Council of the European Union

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**PARLNAT 126**

**NOTE**

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| 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 **Iceland** 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 Iceland 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. 9986/23.

Council Implementing Decision setting out a

**RECOMMENDATION**

**on addressing the deficiencies identified in the 2022 evaluation of Iceland 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 Iceland in November 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) 860.

2 OJ L 295, 6.11.2013, p. 27.

(2) Recommendations should be made on remedial actions to be taken by Iceland 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 examination of visa applications which requires local knowledge; to the refusal of applications provisions and to trainings and the knowledge of the visa acquis, priority should be given to implementing recommendations 4, 7, 11 and 12 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, Iceland 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. Iceland should provide that action plan to the Commission and the Council.

RECOMMENDS:

that Iceland should:

**General**

(1) ensure that only one application form is used, which is the latest version of the uniform application form set out in Annex 9 of Visa Code Handbook I;

**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 visa applicants can lodge their application within two weeks from the date when the appointment was requested, for instance by stepping up the efforts to reinforce the staff involved in Schengen visa processing in the Visa Department of the Ministry for Foreign Affairs of Iceland;

(3) exchange best practices with other Member States with a centralised or semi-centralised decision-making process to improve the quality of the examination of the applications;

(4) ensure that decision-makers of the Ministry for Foreign Affairs in Reykjavik have sufficient local knowledge to assess the socio-economic situation of applicants, their willingness to return and have an overall sound understanding on migratory risks and trends related to applicants in India;

(5) ensure that visa applications are, as a rule, processed within 15 calendar days and the processing time is only extended beyond 15 days when further scrutiny of the application is needed;

(6) simplify the decision-making structure and authorise the consulates and the Ministry for Foreign Affairs to refuse visas;

(7) ensure that if any of the refusal reasons when examining the application is identified, the visa is refused within the time-limit set out in Article 23 of the Visa Code;

(8) ensure that the staff in the Directorate of Immigration, Ministry for Foreign Affairs and the consulates applies correctly the provisions on annulment and revocation of visas as well as on invalidation of visa stickers;

(9) ensure that the amount of the visa fee charged is visible in the national IT-system;

(10) ensure that locally employed staff at consulates is prevented from accessing VIS Mail messages that could contain sensitive information, and that are not needed for performing their daily tasks;

(11) establish a training system and comprehensive curricula, possibly with the assistance of experts from other Member States, to ensure that all staff dealing with visa processing in Reykjavik and at the Icelandic consulates, undergo a thorough training and obtain a sound knowledge about the relevant EU law and national instructions;

(12) make the relevant EU and corresponding Icelandic legislation on processing Schengen visa applications available to the staff via intranet;

**New Delhi**

(13) in relation to the external service provider,

(a) ensure that it guarantees adequate privacy for applicants in the waiting area of the visa application centre in New Delhi, for instance by engaging with the external service provider to extend, especially in peak periods, the opening hours to receive visa applications;

(b) ensure that its staff receives detailed written instructions about the application procedure, including on applicable visa fees, possibly in form of a work instructions manual;

(c) instruct the external service provider to take measures against 'no shows', e.g. by pre-paying the service fee when booking the appointment;

(14) ensure that the authenticity of travel documents is verified systematically;

(15) ensure a more balanced division of labour between decision-makers in Reykjavik and the consulate in New Delhi by involving the local staff more in the process:

(a) by tasking them to conduct interviews (whenever decision-makers in Reykjavik consider that interviews are necessary), including video-interviews;

(b) by tasking them to carry out preliminary examination of supporting documents and by establishing regular contact with Immigration Liaison Officers posted in India;

(16) increase the security of the personnel by ensuring that the reception of visa applications at the consulate is taking place in a more secure environment through a counter; explore the possibility with the co-located Danish consulate under which conditions their counters could be used by the Icelandic consulate.

Done at Brussels,

*For the Council*
*The President*