



Council of the
European Union

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**SCH-EVAL 63
VISA 65
COMIX 271**

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	11 June 2020
To:	Delegations
No. prev. doc.:	8006/20
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Slovenia 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 Slovenia on the application of the Schengen acquis in the field of the common visa policy, adopted by written procedure on 11 June 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 Slovenia 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 Schengen¹, 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 Slovenia 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, and listing best practices and deficiencies identified during the evaluation, was adopted by Commission Implementing Decision C(2020) 25.
- (2) In light of the importance of correctly implementing the provisions linked to the cooperation with external service providers, data protection, the decision-making process and the annulment and revocation of issued visas, priority should be given to implementing recommendations 4, 12, 21, 22, 33, 34, 39 to 41, 43 and 44 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, Slovenia 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 Slovenia should:

General

1. eliminate the contradictions between the data retention periods specified in the legal instruments with the external service provider, ensuring that they comply with the period specified in point A.(d) of Annex X to the Visa Code;
2. correct its notification of the reference amount for assessing applicants' means of subsistence;
3. ensure that applicants who have been refused a visa are fully informed about their right to appeal in compliance with Article 47 of the Charter of Fundamental Rights of the European Union (right to an effective remedy);
4. fully apply the provisions of the Visa Code on issuing multiple-entry visas with long validity for applicants travelling regularly who have proven their integrity and reliability;
5. modify its application and refusal/annulment/revocation forms so that they bear the correct EU logo;
6. revise the sponsorship form so that it contains only the options established by Article 14(4)(a) of the Visa Code;

7. waive the strict requirement for a formal sponsorship whenever the applicant presents credible proof of sufficient own means of subsistence and an invitation letter from the host that substantiates in a credible and verifiable manner the purpose of travel, in line with the provisions of the Visa Code and the harmonised lists of supporting documents;
8. ensure that a 15-day 'period of grace' is systematically added to the validity period of visas that are valid for less than six months;

VIS/IT system

9. consider making available to local staff an extended functionality to copy information from previous applications by the same applicant;
10. reconsider the need for displaying the list of Member States requiring *ex post* information to local staff;
11. ensure that the 59-month rule can be invoked as a valid reason for not taking fingerprints again even if the visa sticker number or the VIS application number is not known;
12. ensure that all relevant information that is stored in the VIS about previous applications is displayed to the decision-maker, such as the place of lodging the application, including in case of visa refusals;
13. modify its IT system so that a warning message is displayed if the passport validity extends for less than three months beyond the end date of the visa's validity period; consider an appropriate mechanism for recording a waiver of this requirement in the IT system in a justified case of emergency;
14. modify its system so that the visa fee is no longer printed on the visa sticker, unless Slovenia decides to include this information in the national 'comments' section of the visa sticker and notifies the Commission thereof in accordance with Article 53(f) of the Visa Code;

15. ensure that the code “R/” is used when a visa is issued in representation of another Member State, and that the minus sign is enclosed within the brackets when a visa is issued with limited territorial validity;

Embassy in Ankara

16. update the embassy’s website to ensure that the information to the public is complete;
17. instruct the external service provider to:
 - correct and update the content of its webpage to make the information more user-friendly;
 - affix visible notices about the video surveillance;
 - accurately display its opening hours at the entrance door;
 - draft all remarks in English or another language understood by all relevant staff at the embassy;
18. clarify the conditions applicable to the external service provider’s subcontractor that is responsible for transporting applications from the satellite visa application centres to Ankara, and modify its legal instrument so that all relevant provisions also apply to this subcontractor;
19. consider instructing the external service provider to provide a daily consolidated list of all applications from all visa application centres;
20. consider automating the compilation of the list of passports returned to the external service provider;
21. ensure that the tasks of the external service provider do not go beyond those explicitly provided for in the Visa Code;

22. ensure that the external service provider deletes all biometric data after their transmission to the consulate and refrains from keeping such sensitive personal data on its systems for any longer than strictly necessary;
23. consider means of adapting the access to the embassy for persons with special needs and ensuring that waiting applicants are not exposed to the elements;
24. ensure that valid travel documents containing two blank pages are accepted, independently of where the blank pages are located;
25. ensure that the rules on visa fees are correctly applied, including fee waivers and Visa Facilitation Agreements that provide for reduced visa fees;
26. reconsider the requirement for an original signature and stamp on the travel medical insurance certificate;
27. ensure that staff make clear distinctions between the annulment or revocation of a visa, the invalidation of a visa sticker, and the closure of an application before a decision has been taken;
28. consider providing Slovenian language training and/or language documentation to assist its local staff to use the national IT system;
29. ensure that its staff is informed about and trained to handle changes to the applicable legal texts in a timely manner;

Embassy in Pristina

30. update the embassy's website to ensure that the information to the public is complete;

31. instruct the external service provider to:
 - correct and complete the content of its webpage;
 - extend its ticketing/queuing system to the biometric booths to limit overcrowding and inconvenience to applicants;
 - improve the ventilation in the biometric booth;
 - review the technical configuration of its workstation at the embassy in order to improve the efficiency of the process;
32. consider instructing the external service provider to install a barcode scanner and scan each application and return envelope handed over between the embassy and the external service provider, instead of relying on lists of applications and travel documents;
33. immediately stop the practice of asking staff of the external service provider to carry out interviews of applicants; if it is deemed necessary to systematically interview (certain categories of) applicants, either such persons should be informed that they should lodge their applications directly at the embassy or a staff member of the embassy should be present at the external service provider to conduct such interviews without the involvement of staff of the external service provider;
34. instruct the external service provider to refrain from unilaterally altering the filled-in application form unless the applicant expressly confirms the changes made;
35. reinforce its training of the external service provider to prevent systematic errors and misunderstandings;
36. consider installing a fire detector at the embassy;
37. consider means of adapting the access to the embassy for persons with special needs;
38. discontinue the practice of placing a certification stamp on copies and, if necessary, consult again with the data protection office regarding an alternative procedure;

39. ensure that applications are thoroughly assessed on a case-by-case basis with the objective of facilitating legitimate travel, in particular by giving adequate weight to the applicants' will to return as demonstrated by their travel history and individual socio-economic situation in the country of residence;
40. ensure that all possible circumstances are considered and further investigations conducted before concluding that an applicant has misused previous visas or intended to mislead about the Member State of main destination; in this context, Slovenia should avoid drawing definite conclusions on the Member State of main destination solely on the basis of passport stamps, which only show the Member State where the external border was crossed;
41. avoid 'punishing' applicants for perceived misconduct by reducing the validity period or number of entries granted; if an applicant's information and statements are considered unreliable, the application should be refused;
42. ensure that the supporting documents required do not routinely go beyond those included on the harmonised list;
43. ensure that the applicant is notified by means of the standard form whenever a visa is annulled or revoked;
44. avoid revoking visas on the sole basis of a hotel reservation that has been cancelled several weeks after the visa was issued, without first undertaking further investigations and contacting the applicant to substantiate the suspicion of fraudulent intent.

Done at Brussels,

For the Council
The President
