



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 28 October 2008**

**8265/5/08  
REV 5**

**LIMITE**

**VISA 133  
COMIX 287**

**NOTE**

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from:	Presidency
to:	Visa/VISION Working Party
Subject:	Initiative by the Republic of Slovenia for a Council Decision amending Part 1 and Part 2 of the Schengen Consultation Network (Technical Specifications)

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At its meeting on 23 October 2008, the Visa/VISION Working Party has agreed on the text for the above initiative, a consolidated version of which you can find in the Annex.

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**Draft**  
**COUNCIL DECISION**  
**of**

**amending Part 1 and Part 2 of the Schengen consultation network (technical specifications)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications <sup>1</sup>, and in particular paragraph 2 of Article 1 thereof,

Having regard to the initiative by the Republic of Slovenia,

Whereas:

- (1) The Vision network has been established to allow consultation between the central authorities of the partner States for visa applications made by nationals from sensitive countries.
- (2) In order to achieve a pragmatic approach and to avoid overburdening the Schengen consultation network by sending a high number of error messages when a Member State's MTA seems to be temporarily unavailable, the resend procedure should be modified.
- (3) In order to avoid inconsistent use of different visa type codes which could lead to misinterpretations in the visa consultation procedure, a common approach is needed when visas D+C are subject to the consultation procedure.

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<sup>1</sup> OJ L 116, 26.4.2001, p. 2.

- (4) Taking into account the inputs from different Member States and in order to simplify the Schengen consultation procedure, a single code for each visa type should be used.
- (5) In order to make the consultation procedure more efficient, a country code has to be created for each country not yet included in the ISO Country code list.
- (6) It is necessary to update the technical specifications of the Schengen Consultation Network to ensure that they reflect these changes.
- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. As this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark is to decide, in accordance with Article 5 of that Protocol, within a period of six months after the Council has adopted this Decision, whether it will implement the Decision in its national law.
- (8) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis*, within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* <sup>1</sup>, which fall within the area referred to in Article 1(A) of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>2</sup>.

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<sup>1</sup> OJ L 176, 10.7.1999, p. 36.

<sup>2</sup> OJ L 176, 10.7.1999, p. 31.

- (9) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis*, within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*<sup>1</sup>, which fall within the area referred to in Article 1(A) of Council Decision 1999/437/EC in conjunction with Article 3 of Council Decision 2008/146/EC<sup>2</sup>.
- (10) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis*, within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the to the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*<sup>3</sup>, which fall within the area referred to in Article 1(A) of Council Decision 1999/437/EC in conjunction with Article 3 of Council Decision 2008/261/EC<sup>4</sup>.
- (11) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*<sup>5</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

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<sup>1</sup> OJ L 53, 27.2.2008, p.52.

<sup>2</sup> OJL 53, 27.2.2008, p.1.

<sup>3</sup> Council document 16462/06; accessible on <http://register.consilium.europa.eu>.

<sup>4</sup> OJL 83, 26.3.2008, p.3.

<sup>5</sup> OJ L 131, 1.6.2000, p. 43.

- (12) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*<sup>1</sup>. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (13) As regards Cyprus, this Decision constitutes an act building upon the Schengen *acquis* or otherwise related to it, within the meaning of Article 3(2) of the 2003 Act of Accession,
- (14) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession,

HAS ADOPTED THIS DECISION:

#### Article 1

In Part 1 of the Schengen Consultation Network (Technical Specifications), points 1.2. and 1.2.1. are hereby amended, as shown in Annex 1.

#### Article 2

In Part 2 of the Schengen Consultation Network (Technical Specifications), point 2.1.4. are hereby amended, as shown in Annex 2.

#### Article 3

In Part 2 of the Schengen Consultation Network (Technical Specifications), point 2.2.1., the table is hereby replaced by the text appearing in Annex 3.

#### Article 4

This Decision shall apply from 1 February 2009.

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<sup>1</sup> OJ L 64, 7.3.2002, p. 20.

## Article 5

This Decision is addressed to the Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels,

For the Council

*The President*

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Point 1.2. shall be replaced by the following:

**"1.2. AVAILABILITY OF THE TOTAL SYSTEM**

As a matter of principle VISION is designed as a system running 24h a day, 7 days a week.

In the event of one of the connections breaking down, the MTA, the user agent, and if necessary, the national application, should have the capacity to store the data to be sent or received via the network for several days. Consequently, bearing in mind the estimated daily traffic and the potential increases in traffic due to political decisions on visa matters, **the MTA, the user agent, and where necessary, the national application**, must meet the following **minimum requirements**.

In addition, **the MTA, the user agent and the national application** must be able to cope with possible breakdowns of other partner systems. They must resend messages which have not been delivered, but not overload other partner systems by, for example, unnecessary repetition of messages which are thought to have been lost."

Point 1.2.1. shall be replaced by the following:

*1.2.1. Strategy to Avoid and Reduce Breakdown-related Disruption*

If the system breaks down, operation must be resumed within 24 hours. To ensure that operations are resumed , the following minimum undertakings apply:

- The Schengen States are required to have a service contract guaranteeing repairs to, and/or replacement of, hardware and software.
- The Schengen States are required to have a backup system.
- The Schengen States are required to equip their MTA with a preventative peripheral device to compensate any power malfunctions.

- The Schengen States are required to guarantee that MTA and applications hardware and software are not cut off for any reason other than breakdown or maintenance. In case of regular maintenance, such as database backups, the maintenance slot shall not exceed a maximum of 2 hours.
- The Schengen States are to guarantee the availability of sufficient personnel during working hours to ensure operation of the MTA at the best possible rate.
- The Schengen States are required to distinguish clearly between the test environment and the operational environment; adapting the test environment should not affect the operational equipment and vice versa.
- Adaptations to the Schengen Consultation Network should always be tested in the test environment before being used in the operational environment.

In addition the system must be able to cope with the following amounts of data:

- store the equivalent of 2 days operations, i.e. maximum 100 Megabytes;
- send up to 30000 messages and 30000 delivery reports per day;
- receive up to 30000 messages and 30000 delivery reports per day.

In addition, each Schengen State must distinguish between "retransmitting" and "resending as a new message". The term "re-send" in the next chapters (especially 1.2.2) covers both cases, but the following distinction must be made:

- "retransmitting" means sending again the same message, usually subject to retransmission parameters of the MTA (e.g. sendmail, MS-Exchange, Lotus Notes, ...). After each retransmission there are no more messages in the system, the first message is just transmitted again.



- "resending as a new message" means, that a new message with the same content is prepared. The destination point might receive two different messages, but with the same content, if the first one was held in a queue somewhere.

Schengen States are invited to use the first possibility (retransmitting) wherever possible, to avoid the unnecessary multiplying of messages in the system."

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In point 2.1.4. (*FORM A: "CONSULTATION REQUEST REGARDING VISA APPLICATION*), heading No. 026 shall be replaced by the following:

**"Heading No. 026 :** Type of visa format: code (2)

Codification of the various types of visas defined in the Common Visa Instructions. The entire heading, or part of it, can be used for the visa sticker."

'B' transit visas

'C' short -stay visas

'DC' long-stay visas valid concurrently as short-stay visas"

In points 2.1.4 (Form A), 2.1.6 (Form C), 2.1.7 (Form F), the content of row 026 in the fifth column of the table ("Examples/Comments") shall be replaced by the following :

"C {'B'|'C'|'DC'}".

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*2.2.1. Three Letter Codes*

AFGHANISTAN	AFG
ALBANIA	ALB
ALGERIA	DZA
ANDORRA	AND
ANGOLA	AGO
ANTIGUA AND BARBUDA	ATG
ARGENTINA	ARG
ARMENIA	ARM
ARUBA	ABW
AUSTRALIA	AUS
AUSTRIA	AUT
AZERBAIJAN	AZE
BAHAMAS	BHS
BAHRAIN	BHR
BANGLADESH	BGD
BARBADOS	BRB
BELARUS	BLR
BELGIUM	BEL
BELIZE	BLZ
BENIN	BEN
BHUTAN	BTN
BOLIVIA	BOL
BOSNIA AND HERZEGOVINA	BIH
BOTSWANA	BWA
BRAZIL	BRA
BRUNEI DARUSSALAM	BRN
BULGARIA	BGR
BURKINA FASO	BFA
BURUNDI	BDI
CAMBODIA	KHM
CAMEROON	CMR
CANADA	CAN
CAPE VERDE	CPV
CENTRAL AFRICAN REPUBLIC	CAF
CHAD	TCD
CHILE	CHL

CHINA	CHN
COLOMBIA	COL
COMOROS	COM
CONGO	COG
CONGO, DEMOCRATIC REPUBLIC OF THE	COD
COSTA RICA	CRI
COTE D'IVOIRE	CIV
CROATIA (local name: Hrvatska)	HRV
CUBA	CUB
CYPRUS	CYP
CZECH REPUBLIC	CZE
CZECHOSLOVAKIA	CSK
DENMARK	DNK
DJIBOUTI	DJI
DOMINICA	DMA
DOMINICAN REPUBLIC	DOM
ECUADOR	ECU
EGYPT	EGY
EL SALVADOR	SLV
EQUATORIAL GUINEA	GNQ
ERITREA	ERI
ESTONIA	EST
ETHIOPIA	ETH
FIJI	FJI
FINLAND	FIN
FRANCE	FRA
GABON	GAB
GAMBIA	GMB
GEORGIA	GEO
GERMANY	DEU
GHANA	GHA
GREECE	GRC
GRENADA	GRD
GUATEMALA	GTM
GUINEA	GIN
GUINEA-BISSAU	GNB
GUYANA	GUY

HAITI	HTI
HONDURAS	HND
HONG KONG	HKG
HUNGARY	HUN
ICELAND	ISL
INDIA	IND
INDONESIA	IDN
IRAN, ISLAMIC REPUBLIC OF	IRN
IRAQ	IRQ
IRELAND	IRL
ISRAEL	ISR
ITALY	ITA
JAMAICA	JAM
JAPAN	JPN
JORDAN	JOR
KAZAKHSTAN	KAZ
KENYA	KEN
KIRIBATI	KIR
KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF	PRK
KOREA, REPUBLIC OF	KOR
KOSOVO	XXK
KOSOVO resident, issued travel document by UNMIK	UNK
KUWAIT	KWT
KYRGYZSTAN	KGZ
LAO PEOPLE'S DEMOCRATIC REPUBLIC	LAO
LATVIA	LVA
LEBANON	LBN
LESOTHO	LSO
LIBERIA	LBR
LIBYAN ARAB JAMAHIRIYA	LBY
LIECHTENSTEIN	LIE
LITHUANIA	LTU
LUXEMBOURG	LUX
MACAU	MAC
MACEDONIA, FORMER YUGOSLAV REPUBLIC OF	MKD
MADAGASCAR	MDG
MALAWI	MWI
MALAYSIA	MYS
MALDIVES	MDV
MALI	MLI
MALTA	MLT
MARSHALL ISLANDS	MHL
MAURITANIA	MRT
MAURITIUS	MUS
MEXICO	MEX
MICRONESIA, FEDERATED STATES OF	FSM

MOLDOVA, REPUBLIC OF	MDA
MONACO	MCO
MONGOLIA	MNG
MONTENEGRO	MNE
MOROCCO	MAR
MOZAMBIQUE	MOZ
MYANMAR	MMR
NAMIBIA	NAM
NAURU	NRU
NEPAL	NPL
NETHERLANDS	NLD
NEW ZEALAND	NZL
NICARAGUA	NIC
NIGER	NER
NIGERIA	NGA
NORTHERN MARIANA ISLANDS	MNP
NORWAY	NOR
OMAN	OMN
PAKISTAN	PAK
PALAU	PLW
PALESTINIAN NATIONALITY	XXP
PALESTINIAN NATIONALITY not recognised by all states (used in Germany)	XXY
PANAMA	PAN
PAPUA NEW GUINEA	PNG
PARAGUAY	PRY
PERU	PER
PHILIPPINES	PHL
POLAND	POL
PORTUGAL	PRT
QATAR	QAT
RED CROSS, INTERNATIONAL COMMITTEE OF THE	CRC
ROMANIA	ROU
RUSSIAN FEDERATION	RUS
RWANDA	RWA
SAINT KITTS AND NEVIS	KNA
SAINT LUCIA	LCA
SAINT VINCENT AND THE GRENADINES	VCT
SAMOA	WSM
SAN MARINO	SMR
SAO TOME AND PRINCIPE	STP
SAUDI ARABIA	SAU
SENEGAL	SEN
SERBIA	SRB
SERBIA AND MONTENEGRO (before independence of the former constituent republic Montenegro)	SCG

SEYCHELLES	SYC
SIERRA LEONE	SLE
SINGAPORE	SGP
SLOVAKIA (Slovak Republic)	SVK
SLOVENIA	SVN
SOLOMON ISLANDS	SLB
SOMALIA	SOM
SOUTH AFRICA	ZAF
SOVIET UNION	SUN
SPAIN	ESP
SRI LANKA	LKA
SUDAN	SDN
SURINAME	SUR
SWAZILAND	SWZ
SWEDEN	SWE
SWITZERLAND	CHE
SYRIAN ARAB REPUBLIC	SYR
TAIWAN, PROVINCE OF CHINA	TWN
TAJIKISTAN	TJK
TANZANIA, UNITED REPUBLIC OF	TZA
THAILAND	THA
TIBET	XXT
TIMOR-LESTE	TLS
TOGO	TGO
TONGA	TON
TRINIDAD AND TOBAGO	TTO
TUNISIA	TUN
TURKEY	TUR
TURKMENISTAN	TKM
TUVALU	TUV
UGANDA	UGA
UKRAINE	UKR
UNITED ARAB EMIRATES	ARE
UNITED KINGDOM	GBR
UNITED STATES	USA
UNHCR	UNR
URUGUAY	URY
UZBEKISTAN	UZB
VANUATU	VUT
VATICAN CITY STATE (HOLY SEE)	VAT
VENEZUELA	VEN
VIETNAM	VNM
WESTERN SAHARA	ESH
YEMEN	YEM
YUGOSLAVIA (before independence of the former constituent republics Bosnia Herzegovina, Croatia, Slovenia and the Former Yugoslav Republic of Macedonia)	YUG
ZAMBIA	ZMB
ZIMBABWE	ZWE

Stateless person (Art. I 1954 Convention)	XXA
Refugee (Art. I 1951 Convention)	XXB
Refugee (other than Art. I 1951 Convention)	XXC
Person of unspecified (unknown) nationality	XXX

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