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*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

## COMMUNICATION FROM THE COMMISSION

**Guidance for a phased and coordinated resumption of visa operations**

(2020/C 197 I/01)

## I. INTRODUCTION

Nationals of 105 countries are required to obtain visas before travelling to the EU+ area <sup>(1)</sup>. Visa applications can usually be submitted at Member States' consulates in almost all third countries around the world. The EU's harmonised visa policy for short stays is applied fully by 26 Schengen Member States <sup>(2)</sup> and, in normal times, results in 15 million visas being issued each year.

As part of the measures to contain the spread of the COVID-19 pandemic, most Member States chose to suspend the processing of visa applications for non-essential travel, in many cases for an indefinite period. Some Member States also decided to no longer apply representation agreements for the issuing of visas on behalf of other Member States. As certain categories <sup>(3)</sup> of essential travellers were exempt from the EU-wide travel restrictions, the Commission invited Member States to continue 'minimum service' for processing visa applications for these categories of persons, including in representation <sup>(4)</sup>. Member States have ensured this to the extent possible, but local confinement measures often hindered the continuation of services and access to Member States' visa services became difficult if not impossible in many parts of the world. As a result of the global travel restrictions, in May 2020 Member States issued less than 2 % of the number of visas they normally issue in an average month.

As soon as the travel restrictions at the EU's external borders will gradually start to be lifted, the resumption of visa operations should be synchronised with these developments. The guiding principles for this process are set out in the Commission Communication on a third assessment of the application of temporary restrictions on non-essential travel to the EU <sup>(5)</sup>.

With the easing of restrictions at the external borders, the progressive resumption of international travel connections and the easing of confinement measures in third countries, travellers again need to be able to access visa services in third countries. For this process to succeed in the best possible manner, it is of utmost importance that Member States resume operations in a coordinated and harmonised manner in individual third countries in full transparency. The general legal provisions for the harmonised visa policy, as set out in the Visa Code, will continue to apply. In addition, at local level, procedures should be further harmonised and best practices exchanged continuously with regard to hygiene protocols and new working methods. Regular exchanges among Member States through of Local Schengen Cooperation meetings under the coordination of EU Delegations will have a key role in this regard.

<sup>(1)</sup> The 'EU+ area' includes all Schengen Member States (including Bulgaria, Croatia, Cyprus and Romania), as well as the four Schengen Associated State. It also includes Ireland and the United Kingdom if they decide to align

<sup>(2)</sup> 22 EU Member States and 4 Schengen Associated States.

<sup>(3)</sup> COM(2020) 115 final.

<sup>(4)</sup> Cf. Commission Guidelines of 18 March 2020.

<sup>(5)</sup> COM(2020) 399.

In the initial stages, local confinement measures will have an impact on external service providers' and visa sections' capacity to receive applicants and handle visa applications. However, if such local confinement measures remain in place in certain locations, there will also be little demand for visas and travel to the EU. Likewise, it cannot be excluded that the resumption of international travel will be slow, whereas possible concerns about international travel in the context of ongoing global pandemic would mean that the overall volume of visa applications may increase very slowly in the coming months. The demand for visas will most likely remain significantly below usual levels until the end of the year, even in third countries where volumes are traditionally high <sup>(6)</sup>.

In May, the Commission organised two informal exchanges with Member States' visa experts in view of preparing the restart of visa operations. In those gatherings, all Member States agreed that the resumption of visa operations should be fully synchronised with the lifting of restrictions at the external borders and coordinated among consulates in each location.

Building on those exchanges, the objective of this guidance is to support Member States in carrying out this process in a harmonised manner.

## II. RESTART OF VISA OPERATIONS

Upon there being a decision about the lifting of travel restrictions for non-essential travel to the EU, all Member States should restart visa operations as soon as possible in relation to the third countries concerned. In all cases, minimum visa services should continue to be maintained for persons classified as 'essential travellers' everywhere, even if general travel restrictions will remain in place for a given third country.

As long as the capacity to process visa applications remains limited, priority should be given to applications from essential travellers and key workers. If consular capacity in their country of origin remains insufficient, Member States should continue to grant visas to this category of travellers, including in particular seafarers, at the external borders.

However, once non-essential travel becomes possible from a certain third country, attempts at defining additional categories as 'priority travellers' seem unnecessary and counterproductive. Further differentiation among travel purposes could be seen as disproportionate and discriminatory, since it cannot be linked to a threat to public health at the visa application stage. In addition, in the absence of agreement on which travel purpose should constitute a priority, the objective of a harmonised resumption of visa operations would be seriously undermined.

Wherever possible, Member States should commit to resume operations simultaneously in each location and resume full representation of other Member States in visa matters, where applicable. Likewise, Member States must continue to apply the general rules of the Visa Code when processing applications and granting visas. This will also convey a uniform message to the public and prevent visa shopping or other possible abuses.

Considering that on average 90 % of all visa applications are submitted via external service providers, the resumption of operations necessarily involves close coordination between Member States and these private operators. Although the external service providers will be in charge of deploying appropriate hygiene measures in line with local practices, Member States should closely monitor all aspects of the restart of service providers' operations.

While an assessment of threats to public health is an element of the visa procedure, visa policy is not primarily a health policy tool. Health checks should not be required at the time of application for a visa, which takes place at least 15 days before the intended trip, and can be up to 6 months before (9 months for seafarers).

### 1. Preparation for and implementation of a harmonised resumption of operations

Member States are encouraged to start preparations immediately for the development of new access protocols for the reception of applicants and applications, covering both external service providers and consulates. Measures could include:

- Establishing protocols for hygiene measures:
  - for staff: physical distancing, working in shifts, protective equipment (gloves, face masks, plexiglass separations at counters, etc.),
  - for applicants: respect of physical distancing, mandatory use of face masks, installation of disinfectant stations, etc.,

<sup>(6)</sup> Such as Russia, China or India.

- Mandatory prior appointment for access to premises,
- Limiting physical interaction as much as possible:
  - expanding the methods for lodging applications that do not involve personal contacts: e.g. drop off, online submission of application forms and supporting documents,
  - strict respect of the rule that applicants' fingerprints are only to be collected once every 59 months (systematic checks of whether the applicant's biometrics are already present in the Visa Information System would significantly reduce the need for physical presence),
  - enabling fee payments through contactless systems such as online payment or remote payment.

## 2. Processing applications

The implementation of the common visa policy must remain uniform. In the current situation, deviation from the general rules can lead to negative impacts. For example, restrictions of the territorial validity or length of validity of a visa will limit visa holders' ability to adapt to sudden changes in travel restrictions. Systematically limiting the territorial validity of visas could be detrimental to Member States without hub airports on their territory and to frequent travellers. Moreover, this would risk creating new transport bottlenecks in the future, because essential travellers (e.g. lorry and train drivers, air and sea crew) would not be able to move freely. It could also put a renewed strain on Member States' limited visa issuing capacity at the beginning of the resumption of operations.

When resuming operations, Member States should follow the following principles:

### (a) *Application of the Visa Code:*

The general provisions of the Visa Code continue to apply. In particular:

- Uniform visas (valid for the entire Schengen area) should be granted under the general provisions. There is no legal basis for systematically issuing visas with limited territorial validity,
- Member States should refrain from restricting the length of validity of visas as it is not an effective tool to prevent the spread of COVID-19. In addition, possession of a visa does not give the holder an absolute right to cross the external border, as entry conditions pursuant to the Schengen Borders Code will be verified again at the time of travel,
- Multiple entry visas should be granted under the general rules. Visas with long validity periods will reduce the workload for Member States' consulates, particularly when resuming operations with reduced staff, as regular travellers will need to apply for a new visa less frequently.

### (b) *Information to the public:*

- Member States (and external service providers) should ensure timely information about the new hygiene measures and access protocols for the reception of applicants and applications,
- Visa holders should be informed individually (info sheet to be distributed when passport is returned) that holding a uniform visa does not exempt the traveller from any additional travel restrictions that might be in place within the EU and which apply independently of a person's nationality, such as quarantine requirements.

### (c) *Representation arrangements:*

- Existing representation arrangements should be resumed to allow applicants to apply in their country of residence, including for visas for Member States neither present nor represented in a given location,
- In case of temporary capacity problems at certain consulates, Member States should rapidly engage in *ad hoc* representation arrangements in a spirit of solidarity. It will be particularly important to ensure that key transport workers such as lorry and train drivers, air and sea crew are able to submit applications.

(d) *Coordination and exchange of information at local level:*

In many third countries, lock-down and confinement measures were implemented with very little advance warning. This led to immediate closures of consulates and external service providers and the repatriation of expatriate staff. In such cases, there was often little time for informing other Member States in a proper manner. For the resumption of operations, by contrast, Member States should strive for optimal coordination and information flow and exchange best practices on adapted working methods, including those of the external service providers that they cooperate with. Coordination and mutual information is also essential in case certain travel restrictions would need to be re-instituted in the future.

### 3. **The role of local Schengen cooperation**

Local Schengen Cooperation plays a crucial role in ensuring a harmonised implementation of the common visa policy at all times. In the recent exchanges Member States have repeatedly emphasised the key function of Local Schengen Cooperation as coordinated by EU Delegations with regard to the sharing of knowledge of local situations (such as the epidemiological situation, local confinement and quarantine measures), and ensuring the harmonisation of practices and information to the public. The Commission recalls that well-functioning Local Schengen Cooperation is a shared responsibility of Member States and EU Delegations. Member States' central authorities should allow their consulates the necessary flexibility to adapt to the approach agreed in Local Schengen Cooperation on the harmonised restart of operations.

### III. CONCLUSION

The coordinated resumption of visa operations worldwide in a gradual manner is a challenge that the Member States can meet effectively by working in coordination together. It is of utmost importance for the cohesion of the Schengen area and the functioning of the common visa policy that unilateral actions are avoided and that Local Schengen Cooperation plays its coordinating role in full. The Commission stands ready to support Member States in this endeavour, which, if managed properly, will allow a smooth resumption of international travel, business, tourism and people-to-people contacts that are essential to our European way of life, all the while controlling health risks to the maximum extent possible.

It cannot be excluded that a second wave of the COVID-19 pandemic or another global health emergency will make it necessary to re-impose travel restrictions in the future. In the short term, the application of the general rules for the issuing of multiple entry visas with long validity to all eligible applicants, and in particular to key transport workers such as **lorry and train drivers** and **air and sea crew**, will also serve as a contingency measure. This will help avoid a repetition of the administrative bottlenecks for many essential travellers, which have been experienced during recent weeks. The goal should be to make the common visa policy more resilient to large-scale disruptions as the one experienced in recent months.

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