

## **Summary**

The European Parliament continued its work on the visa code proposal, with a number of committees (LIBE, IMCO and TRAN) advancing the dossier. MEPs are broadly divided along left-right lines on the issues of linking visa policy to the reallocation of migrants; the inclusion of humanitarian visas within the scope of the proposal; and the proof of travel medical insurance for applicants.

IAAPA attended a European Commission stakeholder meeting on digitalizing the visa process, during which officials sought views and feedback on the challenges and benefits from digitalizing visa applications wholly or partially.

The European Parliament Research Service published a study into the effects of Brexit on transport and tourism. The study noted that a no-deal scenario (where the EU and the UK do not reach an agreement on their future relationship in time for the UK's departure in March 2019) will seriously hurt both sides, at least in the short-term. Different Member States will feel these negative effects with different degrees of intensity. Specifically on tourism, the study notes that a no-deal scenario would see the disappearance of the EU legal framework encouraging tourism flows between the UK and the rest of the EU, jeopardising the tourism industry.

On the New Deal for Consumers, MEPs discussed the collective redress proposal, with divisions between right- and left-wing groups over the funding, criteria for and restrictions on qualified entities; the opt-in system, the threshold for a collective redress and the damages and compensation.

Finally, the European Commission published its Work Programme for 2019, setting out its priorities for the year ahead. Overall, the Commission will propose [15 new initiatives](#), [15 new evaluations](#) of the fitness of existing EU laws and will [withdraw](#) or [repeal](#) 17 pending proposals or existing laws.

## Tourism

### **European Parliament continues work on visa code proposal**

Source: Parliamentary monitoring – October 2018

Members of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), debated the [Commission's proposal](#) on Establishing of a Community Code on Visas (Visa Code), which stipulates the conditions for issuing visas for the purpose of short stays and the airport transit. This proposed Regulation would be applicable on the common "[visa lists](#)" of countries whose nationals require a visa to travel to the European Union.

The rapporteur, Juan Fernando López Aguilar (S&D, Spain), presented his [draft report](#) and underlined that his objective was start negotiations with the Member State representatives in December. Overall, Members agreed on the need to facilitate legitimate travel into the EU in order to boost European tourism, while balancing migration and security concerns.

However, a number of key issues dividing MEPs has emerged:

- **Linking visa policy with the cooperation of third countries on the readmission of migrants:** groups on the centre-left and left are not supportive of linking the two issues, while centre-right and right wing groups want to keep them together. As previously reported, Member States have also adopted a position on this file, which links the two issues.
- **Inclusion of Humanitarian Visas within the scope of the proposal:** again , a left-right divide emerges, with the former noting that, if the issue is linked to readmission policy, it should also include humanitarian visas; the latter considers this unacceptable.
- **Travel medical insurance** that would be required from Visa holders: Left wing groups believe that applicants should not have to send cumbersome proof of travel medical insurance when applying for a short-stay visa, as there is no evidence pointing to a risk for public medical expenditure. Right-wing groups believe this provision should be kept.

Members of the European Parliament can table amendments to this report by 5 November. These amendments will then be discussed by Members and some will be adopted in the final report, which will reflect the Parliament's position on the Visa Code proposal. This position will form the basis for negotiations with Member State representatives in the Council of the EU to reach a commonly agreed position on the proposal and subsequently adopt it.

*The Visa Code proposal's expressed goal is the facilitation of tourism in the EU. It shows a clear wish for the EU to benefit from the global increase in tourism and, if it goes through, it is expected to increase tourism in the EU, which would be beneficial for the amusement parks and attractions sector in Europe. However, it is worth noting that there is a risk that, if the Parliament pushes too*

*far towards visa liberalization, Member States might reject the proposal, as was the case in 2014, when a similar proposal was eventually withdrawn.*

### **IAAPA attends Commission stakeholder meeting on visa digitalization**

Source: meeting attendance 30.10.2018

On 30<sup>th</sup> October IAAPA attended a European Commission stakeholder meeting on the digitalization of the visa process. Commission officials were keen to hear from stakeholders on the current challenges and expected benefits from moving the tourist visa application process wholly or partly online. Interested parties can also submit written comments until 16<sup>th</sup> November.

This information will be used to launch a study, expected in early 2019, on the feasibility of digitalizing the process. Stakeholders also used this opportunity to express what they see as issues with the current visa application system. The study will be used to prepare a possible legislative proposal in 2019.

*It is worth noting that moving the visa process online is expected to make it easier for tourists to visit EU countries, potentially attracting a larger share of the tourism market by making EU destinations more attractive. This will also benefit the amusement parks and attractions sector, potentially increasing the number of visitors.*

### **European Parliament study foresees serious disturbances in tourism flows from no-deal Brexit**

Source: [European Parliament](#) – September 2018

The European Parliament Research Service (EPRS) has [conducted a research](#) on behalf of the Committee for Transport and Tourism (TRAN) examining the potential impacts of Brexit on transport and tourism. The study shows that a no-deal scenario (where the EU and the UK do not reach an agreement on their future relationship in time for the UK's departure in March 2019) will seriously hurt both sides, at least in the short-term. Different Member States will feel these negative effects with different degrees of intensity.

Specifically on tourism, the study notes that a no-deal scenario would see the disappearance of the EU legal framework encouraging tourism flows between the UK and the rest of the EU, jeopardising the tourism industry.

Consequences of this would include

- New customs checks, delays and possible unilateral controls on immigration.
- EU tourists in the UK will not have access to emergency medical care on the same terms.
- Potential higher flight prices, due to the breakdown of aviation agreements.
- Loss of cross-border police and security cooperation.

These restrictions could also burden UK tourists in Europe.

The EPRS report advises achieving a series of agreements between the EU and the UK to enable the continuity of the uninterrupted flow of tourists between the territories of both parties. Specifically, agreements are needed in key areas, such as visa systems and immigration controls, which might restrain the free movement of people or cause delays in travel times, thereby resulting in considerable disturbances of tourist traffic. Health insurance is another issue that would have to be resolved, as the European Health Insurance Card will no longer be valid in the UK, resulting in higher travel costs.

## **General**

### **New Deal for Consumers: Committees advance work on collective redress proposal – divisions emerge among political groups**

Source: Intelligence gathering, [European Parliament](#) – 04.09.2018

The JURI Committee has [published](#) its draft report on the collective redress proposal. Rapporteur Geoffroy Didier appears to have taken on board the concerns of businesses when drafting his report, which is likely to generate strong reactions from MEPs from other political groups, as well as consumers organisations. Mr Didier has, in particular, proposed the following:

- **Funding of qualified entities:** Qualified entities should have sufficient resources to represent the interests of consumers, including legal costs, should they lose the case. Individual contributions should be limited to a reasonable amount.
- **Threshold for collective redress:** collective interest means a minimum of 50 consumers
- **Criteria for qualified entities:**
  - Must have non-profit and *independent* character
  - Must have been in existence for at least two years, since their establishment
  - Must have a minimum number of members, namely five associations or at least 250 natural persons at national level. For local level associations or those from small countries, these numbers can vary
  - Must be engaged for at least 1 year in actual public activity involving the defence and promotion of consumers' interests
  - Must be neither financed by, nor have lucrative agreements with, plaintiff law firms

- Must disclose relevant aspects of its structure including its constitutive statutes and management structure to comply with transparency rules
- In addition, qualified entities must make their funding transparent and must act in a manner independent of market operators to fulfil their purposes
- **Opt-in:** the provisions that qualified entities do not have to obtain the mandate of individual consumers have been deleted. In addition, a Member State may require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued. Mandate from individual consumers may not be asked for in certain cases only (small amount of loss).
- **Damages and compensation:** The report states that full compensation to consumers shall be granted, but, in cases where an unclaimed amount remains, the court can decide on the beneficiary, which must not be the qualified entity or the trader. Compensation shall not exceed the amount owed by the trader to cover the harm caused. Punitive damages and overcompensation will be prohibited.
- **Loser pays principle**
- **Disclosure of evidence:** National courts will also have the authority to order the disclosure of evidence, where relevant to the action for damages. Disclosure of evidence must be proportionate

*In a subsequent debate on this report, Mr Didier's suggestions drew criticism from MEPs in the centre-left and left, who are more aligned with the position of consumer organisations on this file. Given the divisions already emerging between political groups on this file, a large number of amendments going against the draft report can be expected.*

*These issues and divisions have also been reflected in the work of key opinion committees (Internal Market and Consumer Protection – IMCO and Transport and Tourism, TRAN).*

## **European Commission publishes Work Programme for 2019**

Source: European Commission - 23.10.2018

The European Commission released its [Work Programme for 2019](#) (together with the [annexes](#)) setting out its priorities for the year ahead.

Overall, the Commission will propose [15 new initiatives](#), [15 new evaluations](#) of the fitness of existing EU laws and will [withdraw](#) or [repeal](#) 17 pending proposals or existing laws.

The following priority issues were highlighted:

- Towards a new policy on **migration**: new initiatives of interest include
  - A **Communication on Visa Reciprocity** (non-legislative) due for release on **19<sup>th</sup> December**; and
  - A **proposal to place the UK on either the ‘visa required’ list of third countries or on the ‘visa free’ list** (depending on the progress of Brexit talks) due for publication on **13<sup>th</sup> November**;
- Connected **Digital Single Market**:
  - the key new initiative of interest is a **Coordinated Plan on the development of Artificial Intelligence in Europe** (non-legislative) due for release on **5<sup>th</sup> December 2018**;
- Deeper and fairer **Internal Market** with a strengthened industrial base:
  - the key new initiative of interest is a **Single Market Communication** (non-legislative) due for publication on **21<sup>th</sup> November** which will assess remaining barriers to the EU internal market and options for action to tackle these.

Pending priority proposals:

The Commission also set a list of [45 pending priority proposals](#) for adoption by the European Parliament and EU ministers before May 2019 European elections (Commission’s goal).

Of particular interest for IAAPA members, these include

- The New Deal for Consumers;
- The reviewed Visa Code; and
- The Accessibility Act;

The Commission’s press release can be found [here](#) and the related Q&A document [here](#).

### **EU events**

- 7 Nov – [European Tourism Day](#), Brussels
- 26 Nov – Operators’ Forum plenary meeting, Brussels