



Council of the
European Union

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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of Austria on the application of the Schengen <i>acquis</i> 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 Austria on the application of the Schengen *acquis* in the field of the common visa policy¹.

¹ Available in all official languages of the European Union on the Council public register, doc. [7931/23](#).

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Austria 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 Schengen², 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 Austria on 29-30 June 2022. 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(2023) 190.
- (2) Recommendations should be made on remedial actions to be taken to address shortcomings identified during the evaluation. In the light of the importance of the correct implementation of the provisions related, among other things, to the lodging of visa applications within two weeks from the date when the appointment was requested; to prevent locally employed staff to access sensitive information; to the compliance with the provisions related to the processing time of applications as well as with series of provisions related to the Visa Information System, priority should be given to implementing recommendations 1, 3, 4, 7-10, 18 and 20-22 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) 2022/922³ 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, Austria 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. Austria should provide that action plan to the Commission and the Council.

RECOMMENDS:

that Austria should

General

1. 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 best reduce the waiting time for appointments where the delays are (primarily) due to the staff shortage at external service providers;
2. consider abolishing the consultation with the Federal Ministry of the Interior as regards the determination of the length of validity of the visas to be issued;
3. ensure that the processing time of visa applications never goes beyond 45 calendar days and it is only extended beyond 15 calendar days in individual cases, notably when further scrutiny of the application is needed;
4. abolish, in any form, the consultation with visa applicants before the ‘formal’ refusal of their applications as this is creating undue delay and not compliant with the Visa Code;

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.

5. ensure that the national IT-system displays in a user-friendly manner, all the data recorded in the Visa Information System, including the validity period of previously issued visas;
6. ensure that all data required by Regulation (EC) No 767/2008⁴ is correctly entered in the national IT system and subsequently in the central Visa Information System, including the applicant's home address and the employer's address and the exemptions from the fingerprinting;
7. ensure the possibility to be able to enter more than one purpose of the journey and destination countries in the national IT system;
8. ensure that refusal decisions are entered in the Visa Information System without undue delay;
9. ensure that the 'country of issuance' is correctly encoded in the Visa Information System;
10. ensure that withdrawn applications are not deleted from the Visa Information System;

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11. ensure that all relevant information is provided to the public by the external service provider, in accordance with Article 47 of Regulation (EC) No 810/2009 (the Visa Code)⁵ including information in the rights of family members of mobile EU citizens;
12. ensure that the consulate and the external service provider allow third-country nationals legally present but not residing in its jurisdiction to lodge their applications therein, if the applicant is able to provide sufficient justification;
13. ensure that the relevant documents (including any 'side letter' complementing the contract) signed with the external service provider as regards its services in Saudi Arabia reflects the applicable provisions of the Visa Code, and in particular its Annex X;
14. ensure adequate privacy for applicants in the waiting area of the Visa Application Center, for instance by engaging with the external service provider to extend, especially in peak periods, the opening hours to receive visa applications;
15. ensure that fingerprints are not collected again, if they have been collected as part of an earlier application lodged less than 59 months before the new application;

4 OJ L 218, 13.8.2008

5 OJ L 243, 15.9.2009

16. refrain from requesting two photographs from applicants;
17. refrain from requesting additional documents from the applicants which do not form part of the harmonised list of supporting documents to be presented by visa applicants in Saudi Arabia;
18. ensure that the staff of the external service provider and/or the consulate checks the completeness of the application form thoroughly;
19. better equip the consulate and train the staff to ensure the verification of the authenticity of travel documents;
20. ensure that locally employed staff is prevented from accessing VIS Mail messages that could contain sensitive information, and that are not needed for performing their daily tasks;
21. ensure that all data required by Regulation (EC) No 767/2008⁶ is correctly entered in the national IT system and subsequently in the central Visa Information System, including the applicant's home address and the employer's address and the exemptions from the fingerprinting requirement;
22. ensure that the date entered in the field for 'intended date of departure' in the IT system corresponds to the information provided by the applicant in the application form.

Done at Brussels,

*For the Council
The President*

⁶ OJ L 218, 13.8.2008.