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COMIX 504

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	18 September 2018
To:	Delegations
No. prev. doc.:	11459/18
Subject:	Council implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of **Norway** on the application of the Schengen acquis in the field of the **common visa policy**

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen *acquis* in the field of the common visa policy, adopted by the Council at its meeting held on 18 September 2018.

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.

ANNEX

Council Implementing Decision setting out

RECOMMENDATIONS

on addressing the deficiencies identified in the 2017 evaluation of Norway 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[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 Norway remedial actions to address deficiencies identified during the Schengen evaluation in the field of the common visa policy carried out in2017. Following the evaluation, a report covering the findings and assessments, and listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2018) 1170.

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

(2) In light of the importance of compliance with the Schengen *acquis*, in particular the provisions linked to the decision-making process, the Visa Information System (VIS) and information for applicants, priority should be given to implementing recommendations 2, 4, 5, 6, 8, 10, 12, 15, 21, 26, 27, 38, 39 and 41 in this Decision.

(3) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Norway should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, submit to the Commission and the Council an action plan covering all the recommendations in this Decision,

RECOMMENDS :

that Norway should

General

1. Ensure that external service providers' activity of scanning the transmission in and out of documents is coordinated with consulates' handling of passports, so as to avoid keeping applicants' personal data for an undue period of time.

2. Review the process for recruiting local staff to ensure that appropriate security checks are performed and appropriate training is provided.

3. When recruiting local staff with Nordic/EEA nationality for the task of deciding on visa applications, enforce minimum standards as regards competences and independence, and ensure that central authorities conduct security checks and qualification tests, and provide the selected staff with training.

4. Review archiving procedures to ensure that all relevant documents are scanned and stored.

5. Ensure that the online application portal offers the option of visa-fee waiver for family members of EU/EEA/Swiss citizens covered by Directive 2004/38/EC.

6. Ensure that the application portal does not require more information than the standard application form.

7. Ensure that applicants' relatives' personal data are processed in full compliance with data protection legislation.

8. Ensure that external service providers and consular staff are aware of applicants' right not to give fingerprints if they were submitted in the previous 59 months, and instruct them to inform applicants of that right properly, so that applicants do not have to appear in person for every application.

9. Review the current instruction to consulates to report all cases of incorrect documentation and document fraud to the central authorities for a decision on possible 'expulsion' ('refusal of entry' alert in the Schengen information system (SIS) and consider restricting this practice to particularly serious cases in line with the principles of the SIS II Regulation.

10. Establish secure procedures in the consulates for handling visa stickers.

11. Establish a clear and secure protocol for destroying incorrect/misprinted stickers not affixed in passports.

12. Ensure that, where the applicant wishes the visa validity to be changed, consulates revoke the issued visa in accordance with the rules on revocation and issue a new visa.

IT systems

13. Consider making consultation of VIS files relating to an applicant an automatic and compulsory step in visa processing, so as to ensure that visa officers systematically consult the history of past applications.

14. In cases where fingerprints are not taken, ensure that NORVIS correctly encodes the reason and communicates it to the VIS.

15. Establish a mandatory feature in the IT system ensuring that a search against the SIS is launched automatically when data from the application form are changed in the system.

16. Consider automating the process of sending the decision information and the information on the sticker to the VIS and separating the two, so that Member States can distinguish the steps of the procedure and differentiate between visas that have been granted and those that have been issued.

17. Ensure that there is in place a business continuity/disaster recovery plan for the IT systems used by the consulates.

18. Implement the necessary measures to ensure that applications from members of the same family or travel group are linked in the VIS.

19. Ensure that the option of unlinking applications in the VIS is deactivated, in order to ensure compliance with the VIS Regulation.

Consulate/visa section in Manila

20. Improve the information provided to the public by including full and correct references to the concept of 'competent Member State'.

21. Consider allocating more realistic time slots for appointments with the external service provider and adjust the length of a time slot if necessary in order to reduce applicants' waiting times.

22. Improve the availability of information on the possibility of immediate appointments for family members of EU/EEA/Swiss citizens covered by Directive 2004/38/EC.

23. Ensure that knowledge of risk groups, risk areas, fraudulent practices and intermediaries is documented appropriately, so that new or replacement staff can quickly familiarise themselves with the main challenges for issuing visas in the host country.

24. Ensure that all expatriate staff make full use of the local staff's knowledge of the country's socio-economic circumstances, institutions and other local conditions.

25. Establish a clear list of issues to be checked by local staff before applications are handed over to decision-making staff.

26. Ensure that all the applicant's personal circumstances — including his/her intention to return — are fully taken into account and constitute the main basis for the decision, and not only the situation of the sponsor in Norway or the represented Member State.

27. Ensure more thorough background checks on the authenticity and reliability of supporting documents and the applicant's socio-economic situation. Conduct more interviews with applicants in suspicious cases.

28. Consider upgrading the security measures at the entrance to the external service provider's premises by instructing the security officer there to use the hand-held metal detector available.

29. Improve the security measures on consulate premises, in particular in the interview room.

30. Establish an appointment system at the consulate or make it possible in certain cases to apply at the consulate without prior appointment.

31. Ensure that applicants have to submit a signed and dated application form as part of the application and that the consulate uses this form when examining applications.

32. Stop requiring applicants to fill out additional questionnaires or sign declarations other than those provided by law.

33. Ensure that applications cannot be lodged more than three months before the start of the intended visit.

34. End the practice of issuing visas to Filipino seafarers covered by Norway's bilateral visa waiver agreement with the Philippines.

35. Ensure that the validity period of visas issued to seafarers travelling to represented Member States takes account of their individual circumstances and need to travel in the future.

36. Establish a clear and secure protocol for destroying incorrect/misprinted stickers not affixed in passports.

37. Ensure that the essential fields in the application are blocked for editing once the visa officer has decided to issue a visa. Any errors detected at this point should be signalled to the decision maker. If information such as the name is corrected, consultations against the SIS and the consultation pursuant to Article 22 of the Visa Code should be re-started.

38. Review the procedure for choosing which documents to scan and keep.

39. Provide the external service provider with written instructions.

40. Establish a clear protocol for the destruction of archived applications.

IT systems

41. Ensure that all steps taken in the examination and the reasons leading to the decision are properly documented in the IT system to allow for later reconstruction of the file, especially in view of the fact that no paper archive is kept.

42. Establish the necessary security features in the IT system to prevent the user from entering symbols in name fields. Information on the host organisation/person and employer should systematically be entered in the system and communicated to the VIS with the rest of the application data.

43. The system should prevent the user from entering an intended date of departure more than 90 days after the intended date of arrival, even allowing for a period of grace. Also, during internal processing of the application, it should not allow the user to change the applicant's travel intentions as expressed in the application.

44. Improve the quality check of the fingerprint sets sent to the VIS.

45. Ensure that errors cannot be made in the information recorded on the visa sticker and sent to the VIS (e.g. symbols in name fields).

46. Ensure that full and correct information on annulment and revocation (status, authority that took the decision, place and date of the decision) is encoded in NORVIS and sent to the VIS.

47. Make full use of the VIS Mail functionality, e.g. for messages regarding consular cooperation and requests for documents, in particular when exchanging information on individual applicants with other Member States' consulates.

48. Improve local staff's compliance with the procedures for handling visa stickers, as set out in Norway's reply to the Schengen evaluation questionnaire.

49. Ensure that all users at the consulate are aware of the existence of both paper and electronic versions of the handbook on the use of the IT systems, including a help guide, and are able to refer to them as necessary.

Consulate/visa section in Guangzhou

50. Ensure that the public information on the website includes full and correct references to the concept of 'competent Member State'.

51. Ensure that the consulate checks all applications against the list provided by the external service provider when it delivers them.

52. Ensure that the external service provider provides complete information on visa fees, including any applicable exemptions.

53. Revise the external service provider's current practice of keeping copies of applicants' passports for 30 days.

54. Consider issuing more long validity visas to applicants with a solid travel history and proven bona fide status.

55. Ensure the safe storage of paper archive files so that unauthorised persons cannot access them.

56. Establish a procedure for the safe and traceable destruction of paper archive files, including clear instructions on handling them outside consulate premises, in order to ensure that they cannot be accessed by unauthorised persons and are actually destroyed.

57. Ensure that all applicants have to submit a signed and dated application form.

58. Abolish the requirement for the applicants to fill out additional forms.

59. Ensure that tourism surveys conducted by the consulate are clearly separate from the visa procedure.

Done at Brussels,

For the Council
The President