



LOT 2: Assess the implementation and impact of the "Scientific Visa" package the Researchers Directive 2005/71/EC and the Recommendation 2005/761/EC

**Assessment for  
Recommendation 2005/761/EC –  
Executive Summary**

This assessment of Recommendation 2005/761/EC facilitating the issue by MSs of uniform short-stay visas for TCN researchers travelling within the Community for the purpose of carrying out scientific research (short stay) was carried out in conjunction with the legal and impact analysis of Directive 2005/71/EC laying down the conditions for the admission of TCN researchers to the MSs for more than three months for the purposes of carrying out a research project under hosting agreements with research organisations (long stay). The study aimed to assess any national measures implementing the Recommendation, highlight problems, describe institutional frameworks and procedures and evaluate the impact of the Recommendation. The assessment also identified difficulties, suggestions for improvement and good practices at national and EU levels.

The methodology of the assessment applied qualitative and quantitative indicators of the outputs, outcomes and impact of the Recommendation, covering legislative instruments, differentiation of TCN researchers from other categories, visa procedures and administrative fees, as well as statistical data and perceptions of the “Scientific Visa” scheme. Complementing the analysis conducted by country experts in all 27 EU MSs of the relevant legislation and organisational set-up, three sets of questionnaires were applied in relation to the Recommendation to State administrations, research organisations and TCN researchers.

The legal analysis reflected the fact that the Recommendation is of a non-binding nature, but that some of its provisions have been implemented in a binding fashion by the Visa Code, while taking into account that the Recommendation goes further than the Visa Code, providing specific guidelines on issuing short-stay visas to researchers. The Recommendation is not applicable to **IE** and **UK**, but it is applicable to all Schengen States, including the Associated States that are not MSs of the EU (**IS**, **NO** and **CH**). Although **DK** did not take part in the adoption of the Recommendation and is not affected by its provisions, it has decided to implement it. As Recommendation 2005/761/EC is part of the Schengen acquis, **CY**, **BG** and **RO** do not yet apply it fully.

Only some MSs (**DE**, **EL**, **FR**, **LT**) have at least partially incorporated the provisions of Recommendation 2005/761/EC on short-stay visas into their national regulatory frameworks. The other MSs apply the Recommendation as part of administrative practice rather than by introducing amendments into the respective national regulatory frameworks. The analysis considered both methods as compliant with the spirit of Recommendation 2005/761/EC.

The analysis found that several MSs (**BE**, **DE**, **LV**) apply fast-track or facilitated procedures for issuing visas to TCN researchers. Other MSs provide specific training for their staff issuing visas in order to expedite the examination of TCN researchers’ visa applications. The recommendation on the issuing of multiple-entry visas is similar to the binding provisions in the Visa Code. Article 24 of the Visa Code stipulates that multiple-entry visas shall be issued where certain conditions are met; in particular the applicant shall prove the need or justify his/her intention to travel frequently and/or regularly, in particular due to his/her occupational status. Similarly, Article 14 of the Visa Code provides for a generic list of the supporting documents (to be further specified for all categories of visa applicants, in all

locations) that must be submitted by visa applicants. Supporting evidence is therefore specific to TCN researcher applicants in relation to the research work they intend to conduct during their short stay, with a harmonised approach encouraged by Recommendation 2005/761/EC.

The Recommendation encourages MSs to issue visas for short-stays to TCN researchers without charging an administrative fee, which is a binding stipulation of the Visa Code. There is some cause for concern that a visa fee is still applicable in the case of TCN researcher applicants to **DK, EL** and **NL**. Local Schengen Cooperation, in accordance with the Visa Code, on the issuing of visas to TCN researchers promotes the exchange of best practices. This is also provided for, as of 2010, in the Handbook for the organisation of visa sections and local Schengen cooperation.

Despite not fully participating in the Schengen acquis, **BG** has transposed parts of the Visa Code and taken steps towards incorporating the provisions of the Recommendation into domestic secondary legislation. In **CY**, the Recommendation was not enacted in primary or secondary legislation, although its provisions are taken into consideration when examining TCN applications for short-term visas. **RO** has partially incorporated the provisions of the Recommendation, waived the visa fees for TCN researchers and facilitated the issuing of short-term visas to TCN researchers through cooperation established between the National Authority for Scientific Research and the Ministry of Foreign Affairs. As the Recommendation constitutes a development of provisions of the Schengen acquis to which neither **UK** nor **IE** are parties, their national provisions on the issuing of short-term visas to TCN researchers are not in conformity with those stipulated in Recommendation 2005/761/EC.

In general, the national authority responsible for issuing visas and engaging in consular cooperation is the Ministry of Foreign Affairs in each MS. As also discussed in detail in the legal analysis, in view of the changed legal context with the coming into force of the Visa Code, for the Schengen states, some aspects of the non-binding provisions of the Recommendation have been superseded by those of Regulation (EC) No 810/2009 which governs the procedure for issuing short-term visas to all visa-required TCNs, including TCN researchers. Other provisions of the Recommendation go further than the Visa Code in facilitating the issuing of visas specifically to TCN researchers.

Due to the mobility of the target group of the analysis, TCN researchers who apply for or have short-stay visas in the EU, little statistical data was available. However, some qualitative information from the open-ended questions was used to support findings from other sources. Administrative data on short-term TCN researchers has been identified only for 4 EU MSs (**BE, CY, HU** and **SI**). Although exact figures are scarce, the existing information points towards the conclusions that there has been an increase in the number of applications for “researcher visas” and that the vast majority of the applications lead to an actual granting of a visa. The majority of TCN researchers come to EU MSs for less than three months in order to conduct short-term research or teaching, as well as to participate in conferences.

The procedural steps for admitting TCNs, including researchers, for short-term periods, are generally uniform for all Schengen Member States, as per the Visa Code. In the majority of MSs, the

Recommendation's call for an accelerated examination of visa applications for TCN researchers is also fulfilled by the application of the Visa Code, with an average processing time of 7 - 14 working days. TCN researchers qualify for faster handling times of their applications (fast-track applications) in several countries (**BE, DE, FI**), and the whole process can be further eased by the setting up of electronic application mechanisms. Providing training sessions, producing information material for visa officers (**BE, CY, FI, LT, PL**), increasing human and financial resources (**ES**) and establishing cooperation between the different actors involved at national level (**RO**) have also proven to be effective measures for facilitating the issuing of visas for TCN researchers.

The most common supporting documents to be provided by TCN applicants for short-term research include: proof of purpose of stay (**AT, BE, CY, CZ, EL, FR, HU, LT**); health certificate/Travel Medical Insurance (**CY, CZ, EL, LT**); proof of means of subsistence (**BE, CY, CZ, EL, HU, LT**); and criminal record (**CZ, EL, LT**), as well as proof of academic qualifications and of occupation (**DE, FR**). With the exception of **IE** and **UK**, there is no country for which it has been reported that TCN researchers are granted only single-entry visas for short-term stays. Similarly, apart from **IE** and **UK**, no fees were required in respect of applications submitted by TCN researchers, though concrete information was identified only for **AT, BE, BG, CZ, DE, FI, HU, IT, LV, LT, MT, PL** and **PT**. There is concern that a visa fee may still be applicable in **DK, EL** and **NL**.

The non-Schengen MSs **IE** and **UK** do not provide for any special provisions for granting short-term visas to TCN researchers in their domestic legislation. This may cause significant problems for TCN researchers with residence status in **IE** or **UK** who wish to spend less than three months in a Schengen MS, and for TCN researchers with residence status in a Schengen MS who wish to spend short periods conducting research in **IE** or **UK**. Other difficulties encountered include limited awareness and a lack of adequate information both among visa-required TCNs and among ROs, unsatisfactory interaction with consulates in the country of origin of TCN applicants and, more generally, low numbers of short stays by TCN researchers in some MSs.

The actual implementation of the entire Scientific Visa package, including Recommendation 2005/761/EC, is largely ensured in those cases where MSs have established a standardised application and admission system, with a clear institutional set-up and consistent information regarding the requirements and steps to be followed in each case. The introduction of a good information policy that raises awareness about the Scientific Visa package, informs people about related opportunities and procedures and is suited to responding to enquiries and questions from ROs and TCN researchers is a key element for the success of the Scientific Visa package both at national and EU level.

It is recommended that Schengen MSs continue to consider TCN researchers as *bona fide* travellers under the Visa Code and generally issue them with multiple-entry visas. MSs should collect and share a mandatory set of key data on the quantitative impact of corresponding measures at the national level and on an annual basis. LSC should continuously cover the facilitation of issuing visas to TCN researchers in order to promote the exchange of best practices. The non-Schengen MSs **IE** and **UK** should be

encouraged to facilitate the short-term mobility of TCN Researchers between Schengen countries and the Common Travel Area. Simple and swift procedures are key for the attractiveness and appropriateness of instruments related to the Recommendation at MS level. Finally, the sharing of experiences and best practices between authorities and relevant stakeholders in MSs should be further strengthened, with EURAXESS playing a strong role, together with the involvement of the ministries concerned in MSs.