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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Visa Working Party
Subject:	Technical workshop on the Digitalisation of Visa Procedure Technical Workshop (online), 7 November 2022 - Report

Delegations will find attached the report of the technical workshop on visa digitalisation held on 7 November 2022.

Delegations' attention is drawn to the disclamer on the first page of the report .

Technical workshop on the Digitalisation of Visa Procedure
Technical Workshop (online)
07.11.22

Purpose and aim of the workshop

The workshop was co-chaired by the Czech Presidency and eu-LISA with the objective of answering specific technical questions of the Member States on the proposed Regulation on the digitalisation of the visa procedure. The outcome of the workshop is intended to support the Visa Working Party in discussions on the legislative proposal.

Disclaimer:

The answers provided during the workshop were purely indicative. They are mostly based on the Commission proposal for the digitalisation of visa procedures[1] and ongoing discussions with Member States in the context of the Visa Working Party and latest CZ Presidency compromise text[2]. As the negotiation on the Commission proposal is ongoing, further changes to the legislative text could take place that would affect the answers provided below. In particular, the text below does not prejudge the outcome of the negotiation between the Council and the Parliament that will take place after the two institutions have adopted their negotiation mandate.

The answers provided do not also prejudge what will be decided at implementation stage through implementing acts or delegated acts. They give an orientation on what could be used/done but do not prejudge what will be the final choice to be agreed with Member States in implementing acts and the EP for delegated acts. It has to be noted in that respect that most of the replies given by eu-LISA and the Commission refers to implementing acts and delegated acts, which content will have to be defined at a later stage.

Discussion

Meeting opening	The Presidency welcomed the attendees in the name of the co-chairs and explained that 66 questions were sent by the Member States. The questions were gathered by blocks of topics in order to handle the discussion more constructively. The Presidency then handed the floor to eu-LISA to proceed with answering the questions. eu-LISA indicated that in some cases, the Commission would provide replies to the questions.

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[1] COM(2022) 658 final
[2] 14146/22 of 31 October 2022

| ████████ ████████ ████████████ ████████ | eu-LISA and the Commission replied to Member State questions related to the EU visa application platform (EU-VAP) applicant interface and secure account service. The following points were made:

- The VAP (as described in the current legislative proposal) will be a platform containing all information on how to proceed with a visa application; it acts as an entry point to guide the applicant through the relevant stages of a visa application; it will contain certain tools and functionalities such the online application itself, secure account service, verification tool, payment tool, etc.
- The secure account service will be a part of the VAP, which is an area on the platform where users can manage their applications and issued visas. There is no precise definition of a secure account in the proposed legislation and it is foreseen to have secondary legislation to further define the requirements (Art. 7b(3)). eu-LISA will implement the secure account as it is defined by the relevant instruments and technical specifications.
- Data on the VAP will be deleted as soon as the application is marked as admissible and pushed to national storage. The principle is to store the data temporarily while the applicant is filling in the application and until it is accepted by the competent Member State as an admissible visa application. When the application is pushed to the national storage of the competent Member State, a part of the data will be kept in the secure account (e.g. contact details for future communication). Other data (e.g. application form data, supporting documents etc.) could be retrieved from national storage through the integration layer, upon the free and explicit consent of the applicant to facilitate subsequent applications. A Delegated Act or Implementing Act will detail the features of the secure account in particular the retention period of different data as per the proposed Regulation Art 7b(3).
- On the security of the account, at the start of the implementation project, a mandatory security assessment as well as a data protection impact assessment will be conducted before the eventual design of the applicant interface is implemented. ████████████████████████ ████████████████████████ ████████████████████████ .
- In the case of an applicant who has to withdraw their application and has explicitly chosen to retain some data in the secure account, they would not necessarily have to re-enter all their data in the context of a new application. The exact data fields that can be stored should be defined at a later stage. This possibility will be defined at implementation stage (in the context of the DA/IA on the secure account). |

Architecture/Integration layer	eu-LISA commenced with a general introduction, stating that as of today, no technical design has been committed since the initiative is still at legislative proposal stage. Nevertheless, it is foreseen that an "integration layer" would be implemented as previously presented in the Visa Working Party and described in the technical fiche. It was explained that there is a need for an integration layer to facilitate the push/pull of data from the EU VAP to the different interfaces of the national systems of the Member States. Although no design is committed, the main principle will be that it will be simple, with a few functions and the complexity hidden from the Member State side. Additionally, the integration layer provides an additional layer of security between the VAP and national systems, which is necessary since the VAP will likely be connected to the Internet. In addition, eu-LISA and the Commission replied to Member State questions related to the EU-VAP high level architecture and integration layer. The following points were made: - The platform itself will include an optional centralised appointment management system. - Once an application is submitted on the platform, it will be pushed (via the integration layer) to the storage at national side when deemed admissible by the Member State. Nothing will change regarding the registration of application in the Central VIS. This will still take place by means of the existing connection/procedure between the national systems and Central VIS. - Once the application is in the national system, the process will work as it does currently. When a decision has been taken on the application, it will be notified in VIS and then VIS will update the Read Only VIS which will notify the platform of the decision. - The visa confirmation process will be dealt with also via the platform in the same way as for applications. The TCN will likely have to fill in a form for the confirmation of their visa which is transmitted to the appropriate Member State, via the integration layer and dealt with accordingly. A priori, there would be no need for a specific module for these requests. - The read-only copy of VIS database will be limited to the necessary data of the applicants.
e-signature	eu-LISA and the Commission explained that the electronic signature will take the same approach that was taken for ETIAS, which would be the ticking of a box. In addition, it was specified that printing, signing and uploading a scan of the application should not work on the platform. The application is signed via the ticking of a box.

Additional potential business requirements	eu-LISA explained that several questions received referred to potential business requirements of the platform. In this sense, the Agency will not define the business requirements as it is for the Member States, but will rather provide advice on what is technically feasible and/or the implications of such requirements. In response to questions from the Member Stets, eu-LISA confirmed that the following requirements would be *technically feasible*, while subject to further assessments as necessary, should they choose to be included in the platform: - Sending of an automated message to the relevant Member State when an application/notification is consulted. - Pre-filling of an application by reading the eChip on electronic passports. - During the transitional period, redirection to a national portal of a Member State that has not yet joined the VAP could be envisaged. - Member States may have tailor-made templates with instructions for appeal for each refusal, annulment and revocation decision that can be automatically generated by the platform.
Security, access rights and data security	eu-LISA explained that all projects at the Agency are subject to intensive security assessments and data protection impact assessments. These assessments are mandatory and it means that the Agency implements security and data protection *by design*. Even at the early stage, before implementation, security and data protection is assessed to guarantee that the solution/system is fully in line with EU requirements. Depending on the security assessment, several requirements may be introduced such as multi-factor authentication. In addition, ESPs will only have limited access to the VAP necessary to carry out their responsibilities. Further, it was clarified that eu-LISA would not be the data controller, it is the data processor; when the data is being introduced by the applicant to the VAP, the applicant themselves is the data controller. Once data is stored in the national systems, it is the MS which becomes the data controller.
2D Barcode / Fall-back scenario	It was discussed the need for further fall-back procedures in the event of malfunctioning of both the VIS and the application used to read the QR code of the visa, to which eu-LISA explained the highly unlikely nature of this scenario. Regarding the software to be used to read and decrypt the barcode, eu-LISA stated that it is too early to commit to a specific software; the Commission added that according to the CZ compromise text, Member States will issue digital visas and the 2D barcode. An implementing act is foreseen on the technical specifications of the barcode (Art 7f(4)).
Competence/ad missibility pre-checks	Member States had several questions on how the competence and admissibility checks would be performed, including the use of the criterion of purpose of stay. The Commission explained that the use of the purpose of stay cannot be used by an IT system to determine the competent Member State, unless a hierarchy is made between the various purposes of stay. In addition, determining competence and admissibility is manually done by the Member States but the platform will carry out fully automated pre-checks to minimise the cases of non-compliance and not admissible applications. The proposal does not foresee a transfer of the application automatically to another Member State; the applicant will have to withdraw their application and they will be reimbursed. After withdrawing their application, they will have to apply again, indicating the competent Member State. Also, there is no need to justify a decision of non-competent as it cannot be challenged by the applicant – similar to today's practice. The Commission referred to the technical fiche on the new procedure to apply for a visa for further information.

Payments/fees	On the way in which fees will be paid and managed by the platform, the Commission explained that ideally the payment tool should provide a functionality that the fee is only sent to the Member States when the application is admissible. This should simplify the refunds. However, the way the money is collected by the Member States will be dealt with at the implementation stage, with the adoption of an Implementing Act. In addition, Member States would be expected to indicate a bank account where the fees should be directed to and the payment platform/provider will send it to those accounts. For applicants, the VAP will be able to indicate if the person does not need to pay the fee. It will be automatically configured. Any service fees charged by an ESP or intermediary falls outside the scope of the VAP and would be paid directly to that third party.
EES & VIS related	In response to a question on using the EES web-portal (or linking it) for the purpose described in art.7g VIS, in order to give the customer all the useful information about his visa at one place, eu-LISA responded that it would make sense to make use of the existing web services at central level, as it would probably lead to cost savings; However, as there is nothing decided yet, it is to be seen if any legal intervention is necessary. Regarding the confirmation of a visa application, the Commission explained that in the current proposal, it is not envisaged that a confirmation of a visa application would trigger a change in a visa application, therefore not launching the entire MID process. If needed, this will be discussed in the VWP.
Travel document	In response to a question on the technology to be used in the verification of travel documents, the Commission explained that the proposal is not prescriptive on the technology used for the verification of travel documents. As Member States will be responsible for checking the documents, they are better placed to identify the most appropriate technology for their purposes. If needed, this will be discussed in the Visa Working Party.
Fingerprints	Regarding fingerprints, eu-LISA explained that according to the current proposal, the VAP will be able to compute if fingerprints are required from the applicant or not.
Timeline	A question was raised on the provision of a detailed plan and whether the proposed timing is realistic. The Commission replied that the timeline will depend on the co-legislator and the eventual adoption of the Regulation. The Commission has planned two years of implementation after adoption which they think is feasible, then a 5-year transition period. Commission stated that in total it is a 10-year process which is quite realistic. In addition, eu-LISA stated that the Agency needs a certain amount of time after the adoption of the Regulation, on which it cannot communicate now since this is the stage of the proposal. After the adoption of the text, the Agency will extract the platform requirements from the legal base and proceed with high level design and technical specifications. eu-LISA further underlined that Member States will be actively involved in this process as well to provide requirements and input on the technical design.

Legal	A series of legal questions were submitted for the purposes of the workshop, to which the Commission replied. The following points were made: - The declaration of authenticity will be made similar to ETIAS, via the ticking of a box. - A "third party provider" in the context of payments could be a financial institution, bank or payment service provided. It will normally be selected after a call for tender, based on requirements that will be set out at implementation stage. - On the "*checking the quality of such data*" by ESPs in Article 7e(1)(a) of the proposal, it means that the ESP is supposed to check the quality of the uploaded scans. - The Commission intention with the proposal is to ensure that no data would be stored by the ESP, even for a short while. However, it was recognised during the discussion that this might be more complex than envisaged and would potentially require ESPs to be obliged to use a software provided by the VAP. COM concluded the exchange by telling the Member States they will be working on this issue through an implementing act. - The Commission confirmed that as per the proposal, all applicants will be able to use the verification tool embedded on the platform. If a visa application is lodged on the national platform during the transitional platform, the applicant will still be able to use the verification tool to view the validity of the visa, however not the status of the application as this requires connection to VAP and the read-only VIS .
Other questions	Other questions were asked before or during the workshop, to which it was clarified: - Concerning the national visa inclusion in the VAP, the Commission explained that the digital visa will cover both Schengen and national visa and they will both be stored in VIS. The process for the national visa applications will remain the same and will not be a part of the VAP. A feasibility study will be launched to assess the feasibility and impact of implementing the VAP for national visas. - On access to the visa application platform prototype, eu-LISA explained that it is possible to still provide demos of the prototype but free access cannot be given to the Member States anymore as this was provided in the context of a specific project which has now finished. - If the applicant does not use the VAP, the applicant can still apply in paper as is the case today. - It will not be possible, once the Regulation is in effect, to issue a physical visa sticker. The Member States not fully applying the Schengen acquis should continue to issue physical visa stickers.
Concluding remarks	The Presidency thanked the Member States for their questions and eu-LISA and Commission for providing answers. It was noted that a number of the questions concern discussions ongoing in the Visa Working Party and they will be further discussed in the upcoming meeting. eu-LISA further complemented by saying that the Agency is available for any further technical questions in order to support the discussions.