

Opinion
of the European Union Affairs Committee of the Senate of the Republic of Poland
on the proposal for a Regulation of the European Parliament and of the Council
establishing a touring visa and amending the Convention implementing the Schengen
Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008

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adopted at the meeting on 20 May 2014

1. In the opinion of the European Union Affairs Committee of the Senate of the Republic of Poland (EUAC), the European Commission has inadequately substantiated the need for adopting the proposed act and for creating a new type of Schengen visa, i.e. the touring visa. Consequently, the European Commission has inadequately substantiated the compliance of this proposal with the subsidiarity principle, thus breaching Article 5 of Protocol No 2 concerning the application of the principles of proportionality and subsidiarity.
2. EUAC expresses doubts as to the legal basis for adopting the act as proposed by the European Commission. According to Article 77(2) of the Treaty on the Functioning of the European Union, the European Parliament and the Council may adopt acts concerning the issuance of short-stay visas only. In the opinion of EUAC, a stay under a touring visa may not be considered a short stay. Although the holder of such a visa would not be allowed to spend more than 90 days in a single Member State, the entire duration of his or her stay in the Schengen area may be very long, even up to two years.
3. In the opinion of EUAC, only a very narrow group of third-country nationals will benefit from the touring visa. Therefore, it is necessary to reconsider whether the cost of creating a special type of visa for them does not outweigh the advantages to be derived from its issuance.
4. The presented proposal does not provide for any checks to ensure that the touring visa holder actually complies with the visa conditions. EUAC is concerned that in such situation the provisions may be abused.