

Opinion of the European Economic and Social Committee on ‘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’

(COM(2022) 658 final)

(2023/C 75/21)

Rapporteur: **Ionuț SIBIAN**

Referral	European Commission, 28.6.2022
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	29.9.2022
Adopted at plenary	26.10.2022
Plenary session No	573
Outcome of vote (for/against/abstentions)	187/0/0

1. Conclusions and recommendations

1.1. The EESC strongly supports the initiative to introduce a fully digital visa procedure. An accessible, quick and reliable digital visa, and a less paper-based immigration system in general, would significantly reduce the immigration-related administrative burden.

1.2. The EESC welcomes the digitalisation initiative as it is in line with the general EU approach of encouraging the modernisation and digitalisation of public services and with the Commission communication on the *2030 Digital compass: the European way for the digital decade*.

1.3. The EESC considers that the current proposal is an opportunity to effectively improve the visa application process by reducing the costs and the burden on the Member States as well as on the applicants, and to ensure legal certainty, while also improving the security of the Schengen area.

1.4. The EESC welcomes the fact that the proposed digitalisation of the application procedure will minimise the limitation to mobility of third country nationals that apply for a visa (as they will not have to submit their travel document in person anymore).

1.5. The digitalisation of the visa application procedure must avoid any (unintended) discrimination: it must respect the rights of persons with disabilities and of persons who are not computer/digital literate or do not have internet access. The digitalisation of the visa procedure must meet the accessibility requirements set out in the European Web Accessibility Directive ⁽¹⁾ and the European Accessibility Act ⁽²⁾.

1.6. The EESC strongly recommends that the IT solutions used in the EU application platform provide tools/means to safeguard the rights of the child and prevent human trafficking.

1.7. The EU digital visa application platform should be fully connected with the national visa systems managed by each Member State.

⁽¹⁾ 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).

⁽²⁾ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

1.8. The EESC considers that there should be a single EU-level 'EU digital embassy' setting harmonised EU-level requirements for supporting documents and providing information and guidance on the application process for travellers.

1.9. The EESC considers that digitalisation of the visa procedure will increase the attractiveness of and incentivise travel to the EU as a destination.

1.10. The EESC acknowledges that the digitalisation of the visa procedure could have a positive impact on the environment and that the centralised application platform is an energy-efficient solution.

1.11. The EESC recommends that the Commission make a solid commitment to working with third-country governments, Member State embassies/consulates and organised civil society in order to inform, prepare and assist the applicants throughout the visa application procedure.

2. General comments

2.1. Background to the opinion, including the legislative proposal concerned

2.1.1. The idea of a digitalised Schengen visa dates back to 2018. **That year, the European Commission proposed amending the Visa Code** and stressed that digital visas were the way forward in the long term. The European Parliament and the Council then began revising the EU Visa Code in 2019. They stated that the aim was to make full use of recent legal and technological developments to develop a common solution **to allow Schengen visa applications to be lodged online**.

2.1.2. In 2020, **the COVID-19 pandemic caused a slowdown of Schengen visa operations** worldwide, due to the difficulty of receiving applications in embassies and consulates. This led to new calls from Member States for digitalisation of the process.

2.1.3. In its 2021 Work Programme, the European Commission announced a legislative proposal on the digitalisation of visa procedures, which was scheduled for the fourth quarter of 2021. The new Pact on Migration and Asylum, presented in September 2020, sets the objective of making the visa procedure fully digitalised by 2025, with a digital visa and the ability to submit visa applications online.

2.1.4. The Commission presented a proposal on the digitalisation of EU visas on 27 April 2022. The proposal aims to:

- modernise, simplify and harmonise the visa application process by digitalising the visa procedure; and
- reduce risks of (identity) fraud and forgery and facilitate the verification process at the border through digitalisation.

2.1.5. The proposal establishes **a single online platform**, and the system will have the following advantages:

- visa applicants will be able to **apply for a visa online**, including paying the visa fee through a single EU platform, regardless of the Schengen country they want to visit;
- the platform will **automatically determine which Schengen country is responsible** for examining an application, in particular when the applicant intends to visit several Schengen countries;
- the platform will provide applicants with **up-to-date information on Schengen short-stay visas**, as well as all necessary information regarding the requirements and procedures (such as supporting documents, visa fee and the need for an appointment to collect biometric identifiers);
- appearing in person at the consulate would only be mandatory for first-time applicants, for the collection of biometric identifiers, for applicants whose biometric data are no longer valid, and for those who have acquired a new travel document;
- the visa will include **state-of-the-art security features**, which will be more secure than the current visa sticker.

2.1.6. The proposed regulation underlines that the new system will ensure that fundamental rights are always protected.

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

2.1.8. All foreign **citizens who require a visa for any of the 26 Schengen countries** will be able to use the digital Schengen visa application platform once it is implemented. The platform will not be applied to the remaining five non-Schengen EU countries, as they do not yet have the power to issue Schengen visas.

2.1.9. Travellers from **countries that are visa-exempt for the Schengen Area** will not be required to use the platform. Instead, these travellers will be required to submit an ETIAS authorisation application to travel to Europe starting November 2023 ⁽³⁾.

2.2. General comments

2.2.1. The EESC strongly supports the initiative to introduce a fully digital visa system. An accessible, quick and reliable digital visa, and a more paperless immigration system in general, would significantly reduce the immigration-related administrative burden. Managing, processing and archiving (as well as destroying) paper documents is a lengthy and costly process for the consulates, and Member States, as well as the third country nationals applying for a visa would greatly benefit from the digitalisation of the visa procedure.

2.2.2. The proposed online system must be designed to be quick, user-friendly, secure (offer sufficient guarantees that the data entered are safe) and predictable (comply with the principle of legal certainty). The system must work reliably, and applicants must be able to count on the online application process not taking longer than a few days.

2.2.3. Harmonising and unifying visa application procedures within the Schengen area will help to prevent so called visa shopping by applicants who may be tempted to lodge an application with a Schengen country that offers faster and more convenient visa application processing than with a country that is actually their destination (for example, visa shopping by Russian citizens, in the event that a general agreement on suspension of the EU's Visa Facilitation Agreement is not reached). The digitalisation of the visa process will also reduce the security risks posed by the physical visa stickers, which could still be prone to falsification, fraud and theft. The proposal is also in line with the general EU approach to encourage the modernisation and digitalisation of public services.

2.2.4. The EESC considers that the current proposal is an opportunity to effectively improve the visa application process by reducing the costs and the burden on the Member States as well as on the applicants, while also improving the security of the Schengen area.

2.2.5. The EESC welcomes the fact that the proposed digitalisation of the application procedure will minimise the limitation to mobility of third country nationals that apply for a visa. As the applicant will no longer have to present their travel document at the consulate/visa application centre, the applicant is free to travel abroad during the period when their visa application is being processed. The EESC considers that this will be beneficial for people who travel regularly ⁽⁴⁾ in connection with their work, as well as for activists and members of minority groups (e.g. LGBTQI+, Roma) for whom it opens more possibilities of finding a safe place for themselves, where necessary.

2.2.6. The digital visa application platform should be fully connected with the national visa systems managed by each Member State. This would ensure that the new digital visa system, including the digital visa itself, is integrated from the outset into the Member States' digital visa systems and designed in a way that is completely interoperable between the Member States.

⁽³⁾ <https://www.etiasvisa.com/etias-form-application>

⁽⁴⁾ Such as representatives of business, trade unions or organised civil society.

2.2.7. However, there should be a single EU-level 'EU digital embassy' setting harmonised EU-level requirements for supporting documents and providing information and guidance on the application process for travellers.

2.2.8. The EESC supports the idea that the digitalisation of the visa procedure will increase the attractiveness of and incentivise travel to the EU as a destination.

2.2.9. The EESC recommends that the Commission make a solid commitment to work with third-country governments and organised civil society in order to inform, prepare and assist their nationals throughout the visa application procedure.

2.3. *Specific comments*

2.3.1. The digitalisation of the visa application procedure will reduce Member States' dependence on external service providers, thus reducing the risk of exposure of personal data to third parties.

2.3.2. The digital visa will make forging visa stickers more difficult (as the visa will not be 'physical'). In addition, the high operating costs of the visa sticker would disappear.

2.3.3. One advantage of the digital visa would be seen when a travel document is stolen or lost, as the new travel document could be easily linked to the existing visa, without it being necessary to apply for a new visa, as is the current procedure (due to the physical link between the visa sticker and the travel document). Therefore, additional costs for Member States generated by the issuing of a new visa and the additional costs for the applicant are eliminated in the proposed new system of digitalisation.

2.3.4. The digitalisation of the visa procedure must ensure specific needs are met and respect the rights of persons with disabilities and allow them to apply without discrimination, including by meeting the accessibility requirements set out in the European Web Accessibility Directive (the Directive on the accessibility of websites and mobile applications) and the European Accessibility Act.

2.3.5. The EESC strongly recommends that the IT solutions used in the EU application platform provide tools/means to safeguard the rights of the child and prevent human trafficking.

2.3.6. Digitalisation must not be a synonym for automation and the mere use of artificial intelligence; therefore, the number of staff employed must not diminish simply because of the digitalisation of the visa procedure.

2.3.7. Administrative staff responsible for visa handling also need appropriate training to be able to make use of the positive features of the digitalisation of the procedure and to avoid mistakes.

2.3.8. Additional support must be offered to EU Member States' embassies (consulates) and civil society to overcome the possible challenges related to internet accessibility and computer literacy for applicants in third countries, in order to prevent them being discriminated against as regards their access to the visa application system.

2.3.9. The EESC considers that the digitalisation of the visa procedure could have a positive impact on the environment due to the reduced use and waste of paper related to the visa application system and issuing of the visa sticker and due to the fact that the visa applicants are no longer required to travel to apply and to collect the travel documents after the application and examination process is completed. While the EESC is aware that digitalisation (storing and managing data) requires energy which generates CO₂ emissions, it considers that a centralised application platform is a more energy-efficient solution than having one application platform for each Member State.

Brussels, 26 October 2022.

The President
of the European Economic and Social Committee
Christa SCHWENG
