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#### NOTE

From:	European Commission
To:	Working Party for Schengen Matters / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)
No. prev. doc.:	12465/23
Subject:	Schengen evaluation of Italy - Review of the adequacy of the action plan of <b>Italy</b> to remedy the deficiencies identified in the 2022 evaluation on the application of the Schengen acquis in the field of the <b>common visa policy</b>

Delegations will find annexed the review of the adequacy of the action plan of Italy 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 Italy by Commission letter of 24 August 2023 (Ref. Ares(2023)5778252), as set out in the annex.



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,  
HOME/B2/

*Ambassador Vincenzo Celeste*

*Permanent Representative of Italy to the EU*

**Subject: Review of the adequacy of the action plan of Italy 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,

We thank you for the action plan of Italy 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 21 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.

Allow me to note the importance to put forward decisive action without any further delay in relation to recommendation 1 to refrain from issuing short-stay visas for applicants who intend to stay longer than 90 consecutive days in Italy. The systematic non-compliance with some of the fundamental provisions of the visa *acquis* (i.e. the definition of short-stay visa and the scope of the Visa Code) is regarded as a persistent deficiency and it was already identified during the 2016 Schengen evaluation.

In accordance with Article 21(3) of Council Regulation (EU) 2022/922, Italy 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 Italy 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

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Annex: *Review of the adequacy of the action plan of Italy 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 Italy 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 1053/2013<sup>1</sup> established an evaluation and monitoring mechanism to verify Member States' application of the Schengen *acquis*.

In accordance with the multi-annual<sup>2</sup> and annual<sup>3</sup> evaluation programmes of the Schengen Evaluation and Monitoring Mechanism<sup>4</sup>, representatives of the European Commission and experts from Member States carried out an evaluation of Italy on the application of the Schengen *acquis* in the field of the common visa policy in October 2022.

A report listing the findings and assessments identified during the evaluation was adopted by Commission Implementing Decision C(2023) 270. Following this evaluation report and a proposal from the Commission, the Council adopted on 30 May 2023 an Implementing Decision<sup>5</sup> setting out a Recommendation on addressing the deficiencies identified in the evaluation report. Pursuant to the

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

<sup>2</sup> 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

<sup>3</sup> 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*.

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

<sup>5</sup> 9992/23

newly applicable rules <sup>6</sup> (Article 21(2) of Council Regulation (EU) 2022/922), Italy submitted to the Commission and the Council an action plan on 11 July 2023 to remedy the deficiencies.

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

## 2. General remarks and adequacy

Overall, the action plan is **considered adequate**, although in some places it provides rather simplistic information on the actions that Italy will take to remedy the deficiencies. It is welcome that Italy has already implemented several actions by the time of the submission of its action plan<sup>7</sup>.

In accordance with Article 21(3) of Council Regulation (EU) 2022/922, Italy 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.

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, Italy 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.

- Recommendation 1 recalls Italy to refrain from issuing short-stay visas for applicants who intend to stay longer than 90 consecutive days in Italy and amend the national law to ensure clarity and legal security in this regard. While it is acknowledged that amending the legislation is a time-consuming procedure, as a temporary measure Italy should remedy the problem with administrative instructions. Given that long-stay visa exists in the national law, Italy should

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<sup>6</sup> 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 Italy), the follow-up and monitoring activities, starting with the submission of the action plans, shall be carried out in accordance with the new Regulation.

<sup>7</sup> Related to recommendations 3, 8 (partly), 9, 10, 11, 12, 13, 15 and 16.

instruct its consulates to process long-stay visa applications in case of family reunification until the national law is amended. The systematic non-compliance with some of the fundamental provisions of the visa acquis (i.e. the definition of short-stay visa and the scope of the Visa Code) is regarded as a persistent deficiency and it was already identified during the 2016 Schengen evaluation. Ever since, Italy has been reporting about “reflections”. Italy is thus invited to review this action and put forward decisive measures without any further delay. Failure to do so, the Commission is to take all the necessary steps to ensure the proper implementation of EU law.

- Recommendation 4 requires Italy to ensure that visa applicants can lodge their application within two weeks from the date when the appointment was requested. It is related to a horizontal finding in the report (point 3.4.3.) as problems also occurred in consulates other than Dakar. It is questionable whether surprise visits to external service providers would bring about any positive development to improve the situation regarding the waiting time to submit visa applications. Italy should regularly provide in its follow-up reports data regarding the waiting time for appointments not only in Dakar, but also in Dubai, Cairo, New Delhi, Tehran, London and Beijing as well as report regarding the staff situation at its busiest consulates as far as Schengen visa processing is concerned. As far as Dakar is concerned, when the ESP’s appointment booking system was tested in view to providing this review, no slots were available to any visa categories.
- Recommendation 5 concerns to ensure that visa applications are processed, as a rule within 15 calendar days. The actions indicated in the action plan are welcome. It remains important to monitor the progress. Italy is thus invited to report as to what extent the processing time is complied with in Senegal, Ivory Coast, Libya, Morocco, Egypt and Iran (locations where considerably delays were indicated by eu-LISA statistics).
- Recommendation 6 is to ensure that application files are entered in the Visa Information System without delay when the application is considered admissible. The explanation put in the action plan seems just to confirm the related finding (point 3.6.1. in the report) that the applications are indeed created in the C-VIS with delay. Italy is thus invited to put forward a decisive action to address the recommendation.
- Recommendation 7 concerns information to the public. It must be recalled that not only the website of the consulate and the ESP was deficient, but also the Ministry’s central visa page (cf. point 3.2. of the report). Italy is invited to complement the action and to closely monitor whether the consulates indeed update the website.
- Recommendation 8 provides a series of sub-recommendations as regards the practices of the external service provider in Dakar. While several sub-recommendations have reported to be implemented, it is of utmost importance to closely monitor the practices of the new external service provider. For instance, recommendation 8c is to ensure that the external service provider systematically checks the completeness of the files on the basis of an updated checklist which complies with the harmonised list set out in Commission Implementing Decision C(2019)3271, informs applicants if certain documents are missing, and sends incomplete files to the consulate only in cases where the applicant insists on their submission. When checking the website of the

ESP, the checklists were only found in Italian which is neither spoken by visa applicants, nor by the staff members of the external service provider.

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