

Will France and Spain drop 90-day visa rule for Britons?

As European politicians call for the post-Brexit visa rules for British second-home owners and tourists to be relaxed, we look at the regulations and the chances of reform



Grignan in France

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[Cathy Hawker](#)

Saturday November 18 2023, 12.23pm GMT, The Sunday Times

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International travellers and second-home owners who have been “punished by Brexit”. As it stands, the rule [prevents Britons spending extended periods in France](#), something that the politicians claim harms local economies and leads to vacant properties.

The Spanish minister for tourism, Héctor Gómez, immediately joined the debate, [agreeing this week](#) that the rules were also having a negative effect on the Spanish economy and urging the EU to consider a change.

However, experts suggest that, despite the changing mood music, there may be a long way to go before British travellers or property-owners in France actually get preferential treatment.



Penalties for overstaying are generally a monetary fine, an order to leave the country and restrictions
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“In essence, people are getting very excited because the Senate, the upper house of the French parliament, passed a mass of new immigration rules, of which a small part included waiving the 90-day rule for non-EU passport holders,” says Joanna Leggett, of property agency Leggett Immobilier.

The 90-day rule

When the bells rang in new year 2021, they also heralded the post-Brexit introduction of the 90-day rule for British passport holders. In essence, out went free movement and open-ended stays and in came passport stamps and increased regulation.

The 90-day rule states that any non-EU passport holder travelling to the 27 countries in the Schengen area without a visa is limited to staying a maximum of 90 days out of any 180 days. The days are counted backwards from the day of entry, with the 180 days as a whole calculated as a rolling period. This means that if you stay 90 days continuously, you cannot re-enter the area until another 90 days have passed.

The Schengen area includes 27 countries, most of them EU members. However, it excludes Ireland, Bulgaria, Cyprus and Romania, which are members of the bloc, and includes Norway, Iceland, Switzerland and Liechtenstein, which are not.

Britons caught breaching the 90-day rule face hefty fines and, in all cases, restrictions if they want to come back

Country	Penalties for overstaying
Austria	Up to €5,000
France	€198
Germany	Up to €3,000
Italy	Up to €10,000
Netherlands	Up to €1,400
Spain	Up to €10,000
Greece	Up to €1,200
Portugal	Deportation

Table: The Times and The Sunday Times • Source: Blevins Franks, EuroNews, ConnexionFrance

Penalties for overstaying are determined by each country: generally a monetary fine and an order to leave the country and the entire Schengen area. These fluctuate and levels of enforcement vary wildly. In Austria, for example, overstayers can face fines of up to €5,000 (£4,370) with possible deportation and entry ban, while in Italy fines go up to €10,000. In France, the standard fine is €198 or a deportation and entry ban, while in Spain fines can reach a maximum of €10,000. Germany is the strictest enforcer of overstay fines, with penalties of up to €1,200.

“Germany is very strict, and Greece can apply large financial penalties on those who overstay,” Jason Porter from the specialist tax advisers Blevins Franks says.

The effects of the 90-day rule

“Many second-home owners are not affected by the 90-day rule because they only plan to use their holiday home for a few weeks throughout the year,” Leggett says. However, that is not the case for the retired or those who can work from home for long periods, for example.



Christopher David with his daughter and partner

Christopher David from Cardiff is a prime case. The semi-retired businessman and his partner Jane bought a dilapidated barn and stables close to Angoulême in southwest France in 2011, renovating the property and fully entering into village life. They planned to divide their time fairly evenly between Wales and France but the 90-day rule has put paid to that.

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...that we have to come back every year and the only place we can get it is in person in Manchester or London. We have to reapply every year and put a detailed file together including proof of our French residency, our Welsh residency, three months of bank statements and provide fingerprints.”

David is one of thousands on Facebook’s “France Visa Free” group and is communicating with Lord Touhig, the secretary of parliament’s all-party group on French affairs, who has been “sympathetic but as yet provided no formal support”. French politicians, however, have been receptive — fearing that a mass exodus of UK citizens would hollow out community life and cost local economies dearly.

“We are making headway, with 36 deputies now on our side as the amendment to the immigration bill goes to the next stage in December,” David says. “Our own deputy in Charente is in full support and our local mayor too. We’re owners who genuinely view our French property as homes. I worked hard to afford a modest place, somewhere the French would never have bought because they generally don’t like renovating, and am very involved in the community; volunteering locally; playing boules in the village. I love the French lifestyle.”



Sénanque Abbey near Gordes in Provence

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any, being French, were accustomed to shorter days there.

“We love our house, as do our two sons, but the extra cost and bureaucracy are problematic and have made us reconsider owning here. I hear from local handymen that several Britons have sold up,” Amanda says. “We used to visit frequently — often out of season as well as in the summer, staying for new year or driving down to pick olives in November — but that is all more difficult now. What I find really unfair is that there is no reciprocity. French citizens can come here for six months, leave for a few days and then return for another six months.”

Knight Frank reports the number of Britons owning property in France has fallen from 89,000 in 2008 to 60,000 today. Leggett has experienced sales falling because of the 90-day rule but not in significant numbers, claiming that a desire to move closer to grandchildren is the number one reason for selling up.



Strasbourg in France

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...they make up only 17 per cent of the market.”

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For anyone making frequent trips to Europe, keeping track of their 90 days can be burdensome. The EU’s planned entry-exit system (EES) should help. It’s an automated IT system registering travellers every time they cross an EU external border. Originally due to launch in 2022, it has been repeatedly delayed — best estimates now are for introduction in late 2024 or early 2025, Porter says.

“The EES will help third-country nationals [including Britons] travel more easily and replace time-consuming and fallible manual passport stamping,” he adds. “It will streamline the entire 90-day rule but the delay in its introduction means some will continue to take the risk of getting away with going a few days over the maximum allowed.”

A second scheme due to be introduced in 2025 (also after being delayed) is the European Travel Information and Authorisation System (Etias), a visa-waiver system similar to the USA’s Esta system.

‘It means lots of juggling and a lot more travelling’



Helena Shirley and her husband, Andrew, at their house in Spain

Helena Shirley, Spain

Helena Shirley, from Berkshire, has been holidaying in Spain since she was seven. Now aged 54, she and her husband Andrew own a house in Forna, an Alicante village one hour south of Valencia. It's part holiday home, part the venue for her business [running wellness retreats](#).

Before Brexit I would stay for longer, I now come back in between retreats to ensure I stay within the 90 days. It means lots of juggling and lots more travelling. And of course you have to add in holidays in Europe as well.

Shirley takes great care not to exceed the limit but is not sure how strict the Spanish authorities are. “Everyone tells me they know someone who has been caught out, but I have never personally known anyone who has been fined,” she says.



Emma Page and her Italian boyfriend, Gerardo, who she travels to Italy to see

Emma J Page, Italy

With an Italian boyfriend living on the Amalfi coast, author and journalist Emma J Page, from Battersea southwest London, moves around Europe more than most. The flexibility that her freelance job gives her helps, but the complexity of working within the 90-day rule is challenging. Plus, relaxing the rules just for homeowners

“I have three Schengen apps on my phone to make sure I stay within the limit,” Page says. “It’s about managing my time. I went to Italy for 83 days this summer, which means in theory I have seven days left to use. But, if I went for a long weekend now, the 180-day clock would reset on my return to the UK and I’d have to wait another 90 days before entering Italy, meaning I could not go out for Christmas.

“Friends don’t realise how complicated it is to calculate and how restricting it can be. For me it is better to go for longer periods; I have reordered my life into 12-week chunks but that isn’t always ideal as I write about design and need to keep in touch with events in London.”



Ben Simmonds travels to France regularly

Ben Simmonds, France

As the regional manager for the tax advisory company Blevins Franks in France, Ben Simmonds, 34, from Hertfordshire, travelled for 55 days out of his last allocation of 180 days. He used an app to log his dates but found it unreliable and now keeps his own informal tally on his phone.

go over 30 days in any one country, but I don't want to be stuck in any country for 180 days or illness. The key is to look backwards and ask what was 180 days prior to today so you know your time frame.”

He tells an anecdotal story of a British couple who overstayed by two days in France to complete alterations on their home. They were each fined €100 for each day they overstayed, a total of €400.

“My biggest issue is that I fill up my passport so quickly, a page every two trips,” Simmonds says. “I had to get a new one earlier than usual and pay for extra pages.”

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