



Council of the
European Union

180977/EU XXVII. GP
Eingelangt am 19/04/24

Brussels, 19 April 2024
(OR. en)

6253/24
ADD 2

VISA 14
MIGR 190
RELEX 558
COMIX 61

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	19 April 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SEC(2024) 146 final
Subject:	REGULATORY SCRUTINY BOARD OPINION Interim evaluation of the implementation of the Union Customs Code

Delegations will find attached document SEC(2024) 146 final.

Encl.: SEC(2024) 146 final



EUROPEAN COMMISSION

Brussels, 19.4.2024
SEC(2022) 146 final

REGULATORY SCRUTINY BOARD OPINION

**Interim evaluation of the implementation of the
Union Customs Code**

{SWD(2024) 108 final}
{SWD(2024) 109 final}



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2023)

Opinion

Title: Evaluation of the Visa Code

Overall opinion: POSITIVE

(A) Policy context

The Visa Code sets the rules and procedures for issuing short-stay visas for the Schengen area. It entered into force in 2010 (Reg. 810/2009). It was amended in 2020 (Reg. 2019/1155) to provide greater flexibility and harmonisation of visa procedures, adjust the visa fees to resource requirements and improve cooperation with third countries on the readmission of irregular migrants. The evaluation focuses on the changes introduced in 2020 and covers the period until spring 2023.

(B) Summary of findings

The Board gives a positive opinion. The Board also considers that the report should further improve with respect to the following aspects:

- (1) The report does not sufficiently differentiate between the problems and conclusions related to the design of the initiative and those linked to its implementation.**
- (2) The report does not sufficiently bring out the limitations of the evidence base and the representativeness of the conclusions.**
- (3) The assessment of continued relevance is limited, in particular regarding the functioning of the Visa Code under recent crises.**

(C) What to improve

- (1) The report should distinguish those issues and problems stemming from the design of the intervention from those resulting from shortcomings of its implementation. This separation should be comprehensively reflected in the conclusions and lessons learned. The report should better explain the relation of the initiative to visa shopping and monitoring of external service providers. It should bring out the underlying rationale as to how the objectives of harmonisation and flexibility of visa procedures are combined, as well as their consistency with the cooperation on re-admission of illegal migrants.

This opinion concerns a draft evaluation which may differ from the final version.

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(2) The report should clearly set out the points of comparison against which the initiative is assessed, also drawing from the preceding impact assessment. The representativeness of the findings should be clear, and the conclusions drawn should differentiate accordingly. The report should be more transparent on the importance and reliability of findings when these derive from a small number of Member State respondents. Any extrapolation of views and findings from stakeholder feedback needs to be justified and proportionate.

(3) The report should take account of the continued relevance of the intervention. It should improve the future-proofing assessment of the visa code by analysing the evidence from the recent crises beyond being exceptional circumstances to assess the functioning of the intervention under such crisis situations. It should differentiate between the problems and results linked to the crises and those that are non-crisis related.

(4) The report should critically assess the adequacy of monitoring and reporting arrangements of the legislation to provide sufficient evidence on the implementation of the initiative, including for evaluation purposes.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG may proceed.

The DG must take these recommendations into account before launching the interservice consultation.

Full title	Evaluation of the application of Regulation (EC) No 810/2009 (the Visa Code), as amended by Regulation (EU) 2019/1155
Reference number	PLAN/2021/12656
Submitted to RSB on	28 September 2023
Date of RSB meeting	Written procedure