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From:	General Secretariat of the Council
On:	20 October 2020
To:	Delegations
No. prev. doc.:	11290/20
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of **Slovakia** on the application of the Schengen acquis in the field of the **common visa policy**

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2019 evaluation of Slovakia on the application of the Schengen acquis in the field of the common visa policy, adopted by written procedure on 20 October 2020.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2019 evaluation of Slovakia on the application of the Schengen acquis in the field of the common visa policy field

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) The purpose of this Decision is to recommend to Slovakia remedial actions to address the deficiencies identified during the Schengen evaluation in the field of the common visa policy carried out in 2019. 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(2020) 4000.

(2) In light of the importance of correctly implementing the provisions linked, among other things, to the application form, the application data in the Visa Information System, the use of that System to consult previous application files, the verification of supporting documents and the determination of the validity period of the visas, priority should be given to implementing recommendations 5, 18, 19, 23, 24 and 29 in this Decision.

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

(3) This Decision should be communicated to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Slovakia 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 send that action plan to the Commission and the Council,

RECOMMENDS:

that Slovakia should

General

1. instruct its external service providers to provide the applicants with written information on any missing supporting documents as well as a deadline for submitting them;

2. in order to ensure the applicant's privacy as regards the decision on the application, abolish the practice of asking applicants to familiarise themselves with the decision in front of the staff of the external service provider by signing special receipts in case of a refusal;

3. ensure that any updates to the legal instrument with its external service providers are duly notified to the Commission without delay in compliance with the provisions of Article 43(13) of the Visa Code;

4. instruct its external service providers to respect the data retention rules of Annex X to the Visa Code, notably by deleting the data immediately after the file has been successfully transmitted to the consulate; Slovakia should regularly monitor its external service providers' practices in that regard;

5. ensure that all fields of the online application form are compliant with the application form set by Annex I of the Visa Code; implement quality control solutions in its IT system to avoid pushing incorrect data to the Visa Information System and ensure that all the data referred to in Article 9 of Regulation (EC) No 767/2008 (the VIS Regulation) are properly registered in the national system and in the Visa Information System;

6. ensure that the 15-day "period of grace" is systematically included in the period of validity of the single-entry visas;

7. ensure that the name and identification data of the person collecting the passport is recorded, when the latter is not the applicant himself;

8. ensure that expatriate and local staff of the consulates receive regular and adequate trainings related to Schengen visa processing, including the use of the IT system as well as specialised trainings, e.g. on detecting document fraud;

Embassy in Minsk

9. revise the website of the external service provider with regard to family members of EU citizens, language(s) in which the application form can be filled in and correct information concerning accommodation; ensure that the external service provider's checklists are in line with the harmonised list of supporting documents for Belarus and fix the broken link in the relevant sections of the website;

10. instruct the external service provider to respect the provisions of the legal instrument as regards the submission of missing supporting documents or amend the legal instrument to match the actual practice;

11. ensure a better monitoring of the external service provider, followed by detailed reports on findings and recommendations for improvement;

12. update and add missing information to the Russian version of the consulate's website; delete unnecessary and misleading information and correct the English version accordingly; ensure that the different language versions contain the same information and they do not contradict; amend the checklists in order to ensure compliance with the harmonised list of supporting documents;

13. reconsider the necessity of the walk-through metal detector, taking into account both the security risks and the need to improve accessibility of the consulate for applicants, especially for disabled persons; establish clear protocol for cases of emergency, including emergency exit signs and instructions;

14. inform applicants that they should indicate the actual arrival and departure dates of the first/next intended stay in the Schengen area in the respective fields of the application form; staff should refrain from encouraging applicants to make changes in their application and they should insert in the system what is indicated in the application form;

15. ensure that the admissibility criteria set out in Article 19 of the Visa Code are known to the staff and ensure consistency in this regard to visa applicants;

16. introduce additional manual verification steps in the workflow of linking applications in order to ensure that all linked applications are properly recorded and to avoid that automation erroneously links applications (i.e. cross check with the travel document or application form);

17. ensure that the staff record the information collected during the reception of the application in the IT System or in the paper file;

18. ensure a more thorough verification of supporting documents through online tools (e.g. for hotel bookings, company websites and/or registers if available) or via phone calls to the applicants or their employers;

19. ensure that a more consistent approach is taken to determining the validity of visas and when doing so the rules of the Visa Code for issuing multiple-entry visas are strictly adhered to and visas issued by other Member States are given the same 'value' as visas issued by Slovakia when determining the validity of visas;

20. ensure that expatriate and local staff of the consulate receive regular and adequate trainings on the functionalities of and workflows in the national IT, including the use of the VIS Mail, on the checks of previous applications in the Visa Information System and on how to unlink erroneously linked applications;

Consulate General in Istanbul

21. instruct the external service provider to enhance privacy at the counters by installing more appropriate partitions;

22. instruct the external service provider to assign some of the tasks to the back office, with a view to reducing the processing time which requires the presence of the applicants at the counters;

23. instruct the external service provider to abolish the practice of sending in advance application data by unsecured emails;

24. instruct the external service provider not to collect fingerprints from applicants if they have given fingerprints in the 59 months preceding the application (and if they declare in the application form or if it is visible from previous visas in their passport);

25. as regards information to the public by the external service provider,

- ensure that accurate information regarding biometric identifiers including all the exemptions from this requirement is provided;
- ensure that information about the electronic appointment system, the online application tool and a link to it is available and encourage the applicants to submit their applications online;
- instruct the external service provider to provide applicants with information regarding the procedure to be followed in the event of a negative decision and an appeal, as described in the Article 32(3) of the Visa Code on the website of the external service provider, as well as with information on which language the application can be filled in;
- instruct the external service provider to provide all the relevant information to the public as regard to the visa procedures at its premises, e.g. by information screens;
- instruct the external service provider to include information on the family members of EU citizens on its website;

26. ensure that the consulate's website provides accurate information regarding applications lodged by family members of EU citizens;

27. consider taking steps to ensure adequate access to the visa section for persons with mobility impairments;

28. ensure more space at the counter, making the working station more adequate to process visa applications, to have smooth interaction with applicants and secure work conditions by preventing the loss of connectivity of the devices;

29. ensure that the local staff checks the completeness of the application form more thorough and that the consul regularly supervises this process;

30. consult the Slovakian Data Protection Authority on the compatibility of the local black list with the General Data Protection Regulation, and follow its recommendations;

31. ensure that the visa sticker is affixed to the travel document in accordance with the EU law;

32. as regards filling in the refusal form, ensure that in cases of refusal on the ground of an alert in the Schengen Information System, the name of the Member State that issued the alert is systematically indicated on the form and that the detailed explanation of the refusal is included under the "Remarks" section of the form in order to avoid creating the impression that there is an additional refusal reason at the end of the list;

33. ensure that a staff member of the consulate is participating in the process of the destruction of old application files; request the factory to destroy the documents in a way that the pieces that are left (if any) remain no longer readable.

Done at Brussels,

For the Council
The President