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LIMITE

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COMIX 445

NOTE

From:	Presidency
To:	Visa Working Party/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
Subject:	The way forward following the discussion on combating abuse of the Schengen visa appointment system, reducing visa shopping and waiting times for appointments

Context

The issue of Schengen visa appointments is complex and Member States are finding it increasingly difficult to meet the two-week deadline for providing visa appointments, which can sometimes take up to months. However, each Member State is trying to solve the problem separately, which may alleviate or solve it on their side, but at the same time cause or encourage visa shopping. Therefore joint efforts are needed.

The Hungarian Presidency presented its discussion paper (12242/24) *on combating abuse of the Schengen visa appointment system, reducing visa shopping and waiting times for appointments* with the aim of highlighting the importance of this issue, which Member States need to address together in order to solve or at least mitigate the problems (insufficient number of available appointments for bona fide applicants; third party companies booking all appointments and reselling them at extraordinary prices; high number of visa shopping and no-shows and the abuse of the Schengen visa appointment system).

The Hungarian Presidency identified *five possible tools* that could mitigate and reduce visa shopping, abuse of the appointment system and delays in obtaining visa appointments as follows:

- 1. Development of a "common pre-filtering system"*
- 2. Introduction of the "Schengen visa appointment fee"*
- 3. Extending the two-week period for tourist applications to one month*
- 4. 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*
- 5. Campaign at EU level in the third countries together with the local authorities and ESPs*

In terms of the timing of the proposals, *the EU-level campaign* would be the quickest and easiest to implement. The *common pre-filtering system*, and *a common forum for system developers and a dedicated EU grant* could be up and running within 6 months to 1 year; however, *the introduction of the Schengen visa appointment fee* and *the extension of the two-week period for tourist applications to one month* could take up to 2-3 years to implement due to the amendment of the Visa Code.

In terms of effectiveness, our assessments is that the *common pre-filtering system* and *the introduction of the Schengen visa appointment fee* would be the most effective in addressing the problems of third companies, visa shopping and high no-show rates, while *the extension of the two-week period for tourist applications to one month* and *the EU-level campaign in third countries* would be the least effective. In between would be the *common forum for the developers of the system and a dedicated EU grant*.

The discussion in the Visa Working Party on 23 October 2024 underlined the importance of this issue and the need for a comprehensive approach taking into account region/country specific solutions. Cooperation and sharing of best practices among Schengen States is essential to address these challenges and to maintain the trust and credibility of the Schengen visa procedures.

The Commission expressed its appreciation for putting this issue on the agenda and, depending on the reactions of Member States, could support most of the proposed solutions. Member States were more divided on the proposals and there was not enough support to take forward the following two tools:

- Some delegations expressed interest in *a common pre-filtering system*, while others were skeptical or had concerns about data protection, implementation, feasibility and timing.
- The *extension of the two-week period for tourist applications to one month* received mixed reactions, with some questioning its effectiveness.

The Member States were open to continue the discussion and take forward the following tools:

- There was broad support *for the introduction of a Schengen appointment fee*, but some delegations were reluctant due to the possible lack of its effectiveness, and the potential legislative and administrative hurdles. In this respect the administrative burden would not be significant as there would be rules in place. The only cases in which the consulates would have to refund the visa appointment fee would be in case of cancellation within the given deadline (e.g. at least three days before the appointment). With the Schengen visa appointment fee, similar to the ESPs who keep their service fee in case of no-shows, Member States would have the same possibility. Why should only the waste of resources by ESPs be honored, especially when consulates have to serve their own citizens as well as foreigners? This solution requires an amendment to the Visa Code, but this should not stop Member States to try to implement this solution. This tool would not be detrimental to the applicants, would not increase the visa fee, would not burden *bona fide* applicants: all arguments which could appeal to the European Parliament.
- The proposal for *a common online forum to support developers and a dedicated EU fund for development* was widely supported, however most delegations were cautious in setting up new fora for this purpose.
- Finally, *the campaign at EU level in third countries together with local authorities and ESPs* was supported by many Member States, with an emphasis on local coordination and implementation in the framework of Local Schengen Cooperation, even though the Commission pointed out the difficulty in planning and launching tailor-made campaigns.

Some Member States suggested *alternative solutions* such as increasing the number of consular staff and their training, introducing waiting lists, categorizing and prioritizing applications and applying caps. All agreed that further discussion and coordination was needed to find effective solutions to this issue.

The aim of the Hungarian Presidency is to continue the work in this area with the intention of finding together solutions to mitigate and reduce the waiting times for appointments, the high number of visa-shopping and no-shows, and the abuse of the appointment system.

Findings, possibilities and next steps

The abuse of the Schengen visa appointment system takes various forms, including visa shopping (applicants book several appointments in different Schengen countries in the hope of getting at least one appointment corresponding to their intended travel date), high no-show rates and the issue of third companies, which result in longer waiting times for genuine applicants, undermine the integrity of the system and waste consular resources.

- With regard to the Schengen visa appointment fee, in case of positive signal from the colegislators, the Commission could consider tabling a legislative proposal to amend the Visa Code at the latest at the time of the next revision of the Visa Code.
- As regards a common forum, it is necessary to identify if there is an existing forum that could be used for this purpose, as indicated by many Member States (e.g. Visa Committee; where similar IT issues are discussed in the light of the development and implementation of the EU-VAP) and to examine whether an annual EU grant could be established for this purpose and who would be the beneficiary.
- As regards the campaign at EU level in the third countries the Hungarian Presidency has identified two locations where urgent action is needed and where we could launch an EU campaign in the near future: Istanbul and Rabat. The drafts of the flyers are being prepared¹ and, if the Member States agree, they could be finalized in the framework of the local Schengen cooperation, where the campaign could be launched in close cooperation with local authorities and ESPs.

¹ WK 13853/2024.

Member States' interest in topics, suggestions for discussion

Some Member States suggested that a survey should be carried out to see what is really happening in third countries and what measures have already been taken by the ESPs in this respect.

According to our assessments, ESPs have implemented similar IT solutions to protect their appointment booking system (random release of appointments, geo-fencing, blocking of IP addresses in case of multiple bookings, BOT management, CAPTCHA, use of One Time Password (OTP)), made a rule of paying the service fee at the time of booking and developed programs with Member States (e.g. facial recognition, filling in the online form as a prerequisite for booking).

Member States' proposals for consideration:

1. Increasing the number and training of consular staff

As the Commission has also pointed out, the allocation of additional staff and resources to consulates would enable them to process more applications more efficiently, thus reducing waiting times, but there are several questions regarding this proposal, such as:

- *Funding*: It would place a financial burden on Member States,
- *The basis of actual need*: How will the number of staff needed be determined? What would be the right number of staff per application amount?
- *Effectiveness*: it would not solve all problems at once and may be counterproductive. It would also encourage visa shopping if not all Member States do what is necessary and at the same time in terms of staffing.

Staff training is already an existing tool, and the common online Visa Code training will be launched very soon.

2. Increased use of the discretions provided by the Visa Code

Increased use of the discretions provided to Member States in the Visa Code could provide some improvements. For example, the reuse of biometric identifiers and the possibility of applicants not needing to submit applications in person, but per mail administered by ESPs, as well as increased use of Schengen visas with long validity and multiple entries.

- *Effectiveness*: Discretions are already provided by the Visa Code and are most likely applied by some Member States, but it may be useful to promote and discuss them in the LSC. This will not solve all problems at once, but would be worth highlighting.

3. Categorization and prioritization of applications

Prioritizing and categorizing applications on the basis of factors such as urgency, EU-family member, legitimate business purpose, etc. would only ensure that deserving applicants are served promptly, so its effectiveness is questionable.

- *Effectiveness*: it would only ensure that part of the applications would be served on the basis of urgency, purpose, etc. In our view, this could encourage and boost visa shopping by tourist applicants when there are no available appointments at the competent consulates.

If the aim is to give priority to applicants based on factors such as urgency, etc., a solution could be - as the Hungarian Presidency has already suggested - to extend the 2-week deadline for tourist applications to one month or even longer (e.g. 45 days) if necessary. This rule could be optional, to be decided in the LSC.

4. Caps

The issue of caps is an important one and is linked to visa shopping, as the use of caps by some consulates makes it more difficult to estimate the real demand for visas, which in turn makes it more difficult for Member States to plan and allocate resources according to real needs.

A common and gradual lifting and/or setting of the caps in some locations would therefore need to be discussed and harmonized. This issue will become even more relevant once the visa procedure is digitalized, but the Commission has already recalled that, under the Visa Code, there is no possibility to limit the number of applications.

5. Introduction of a waiting list and facial recognition program

The Hungarian delegation has no experience in this area. Any delegations who has already implemented such measure, is invited to share their experiences.

Other measures that have been applied by some Member states according to our survey:

6. Setting an unlimited number of visa applications to prevent abuse of Schengen visa reservations.

7. Filling in the online form as a prerequisite for booking.

Questions to delegations

- 1. Would you see the added value of continuing discussing the option of introducing the "Schengen visa appointment fee" or do you still have doubts about its effectiveness, administrative and legislative burden?*
- 2. Given the skepticism on setting up a new dedicated forum, could you suggest an existing forum for developers to exchange best practices, views, solutions, develop solutions, and keep systems up to date? How should the dedicated EU fund be set up?*
- 3. Do you agree to launch an EU information campaign in Istanbul and Rabat? Do you think that the proposed draft leaflets could be finalized in the LSC or do you have any suggestions or comments on them?*
- 4. What do you think about the Member States' proposals? Which ones would you support?*
- 5. What other solutions could be further discussed in order to reduce the delays in providing appointments? Please share your best practices.*