Council of the European Union

Brussels, 24 June 2022
(OR. en)

10417/22

Interinstitutional File: 2022/0128(NLE)

PARLNAT 107

NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of **Cyprus** on fulfilling the conditions necessary for the application of the Schengen acquis in the field of the **common visa policy**

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of Cyprus on fulfilling the conditions necessary for the application of the Schengen acquis in the field of the common visa policy[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 10403/22

Council Implement Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Cyprus on fulfilling the conditions necessary for the application of the Schengen acquis in the field of the common visa policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen[1], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) A Schengen evaluation in the field of the common visa policy was carried out in respect of Cyprus between 28 November and 3 December 2021. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2022) 960.

[1] OJ L 295, 6.11.2013, p. 27.

(2) Recommendations should be made on remedial actions to be taken to address shortcomings identified during the evaluation. In the light of the importance of the application of the Visa Facilitation Agreements concluded by the EU as well as the correct application of, among other things, the provisions related to the visa requirement imposed on Russian nationals, the role of the honorary consuls in the procedure, the visa application form, the visa sticker, the Visa Information System and the national IT system, including capturing fingerprints, as well as to the staff situation and training of the staff, priority should be given to recommendations 1, 6, 7, 15, 18 to 24, 26, 28, 29, 36 and 37 in this Decision.

(3) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within three months of its adoption, Cyprus should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council.

RECOMMENDS:

that Cyprus should

General

1. ensure without delay that all Visa Facilitation Agreements concluded by the EU are applied by the Cypriot consulates (including the one concluded with the Russian Federation);

2. notify to the Commission the third countries whose nationals are subject to airport transit visa requirement in addition to the ones on the common list in Annex IV of of Regulation (EC) No 810/2009[1] (hereinafter: the Visa Code) and ensure that all categories of persons that are listed in Article 3(5) of the Visa Code are exempt from the requirement;

[1] *OJ L 243, 15.9.2009, p. 1–58.*

3. ensure that the Ministry of Foreign Affairs, the Cypriot consulates as well as external service providers provide in a coherent and well-structured manner all relevant information to the public in relation to the application for short-stay visas to Cyprus;

4. review the legal instruments (contracts) concluded with external service providers in order to align them with the provisions of the Visa Code and ensure regular monitoring of the work of external service providers and record the monitoring activities;

5. establish appropriate procedures and practices on the determination of the Cypriot position on recognition or non-recognition of travel documents set out in the lists of travel documents established by Decision No 1105/2011/EU[1];

6. ensure that all Cypriot consulates use the same visa application form which contains as many of the fields from the standard application form set out in Annex I of the Visa Code as possible and necessary in the context of processing national short-stay visas;

7. start collecting fingerprints of visa applicants; equip all consulates in this regard; train the staff and adapt the national IT system and internal workflow at consulates;

8. ensure that all Cypriot consulates require supporting documents from visa applicants[2] in accordance with the harmonised lists of supporting documents adopted by the Commission and the Visa Facilitation Agreements concluded by the EU;

9. ensure that the Cypriot sponsorship form complies with the requirements set out in the Visa Code;

10. systematically ensure at all consulates that visa applicants submit travel medical insurance as part of their application[3];

---

1 OJ L 287, 4.11.2011, p. 9.

2 Except to the family members of a Union citizen to whom Directive 2004/38/EC applies and to the family members of an EEA national exercising his/her free movement rights.

3 Except to the family members of a Union citizen to whom Directive 2004/38/EC applies and to the family members of an EEA national exercising his/her free movement rights.

11. ensure that the visa fees and the categories exempt from paying the fee comply with the respective provisions of the Visa Code and Directive 2004/38 EC;

12. ensure at all Cypriot consulates that the period of validity of a visa for a single entry includes a 15 day 'period of grace' and that multiple-entry visas are issued in accordance with the 'cascade mechanism' set out in the Visa Code or the respective Visa Facilitation Agreements concluded by the EU;

13. ensure that all Cypriot consulates issue the visas in a format that complies with the amended Council Regulation (EC) No 1683/95**1**;

14. establish an exhaustive list of entries to be added in the 'comments' section of the visa stickers and instruct the consulates to refrain from duplicating mandatory entries;

15. ensure that copies of refusal forms signed by the applicants are kept in the archive as part of the file and the reason(s) indicated on the refusal form correspond to the outcome of the examination of the application;

16. refrain from extending visas based on reasons going beyond the ones set out in the Visa Code and at the same time also refrain from excluding the possibility of the extension upfront by marking a visa as 'non renewable';

Visa Information System/ national IT system

17. speed up the development of its new visa processing IT system and closely follow the relevant developments at EU-level in this regard;

18. instruct the consulates to enter all required data from a visa application into the system;

19. ensure that there is an adequate back-up system at all consulates in case of technical force majeure;

---

1 OJ L 198 of 28.7.2017 p. 24.

20. instruct the consulates to limit the issuance of manually filled in visas to a minimum and ensure that such visas issued are strictly single-entry visas; ensure that information on manually issued visas is entered in the IT system;

21. instruct the consulates to immediately use the possibility offered by the IT system to create individual access rights on the basis of the status of the staff and their role in the visa process;

22. ensure that access to the workstations at all consulates is only possible via individual passwords and enforce that those passwords are regularly changed and are not made available to anyone;

Administrative management and organisation

23. reinforce the staff of the Schengen Department of the Ministry of Foreign Affairs without delay;

24. develop a permanent training structure and regular training programmes focusing on all relevant aspects of the EU visa policy and in particular those already applicable for Cyprus (e.g. rights of family members of Union citizens/EEA nationals);

25. consider establishing an exam on visa processing at least to expatriate staff before their deployment;

26. ensure that in performing their tasks the honorary consuls comply with the respective provisions of the Visa Code, especially the ones related to secure data transfer and storage; and in particular, ensure without delay that honorary consuls do not possess blank visa stickers and they are no longer authorised to affix them in the travel document;

27. consider extending the cooperation with external service providers as an alternative to involve honorary consuls in visa processing;

Cairo

28. ensure that the application forms are duly completed by the applicants and that the completion of the applications is checked when they are submitted;

29. ensure that the quality of the photo submitted by visa applicants and stored in the national database comply with relevant ICAO standards;

30. ensure that the authenticity of the travel documents and previous stays in Cyprus are verified systematically and that the unlawful use of previous visas is duly taken into consideration;

31. based on risk assessment, establish written rules on when an applicant should be called for an interview; ensure that a written record/summary is made of the interviews and of the examination of visa applications preferably in the IT system so it can be retrieved whenever necessary;

32. ensure that the application file always indicates who decided on the application and the validity of the visa;

33. reinforce the staff of the consulate to the extent possible by permanent staff instead of short-term, seasonal worker(s);

34. register the quantity and serial numbers of blank visa stickers as soon as they arrive from the Ministry to the consulate;

35. establish a clear and secure protocol for destroying old application files and ensure that a staff member of the consulate oversees the process;

Moscow

36. in order to ensure that the requirements for crossing the Cypriot border of Russian (and visa-required Ukrainian) nationals are to be tantamount to the visa requirement under EU law, ensure the proper verification of the entry conditions and risk assessment preceding the arrival of Russian (and visa-required Ukrainian) nationals;

37. remodel the 'pro-visa' application process: this may maintain the possibility of submitting the application form online, but conditions and procedures should be aligned to the EU-Russia Visa Facilitation Agreement and the Visa Code, and visas should be issued in the form of a uniform visa sticker preceding the applicant's journey;

38. ensure that incomplete, but admissible applications are accepted;

39. ensure that the sponsorship form is used only when the sponsor resides in Cyprus;

40. ensure the verification of entry conditions and risk assessment of applications submitted by all Russian applicants;

41. consider the redistribution of tasks between locally employed staff at the consulate;

42. ensure that information about accredited commercial intermediaries is provided to the public and the consulate regularly monitors them.

Done at Brussels,

For the Council
The President