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NOTE

From:	European Commission
To:	Working Party for Schengen Matters / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)
No. prev. doc.:	12278/23
Subject:	Schengen evaluation of Greece - Review of the adequacy of the action plan of Greece to remedy the deficiencies identified in the 2022 evaluation on the application of the Schengen <i>acquis</i> in the field of the common visa policy

Delegations will find annexed the review of the adequacy of the action plan of Greece to remedy the deficiencies identified in the 2022 evaluation on the application of the Schengen *acquis* in the field of the common visa policy, provided by the Commission in accordance with Article 21(2) of Council Regulation (EU) 2022/922.

The review of the action plan was provided to Greece by Commission letter of 11 August 2023 (Ref. Ares(2023)5561602), as set out in the annex.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,
HOME/B2/

*Ambassador Ioannis Vrailas
Permanent Representative of Greece to the EU*

Subject: Review of the adequacy of the action plan of Greece to remedy the deficiencies identified in the 2022 evaluation on the application of the Schengen *acquis* in the field of the common visa policy

Your Excellency,

I thank you for the action plan of Greece to remedy the deficiencies identified in the 2022 evaluation on the application of the Schengen *acquis* in the field of the common visa policy, which was submitted to the Commission and the Council on 18 July 2023. Please find attached, pursuant to Article 21(2) of Council Regulation (EU) 2022/922, the review of the adequacy of the action plan.

In accordance with Article 21(3) of Council Regulation (EU) 2022/922, Greece is to report to the Commission and the Council every 6 month from the date of notice of the receipt of this review until the Commission considers the action plan fully implemented.

The Commission services are at the disposal of Greece to facilitate the implementation of the action plan.

In accordance with Article 21(2), second subparagraph, of Council Regulation (EU) 2022/922, the Commission will present the review of the action plan to the Council.

Yours faithfully,

Monique Pariat

Contact: Daniel.CSORGGO@ec.europa.eu

Cc: tgaitani@mfa.gr; schengen.evaluation@consilium.europa.eu

Annex: *Review of the adequacy of the action plan of Greece to remedy the deficiencies identified in the 2022 evaluation on the application of the Schengen *acquis* in the field of the common visa policy*

Review of the adequacy of the action plan of Greece to remedy the deficiencies identified in the 2022 evaluation carried out to verify the application of the Schengen *acquis* in the field of the common visa policy

(Article 21(2) of Council Regulation (EU) 2022/922)

1. INTRODUCTION

Council Regulation (EU) No 1053/2013¹ established an evaluation and monitoring mechanism to verify Member States' application of the Schengen *acquis*.

In accordance with the multi-annual² and annual³ evaluation programmes of the Schengen Evaluation and Monitoring Mechanism⁴, representatives of the European Commission and experts from Member States carried out an evaluation of Greece on the application of the Schengen *acquis* in the field of the common visa policy in September 2022.

A report listing the findings and assessments identified during the evaluation was adopted by Commission Implementing Decision C(2023) 160. Following this evaluation report and a proposal from the Commission, the Council adopted on 30 May 2023 an Implementing Decision⁵ setting out a Recommendation on addressing the deficiencies identified in the evaluation report.

Pursuant to the newly applicable rules⁶ (Article 21(2) of Council Regulation (EU) 2022/922), Greece submitted to the Commission and the Council an action plan on 18 July 2023 to remedy the deficiencies.

After consulting the members of the team which has carried out the evaluation in September 2022, a review of the adequacy of the action plan is provided.

¹ OJ L 295, 6.11.2013, p. 27.

² Commission implementing Decision C(2019) 3692 of 17.5.2019 amended by Commission implementing Decision C(2019) 7278 of 15.10.2019 establishing the multi-annual evaluation programme 2020-2024 in accordance with Article 5 of Council Regulation (EU) No 1053/2013 of 7 October 2013

³ Commission implementing Decision C(2021) 7727 of 4.11.2021 establishing the first section of the annual evaluation programme for 2022 in accordance with Article 6 of the Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*.

⁴ Council Regulation (EU) No 1053/2013, OJ L 295, 6.11.2013, p. 27.

⁵ 9984/23

⁶ Council Regulation (EU) No 1053/2013 was replaced by Council Regulation (EU) 2022/922 which entered into application on 1 October 2022. According to the transitional provisions set out in Article 31 of the new Regulation, for evaluations carried out before 1 February 2023 (like the evaluation of Greece), the follow-up and monitoring activities, starting with the submission of the action plans, shall be carried out in accordance with the new Regulation.

2. GENERAL REMARKS AND ADEQUACY

The action plan is considered adequate. It provides sufficient information on the actions that Greece has taken or will take to remedy the deficiencies observed. Greece has already implemented several actions⁷ and it is on track to remedying the deficiencies identified during the evaluation.

However, additional information and documentation is needed on several actions listed under point 3 of this document to illustrate/confirm the implementation of particular actions.

In accordance with Article 21(3) of Council Regulation (EU) 2022/922, Greece is to report to the Commission and the Council every 6 month from the date of notice of the receipt of this review until the Commission considers the action plan fully implemented. The subsequent steps should take place through KOEL, the newly established IT platform supporting the monitoring process.¹

In accordance with Article 21(2), second subparagraph, of Council Regulation (EU) 2022/922, the Commission will present the review of the action plan to the Council.

3. DETAILED REVIEW

Following a review of the action plan by Commission services, Greece is invited to take note of the specific comments and requests on the following items and respond to them in the first follow-up report to be submitted through the KOEL platform.

- Recommendations 1 and 2 concern the review of the Foreign Ministry's human resources strategy as far as the short-term deployment of police officers is concerned. While the involvement of police officers in Schengen visa processing in peak seasons and unforeseen circumstances was welcomed by the team, the team took the view that - especially in challenging locations (e.g. Beirut) – *applications should primarily be decided by expatriate staff (e.g. career diplomats/consuls) posted for longer periods (e.g. at least a year)*. It is welcome that Greece envisages the increase of career diplomats/consuls that could be involved in Schengen visa processing. Greece should provide more information in this regard (e.g. the ratio of career diplomats/consuls vs police officers in Beirut (related to recommendation 18 as well) and other important locations; making comparison for instance between September 2022 and autumn 2023).
- Recommendation 4 requires Greece to ensure that staff, including police officers, get easy access to relevant legislation and instructions from the intranet of the Ministry of Foreign Affairs. While circulating relevant instructions by email is useful, Greece is invited to explain as to what extent a comprehensive set of relevant EU law and internal instructions related to Schengen visa processing are accessible from the Ministry's intranet, including for police officers (field workers). Leaving for the consulates to provide comprehensive and up-to-date compilations is not a desirable way to proceed. Rather than that all relevant information should be accessible through the Ministry's intranet to all staff members involved in Schengen visa processing.

⁷ Related to recommendations 3 (continuous), 7, 10, 11, 12, 13, 14, 15 and 18.

- Recommendation 5 is to 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. Greece is invited to explain the new workflow in detail (what changed compared to the workflow described in point 3.5.1. of the report) and/or to send the instruction referred to in the action to the Commission. Greece is also invited to reflect whether the implementation of this recommendation requires also adjustment in the IT system (i.e. the application data should not be entered the VIS directly from the ESP via EL-VIS, but instead the admissibility should be checked in an intermediate step).
- Recommendation 6 calls on to establish time limits for storing data in the national IT system (EL-VIS) and ensure (automated) deletion of old files from that system. Greece is invited to provide more information related to action 6.1. While action 6.2 is noted, it is not regarded as a response to the recommendation concerned.
- Recommendation 8 concerns the proper recording of the transfer of the physical application files between the ESP and the consulate. To deem the recommendation completed, Greece is invited to confirm that the staff of the external service provider no longer logs into the scanning and tracking system with the user account of the consulate, but with their own user account.
- Recommendation 9 invites Greece to improve the physical security of the consular section in Beirut. Contrary to the indication in the action plan, the envisaged actions are not completed yet. Greece is invited to provide a description (possible supported by photos) once the envisaged actions are indeed implemented.
