

EN

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Answer given by Mr Brunner
on behalf of the European Commission
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Under the current legal framework, certain third-country nationals legally residing in the Member States that do not, or do not yet fully apply the Schengen *acquis* are required to obtain a short-stay visa when traveling to the Schengen area for short stay¹. In this respect, the applicable framework reflects the legal architecture of the Schengen *acquis* and the need to ensure a uniform application of external border, visa and security rules.

However, existing EU law on short-stay visas already contains elements facilitating mobility for certain categories of legally residing third-country nationals, notably rules on issuing multiple-entry visas of progressively longer validity in the Visa Code², which also apply to third-country nationals legally residing in Member States that do not yet fully apply the Schengen *acquis*. These rules can also be adapted to take account of local circumstances, subject to an assessment conducted within local Schengen cooperation in those Member States that do not (yet) fully apply the Schengen *acquis*. An assessment conducted within local Schengen cooperation in those jurisdictions would be duly examined as per the rules of the Visa Code.

Any further consideration of this issue, including any form of broader mutual recognition of residence permits as a basis for short stay travel to the Schengen area, would need to be carefully assessed, including to take account of the applicable Treaty framework and of the specific status of the Member States concerned.

The Commission remains attentive to practical difficulties encountered by third-country nationals legally residing in a Member State.

¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code); Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

² Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).