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European Union

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VISA 113
COMIX 260**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 30 May 2023
To: Delegations

No. prev. doc.: 9245/23

Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **France** on the application of the Schengen acquis in the field of **common visa policy**

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2022 evaluation of France on the application of the Schengen acquis in the field of the common visa policy, adopted by the Council at its meeting held on 30 May 2023.

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 2022 evaluation of France 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(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 France in October 2022. Following the evaluation, a report containing the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2023) 830.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) Recommendations should be made on remedial actions to be taken by France in order to address deficiencies identified as part of the evaluation. In light of the importance of the proper implementation of the provisions related, among other things, to the lodging of visa applications; the timing of creation of application files in the Central Visa Information System and the launching of the necessary consultations; the use of the uniform visa application form; the staff situation and to the secure storage of visa applications at the consulate, priority should be given to implementing recommendations 1, 4, 5, 10, 17, 18, 22 and 23 in this Decision.
- (3) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.
- (4) Council Regulation (EU) 2022/922¹ 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, France 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. France should provide that action plan to the Commission and the Council.

RECOMMENDS:

that France should:

General

¹ 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.

- (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 reduce the waiting time for appointments where the delays are (primarily) due to the staff shortages at external service providers;
- (2) ensure, e.g. by reinforcing at least temporarily the staff at consulates under the heaviest pressure, 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;
- (3) until the entry into application of Regulation (EU) 2021/1134¹ (the VIS Reform Regulation), suspend consulting the Visa Information System when examining long-stay visa applications;
- (4) ensure that admissibility checks are systematically carried out by by duly authorised staff of the consulates and there are no inadmissible files in the Central Visa Information System;
- (5) ensure that the consultations are launched only once the staff of the consulate has done the necessary data quality checks after the applications has been deemed admissible;
- (6) ensure that VIS Mail is used for the exchange of data on applicants and applications and technical problems (error messages) do not obstruct the use of the system;
- (7) ensure that the visa processing IT system allows the amendment and deletion of data in the Visa Information System even after a decision was taken on an application;

¹ *OJL 248, 13.7.2021, p. 11–87.*

- (8) ensure that in case a refusal of a visa is overruled in the appeal procedure and the higher instance rules that the visas is to be issued, the decision is amended in the already existing application file in the Visa Information System; or, as an alternative, continue to create a new application file for these cases, but ensure to delete the original file from the Central Visa Information System;
- (9) ensure that the content of the online version of the application form (on the 'France-Visas' portal) fully corresponds to the latest version of the uniform application form;
- (10) refrain from collecting additional information for national purposes on the online form, including even when the collection of extra information does not appear on the printout of the online form;
- (11) improve the structure of the 'Registration receipt' generated by France-Visas so that staff at the external service provider can easily determine which documents are generic and required in all cases and which ones are subject to the purpose of the journey or other circumstances; in the meantime, train the staff at the external service provider how to interpret the 'Registration receipt';
- (12) enhance national IT system in order to allow consulate staff to modify the data regarding requests, if necessary while carrying out data quality checks;
- (13) study ways to improve the functionalities of the national IT system so that it could become a helpful tool better arranging the workflow at consulates;
- (14) consider introducing new functionalities so that relevant reports and statistics could be also generated by the consulates themselves;

Dakar

- (15) as regards the external service provider,
- (a) ensure that the legal instrument (contract) signed in Dakar complies with the provisions of Regulation (EC) No 810/2009¹ (hereinafter: the Visa Code) and Annex X, in particular as regards the protection of personal data;
 - (b) instruct the external service provider to review the scroll down list of visa types in its booking system and investigate why the platform sends error messages;
 - (c) ensure adequate privacy at the counters by reinforcing the physical separation of them;
 - (d) improve the ticketing system and ensure that visa applicants are called at the counters in accordance with their ticket numbers;
 - (e) instruct the external service provider to provide appropriate explanation about the visa application process and relevant documents to the applicants and consider drawing up a training manual in this regard;
 - (f) fix the ticketing machine for the biometrics and payment counter;
- (16) refrain from differentiating on the basis of the purpose of the journey when granting appointments;
- (17) apply Article 9 of the Visa Code in case of applications lodged later than 15 days before the start of the intended visit;

¹ *OJL 243, 15.9.2009, p. 1–58*

- (18) review the workflow for determining and prioritising the applications to be decided on and ensure that as a rule, the processing of the application follows the sequence of the date of submission or admissibility of the application and only in justified cases the date of the intended journey or other factors (e.g. quality of the application, purpose of the journey);
- (19) ensure that interviews are held whenever the examination of the visa application based on the information and the documentation available does not allow a well-founded decision to be taken to either issue a visa or refuse the application;
- (20) limit the direct or indirect access to the Visa Information System to staff members processing short-stay visa applications;
- (21) improve the examination of applications submitted by Gambian nationals through better training of the staff regarding the specificities of these applicants and their supporting documents and, when relevant, by holding more interviews;
- (22) increase the number of expatriate decision-makers at the consulate in Dakar;
- (23) ensure that at least the applications containing travel documents are not stored in the corridors of the visa section and are securely stored when staff members are not processing them (e.g. in locked room/closets);
- (24) establish a transparent complaint handling process, ensure that all complaints are registered and provide relevant information to the public about the complaint procedure.

Done at Brussels,

For the Council

The President