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 **Malta** 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 Malta 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. 9996/23.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Malta 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 Malta 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)840.

(2) Recommendations should be made on remedial actions to be taken by Malta in order to address deficiencies identified as part of the evaluation. In light of the importance of the correct implementation of the provisions related to the lodging of visa applications, priority should be given to implementing recommendations 2 and 3 in this Decision.

2 OJ L 295, 6.11.2013, p. 27.

(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, Malta 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. Malta should provide that action plan to the Commission and the Council.

RECOMMENDS:

that Malta should:

General

(1) ensure the use of the latest version of the uniform application form set out in Annex 9 of Visa Code Handbook I;

(2) ensure that the application form used for long-stay visa applications is distinct from the Schengen visa application form, as a minimum by renaming its title, taking off the EU logo and by providing accurate disclaimer(s) to long-stay visa applicants;

(3) 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 and also by engaging with the external service provider(s) on how to reduce the waiting time for appointments;

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.

New Delhi

(4) 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 appropriate and consistent measures for the secure transfer of the application files from the external service provider to the consulate (e.g. locked suitcase);

(c) instruct it to systematically and accurately enter the data from the visa application form into the interface used by the external service provider for data entry into the Maltese national IT-system; explore the possibilities to impose sanctions on the external service provider should the external service provider continue to systematically send erroneously coded application data or breach the contract;

(5) ensure that there are no inadmissible files in the Visa Information System, for instance by pre-checking admissibility upstream during the initial quality check; ensure that the staff of the consulate is aware how to delete inadmissible files should that be necessary;

(6) refresh the knowledge of the locally employed staff as regards the harmonised list of supporting documents applicable in India (Commission Implementing Decision C(2020)3328) and align the checklists to the harmonised list;

(7) 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 should be taken while examining the application in the consulate or at the external service provider free of charge;

(8) remind decision-makers of the possibility to issue multiple-entry visa with longer period of validity to frequent *bona fide* travellers on the basis of Article 24(2c) of the Visa Code, as this would also alleviate some workload of the consulate;

(9) ensure that the authorised stay under short-stay visa does not go beyond the validity/coverage of the travel medical insurance;

(10) ensure that, similarly to what is being done for refusals, the motivation of annulment and revocation decisions is also properly recorded in the national IT-system;

(11) establish a transparent complaint handling process, ensure that all complaints are registered and provide relevant information to the public about the complaint procedure.

Done at Brussels,

For the Council
The President