Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **Greece** on 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 2022 evaluation of Greece on 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. 9984/23.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Greece on 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[2], and in particular Article 15(3) 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 Greece in September 2022. Following the evaluation, a report containing the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2023) 160.

[2] **OJ L 295, 6.11.2013, p. 27.**

(2) Recommendations should be made on remedial actions to be taken by Greece in order to address deficiencies identified as part of the evaluation. In light of the importance of the correct implementation of the provisions related, among other things, to the staff resources of the consulates, to staff training and to the creation of visa applications in the Visa Information System, priority should be given to implementing recommendations 1, 3, 4, 5, 8 and 18 in this Decision.

(3) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.

(4) Council Regulation (EU) 2022/922[3] applies as of 1 October 2022. In accordance with Article 31(3) of that Regulation, the follow-up and monitoring activities of evaluation reports and recommendations, starting with the submission of the action plans, should be carried out in accordance with Regulation (EU) 2022/922.

(5) Within two months of its adoption, Greece should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Greece should provide that action plan to the Commission and the Council.

RECOMMENDS:

that Greece should:

General

(1) review its human resources strategy as far as the short-term deployment of police officers is concerned and ensure that visa applications - especially in challenging locations (e.g. Beirut) - are primarily decided by expatriate staff (e.g. career diplomats/consuls) posted for longer periods (e.g. at least a year);

3 Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) N° 1053/2013, OJ L160 of 15.6.2022, p. 1.

(2) ensure that the deployment of police officers (‘field workers’) is limited to coping with exceptional circumstances, e.g. peak periods and unforeseen situations;

(3) step up the efforts to train staff, in particular field workers, on the EU visa *acquis;*

(4) ensure that staff, including police officers, get easy access to relevant legislation and instructions from the intranet of the Ministry of Foreign Affairs;

(5) ensure that the creation of visa applications in the Visa Information System only happens once the application has been deemed admissible by the Greek consulates;

(6) establish time limits for storing data in the national IT system (EL-VIS) and ensure (automated) deletion of old files from that system;

Beirut

(7) ensure that remote access to the external service provider’s appointment system is established for the consulate;

(8) ensure that the external service provider cannot log into the scanning and tracking system with the user account of the consulate when recording the transfer of the physical application files;

(9) improve the physical security of the consular section by:

(a) ensuring that only staff (with a key card/token) can enter the back office,

(b) securing the counter area (bulletproof divider up to the ceiling),

(c) moving the consul’s safe to the back office,

(d) ensuring that Greek nationals are not received in the back office area where visa processing takes place (these consular customers should be served by staff either in the consul’s office or in a separate section of the waiting area);

(10) refrain from requesting two photographs from applicants;

(11) refrain from systematically asking applicants to provide copies of other pages of the travel document than the biodata page; if the consulate considers it relevant to keep copies of other pages of the travel document, e.g. pages that include previously issued visas, such copies or scans may be taken while examining the application in the consulate or at the external service provider free of charge;

(12) ensure that all admissibility criteria are checked before the examination of the application starts;

(13) instruct the consulate to properly apply the 'cascade mechanism' set out in Article 24(2) of Regulation (EC) No 810/2009[4] (hereinafter: the Visa Code), as well as to base decisions on the validity of the visa and the numbers of entry more closely on the actual travel plans of applicants;

(14) ensure that all mandatory data is entered into the national IT-system (EL-VIS) and transferred to the EU Visa Information System, including the applicant's address at the destination, his/her occupation, the inviting person and the employer including its address;

(15) ensure that VIS Mail is used for the exchange of data on applicants and applications;

(16) reconsider the use of the return control procedure, which should not be regarded as a safeguard to mitigate migratory risk; if maintained, refrain from affixing a stamp into the travel document and find an alternative way to communicate the need to report back to the consulate (e.g. information sheet);

(17) without compromising the current client-friendly approach, ensure that the language of the visa refusal forms complies with the requirement set out in **Article 32(2) of the Visa Code;**

[4] OJ L 243, 15.9.2009, p. 1.

(18) change the composition of the staff in Beirut by deploying experienced expatriate staff posted for longer term (e.g. career diplomat/consuls) as decision-makers for Schengen visa applications; consider employing additional local staff to provide administrative support and continue to make use of the deployment of police officers if deemed necessary (e.g. in peak seasons).

Done at Brussels,

For the Council
The President