

## Non-paper from the Swiss delegation / 26 January 2016

### Travel medical insurance Proposed changes to Art. 14a of the recast draft of the Visa Code

During the Comix Visa meeting on 7 and 8 December 2015, Switzerland submitted a proposal to fundamentally change the current system used for travel medical insurance (hereinafter referred to as "TMI"). This proposal was rejected for the reasons mentioned by the Commission during that session. Switzerland then announced at the Comix Visa meeting held on 18 and 19 January 2016 that it would submit a new proposal aimed at clarifying and complementing the current system, without changing it completely.

#### 1. Art. 14a(4)(1)

##### a) Proposed change

Applicants shall, in principle, take out insurance in their country of residence. Where this is not possible, they shall seek to obtain insurance in ~~any other country~~ another country of the consular district of the competent consulate, in the country of destination, or another Member State.

If they apply for a visa in a consulate with no territorial competence (Art. 6(2)), they shall take out the insurance in the consular district of this consulate.

##### b) Comments

The proposed change is intended to:

- Reduce the geographical area in which the TMI may be taken out in cases where this is not possible in the country of residence.  
Example: a consular district covers country A and B. If the applicant does not have the possibility to take out a TMI in the country of residence, country A, he shall take it out in country B instead. Indeed, there is no reason to give him the possibility of taking out a TMI in any country if the majority of applicants are required to take out TMIs in the consular district where they reside. In addition, the verification of different TMIs becomes very difficult to the consulates if the TMIs can be taken out in any country.
- Point out the applicable provisions when the application is lodged at a consulate which is not competent (Art. 6, par. 2)

#### 2. Art. 14a(4)(2)

##### a) Proposed change

When ~~another person~~ a third party takes out insurance in the name of the applicant, the conditions set out in ~~paragraph 3 shall apply~~ the previous paragraphs shall apply. In the case of sponsorship/or hospitality within the meaning of Article 13(7), the third party may take out insurance in the name of the applicant in his country of residence.

##### b) Comments

Reference to conditions set forth in paragraph 3 serves no purpose, since application of these conditions is obvious. However:

- Reference to the previous paragraphs is necessary to clearly indicate that the rules applying to the applicant are also applicable to a third party (i.e. there is no reason why the same rules would not apply to them), and
- A special rule must be introduced to deal with cases where a third party sponsors and/or hosts the applicant. The competent national authority verifying sponsorship and/or hosting certification is also able to verify whether insurance coverage provided by third parties is adequate. This is the system currently applied by Switzerland and other States.

### 3. Remarks

Switzerland proposed supplementing the statement appearing at the bottom of the Schengen visa application form, thus:

*Fully informed on the conditions attached to the purpose of this visa request, I consent that information contained in this request regarding myself and the travel insurance that I took out or that another person took out in my name may be made available to public law entities and private service providers to whom the visa holder owes money referred to in Article 14a para. 1 of the Visa Code (repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment or death, during their stay(s) on the territory of the Member States).*

By signing the visa application form – supplemented in the way indicated above – the applicant authorises the migration authorities to give his/her contact details to healthcare providers if he/she (as a patient) fails to pay healthcare bills (patient). We leave it up to COM and the Presidency to determine whether such a clarification is needed in Art. 14a.

Responding to a request from a healthcare provider, the competent national authority shall look for the contact details of the insurance company by getting in touch with the central authority of the consulate that issued the visa. Eventually, in order to simplify the search, and if this is deemed necessary and technically feasible without unreasonable effort, the contact details of the insurance company can be entered into the C-VIS, and the Schengen visa application form should be adapted accordingly.

#### 4. Complete version of Art. 14a (including proposed changes)

##### Article 14a

##### **Travel medical insurance**

1. Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment or death, during their stay(s) on the territory of the Member States.

2. Applicants for a uniform visa for (...) multiple entries shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit.

In addition, such applicants shall sign the statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance for subsequent stays.

3. The insurance shall be valid throughout the territory of the Member States and cover the entire period of the person's intended stay or transit. The minimum coverage shall be EUR 30'000.

When a visa with limited territorial validity covering the territory of more than one Member State is issued, the insurance cover shall be valid at least in the Member States concerned.

4. Applicants shall, in principle, take out insurance in their country of residence.

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If they apply for a visa in a consulate with no territorial competence (Article 6(2)), they shall take out the insurance in the consular district of this consulate.

When ~~another person~~ a third party takes out insurance in the name of the applicant, the conditions set out in ~~paragraph 3 shall apply~~ the previous paragraphs shall apply. In the case of sponsorship/or hospitality within the meaning of Article 13(7), the third party may take out insurance in the name of the applicant in his country of residence.

5. When assessing whether the insurance cover is adequate, consulates shall ascertain whether claims against the insurance company would be recoverable in a Member State.

6. The insurance requirement may be considered to have been met where it is established that an adequate level of insurance may be presumed in the light of the applicant's professional situation. The exemption from presenting proof of travel medical insurance may concern particular professional groups, such as seafarers, who are already covered by travel medical insurance as a result of their professional activities.

7. Holders of diplomatic passports shall be exempt from the requirement to hold travel medical insurance.