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**NOTE**

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From: Presidency

To: Visa Working Party/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)

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Subject: Discussion paper on combating abuse of the Schengen visa appointment system, reducing visa shopping and waiting times for appointments

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**Context**

Member States are experiencing difficulties in complying with the two-week deadline for granting appointments to applicants wishing to lodge visa applications. The **reasons** for the delays may vary. It is undeniable that international travel is returning to pre-pandemic levels and that the number of Schengen visa applications is increasing. Other causes of delay could be staff shortages, inadequate appointment systems, third party companies who are booking all the appointments and reselling them at an extraordinary price and visa shopping. The latter can be both a cause of the delay and a consequence of the delay. Due to the lack of available appointments at the competent consulate, applicants are “pushed” into visa-shopping (consequence) which puts a burden on Member States, which are then unable to meet the two-week deadline (cause).

The **consequences** of the delay are numerous: reputational damage, economic loss, loss of people-to-people contact opportunities for the EU and third-country concerned and irritant in diplomatic relations, just to name a few. In addition, delays in providing appointments lead to other problems such as an insufficient number of available appointments for the bona fide applicants; visa shopping (applying for a visa with a Member State where appointment is available, even though, due to the travel plan, the competent Member State would be another one) and a high number of no-shows (applicants and third parties booking multiple appointments at different consulates, clients applying for a visa at the earliest available date at the consulate without cancelling the other appointments). Furthermore, the cyber-threats are also on the rise, bot attacks continuously trying to generate a high number of fake bookings, which is led to a smaller number of available free appointments and forcing applicants to book appointments only through agents.

In the first half of 2024, the COM presented to Member States the idea of a **Pilot project on waiting time** with the intention of testing a new way to apply for a Schengen visa by using a single tool to book an appointment and to address the above mentioned problems. However, while Member States initially welcomed this project, no Member State was willing to take the lead role and the COM's options for implementing the project were exhausted.

The **aim of the Hungarian Presidency** is to continue the work in this area, but with a different approach. In order to identify the problems and find possible solutions the Consular Department of the Ministry of Foreign Affairs and Trade of Hungary, with the help of its foreign missions, carried out a stocktaking on the appointment system; waiting time in granting appointments; visa shopping and abuse of visa appointments; exchange of views and best practices in the framework of Local Schengen Cooperation. On the basis of the assessments, *five possible solutions* were identified that could mitigate and reduce visa shopping, abuse of the appointment system and delays in obtaining visa appointments.

## **Findings, best practices and possibilities**

First of all, the issue of Schengen visa appointments is complex and it can only be addressed with the participation of all Member States. On the one hand, there is a legal obligation for the two-week deadline, but on the other hand, there are no written rules on how this should be done, so it is up to the Member States to decide how to make the appointment available to the applicant (online appointment system, telephone calls, emails). If the two-weeks rule is not complied, Member States should exchange experiences and best practices and harmonize them as much as possible in the third country. This could be done in the framework of local Schengen cooperation and in meetings of the Visa Committee.

It is very difficult to find a common solution because of the differences in the size and consular staff of the Member States' consulates and, more importantly, the differences in the demand for visas to the Member States. Furthermore, it seems impossible to solve all four problems (insufficient number of available appointments for the bona fide applicants; third party companies booking all the appointments and reselling them at an extraordinary price; visa shopping and a high number of no-shows) everywhere at once. A solution that works in one place may not be necessary or work in another. Solutions should therefore be considered on a region/country basis, taking into account cultural aspects as well. It is also important to focus the available resources on solutions that can be managed.

Based on our assessments, three types of country/region can be distinguished.

1. Countries where visa applications are mostly submitted through an outsourcing company, therefore they usually provide the appointments for the applicants.
2. Countries where there is no agreement with an outsourcing company and the mission uses a centralised national online appointment system.
3. Countries where there is no agreement with an outsourcing company and there is no need to introduce an appointment booking system, therefore the mission gives out appointments manually (e-mail/telephone).

Our solutions for consideration are the following:

***I. Development of a "common pre-filtering system"***

In the Countries under points 1) and 2), a solution similar to the Commission's proposal could be the development of an online "common pre-filtering system", where applicants may apply for visa appointments and which would be linked to the national booking systems and may be linked to the external provider's systems. This would preserve the already existing national systems, without the need for a completely separate system on the administrative side for visa appointment bookings. The main change would be that the "common pre-filtering system", which would only be published online, would identify the competent Member State and assign the reservation requests to its system, but the appointments would be allocated by the national systems. This would mean that the role of the "pre-filtering system" would be to decide on the competent Member State and then to forward the reservation request and its data to the national appointment system of the competent Member State, which would then take over the case and allocate the appointment.

Advantages:

- This "common pre-filtering system" could be quicker to develop and easier to maintain than a completely new system as proposed by the Commission. It would be a smaller central system with limited hardware infrastructure needs.
- This could preserve the national appointment system for visa bookings.
- This solution would implement the "one stop shop" approach for visa applications in a third country, would address the issue of third-party companies, should not allow an applicant to book several appointments at the same time, therefore would also address the issue of visa shopping.
- It would be an intermediary solution before digitalization kicks in.

Disadvantages/requirements:

- It is important that all Member States having their own functioning appointment system are willing to join to the "common pre-filtering system".
- A lead Member State is needed to develop and maintain the system.

- All Member States should develop their national system with an interface and a new booking-flow, so that must be well-developed and prepared to serve the pre-filtering system. Funds provided by the EU should allocate to the necessary developments.
- National systems (including ESPs) would need a solution (e.g. a waiting list) in case the demand for appointments would exceed the available appointments.

## ***II. Introduction of the "Schengen visa appointment fee"***

In the Countries under point 1) and 2), another solution could be the introduction of a "Schengen visa appointment fee", which would be equal to the Schengen visa fee and would have to be paid at the time of booking. In order not to punish bona fide applicants, the rule would be that if the applicant turns up at the mission as booked, he/she would not have to pay for a visa as this has already been done at the time of booking, i.e. the appointment fee would be converted into visa fee. However, in the event of a no-show, the client would lose the fee. In addition, the appointment could only be changed once, the personal data could not be modified and IP and email address restrictions would be set.

Advantages:

- In most cases, this would solve, or at least mitigate, the problem of third parties booking all appointments and reselling them; the visa shopping as well as the problem of no-shows. If these problems would still persist, Member States would at least earn some money to spend on staff and development.
- It would also provide the legal basis for penalizing no-show, which would be a useful tool for the future VAP.

Disadvantages/requirements:

- This solution requires an amendment to the Visa Code.

It is worth noting that if there is no consent for the implementation of the "Schengen visa appointment fee", then Member States may consider the introduction of the "appointment fee" by their national law. The disadvantages would be that if not all the Member States would implement the appointment fee it would boost the visa shopping.

### ***III. Extending the two-week period for tourist applications to one month***

Since visa shopping and no-shows are most likely to occur when the purpose of travel is tourism, consideration should be given to extending the two-week period to one month for tourist applications. The rules would remain the same for other purposes. As travellers in most cases plan their holidays in advance, this would not be detrimental to them.

Advantages:

- The time limit would be doubled in tourist cases, giving Member States some flexibility.
- It may reduce the problem of insufficient number of available dates, visa shopping and no-shows.

Disadvantages/requirements:

- This solution would also require an amendment of the Visa Code.
- It would mitigate, but not solve all the problems at once.

### ***IV. Encouraging the use of the online scheduling system, the continuous development of the system, a common forum for system's developers and dedicated EU grant***

Member States should encourage their missions to the use of the online appointment system, and only in exceptional cases, and when it works, should missions give out appointments manually. For example, where the internet is unreliable and slow and a significant part of the population still does not have access to it; where the consul has other commitments and offering appointments directly helps to better coordinate and plan the two tasks; in case of low numbers of Schengen visas. To ensure that the online appointment system works well, it is important that it is continuously developed to meet the latest technical challenges. In addition, the systems must provide sufficient security measures to prevent and stop bot attacks and other ongoing security threats, as well as a user-friendly, well-managed appointment allocation method.

The Hungarian centralized appointment booking system includes a number of security features that help to reduce abuse of the booking process and also waiting times by filtering out fake bookings, such as:

- Setting of additional mandatory data, requiring detailed personal info when booking;
- No modification of personal data when changing bookings;
- Setting a block after cancellation for a certain period of time;
- Setting random opening of appointments;
- Limited time to finalise booking;
- Restrictions of IP;
- Limited IP and/or email address for booking;
- One-time use code that must be evaluated and provided at the time of booking;
- Mandatory double capture of the e-mail address at the time of booking;
- BOT management;
- blocking phone numbers.

In addition, the following innovation is expected to be introduced in the near future:

- automatic cancellation of appointments not confirmed by the client.

To support the work of the developers of the Member States, a common online forum for them at EU level should be considered, and perhaps an annual EU grant (under BMVI) that Member States could use to continuously develop their system to meet the latest challenges and prevent security threats and abuses.

Advantages:

- The developers of the Member States could exchange views, best practices and harmonize their systems,
- There would be a grant available for progress and necessary developments.
- It would help to combat abuse of the appointment system, prevent security threats, reduce waiting time, visa shopping, no-shows and maintain well developed national systems.

Disadvantages/requirements:

- It is important that all Member States have their own functioning appointment system.
- The background to the online forum and the EU grant needs to be established.

***V. Campaign at EU level in the third countries together with the local authorities and ESPs***

The aim of the campaign would be to raise awareness and provide information. It could have broad objectives (e.g. information on the Schengen visa procedure, etc.), depending on the needs in the third countries. With regard to the topic of this paper, a campaign could consist of the following aspects:

- applications shall be lodged six months and no later than 15 calendar days before the start of the intended visit. It is advisable to start the application process as early as possible;
- that only consular offices and/or ESPs are authorised to give appointments for visa applications;
- that visa appointments at the consulates or at the ESPs are free of charge. Intermediaries often abuse the system by selling fake appointments, so it is recommended to make an appointment directly with the official sources;
- visa shopping is an abuse and leads to Schengen visa applications being rejected.

The campaign would be communicated through a press release, short information video, information on social media platforms and websites.

Advantages:

- It would raise awareness and provide official information to Schengen visa applicants.
- It would potentially reduce the problem of third parties and visa-shopping.
- A campaign is easy to implement.

Disadvantages:

- It may help, but would not solve all the problems at once.



## **Questions to delegations**

*Would you be interested in using a "common pre-filtering system"? If so, would you be ready to take a leading role?*

*Do you share the idea of amending the Visa Code by introducing the "Schengen visa appointment fee" and extending the two-week period for tourist applications to one month?*

*Do you agree that a common forum for the developers and a dedicated EU fund would help to combat the abuse of the appointment system, prevent security threats, reduce waiting time, visa shopping and no-shows and maintain well developed national systems?*

*Do you think that an EU-level campaign in the third countries together with local authorities and ESPs would help to address the problems?*

*What other solutions could be further discussed in order to reduce the delays in providing appointments? Please share your best practices!*

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