, counterfeit or forged;";

(b) in paragraph 6, point (a) is replaced by the following

"(a) that the travel document provided or presented is not false, counterfeit or forged;";

(18) Article 24 is amended as follows:

(a) in paragraph 1, third subparagraph, the reference to "point (a) of Article 12" is replaced by reference to "Article 12(1), point (a)";

(b) in paragraph 2 first subparagraph, the introductory words are replaced by the following:

"Provided that the applicant fulfils the entry conditions set out in Article 6(1), points (a), (c), (d) and (e), of Regulation (EU) 2016/399, multiple-entry visas with a long validity shall be issued for the following validity periods:";

(c) the following paragraph 2aa is inserted:

"2aa. The validity of the multiple-entry visas with a long validity periods shall not be restricted by the validity of the travel document";

(19) in Article 25, the following paragraph 6 is added:

"6. Issuing a visa in digital format shall not affect the competence of Member States in relation to the recognition of travel documents. This includes those travel documents that are not recognised by one or more, but not all Member States.";

(20) the following Article 26a is inserted:

"Article 26a
Digital visas

Visas shall be issued in digital format as a record in VIS, including a unique visa number. ";

(21) Article 32 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. For applications submitted via the EU application platform, information regarding decisions on refusal and the reasons on which it is based shall be notified to the applicant by secure electronic means in accordance with Article 7f(1) of Regulation (EC) No 767/2008. The notification will contain the same information as set out in Annex VI, in the language of the Member State that has taken the final decision on the application and another official language of the Union.

Member States may add additional documents to the standard notification, justifying the refusal.

For applications not submitted via the EU application platform in cases referred to in Article 9(1b), a decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI in the language of the Member State that has taken the final decision on the application and another official language of the Union.

The Commission shall adopt delegated acts in accordance with Article 51a in order to amend the refusal form, as set out in Annex VI or as a notification as referred to in Chapter Ia of Regulation (EC) No 767/2008.";

(b) in paragraph 3, the third sentence is replaced by the following:

"Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified as specified in Annex VI or in the refusal notification sent via the EU application platform";

(22) the following Article 32a is inserted:

"*Article 32a*
Confirmation of a valid visa in a new travel document

1. Visa holders whose travel document has been lost, stolen or has expired and whose visa is still valid may apply for the confirmation of the visa linked to a new travel document.

2. The visa holders referred to in paragraph 1 shall apply for confirmation of the visa in a new travel document via the EU application platform referred to in Chapter Ia of Regulation (EC) No 767/2008. They shall provide the following personal data:

(a) name, data of birth, nationality;

(b) number of the visa;

(c) data of the lost, stolen or expired travel document;

(d) data of new travel document;

(e) scan of biodata page;

(f) proof of loss or theft of the travel document or expiry.

3. The visa holder shall pay the visa confirmation fee of EUR 30.

4. The visa holder shall be required to appear in person for the presentation of the new travel document in order to verify that this travel document corresponds to the

scanned copy uploaded via the EU application platform, and that bearer of the travel document corresponds to the person for whom a visa was issued.

5. The new travel document shall fulfil conditions laid down in Article 12.

6. Where the competent consulate or the central authorities of the competent Member State determines that the valid visa can be confirmed in a new travel document, it shall enter the data in the application file in VIS pursuant to Article 12a of Regulation (EC) No 767/2008.

7. The fact that a visa is confirmed in a new travel document shall be notified to the applicant by secure electronic means in accordance with Article 7f of Regulation (EC) No 767/2008.

8. Where the competent consulate or the central authorities of the competent Member State cannot determine whether the valid visa can be confirmed in a new travel document, notably because of doubts regarding the identity of the visa holder, it shall:

(a) refuse the confirmation;

(b) revoke the valid visa, in accordance with Article 34.

9. The procedure regarding the confirmation of a valid visa in a new travel document shall not preclude the visa holder to submit a new visa application.";

(23) Article 33 is amended as follows:

(a) paragraph 6 is replaced by the following:

"6. Visa holders may apply for extension online via the EU application platform. They shall provide personal data, number of visa and travel document, upload supporting documents proving force majeure, humanitarian reasons and/or serious personal reasons preventing them from leaving the territory of the Member States, and pay the fee of EUR 30 only in case of serious personal reasons referred to in paragraph 2.";

(b) the following paragraph 8 is added:

"8. When a visa is extended pursuant to paragraphs 1 to 7 of this Article via the EU application platform, the extension shall be notified to the applicant by secure electronic means in accordance with Article 7f of Regulation (EC) No 767/2008.";

(24) Article 34 is amended as follows:

(a) paragraphs 5 and 6 are replaced by the following:

"5. If a visa not issued in digital format is annulled or revoked, a stamp stating 'ANNULLED' or 'REVOKED' shall be affixed to it and the optically variable feature of the visa sticker, the security feature 'latent image effect' as well as the term 'visa' shall be invalidated by being crossed out.

6. A decision on annulment or revocation of a visa and the reasons on which it is based shall be issued in digital format by entering the data into the VIS, pursuant to Article 12 of Regulation (EC) No 767/2008, and notified to the applicant by secure electronic means in accordance with Article 7f of Regulation (EC) No 767/2008 or by means of the standard form set out in Annex VI for applications not submitted via the EU application platform. The notification shall contain the information set out in Annex VI.";

(b) in paragraph 7, the third sentence is replaced by the following:

'Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as set out in Annex VI or in the notification sent via the EU application platform';

(25) Article 37 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. For Member States which do not issue visas in digital format, the storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used. Any significant loss of blank visa stickers shall be reported to the Commission.";

(b) in paragraph 3, the first sentence is replaced by the following:

" Consulates or central authorities shall keep archives of applications in electronic format. ";

(26) Article 38 is amended as follows:

(a) paragraph 1a is replaced by the following:

"Member States shall ensure that the entire visa procedure in consulates, including the lodging and handling of applications and the practical cooperation with external service providers, is monitored by expatriate staff to ensure the integrity of all stages of the procedure.";

(b) the following paragraph 3c is inserted:

"3c. Member States' central authorities shall provide appropriate training to their staff regarding the EU application platform.";

(27) Article 42 is deleted.

(28) Article 43 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. The examination of applications, interviews, where appropriate, and the decision on applications shall be carried out only by the consulate.";

(b) in paragraph 5, the following second subparagraph is added:

"By way of derogation, external service providers may have access to the EU application platform via the external service provider gateway referred to in Article 7e of Regulation (EC) No 767/2008 to:

(a) verify the data uploaded by the applicant;

(b) upload biometric identifiers;

(c) upload the supporting documents;

(d) use the appointment tool to indicate available slots.";

(c) paragraph 6 is amended as follows:

(1) point (c) is replaced by the following:

"(c) collecting data (including collection of biometric identifiers and, in exceptional cases, supporting documents and documents needed for

identity checks), transmitting them to the consulate or the central authorities where applicable, and uploading them to the EU application platform;";

(2) the following point (ca) is inserted:

"(ca) verify the travel document against the copy uploaded by the applicant;";

(29) in Article 44, the following paragraph 1a is inserted :

"1a. Paragraph 1 shall not apply to the access that external service providers may have to the EU application platform via the external service provider gateway referred to in Article 7e of Regulation (EC) No 767/2008.";

(30) in Article 47, the following paragraph 3 is added:

"3. The EU application platform shall provide the general public with all relevant information in relation to the application for a visa via the EU application platform, in particular the information referred to in Article 7a of Regulation (EC) No 767/2008.";

(31) in Article 51a(2), (3) and (6) the reference to "Article 16(9)" is replaced by reference to "Article 11(1), Article 16(9) and Article 32(2)";

(32) in Article 53(1), point (f) is replaced by the following:

"(f) for Member States which do not issue visas in digital format, the additional national entries in the 'comments' section of the visa sticker, as referred to in Article 27(2);";

(33) Annex III is deleted.

Article 2
Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended as follows:

(1) Article 2a is amended as follows:

(a) paragraph 1 is amended as follows:

(1) the following point is inserted:

"(fa) EU application platform;";

(2) the following subparagraph is added:

"The EU application platform shall share and re-use as much as technically possible the hardware and software components of the EES web service and the ETIAS website and the app for mobile devices.";

(b) the following paragraph 6 is added:

"6. The EU application platform shall consist of the following components:

(a) a public website and an app for mobile devices;

(b) temporary storage capacity;

(c) a secure account service;

(d) a verification tool for applicants;

(e) web-service for visa holders

(f) an email service;

(g) a payment tool;

(h) an appointment tool;

(i) an external service provider gateway;

(j) a configuration module that shall cater for eu-LISA, central authorities and consulates;

(k) a software to generate and read encrypted 2D barcode;

(l) a secure web service enabling the components of the EU application platform to communicate;

(m) a helpdesk function to be managed by eu-LISA;

(n) read-only copy of VIS database.";

(2) in Article 4, point 2 is replaced by the following:

"2. 'digital visa' means the visa in digital format referred to in Article 26a of Regulation (EC) No 810/2009;"

(3) the following Chapter Ia is inserted:

"CHAPTER Ia
EU ONLINE VISA APPLICATION PLATFORM

Article 7a
General public information on the EU-application platform

1. The EU Online Visa Application Platform ('EU Application Platform') shall provide general information to the public as referred to in Article 47 of Regulation (EC) No 810/2009.

The Commission and the Member States shall be responsible for providing the information, in accordance with their respective responsibilities set out in paragraphs 2 to 4 of this Article.

2. eu-LISA shall be responsible for publishing and updating the following general public information on the EU-application platform, upon receiving the following information from the Commission or the Member States:

(a) the visa requirements, including visa lists, visa waiver agreements; including for diplomatic and service passports, and including cases of possible suspension of visa-free travel, under Articles 3, 4, 5, 7, 8 of Regulation (EU) 2018/1806 and Annexes I and the II thereto, as well as information pursuant to Directive 2004/38/EC and EU-UK Withdrawal Agreement;

(b) the amount of the visa fees referred to in Article 16 of Regulation (EC) No 810/2009; reduced or higher fees in case of visa facilitation agreement, or a readmission-related measure stemming from Article 25a of that Regulation, as well as Directive 2004/38/EC and the EU-UK Withdrawal Agreement;

(c) where applicable, harmonised lists of supporting documents, established in accordance with Article 14(5a) of Regulation (EC) No 810/2009;

(d) where applicable, travel medical insurance requirements, in accordance with Article 15 of Regulation (EC) No 810/2009.

In case a Member State provides the information, eu-LISA shall configure the EU application platform upon confirmation of this information from the Commission.

3. The central visa authorities shall be responsible for inputting the following elements:

(a) locations of consulates and their territorial competence referred to in Article 6 of Regulation (EC) No 810/2009;

(b) representation agreements or arrangements referred to in Article 8 of Regulation (EC) No 810/2009;

(c) use of external service providers and their locations referred to in Article 43 of Regulation (EC) No 810/2009;

(d) supporting documents referred to in Article 14 of Regulation (EC) No 810/2009, as well as those applicable pursuant to Directive 2004/38/EC and the EU-UK Withdrawal Agreement;

(e) optional visa waivers referred to in Article 6 of Regulation (EU) 2018/1806;

(f) optional visa fee waivers referred to in Article 16(5) Regulation (EC) No 810/2009.

4. The consulate or the central authorities of the competent Member State shall be responsible for inputting the following elements:

(a) contact details and access rights of external service providers including for the appointment tool;

(b) appointment tool, including available slots;

(c) number of applications accepted per week/month.

Article 7b
Online application form

1. Each applicant shall submit a completed online application referred to in Article 11 of Regulation (EC) No 810/2009, using the EU application platform.

2. Without prejudice to Article 7ba, he applicant shall provide the following personal data in the application form:

(1) surname(s) (family name);

(2) surname at birth (former family name(s));

(3) first name(s) (given name(s));

(4) date of birth (day-month-year);

(5) place of birth;

(6) country of birth;

(7) current nationality; nationalities at birth, if different; other nationalities;

(8) sex;

(9) civil status;

(10) parental authority (in case of minors) /legal guardian (surname, first name, address, if different from the applicant's, telephone number, e-mail address, and nationality);

(11) national identity number, where applicable;

(12) type of travel document;

(13) number of the travel document;

(14) date of issue;

(15) valid until;

(16) issued by (country);

(17) personal data of the family member who is a mobile e EU, EEA or CH citizen or who is a UK national beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made, if applicable: surname (family name), first name(s) (given name(s)), date of birth, nationality, number of travel document or ID card;

(18) Family relationship with a mobile EU, EEA or CH citizen or with a UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made, if applicable

(19) Applicant's home address and email address, telephone number;

(20) residence in a country other than the country of current nationality;

(21) current occupation;

(22) employer and employer's address and telephone number: for students name and address of educational establishment;

(23) purpose(s) of the journey;

(24) additional information on purpose of stay;

(25) Member State of main destination (and other Member States of destination, if applicable);

(26) Member State of first entry;

(27) number of entries requested; intended date of arrival of the first intended stay in the Schengen area; Intended date of departure from the Schengen area after the first intended stay;

(28) fingerprints collected previously for the purpose of applying for a Schengen visa; date (if known); visa number, if known;

(29) entry permit for the final country of destination, where applicable;

(30) surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s);

(31) name and address of inviting company/organisation

(32) how the cost of travelling and living during the applicant's stay is covered;

The applicant shall also provide an email address.

All such data shall be recorded and stored temporary storage capacity in line with the data retention periods defined in Article 7c.

3. The EU application platform shall also contain a secure account service. The secure account service shall have the possibility for the applicant to keep the data provided for subsequent applications, but only if the applicant freely and explicitly consents to such storage.

   The secure account service shall contain the possibility for the applicant to submit application in several steps. The Commission shall adopt delegated acts in accordance with Article 48a in order to define the requirements of the secure account service, including the retention period for data stored therein and for uncompleted applications or applications which do not pass the competence and admissibility check.

4. The data referred to in paragraph 2 shall be introduced by the applicant in Latin alphabet characters.

5. On submission of the online application form, the EU application platform shall collect the IP address from which the application form was submitted and add it as part of data of the application.

6. The Commission shall, by means of implementing acts, define the content of a simplified application forms for confirmation of valid visas in a new travel document, as referred to in Article 32a of Regulation (EC) No 810/2009, and for extension of visas, as referred to in Article 33 of that Regulation, using the EU application platform. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

7. The Commission shall, by means of implementing acts, define the requirements concerning the format of the personal data referred to in paragraphs 2 and 5 of this Article to be inserted in the application form as well as parameters and verifications to be implemented for ensuring the completeness of the application and the coherence of those data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7ba

Specific provisions on the use of the EU application platform by family members of Union citizens or of other third-country nationals enjoying the right of free movement under Union law or of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement

1. A third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, may lodge an application for a visa, without using the EU application platform and be entitled to lodge the application in person at the consulate or at the external service providers premises, at their choice.

2. Where a third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, applies for a visa using the EU application platform, the application process shall be carried out in accordance with Directive 2004/38/EC.

3. In particular, the EU application platform shall be designed so as to ensure that the following specific rules shall apply:

(a) the visa fee shall be waived;

(b) in the visa application form, the applicant shall not provide the following personal data:

(a) Current occupation

(b) Employer and employer's address and telephone number: for students name and address of educational establishment

(c) Surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s)

(d) Name and address of inviting company/organisation

(e) Means of how the cost of travelling and living during the applicant's stay is covered.

(c) the applicant should be able to submit documents establishing that he/she is a member of the family of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other. The applicant should not be requested to submit supporting documents referred to under Article 14 of Regulation (EC) No 810/2009 nor proof of possession of adequate and valid travel medical insurance in accordance with Article 15 of Regulation (EC) No 810/2009 should not be requested.

(d) by way of derogation from Article 7c(8), the automated admissibility pre-check shall only verify whether:

(a) all the required fields of the application form are filled in;

(b) proof of holding a valid passport in accordance with Directive 2004/38/EC is provided;

(c) the biometric data of the applicant have been collected, if applicable.

(e) where a visa is issued, in the notification laid down in Article 7f, the applicant shall receive a reminder that the family member of a citizen exercising the right of free movement who is in possession of a visa only has a right to enter if that family member is accompanied by or joining the Union citizen or other third-country national exercising his or her right of free movement.

4. Paragraphs 1 and 2 also apply where a third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, requires a visa extension or a confirmation of the visa in a new travel document. The visa extension fee and the visa confirmation fee shall be waived.

5. Paragraphs 1 to 4 shall apply *mutatis mutandis* to family members of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement in the host State for which the visa application is made.

Article 7c
Application process using the EU application platform

1. Upon submission of the application form pursuant to Article 7b, the EU application platform shall determine the type of visa applied for, and conduct an automated competence pre-check to automatically pre-determine the competent Member State on the basis of the data provided by the applicant. This shall not preclude the manual verification of the competence by the Member States in accordance with Article 18(3) of Regulation (EC) No 810/2009.

   The EU application platform shall be designed in such a way to allow applicants to indicate whether they are legally present, but not residing in a jurisdiction, as referred to in Article 6 (2) of Regulation (EC) No 810/2009

2. Applicants shall be able to use the EU application platform to submit a scanned copy of the travel document in electronic format, as well as supporting documents and proof of travel medical insurance in digital format, as applicable, pursuant to Regulation (EC) No 810/2009 or Directive 2004/38/EC.

3. The Commission shall, by means of implementing acts, define the technical requirements concerning the format of supporting documents, travel medical insurance and copy of travel document in electronic format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

4. If necessary, the applicant shall be able to use the EU application platform to pay the visa fee using the payment tool referred to in Article 7d.

5. The EU application platform shall be able to check in the read-only copy of VIS whether the applicant's biometrics were taken in the last 59 months and whether the applicant has already applied with the same travel document:

   Where this is the case, the EU application platform shall notify the applicant that no visit to consulate or external service provider is required to lodge the application;

   Where this is not the case, the EU application platform shall notify the applicant to arrange a visit to consulate or external service provider, as required, to lodge the application.

6. If a visit to consulate or external service provider is necessary in accordance with Regulation (EC) No 810/2009, a Member State may decide to use the appointment tool referred to in Article 7d for this purpose.

7. The applicant shall submit the application, including declaration of the authenticity, completeness, correctness and reliability of data.

8. After the applicant submits the application via the EU application platform, the EU application platform shall perform an automated admissibility pre-check.

   The automated admissibility pre-check shall automatically verify whether:

   (a) the application has been lodged within the period referred to in Article 9(1), if applicable;

(b) all the required fields of the application form are filled in;

(c) proof of holding a travel document in accordance with Article 12 of Regulation (EC) No 810/2009 is provided;

(d) the biometric data of the applicant have been collected, if applicable;

(e) the visa fee has been collected, if applicable;

9. If according to the automated admissibility pre-check the application is admissible, the EU application platform shall send a notification to the consulate or the central authorities of the Member State with the combined result of the automated competence and admissibility pre-check.

If according to the automated admissibility pre-check the application is not admissible, the EU application platform shall send a notification to the applicant and notify which part of the application file is missing.

The application platform shall be designed so as to ensure that Article 19 paragraphs (4) and (4a) of Regulation (EC) No 810/2009 can apply, in order to allow applications to be considered admissible.

10. Following the notification referred to in paragraph 9, the consulate or the central authorities of the Member State shall perform a manual verification of the competence, in accordance with Article 18(3) of Regulation (EC) No 810/2009, and subsequently if needed, a manual verification of admissibility in accordance with Article 19. of that Regulation.

11. If the competent consulate or the central authorities of the competent Member State accept the application submitted via the EU application platform the data shall be transferred to the national system from temporary storage. The data shall be immediately deleted from temporary storage, with the exception of contact data linked to the secure account service.

12. If the applicant withdraws the application following the automated competence and admissibility pre-check, the data shall be immediately deleted from temporary storage, with the exception of contact data linked to the secure account service.

13. The competent consulate or the central authorities of the competent Member State may use the secure account service to communicate with the applicants.

Article 7d
Payment tool and appointment tool

1. A payment tool shall be used to pay the visa fee using the EU application platform. The payment tool shall be managed by third party provider.

2. The Commission shall, by means of implementing acts, define the requirements concerning the payment tool referred to in paragraph 1 of this Article, including the reimbursement modalities for applicants. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

3. A tool for managing appointments may be used by Member States or external service providers.

4. The Commission shall, by means of implementing acts, define the requirements concerning the appointment tool referred to in paragraph 3 of this Article, including the modalities for confirmation of appointments, the link to existing appointment

tools or information on walk-in appointments to be configured by the consulates or external service providers and the technical modalities to ensure that any family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, or of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement in the host State for which the visa application is made can benefit from an accelerated procedure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7e
External service provider gateway

1. External service providers shall have access to the EU application platform using the external service gateway only to:

   (a) verify and perform quality checks on the data uploaded in the temporary storage capacity, notably the scanned copy of the travel document;

   (b) upload the biometric identifiers;

   (c) upload the supporting documents, if needed;

   (d) use the appointment tool to indicate available slots, if applicable;

   (e) make application available to the consulate for further processing.

2. An authentication scheme, reserved exclusively for external service providers, shall be set up by Member States in order to allow access to the gateway for the purposes of this Article to the duly authorised staff members. When setting up the authentication scheme, information security risk management and the principles of data protection by design and by default shall be taken into account.

3. The Commission shall adopt implementing acts to lay down the authentication scheme for external service provider staff members. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7f
Notification of decisions

1. Applicants and visa holders shall be notified of decisions taken by Member States on their applications or issued visas by secure electronic means.

2. The notifications to applicants or visa holders, as applicable, shall contain the following data:

(a) for visa issued: data listed in Articles 24, 25 or 26 of Regulation (EC) No 810/2009 and Article 10 of this Regulation;

(b) for visa refused: data listed in Article 32 of Regulation (EC) No 810/2009 and Article 12 of this Regulation;

(c) for visa confirmed : data listed in Article 32a of Regulation (EC) No 810/2009 and Article 12a of this Regulation;

(d) for visa extended : data listed in Article 33 of Regulation (EC) No 810/2009 and Article 14 of this Regulation;

(e) for visa annulled or revoked: data listed in Article 33 of Regulation (EC) No 810/2009 and Article 13 of this Regulation.

3. The notification referred to in paragraph 2 shall contain a 2D barcode digitally signed by the issuing authority, and the facial image of the holder. The 2D barcode shall contain the information referred to in paragraph 2.

The notification shall be in printable format.

4. The Commission shall adopt implementing acts to lay down technical specifications of the digital visas and the notification referred to in paragraph 1, including details on the format of the notification, such as 2D barcode and printable format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7g
Verification tool

1. The verification tool shall allow applicants and visa holders to check:

(a) status of their application;

(b) status and validity of their visa.

2. The verification tool shall be based on the secure account service referred to in Article 7b(3).

3. The EU application platform shall offer a web-service functionality for applicants to verify the digital visa without the secure account service.

4. The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable to the web service, including unique identifier for the applicant. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). ";

(4) in Article 9(4), the following points are added:

"(na) if applicable, the fact that the applicant applies as a family member of UK nationals who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made;

(o) email address;

(p) IP address from which the application form was submitted.";

(5) In Article 9b the following paragraph is added:

"5. Paragraphs 1 to 4 shall apply *mutatis mutandis* to family members of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement in the host State for which the visa application is made.";

(6) Article 10 is amended as follows:

(a) in paragraph 1, point (e) is replaced by the following:

"(e) visa number;";

(b) in paragraph 1, point (k) is deleted.

(c) in paragraph 1, point (m) is added

"(m) if applicable, the status of the person indicating that the third-country national is a member of the family of UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made.";

(7) the following Article 12a is inserted:

"*Article 12a*
Data to be added for a visa confirmed

1. Where a decision has been taken to confirm a visa, the visa authority that has taken the decision shall add the following data to the application file:

(a) status information;

(b) authority that confirmed the visa;

(c) place and date of the decision;

(d) new travel document data, including number, issuing country and authority, issuing date, expiry date.

2. Where a decision has been taken to confirm a visa, the system shall immediately retrieve and export from the VIS into the EES the data listed in Article 19(1) of Regulation (EU) (EU) 2017/2226.";

(8) in Article 14(1), point (d) is replaced by the following:

"(d) visa number of the extended visa;";

(9) in Article 15(2), point (f) is replaced by the following:

"(f) the visa number, long-stay visa or residence permit number and the date of issue of any previous visa, long-stay visa or residence permit;"

(10) Article 18 is amended as follows:

(a) in paragraph 1, point (b) is deleted;

(b) paragraph 3 is replaced by the following:

"3. By way of derogation from paragraph 2 of this Article, where a search is launched in the EES pursuant to Article 23(2) or (4) of Regulation (EU) 2017/2226, the competent border authority may search the VIS without making use of the interoperability with the EES, where specific circumstances so require, in particular, where it is technically impossible, on a temporary basis, to consult the EES data or in the event of a failure of the EES.";

(11) the following Article 18e is inserted:

"Article 18e
Fall-back procedures in the case of a technical impossibility to access data at the external borders

1. Where it is technically impossible to proceed with the consultation referred to in Article 18 because of a failure of any part of VIS, eu-LISA shall notify the border authorities of the Member States.

2. Where it is technically impossible to perform the search referred to in Article 18 because of a failure of the national border infrastructure in a Member State, the

border authorities shall notify the eu-LISA. eu-LISA shall then inform the Commission.

3. In cases referred to in paragraphs 1 and 2 of this Article, the border authorities shall follow their national contingency plans. The national contingency plan may authorise the border authorities to derogate temporarily from the obligation to consult VIS referred to in Article 8 of Regulation (EU) 2016/399.

4. The Commission shall, by means of implementing acts, adopt model contingency plans for the cases referred to in paragraphs 1 and 2 of this Article, including the procedures to be followed by border authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). Member States shall adopt their national contingency plans using the model contingency plans as a basis, to be adapted as necessary at the national level.";

(12) in Article 19, paragraph 1 is replaced by the following:

"1. For the sole purpose of verifying the identity of the visa holder and/or the authenticity of the visa and/or whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, shall have access to search with the number of the visa in combination with verification of fingerprints of the visa holder.

Where the identity of the visa holder cannot be verified with fingerprints the competent authorities may also carry out the verification with the facial image.";

(13) in Article 20(2), point (d) is replaced by the following:

"(d) the data entered in respect of any visa issued, refused, confirmed, annulled, revoked or extended referred to in Articles 10 to 14.";

(14) in Article 21(2), point (d) is replaced by the following:

"(d) the data entered in respect of any visa issued, confirmed, annulled, revoked or extended referred to in Articles 10, 12a, 13 and 14;";

(15) in Article 22(2), point (e) is replaced by the following:

"(e) the data entered in respect of any visa issued, confirmed, annulled, revoked or extended referred to in Articles 10, 12a, 13 and 14;";

(16) in Article 22f(1), point (d) is replaced by the following:

"(d) the visa number;";

(17) in Article 22o, paragraph 3 is amended as follows:

(a) point (c) is replaced by the following:

"(c) visa number or number of the long-stay visa or residence permit and the date of expiry of the validity of the visa, long-stay visa or residence permit, as applicable;";

(b) the following points (f) and (g) are added:

"(f) IP address;

(g) email address.";

(18) in Article 22r, paragraph 3 is amended as follows:

(a) point (c) is replaced by the following:

"(c) visa number or number of the long-stay visa or residence permit and the date of expiry of the validity of the visa, long-stay visa or residence permit, as applicable;";

(b) the following points (f) and (g) are added:

"(f) IP address;

(g) email address";

(19) in Article 45(2), the following points (g) to (o) are added:

"(g) for defining the content of a simplified application forms for confirmation of valid visas in a new travel document and for extension of visas, in accordance with Article 7b;

(h) for defining requirements concerning the format of the personal data in the online application form, in accordance with Article 7b;

(i) for defining the technical requirements concerning the format of supporting documents, travel medical insurance and copy of travel document in electronic format to be provided via the EU application platform, in accordance with Articles 7c and 7ba;

(j) for defining the requirements concerning the payment tool, including the reimbursement modalities for applicants, in accordance with Article 7d;

(k) for defining the requirements concerning the appointment tool referred, including the modalities for confirmation of appointments, and the link to existing appointment tools or information on walk-in appointments to be configured by the consulates or external service providers, in accordance with Article 7d;

(l) for laying down the authentication scheme for external service provider staff members using the External service provider gateway, in accordance with Article 7e;

(m) for laying down technical specifications of the visas in digital format, and the visa notification, including details on the format of the notification, such as 2D barcode, printable format, in accordance with Article 7f;

(n) for laying down detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable to the web service, in accordance with Article 7g;

(o) for defining model contingency plans regarding fall-back procedures in the case of a technical impossibility to access data at the external borders, including the procedures to be followed by border authorities , in accordance with Article 18e.";

(20) in Article 48a(2), (3) and (6), the references to "Article 9, Article 9h(2), Article 9j(2) and Article 22b(18)" are replaced by references to "Article 7b, Article 9, Article 9h(2), Article 9j(2) and Article 22b(18)".

Article 3
Amendments to Council Regulation (EC) No 1683/95[66]

Regulation (EC) No 1683/95 is amended as follows:

(1) Article 1 is replaced by the following:

"Article 1

Visas issued in conformity with Article 5 of this Regulation by the Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009 shall be produced in the form of a uniform format (sticker). They shall conform to the specifications set out in the Annex.";

(2) in Article 7, the following fourth paragraph is added:

"The use the uniform visa format for purposes other than those covered by Article 5 is without prejudice to issuing visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009.".

Article 4
Amendments to Council Regulation (EC) No 333/2002[67]

In Article 1 of Regulation (EC) No 333/2002, paragraph 1 is replaced by the following:

"1. This Regulation shall apply to Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009 of the European Parliament and of the Council*.

For the purposes of this Regulation, "form for affixing a visa" shall mean the document issued by the authorities of a Member State to the holder of a travel document which is not recognised by that Member State, to which its competent authorities affix a visa.".

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* Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1).".

Article 5
Amendments to Council Regulation (EC) No 694/2003[68]

Regulation (EC) No 694/2003 is amended as follows:

(1) Article 1 is replaced by the following:

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66 Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

67 Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).

68 Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

"Article 1

1. Facilitated Transit Documents (FTD) issued by the Member States as referred to in Article 2(1) of Regulation (EC) No 693/2003 shall be issued in digital format referred to in Article 26a of Regulation (EC) No 810/2009 of the European Parliament and of the Council * and shall have the same value as limited territorial validity visas with the purpose of transit. In addition, the digital format shall contain clear indication that the issued document is FTD.

2. Facilitated Rail Transit Documents (FRTD) issued by the Member States as referred to in Article 2(2) of Regulation (EC) No 693/2003 shall be issued in digital format referred to in Article 26a of Regulation (EC) No 810/2009 and shall have the same value as limited territorial validity visas with the purpose of transit. In addition, the digital format shall contain clear indication that the issued document is FRT.".

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* Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1).".

(2) In Article 2(1), the first subparagraph is replaced by the following:

"1. Further technical specifications for the digital format for FTD and FRTD, including relating to the following, shall be established in accordance with the procedure referred to in Article 4(2): ";

(3) In Article 6, the first subparagraph is replaced by the following:

"2. Member States which have decided to do so shall issue the digital format for FTD and FRTD as referred to in Article 1 no later than one year after the adoption of the additional security features and requirements referred to in Article 2.".

Article 6
Amendment to the Convention implementing the Schengen Agreement[69]

Article 18 of the Convention implementing the Schengen Agreement is amended as follows:

(1) paragraph 1 is replaced by the following:

"1. Visas for stays exceeding 90 days (long-stay visas) shall be national visas issued by one of the Member States in accordance with its national law or Union law. Such visas shall be in issued digital format referred to in Article 26a of Regulation (EC) No 810/2009.

By way of exception, Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009 shall issue visas in the uniform format for visas as set out in Council Regulation (EC) No 1683/95 [*] with the heading specifying the type of visa with the letter "D". They shall be filled out in accordance with the relevant provisions of Annex VII to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).";

(2) the following paragraph 1a is inserted:

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[69] Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

"1a. Long-stay visas issued in digital format shall be notified to applicants by electronic means in accordance with Article 7f of Regulation (EC) No 767/2008.".

Article 7
Amendment to Council Regulation (EC) No 693/2003[70]

Regulation (EC) No 693/2003 is amended as follows:

(1) in Article 2, paragraph 3 is replaced by the following:

"3. The FTD/FRTD shall be issued in digital format referred to in Article 26a of Regulation (EC) No 810/2009*

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* Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1).";

(2) Article 5 is amended as follows:

(a) In paragraph 1, the first sentence is replaced by the following:

"The application for an FTD shall be submitted to the consular authorities of a Member State which has communicated its decision to issue the FTD/FRTD in accordance with Article 12. ";

(b) the following paragraph 5 is inserted:

"5. The application for an FTD and FRTD shall be carried out using an online application tool. The online application tool shall contain data referred to in paragraphs 3 and 4 of this Article.".

(3) in Article 6, paragraphs 2, 3 and 4 are replaced by the following:

"2. No FTD/FRTD shall be issued for a travel document that has expired.

3. The period of validity of the travel document for which the FTD/FRTD is issued shall be longer than that of the FTD/FRTD.

4. No FTD/FRTD shall be issued for a travel document if that travel document is not valid for any of the Member States. If a travel document is only valid for one Member State or for a number of Member States, the FTD/FRTD shall be limited to the Member State or Member States in question.".

Article 8
Amendments to Regulation (EU) 2017/2226 of the European Parliament and of the Council[71]

Regulation (EU) 2017/2226 is amended as follows:

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[70] Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

[71] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

(1) in Article 16(2), point (d) is replaced by the following:

"(d) where applicable, the short-stay visa number, including the three letter code of the issuing Member State, the type of short-stay visa, the end date of the maximum duration of the stay as authorised by the short-stay visa, which shall be updated at each entry, and the date of expiry of the validity of the short-stay visa;"

(2) Article 19 is amended as follows:,

(a) in paragraph 1, point (d) is replaced by the following:

"(d) where applicable, the new visa number, including the three letter code of the issuing country;";

(b) the following paragraph 7 is added:

"7. Where a decision has been taken to confirm a valid visa in a new travel document, the visa authority which has taken the decision shall immediately retrieve the data provided for in paragraph 1 of this Article from the VIS and import them directly into the EES in accordance with Articles 12a of Regulation (EC) No 767/2008.".

(3) in Article 24(2), point (b) is replaced by the following:

"(b) the short-stay visa number, including the three letter code of the issuing Member State referred to in Article 16(2), point (d);";

(4) in Article 32(5), point (c) is replaced by the following:

"(c) visa number and the date of expiry of the validity of the visa;".

Article 9
Evaluation of the EU application platform

1. Five years after the date of start of operations according to Article 12 of this Regulation, the Commission shall evaluate the operation of the EU application platform. This evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of Regulation (EC) No 810/2009 and Regulation (EC) No 767/2008, as amended by this Regulation.

2. The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, where necessary, appropriate proposals.

Article 10
Start of operations of the EU application platform

1. The Commission shall determine the date from which operations of the EU application platform start pursuant to this Regulation, once the following conditions have been met:

(a) the measures referred to in Article 1, point (31) and Article 2, points (19) and (20) have been adopted;

(b) eu-LISA has declared the successful completion of a comprehensive tests;

(c) eu-LISA has validated the technical and legal arrangements and notified them to the Commission.

2. The Commission decision referred to in paragraph 1 shall be published in the *Official Journal of the European Union*.

3. By way of derogating from paragraph 1, and without prejudice to issuing visas in digital format, a Member State may, for a period of 5 years from the date referred to in paragraph 1, decide not to avail itself of the EU application platform.

In this case, the Member State shall notify the Commission regarding its decision not to avail itself of the EU application platform during the transition period. The Commission shall publish the notification in the *Official Journal of the European Union*.

During this transitional period, visa holders shall be able to verify the digital visas using the web-service of the online visa application platform, referred to in Article 7g of Regulation (EC) No 767/2008 if the Member State processing their visa application decided not to avail itself of the EU application platform.

4. A Member State may notify the Commission and eu-LISA that it wishes to avail itself of the EU application platform before the end of the transition period referred to in paragraph 3.

The Commission shall determine the date from which this shall be applicable. The Commission decision shall be published in the *Official Journal of the European Union*.

Article 11
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Digitalisation of Visa Procedures

1.2. Policy area(s) concerned

Home Affairs

1.3. The proposal/initiative relates to:

✓ **a new action**

☐ **a new action following a pilot project/preparatory action**[72]

☐ **the extension of an existing action**

☐ **a merger or redirection of one or more actions towards another/a new action**

1.4. Objective(s)

1.4.1. General objective(s)

The general objective of the initiative is to contribute to the digitalisation of public services, making Europe fit for the digital age as well as to contribute to a secure, safe and resilient EU and to make the EU a more attractive destination for travellers and enhance its perception as a single geographical entity applying a common visa policy.

1.4.2. Specific objective(s)

Specific objective N°1: To modernise, simplify and harmonise the visa application process for Member States and TCNs by digitalising the visa procedure

Specific objective N°2: To reduce risks of (identity) fraud, forgery and facilitate the verification process at the border through digitalisation

To achieve these specific objectives, the proposal includes the creation of a single EU Visa application platform and the implementation of a digital visa instead of a visa sticker.

1.4.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The proposal would have a positive impact on EU travel and GDP with an additional GDP of EUR 53.3 billion on the 2025-2029 period, as it would mark the transition from a largely paper-based application process to a truly digital and largely harmonised process.

The EU visa application platform would benefit Member States by decreasing time spent processing visa applications for consulates and filing the paper applications in

[72] As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

the archive. 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, according to the cost benefit analysis carried out in the context of the impact assessment, Member States would save EUR 553 million in administrative costs on the 2025-2029 period.

Finally, visa applicants would also benefit from the proposal. Repeat visa 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. Each applicant would save 31 per application out of a total of EUR 74 spent for each application.

1.4.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

Indicator 1: Share of the applications submitted through the EU visa application platform out of the total Schengen visa applications.

Target: 95% at the end of the transition period (31 December 2030)

Indicator 2: Share of digital visas issued out of the total number of visas issued.

Target: 100% at the entry into force of the EU Visa application platform (1 January 2026)

Indicator 3: Percentage of visa applications submitted with External Service Provider (ESPs) intervention – 90%

Target: 75% of visa application submitted without ESP intervention- at the end of transition period (31 December 2030)

1.4.4.1. Effectiveness and timeliness: indicators should allow to monitor performance by providing information on progress on a regular basis and on achievements along the programming period.

1.4.4.2. Efficiency: processes should be optimized for collection and processing of data, avoiding unnecessary or duplicative requests for information

1.4.4.3. Relevance of the indicators and the need to limit the associated administrative burden.

1.4.4.4. Clarity: indicators should be delivered in a clear and understandable form, with supporting metadata and in a form that facilitates proper interpretation and meaningful communication.

Each indicator should be accompanied by targets and baseline.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The proposal on digitalisation of visa Procedure was announced in the 2018 Commission communication on Visa Policy. The New Pact on Migration and Asylum proposed by the Commission on 23 September 2020 set the objective of making the visa procedure fully digitalised by 2025, with a digital visa and the ability to submit visa applications online.

Following the adoption of legislation by the colegislators (at the latest end 2023), the development of the EU Visa application platform by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) could start and would last two years (2024-2025). This development would rely on lessons learnt from the development of a platform prototype by eu-LISA in 2020-2021.

Meanwhile, Member States would carry out the necessary investments to connect to the EU Visa application platform and implement the digital visa and be ready for beginning of 2026 when the Visa application platform could go live. For those Member States who would chose not to use the EU Visa application platform as from beginning 2026, they would have still two years to carry out the necessary investments, possibly phase out their national portals and use the single EU visa application platform for their applications.

In 2026, the EU visa application platform and the digital visa would coexist. After the end of the transition period (end 2028), all visa applications would be lodged online throught the EU visa application platform (except a few exceptionnal cases for which a paper procedure would remain possible).

After the start of operations, eu-LISA will have to regularly update the EU visa application platform and maintain it and Member States will have to do the same for their national components linked to the platform.

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.

Reasons for action at European level (ex-ante)

As the Schengen visa procedure is harmonised at EU level and regulated in great detail in the Visa Code, the VIS Regulation and the uniform format for visas Regulation, the shortcomings identified inte context of the impact assessment are inextricably related to existing EU legislation. The problems identified are unlikely to disappear in the near future and they are directly related to the current legal provisions. For both aspects of the initiative (visa application procedure and format of the visa) by reason of scale, effects and impact of the envisaged actions, action to solve these problems can only be taken efficiently and systematically at EU level. The continuation of current situation, where Member States develop (or not) their

own digital tools would only partially solve the problems identified. Only an intervention at EU level would generate greater added value.

Expected generated Union added value (ex-post). By facilitating the visa application by visa-required third-country nationals through a single EU visa application platform with less costly and easier application procedures, the proposal will decrease the application cost for visa applicants by 31 € on average per applicant (out of 74 €). It will trigger an increase in travels to the EU compared to the situation where the EU would not act. This will generate an increase in GDP contribution of visa-required travellers of 53.5 bn on the 2025-2029 period. The creation of a single EU visa application platform used by all Member States would allow savings on queries by visa applicants and on the management of paper-based applications. The introduction of a digital visa would also generate savings on the management of paper visa-stickers. These two changes, only made possible by EU intervention would allow savings of EUR 553 million for all Member States of the 2025-2029 period. By creating a single entry point for visa applications, it would also project a homogeneous image of the EU towards the outside world.

1.5.3. Lessons learned from similar experiences in the past

The lessons learnt from the introduction of the Visa Information System and other large IT systems suggest that the introduction of a new large IT system can generally take longer than expected and that Member States must benefit from the support of EU funding to finance their national investments. This will be the case with the Instrument for Financial Support for Border Management and Visa Policy (BMVI) 2021-2027 for which digitalisaiton of visa procedures has clearly been identified as a priority.

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

The investments required at EU level and Member States level are compatible with the 2021-2027 multiannual financial framework with the use of the BMVI to finance these investments.

1.5.5. Assessment of the different available financing options, including scope for redeployment

The appropriations needed to finance the development of the EU visa application platform by eu-LISA (EUR 69.325 million) have not been planned under the eu-LISA MFF allocation, as this is a new proposal for which amounts were not known at the time of the proposal. It is proposed to reinforce the eu-LISA budget for the amounts needed in 2023, 2024, 2025, 2026 and 2027 by transferring appropriations from the corresponding thematic facilities of the Border Management and Visa Policy (BMVI).

1.6. Duration and financial impact of the proposal/initiative

☐**limited duration**

– ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

✓ **unlimited duration**

– Implementation with a start-up/development period from 2024 to 2025,

– followed by full-scale operation as from 2026.

1.7. Management mode(s) planned[73]

☐ **Direct management** by the Commission

– ☐ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

✓ **Shared management** with the Member States

✓ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated;

– ☐ international organisations and their agencies (to be specified);

– ☐ the EIB and the European Investment Fund;

– ✓ bodies referred to in Articles 70 and 71 of the Financial Regulation;

– ☐ public law bodies;

– ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;

– ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

– *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

The development phase of the EU visa application platform is expected to last two years during which eu-LISA will develop the platform. The EU visa application platform will be operational as from first January 2026.

[73] Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

Shared management:

Each Member State shall establish a management and control systems for its programme and ensure the quality and the reliability of the monitoring system and of data on indicators, in accordance with the Common Provision Regulation (CPR). The Member States shall send each year an assurance package, which includes the annual accounts, the management declaration and the audit authority's opinions on the accounts, the management and control system and the legality and regularity of the expenditure declared in the annual accounts. This assurance package will be used by the Commission to determine the amount chargeable to the Fund for the accounting year. A review meeting between the Commission and each Member State shall be organised every two years to examine the performance of each programmes. The Member States send 6 times per year data for each programme broken down by specific objectives. These data refers to the cost of operations and the values of common output and result indicators.

The Member States will send an annual performance report, which should set out information on the progress in the implementation of the programme and in achieving the milestones and targets. It should also raise any issues affecting the performance of the programme and describe the action taken to address them.

At the end of the period, each Member States shall submit a final performance report. The final report should focus on the progress made towards achieving the objectives of the programme and should give an overview of the key issues that affected the programme's performance, the measures taken to address those issues and the assessment of the effectiveness of these measures. In addition it should present the contribution of the programme to tackling the challenges identified in the relevant EU recommendations addressed to the Member State, the progress made in achieving the targets set out in the performance framework, the findings of the relevant evaluations and the follow-up given to those findings and the results of the communication actions.

The Commission shall carry out a mid-term and a retrospective evaluation of the actions implemented under this Fund, in line with the Common Provisions Regulation. The mid-term evaluation should be based in particular on the mid-term evaluation of programmes submitted to the Commission by the Member States by 31 December 2024.

Indirect management

The monitoring and reporting of the proposal will follow the principles outlined in eu-LISA's Regulation, Financial Regulation and in line with the Common Approach on decentralised agencies. eu-LISA must notably send each year to the Commission, the European Parliament and the Council a Single Programming Document containing multi-annual and annual work programmes and resources programming. The Document sets out the objectives, expected results and performance indicators to monitor the achievement of the objectives and the results. eu-LISA must also submit a Consolidated Annual Activity Report to the management board. This report notably includes information on the achievement of the objectives and results set out in the Single

Programming Document. The report must also be sent to the Commission, the European Parliament and the Council.

Moreover, as outlined in Article 39 of eu-LISA's Regulation, by 12 December 2023, and every five years thereafter, the Commission, after consulting the Management Board, shall evaluate, in accordance with the Commission's guidelines, the performance of the Agency in relation to its objectives, mandate, locations and tasks. That evaluation shall also include an examination of the implementation of this Regulation and the way and extent to which the Agency effectively contributes to the operational management of large-scale IT systems and to the establishment of a coordinated, cost-effective and coherent IT environment at Union level in the area of freedom, security and justice. That evaluation shall, in particular, assess the possible need to modify the mandate of the Agency and the financial implications of any such modification. The Management Board may issue recommendations regarding amendments to this Regulation to the Commission.

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

Shared management

As per the regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa will be managed under the CPR (Common Provision Regulation) rules.

For shared management, the CPR builds on the management and control strategy in place for the 2014-2020 programming period but introduces some measures aimed at simplifying the implementation and reducing the control burden at the level of both beneficiaries and Member States.

The novelties include:

- the removal of the designation procedure (which should allow to speed up the implementation of the programmes)

- management verifications (administrative and on-the-spot) to be carried out by the managing authority on a risk-basis (compared to the 100% administrative controls required in the 2014-2020 programming period). Furthermore, under certain conditions, the managing authorities may apply proportionate control arrangements in line with the national procedures.

- conditions to avoid multiple audits on the same operation/expenditure

The programme authorities will submit to the Commission interim payment claims based on expenditure incurred by beneficiaries. The CPR allows the managing authorities to carry out management verifications on a risk-basis and provides also for specific controls (e.g. on-the-spot controls by the managing authority and audits of operations/expenditure by the audit authority) after the associated expenditure has been declared to the Commission in the interim payment claims. In order to mitigate the risk of reimbursing ineligible expenditure, the CPR lays down the Commission's interim payments to be capped at 90%, given that at this moment only part of the

national controls have been carried out. The Commission will pay the remaining balance following the annual clearance of accounts exercise, upon receipt of the assurance package from the programme authorities. Any irregularities detected by the Commission or the European Court of Auditors after the transmission of the annual assurance package may lead to a net financial correction.

Indirect management

Part of the proposal will be implemented via eu-LISA budget through indirect management.

Pursuant to the principle of sound financial management, the budget of eu-LISA shall be implemented in compliance with effective and efficient internal control. eu-LISA is therefore bound to implement an appropriate control strategy coordinated among appropriate actors involved in the control chain.

Regarding ex-post controls, eu-LISA, as a decentralised agency, is notably subject to:

- internal audit by the Internal Audit Service of the Commission;

- annual reports by the European Court of Auditors, giving a statement of assurance as to the reliability of the annual accounts and the legality and regularity of the underlying transactions;

- annual discharge granted by the European Parliament;

- possible investigations conducted by OLAF to ensure, in particular, that the resources allocated to agencies are put to proper use.

As partner DG to eu-LISA, DG HOME will implement its Control Strategy on decentralised agencies to ensure reliable reporting in the framework of its Annual Activity Report (AAR). While decentralised agencies have full responsibility for the implementation of their budget, DG HOME is responsible for regular payment of annual contributions established by the Budgetary Authority.

Finally, the European Ombudsman provides a further layer of control and accountability at eu-LISA.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

No specific risks have been identified at this stage.

For the part management under shared management, the general risks in relation to the implementation of the current programmes concerns the under-implementation of the Fund by the Member States and the possible errors derived from the complexity of rules and weaknesses in management and control systems. The draft CPR simplifies the regulatory framework by harmonising the rules and management and control systems across the different Funds implemented under shared management. It simplifies also the control requirements (e.g. risk-based management verifications, possibility for proportionate control arrangements based on national procedures, limitations of audit work in terms of timing and/or specific operations)

For the budget implemented by eu-LISA, a specific Internal Control Framework based on the Internal Control Framework of the European Commission is required. The Single Programming Document must provide information on the internal control systems, while the Consolidated Annual Activity Report (CAAR) must contain

information on the efficiency and effectiveness of the internal control systems, including as regards risk assessment. The CAAR 2019 reports that, management of the Agency has reasonable assurance that appropriate internal controls are in place and that they are functioning as intended. Throughout the year, the major risks were appropriately identified and managed. This assurance is further confirmed by the results of the internal and external audits performed.

Another level of internal supervision is also provided by eu-LISA's Internal Audit Capability, on the basis of an annual audit plan notably taking into consideration the assessment of risks in eu-LISA. The Internal Audit Capability helps eu-LISA in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate the effectiveness of risk management, control, and governance processes, and by issuing recommendations for their improvement.

Moreover, the European Data Protection Supervisor and eu-LISA's data protection officer (an independent function attached directly to the Management Board Secretariat) supervise eu-LISA's processing of personal data.

Finally, as partner DG of eu-LISA, DG HOME runs an annual risk management exercise to identify and assess potential high risks related to agencies' operations, including eu-LISA. Risks considered as critical are reported annually in DG HOME management plan and are accompanied by an action plan stating the mitigating action.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

For the shared management part, the cost of controls is expected to remain the same or potentially be reduced for Member States. For the present programming cycle 2014-2020, as of 2017, the cumulative cost of control by the Member States is estimated at approximately 5% of the total amount of payments requested by the Member States for the year 2017.

This percentage is expected to decrease with efficiency gains in implementation of the programmes and increase in payments to Member States.

With the risk based approach to management and controls being introduced in the draft CPR coupled with enhanced drive to adopt simplified cost options (SCOs), the cost of controls for Member States is expected to be reduced further.

For eu-LISA, the ratio of "control costs/value of the related funds managed" is reported on by the Commission. The 2020 AAR of DG HOME reports 0.21% for this ratio in relation to Indirect Management Entrusted Entities and Decentralised Agencies, including eu-LISA.

The European Court of Auditors confirmed the legality and regularity of eu-LISA's annual accounts for 2019, which implies an error rate below 2%. There are no indications that the error rate will worsen in the coming years.

Moreover, article 80 of eu-LISA's Financial Regulation provides for the possibility for the agency to share an internal audit capability with other Union bodies functioning in the same policy area if the internal audit capability of a single Union body is not cost-effective.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

DG HOME will continue to apply its Anti-Fraud Strategy in line with the Commission's Anti-Fraud Strategy (CAFS) in order to ensure inter alia that its internal anti-fraud related controls are fully aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses.

As regards shared management, Member States shall ensure the legality and regularity of expenditure included in the account submitted to the Commission. In this context, Member States shall take all required actions to prevent, detect and correct irregularities. As in the present programming cycle 2014-2020 Member States are obliged to put in place procedures for detection of irregularities and antifraud coupled with the specific Commission Delegated Regulation on reporting of irregularities. Anti-Fraud measures will remain a cross-cutting principle and obligation for Member States.

For indirect management, the measures related to combating fraud, corruption and any other illegal activities are outlined, inter alia, in article 50 of eu-LISA's Regulation and under Title X of eu-LISA's Financial Regulation.

eu-LISA shall notably participate in fraud prevention activities of the European Anti-fraud Office and inform the Commission without delay on cases of presumed fraud and other financial irregularities – in line with its internal anti-fraud strategy.

Moreover, as partner DG, DG HOME has developed and implemented its own anti-fraud strategy on the basis of the methodology provided by OLAF. Decentralised agencies, including eu-LISA, fall within the scope of the strategy. DG HOME 2020 AAR concluded that the fraud prevention and detection processes worked satisfactorily and therefore contributed to the assurance on the achievement of the internal control objectives.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.[74]	from EFTA countries [75]	from candidate countries[76]	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
4	11.1002 – European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)	Diff.	NO	NO	YES	NO
4	11.02.01 – 'Border Management and Visa Instrument'	Diff.	NO	NO	YES	NO
4	11.01.01 – Support expenditure for the "Integrated Border Management Fund (IBMF) — Instrument for financial support for Border Management and Visa Policy (BMVI)"	Non-diff.	NO	NO	YES	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

74 Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.
75 EFTA: European Free Trade Association.
76 Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☑ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	4	Migration and borders

DG: HOME AFFAIRS			Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL**
• Operational appropriations							
11.10.02 - European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)	Commitments	(1a)	19.945	22.825	12.800	12.800	68.370
	Payments	(2a)	19.945	22.825	12.800	12.800	68.370
11.02.01 – 'Border Management and Visa Policy	Commitments	(1b)	33.400	50.958	14.100	14.100	112.558
	Payments	(2b)	19.661	34.260	12.420	12.292	78.633
TOTAL appropriations for DG HOME AFFAIRS	Commitments	=1a+1b +3	53.345	73.783	26.900	26.900	180.928
	Payments	=2a+2b +3	39.606	57.085	25.220	25.092	147.003

• TOTAL operational appropriations	Commitments	(4)	53.345	73.783	26.900	26.900	180.928
	Payments	(5)	39.606	57.085	25.220	25.092	147.003

• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)					
TOTAL appropriations under HEADING 4 of the multiannual financial framework	Commitments	=4+ 6	53.345	73.783	26.900	26.900	180.928
	Payments	=5+ 6	39.606	57.085	25.220	25.092	147.003

If more than one operational heading is affected by the proposal / initiative, repeat the section above:

• TOTAL operational appropriations (all operational headings)	Commitments	(4)	53.345	73.783	26.900	26.900	180.928
	Payments	(5)	39.606	57.085	25.220	25.092	147.003
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)					
TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6	53.345	73.783	26.900	26.900	180.928
	Payments	=5+ 6	39.606	57.085	25.220	25.092	147.003

Heading of multiannual financial	**7**	'Administrative expenditure'

framework		

This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the Annex to the Legislative Financial Statement (Annex V to the internal rules), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
DG: <…….>									
• Human resources									
• Other administrative expenditure									
TOTAL DG <…….>	Appropriations								

TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)								

EUR million (to three decimal places)

		Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL**
TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework	Commitments	53.345	73.783	26.900	26.900	180.928
	Payments	39.606	57.085	25.220	25.092	147.003

eu-LISA: breakdown of expenditure per title

eu-LiSA

	Appropriations	2024	2025	2026	2027	Total
	CA	0.520	1.040	1.040	1.125	3.725
Title 1: Staff expenditure	PA	0.520	1.040	1.040	1.125	3.725
	CA			11.760	11.675	23.435
Title 2: Infrastructure and operating expenditure	PA	-	-	11.760	11.675	23.435
	CA	19.425	21.785			41.210
Title 3: Operational expenditure	PA	19.425	21.785	-	-	41.210
TOTAL	**CA**	**19.945**	**22.825**	**12.800**	**12.800**	**68.370**
	PA	**19.945**	**22.825**	**12.800**	**12.800**	**68.370**

These expenses will cover costs related to:

- development and maintenance of an EU visa application platform,
- gradual recruitment of additional 5 temporary agents (AD) and 5 contract agents for the development and maintenance of the EU visa application platform as from 2023.

3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ⇩				Year 2024		Year 2025		Year 2026		Year 2027		TOTAL	
	Phase	Type	Average cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost
SPECIFIC OBJECTIVE NO 1: EU visa application platform (setting up and miantenance)													
- Output	Initial set-up	Design			6,562		1,666						8,228
- Output		Development			3,108		4,736						7,844
- Output		Testing			1,252		5,087						6,339
- Output		Deployment			-		2,193						2,193
- Output		Hardware&infrastructure			7,447		7,564						15,011
- Output		vis adaptation - initial migration			0,146		0,148						0,294
- Output		vis adaptation - synchronisation			0,130		0,132						0,261
- Output		vis adaptation hardware & infrastructure			1,300		1,300						2,600
- Output		*Integration and adaptation + harware and infrastructure (Member States)*			33,400		50,100						83,500
- Output		*Trainings (Member States)*					0,858						0,858
- Output	Maintenance	recurring costs - digital application platform helpdesk, ad-hoc fixes,							7,031		6,992		14,023
- Output		recurring costs hardware & infrastructure							3,266		3,287		6,553
		recurring costs - licenses											

								2,504		2,520		5,024
- Output		*maintenance and operation costs (Member States)*					-	14,100		14,100		28,200
Subtotal for specific objective N°1				**53,345**		**73,783**		**26,900**		**26,900**		**180,928**
SPECIFIC OBJECTIVE NO 2: Number Digital visa issued (million)												
Subtotal for specific objective N°2			**16,10**	**-**	**18,10**	**-**	**18,10**	**-**	**18,10**	**-**	**70,40**	**-**
TOTAL for objectives 1 to 2			n/a	**53,345**	n/a	**73,783**	n/a	**26,900**	n/a	**26,900**	n/a	**180,928**

3.2.3. *Summary of estimated impact on administrative appropriations – **DG HOME***

– ✓ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N [77]	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
HEADING 7 of the multiannual financial framework								
Human resources								
Other administrative expenditure								
Subtotal HEADING 7 of the multiannual financial framework								

Outside HEADING 7[78] of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature								
Subtotal outside HEADING 7 of the multiannual financial framework								

TOTAL								

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

[77] Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

[78] Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

*3.2.4. Summary of estimated impact on administrative appropriations – **eu-LISA***

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– ✓ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year **2024**	Year **2025**	Year **2026**	Year **2027**	**TOTAL**
eu-LISA					
Human resources	0.520	1.040	1.040	1.125	3.725
Other administrative expenditure					
TOTAL	0.520	1.040	1.040	1.125	3.725

3.2.4.1. Estimated requirements of human resources – **DG HOME**

– ☑ The proposal/initiative does not require the use of human resources.

– ☐ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary staff)								
20 01 02 01 (Headquarters and Commission's Representation Offices)								
20 01 02 03 (Delegations)								
01 01 01 01 (Indirect research)								
01 01 01 11 (Direct research)								
Other budget lines (specify)								
• External staff (in Full Time Equivalent unit: FTE)[79]								
20 02 01 (AC, END, INT from the 'global envelope')								
20 02 03 (AC, AL, END, INT and JPD in the delegations)								
XX 01 xx **yy zz** [80]	- at Headquarters							
	- in Delegations							
01 01 01 02 (AC, END, INT - Indirect research)								
01 01 01 12 (AC, END, INT - Direct research)								
Other budget lines (specify)								
TOTAL								

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

79 AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

80 Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4.2. Estimated requirements of human resources – **eu-LISA**

– ☐ The proposal/initiative does not require the use of human resources.

– ✓ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

eu-LISA	2024	2025	2026		2027
Establishment plan posts (officials and temporary staff)					
AD	5	5	5	5	5
External staff					
CA	3	3	3	5	5
TOTAL for eu-LISA	**8**	**8**	**8**	**10**	**10**

Description of tasks to be carried out:

IMPLEMENTATION PHASE (2024, 2025)

6 FTEs (4 TA, 2 CA) will be needed for elaborating on specs/requirements solicitation as well as on analysis and design tasks in cooperation with the contractors, combining expertise in IT Architecture, Testing, Security & Data Protection,

Project & Programme Management and Business Relationship Management. While the profile of the Project Manager is succeeded by a Product Owner profile after Entering into Operations, smaller part of the allocation of PM profiles need to be maintained after entry into operations, mainly for product evolutions, adaptive maintenance projects and releases.

2 FTEs (1 TA, 1 CA) combining different technical profiles will be needed already during the implementation phase in order to guarantee harmonization and embedding of the solution in the existing infrastructure and network architecture, components and standards. Therefore, Infrastructure, Network, Data Centre Management Services and Product/Service Management profiles have been considered. Additionally, effort for transversal services (procurement, finance & HR) has to been taken into account in the estimates for the implementation phase.

OPERATIONS PHASE (2026, 2027)

After entering into operations, 10 FTEs (5 TA, 5 CA) are required to ensure high availability of the services provided to the Member States through robust and high-quality 24/7 operational management. To guarantee a high continuity, most technical profiles used during the implementation phase will continue working on the product. In total, operations will require resources for 1st level support and 2nd level support, Security Management, Business Continuity & Data Protection, Test & Transition Management, Infrastructure, Network & Data Centre Management, Product/Service Owner Services as well as IT Architecture, Project Support and Business & Relationship Management. The tasks to be performed are related to the management of platform, infrastructure, network, security etc. during day-to-day operations but also during the management of technical evolutions stemming from corrective and adaptive maintenance.

3.2.5. Compatibility with the current multiannual financial framework

The proposal/initiative:

– ✓ can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

As the appropriations required for the development of the EU visa application platform (2024/2025) and recurring costs (as from 2026) have not been planned under the eu-LISA budget, the funding required for the development and maintenance of the EU Visa application platform (EUR 68.370 million under the 2021-2027 MFF) will be made available via bugdetary offsetting against BMVI (11.02.01 – 'Border Management and Visa Instrument') for the corresponding amounts:

Appropriations	2024	2025	2026	2027	Total
CA=PA	**19.945**	**22.825**	**12.800**	**12.800**	**68.370**

The development and recurring costs at national level will be financed under the programmes of the BMVI.

– ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

– ☐ requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.6. Third-party contributions

The proposal/initiative:

– ☐ does not provide for co-financing by third parties

– ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **N**[81]	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

[81] Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

3.3. Estimated impact on revenue

– ☐ The proposal/initiative has no financial impact on revenue.

– ☑ The proposal/initiative has the following financial impact:

– ☐ on own resources

– ☑ on other revenue

– please indicate, if the revenue is assigned to expenditure lines ☐

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[82]						
		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article …….		p.m.						

For assigned revenue, specify the budget expenditure line(s) affected.

11.1002 (eu-LISA), 11.0201 (BMVI)

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

The budget shall include a contribution from countries associated with the implementation, application and development of the Schengen *acquis* and the visa digitalisation related measures as laid down in the respective agreements in force. The estimates shall be based on calculations for revenues for the implementation of the Schengen *acquis* from the States that currently contribute (Iceland, Norway and Switzerland) to the general budget of the European Union (consumed payments) an annual sum for the relevant financial year, calculated in accordance with its gross domestic product as a percentage of the gross domestic product of all the participating States. The calculation shall be based on figures from EUROSTAT which are subject to considerable variation depending on the economic situation of the participating States.

[82] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.