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VISA 217  
COMIX 731

## DECLASSIFICATION

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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# RESTREINT UE



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THE EUROPEAN UNION

Brussels, 19 September 2006

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SCH-EVAL 123  
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## REPORT

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from: Evaluation Committee  
to: Schengen Evaluation Working Party

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Subject : Report on the Evaluation Committee's mission to the Embassy of **Malta in Moscow** in the context of the New Member States' preparations for the full implementation of the Schengen acquis

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Delegations will find attached the draft report of the Schengen Evaluation mission to the Embassy of Malta in Moscow drafted by the Evaluation Committee (Annex II) (hereinafter *EvalCom*). It is presented to the Sch-Eval Working Party for discussion and adoption, allowing for its eventual submission to the Council.

Comments of the Maltese authorities are set out after the comments and recommendations of the Evaluation Committee.

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### *Acknowledgements:*

*The members of the Evaluation Committee (EvalCom) wish to thank the Maltese authorities for the excellent organization of the visit to the Embassy of Malta in Moscow. The EvalCom would also like to thank to the staff of the Embassy and of the central authorities for their valued co-operation and for assisting it in carrying out its task.*

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## 1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), an Expert Committee (*EvalCom*) visited the Embassy of Malta in Moscow, on 11 May 2006.

At the moment of this evaluation, the Visa Facilitation Agreement between the European Community and the Russian Federation, signed on 25 May 2006, had not entered into force yet.

An in-depth assessment of all relevant aspects concerning the visa processing (e.g. submission of applications) was impossible because, due to the tight time schedule of the mission, the visit of the EvalCom took place outside the opening hours and the Consular section was closed for applicants.

## 2. MANAGEMENT SUMMARY

The EvalCom considers, on the basis of the checks carried out and the information gathered, that Malta, as far as its Embassy in Moscow is concerned, is currently not in a position (allowing it) to implement the Schengen acquis in full. The limitations of the current Embassy premises and the fact that many newly implemented features have not yet been properly "field-tested", contribute to the conclusion that it may take some time until Malta, as far as its Embassy in Moscow is concerned, will be able to meet the requirements. In these respects, certain significant shortcomings were noted in the daily work of the Embassy.

Issues requiring special attention or reviewing by the Maltese authorities in order for Malta to join Schengen in full related mainly to:

- security of staff, material and premises
- procedures
- better access to information
- a more active role of the Embassy in the decision-making process regarding visa applications
- the legibility of the machine readable zone
- the submission of applications.

### *Comments of Malta:*

*The Maltese authorities find objection to the wording in the first Para of the Management Summary, and namely*

1. *that " it may take some time until Malta, as for as the Embassy of Moscow is concerned, will be able to meet the requirements"*

*The Maltese authorities feel that, given that the identified shortcomings be rectified according to the recommendations made by the same EvalCom, the Committee should not prejudice what could happen in the future<sup>1</sup>, even more so when such an evaluation is carried out specifically for shortcomings to be duly rectified/reviewed in accordance to EvalCom's specific recommendations.*

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<sup>1</sup> Additional comment from the EvalCom: the EvalCom considered this part of its mandate.

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## 3. ACCESS TO THE EMBASSY AND CONSULAR SERVICES

### 3.1 Location; entrances

The Embassy of Malta is located in the central district of Moscow and consists of one apartment on the 7<sup>th</sup> Floor of Block (Entrance) 8.

The apartment housing the Embassy and the Consular Section has one entrance.

The Embassy staff member at the reception desk supervises all access to the Embassy. The consular section's waiting room is on the left of the main lobby and the entrance to the Consular Section to the right, opposite of the Ambassador's and Consul's offices.

### 3.2. Information

Information, in English and Russian, concerning visas is available via telephone and email.

A bi-lingual leaflet in English and Russian, providing information to all applicants, including details of the consular section's address (telephone, fax and email) and opening hours, is readily available at the Embassy's reception desk and is attached to the application form.

Examples of correctly filled-in application forms, together with information on visa fees, are on display in the waiting room, inside the Embassy.

On the ground floor and on the board on the 7th floor, there is only information about opening hours and the emergency phone number in Russian and English.

### 3.3 Application forms

Visa application forms (English/Russian) are available during opening hours at the reception desk of the Embassy and may also be downloaded from the Ministry of Foreign Affairs' website ([www.mfa.gov.mt](http://www.mfa.gov.mt)). The visa application form is aligned to the Schengen harmonised visa application form, adapted for the relevant parts to national law.

### 3.4 Access management

Visa applications can be submitted 5 days a week, from Monday to Friday from 10:00 hrs to 12:00 hrs. There is no appointment system and the public is received on a first-come-first-serve basis. A maximum of 16 persons are allowed into the waiting room at one time.

#### *EvalCom comments and recommendations:*

**Access to written information is limited and written information provided is insufficient, both outside the building and in the waiting room (no information board with written information or examples of application forms outside the Embassy). Evalcom has been told by the Embassy personnel that the Russian authorities (owner of the building) would not object to an information board at the ground floor or on the 7th floor outside the official premises of the Embassy. Therefore, access to information outside could easily be improved and should be done.**

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## *Comments of Malta:*

Malta has taken steps to improve access to information by setting up an Information Board available on the Ground Floor, wherein sufficient written information and examples of correctly filled-in Visa Application Forms, as shown on the Information Board in the Waiting Room, are on display. Another Information Board on the 7<sup>th</sup> Floor, which in fact, does exist, will also carry this information. Photographs will be supplied in due course.

## 4. SECURITY

### 4.1 Outside the building

The perimeter wall of the apartment complex in which the Embassy is situated has three main entrances - each provided with a Security Guard employed by the administration of the complex - who, as EvalCom was informed, checks the applicants' identification and purpose of the visit before letting them access the grounds of the complex.

On reaching the entrance to Block 8, applicants will, after announcing themselves via intercom, be admitted into the lobby where one functioning elevator permits access to the 7<sup>th</sup> Floor. At the entrance to the Embassy, applicants will, after announcing themselves again via intercom, be admitted into the Embassy by the locally employed Russian receptionist.

There is no security guard at the entrance at the 7<sup>th</sup> floor or inside the premises of the Embassy and no metal detector.

### 4.2 Inside the building

The waiting room, adjacent to the Embassy's reception desk, can accommodate up to 16 persons. It is under surveillance through the use of CCTV systems at the reception desk and in the consul's office. In addition to the waiting room, the main lobby, visa counter, as well as the entrances to the consular section are also supervised via CCTV at the reception desk and in the Consul's office.

Applicants, in the waiting room, are allowed one at a time into the consular section, for which they have to go through a electronically controlled door, operated by the Embassy's receptionist.

The walls of the two visa counters for the reception of applicants, are strengthened with steel. Security glass windows separate the applicant from the official receiving the application and all documentation is channelled through security pass-through drawers. Communication takes place through a two-way intercom system and there is separation between two windows. A CCTV camera, aimed at the working area, ensures surveillance of the applicants and visa staff. For more in-depth interviews, applicants are received by the Consul when necessary.

The EvalCom was informed that the recent renovations (April) had been made by a local foreign company (not Russian) following the specifications made by the Maltese Ministry of Foreign Affairs. The EvalCom was informed that the Ministry checked and approved the construction plans, prepared by this foreign company.

The location of visa counters is inside the staff area (secure zone) and is not separated from the rest of the premises of the Embassy. Furthermore, the counter room does not have a secondary exit, i.e. the visa staff has to pass the area for visa applicants to access this office space.

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The EvalCom was informed the Consul has the possibility to monitor conversations between local staff operating the visa counter and applicants. If possible, interviews are held in English. For interviews in Russian, one of the local staff members acts as a translator. Part of the interviews take place in the office of the Consul where the (old and unanchored) safe with blank visa stickers is located. The Consul carries the keys to the safe and the safe box with him, also when conducting interviews in his office. The Consul takes these keys home after working hours.

The EvalCom was informed that, so far, there has been no negative experience with the security situation inside the premises of the Embassy.

## ***EvalCom comments and recommendations:***

**The EvalCom acknowledges that the current Embassy building hardly allows for creating a proper separation between visa applicants on the one hand and the Embassy staff and visa related material on the other. However, that does not alter the fact that the level of security of the staff and visa related material is considered insufficient and does not allow for handling Schengen visas at present. The EvalCom strongly recommends solving the security situation before Malta would start implementing the Schengen acquis fully.**

## ***Comments of Malta:***

*Malta appreciates the fact that the current Embassy building “hardly allows for creating a proper separation between visa applicants on the one hand and the Embassy staff and visa related material on the other”. As the allocation of the premises of the Embassy of Malta is governed by an Intergovernmental Agreement, Malta has, for some time now, been negotiating with the authorities of the Russian Federation for the availability of alternative office space. This was amply explained to the EvalCom during the start of their visit. Also explained was the fact that the Visa Counter Room does not have a secondary exit because the entry of applicants is controlled by the Receptionist, allowing visa staff to pass the area or access this office space when required, when no applicants will be present.*

*As also explained to the EvalCom, it is, however, precisely these “structural shortcomings” that facilitated, though not mentioned in EvalCom’s report, a satisfactory inspection coverage through CCTV. Malta has noted the EvalCom’s concerns on the premises and the security situation and confirms that enquiries are under way with a security service company who would be contracted to carry out the necessary security checks.*

## **5. SUBMISSION OF APPLICATIONS**

No appointment system (just a few visitors a day).

### **5.1 Pre-check of applications**

Some information is given at the Embassy reception desk, by one of the Embassy’s local staff (Russian) but no real pre-check of applications is conducted.

### **5.2 Personal appearance**

The EvalCom was informed that, as a general rule, all visa applicants must appear in person. Exceptions are made for holders of diplomatic, service and special passports and also for high-ranking civil servants known to the Embassy. These applications are generally received, through couriers, providing a Note Verbale. Applications may also be received through third-parties, who must be in possession of a power of attorney, duly signed by the applicant. Parental consent of both parents is required for a child to obtain a visa.

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## 5.3 Nationality of applicants

The majority of applicant is of Russian nationality, there are very few third country nationals.

## 5.4. Treatment of applications from non-residents

The EvalCom was informed that, as a general rule, all non-residence visa applicants must appear in person.

## 5.5. Handling Fee

Handling fee is paid in USD and at a flat rate (40 for single entry visas and 70 for multiple entry) and not refundable.

### ***Comments of Malta:***

*Malta does not agree with the comment that “no real pre-check of applications is conducted”. As explained to the members of the EvalCom, a pre-checking exercise, is in fact conducted by a member of the local staff. Based on the EU Catalogue Recommendations and Best Practices, the exercise is carried out to ensure that they are filled-in correctly, duly signed and accompanied by the necessary documentation. Members of EvalCom had been duly informed that given the Embassy’s limitations in space, this pre-checking exercise largely contributes to the reduction of unprepared applicants visiting the Embassy as also to the reduction of waiting time for applicants.*

## **6. PROCESSING THE APPLICATION**

### 6.1 Lodging of an application.

The EvalCom was told that applications are received at the visa counter, where the first-check is carried out by the locally employed staff to ensure that all the required details are filled-in and all the required documents are submitted. All supporting documents are checked by the locally employed staff.

Applicants can enter the visa counter area only after the Consul has already entered the protected visa counter area first (for security reasons; see 4.2). Basic interviews are conducted there upon submission by visa counters’ staff who ask for some clarifications for example. More in-depth interviews (50% of the applicants = 2 or 3 persons a day) are carried out in the consul’s office (aided by a Russian interpreter, if necessary) in the afternoon and by appointment. Whether an interview should take place or not, depends on each individual case (more in-depth questioning in case of doubt for example), upon discretion of the consul.

A non-refundable fee is paid and a receipt is given to the applicant upon submission. The applicant’s passport is stamped with a stamp at the time of submission to denote the filing of a visa application (not the usual Schengen application stamp).

After submission of the applications, the local Russian staff enters the data into the Visa Management System.



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## 6.2 Examination of an application

Once the authenticity of the aforementioned documents is confirmed and the processing has been confirmed by the Consul, the application is submitted electronically to the Maltese authorities, who will screen the application through the national blacklist and the E.U. visa ban list.

In the event that the application is approved by the Maltese central authorities, a final (positive or negative) decision is taken by the Consul. In case an application is refused by the Maltese central authorities, the EvalCom was informed that the Consul never overrules this decision. The Consul will then authorise the printing. The visa stickers are affixed into the passport by a local Russian staff.

The Evalcom established that the central authority does not give any information on the reasons why applications are refused.

Furthermore, the EvalCom was told that visas are issued within 7 days from the date of application, depending largely on the date of approval by the central authority in Malta.

If the Maltese authorities approve the issuance, the applicant is duly informed via phone or a letter and is called to the Embassy to collect the visa.

Consultation with central authorities is carried out systematically and in every single case via an encrypted internet connection (there is no computer server at the Embassy).

## 6.3 Supporting documents

The EvalCom was informed that for all types of visas following documents are needed: booked travel ticket (stamped and signed by a travel agency), invitation or booking of a hotel (signed by a travel agency), financial means (declaration on financial means by a bank or credit card or cash which is then checked by immigration officers on the arrival).

Regarding business applications, the Evalcom has been told that double checks are performed to make sure that the Russian and Maltese companies are really doing business. A letter of invitation by the hosting party (if any) is always asked.

## 6.4 Co-operation with travel agencies

Although the Embassy accepts applications through travel agencies, at the time of this Schengen evaluation, the EvalCom was told that there were no accreditation arrangements with travel agencies, but that the Embassy is in the process of establishing such arrangements. Nine (9) agencies have so far responded to enquiry by the Embassy about such possible cooperation.

## 6.5 Medical Insurance

No Travel Medical Insurance is required.

## 6.6 Types of visa issued

The majority are single entry visas (type C) (tourist and business). In 2005, only 2 multiple entry visas were issued and only one type B visa.

## 6.7. Recognition of Schengen visas for the purpose of transit/stay.

Malta recognises Schengen visas for the purpose of transit and stay.

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## *EvalCom comments and recommendations:*

**Due to the fact that decisions are taken by the Maltese central authorities and reasons for cases of refusals are not given, the Embassy is unable to improve its capacity to assess the risk of illegal immigration and the local situation cannot be taken into consideration by the Maltese central authorities. The fact that the Embassy serves merely as a mailbox, without an exchange of all relevant information, does not contribute to the taking of well-considered decisions on visa applications as described in the CCI (Chapter V, paragraph 3). Furthermore EvalCom points out that, when applying the Schengen acquis in full, it will be necessary to establish an accreditation system for travel agencies (CCI VIII) and to require travel medical insurance policies in accordance with the provisions of Council Decision 2004/17/EC of 22 December 2003.**

## *Comments of Malta:*

*Malta has noted EvalCom's comments and objects to its comment in Para 3 namely that the Embassy "serves merely as a mailbox, without an exchange of all relevant information". The Embassy does have full decision taking powers to accept/refuse visa applications. Furthermore, the Embassy, through the Maltese central authorities, vet the applicant's details on Malta's national databases<sup>2</sup>. Depending on the outcome of such searches, the Maltese central authorities can object to the issuance of a visa.*

*Malta confirms that it is in the process of setting up a Central Visa Unit, which will be equipped to forward and process visa requests rapidly, via the Visa Management System, which together with the networking facilitation between all of Malta's diplomatic missions and consular posts, will play a vital role in the secure processing of application and authorization procedures.*

*Malta further confirms that it is following up the accreditation system for travel agencies. With regards to the travel medical insurance requirement, due measures will be taken in good time.*

## **7. VISA STICKER**

### 7.1 General: printing and affixing

The Russian local staff affixes the sticker on the page and embosses it with a dry seal of the Embassy on the right bottom corner of the affixed sticker partially covering the machine readable zone. The Russian local staff will then consult with the Consul, who re-checks all the pertinent details and will sign on the affixed sticker above the dry seal.

### Destruction of visa

The EvalCom was told that if an error is detected on a sticker which has not yet been affixed to a passport, the sticker is invalidated by means of applying a red cross and another sticker is allocated. The kinegram is not destroyed. Such a sticker is kept in the premises of the Embassy for a month and then it is sent to Malta where it is destroyed. So far, there have been no mistakes with stickers already affixed in a passport. From April this year on, a new computer system has been installed and which gives a possibility of keeping record of cancelled stickers, but this possibility has not been in use so far.

### 7.2. Machine readable zone

Machine readable zone is filled in correctly, although the visa sticker is not affixed at the bottom of the page and the machine readable zone is partially covered with dry seal.

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<sup>2</sup> Additional comment from the EvalCom: At the time of the evaluation, this feature of the visa information system was not used by the staff, since it was newly implemented.

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## 7.3. Use of the stamp of the issuing authority

*A dry seal of the issuing authority is applied on the sticker on the right bottom corner of the affixed sticker partially covering the machine readable zone.*

## 7.4. Signature

It is applied above the stamp of the issuing authority.

### ***EvalCom comments and recommendations:***

**When Malta starts implementing fully the Schengen acquis, the dry seal of the issuing authority will have to be placed in the right place (above the machine readable zone) as described in the CCI, Chapter VI, Article 5. Furthermore, it is advisable to destroy the kinegram of invalidated stickers, already before sending them to the central authorities for final destruction (reference is made to the EU Catalogue Recommendations and Best Practices...etc).**

### ***Comments of Malta:***

*Despite not yet implementing in full the Schengen acquis, Malta has since 2004, instructed all missions that the dry-seal should always be stamped in the rectangle between the right-hand side of the sticker and the section "Comments". It is reasonable to say that the ones examined by EvalCom must be considered as occasional mistakes. Having noted the recommendation to destroy the kinegram of invalidated stickers, before submitting these to the Central Visa Unit for final destruction, Malta has issued clarifications and updated these instructions to all Consular Posts to destroy the kinegram prior to submittance to the Central Visa Unit to ensure non-repeatability.*

## **8. ISSUANCE OF VISAS**

### 8.1 Issuing of the visa

Concerning the granting of visas, see above under 6.

### 8.2. Refusal of the visa

If the Maltese authorities approve the application and the visa may be issued, the applicant is duly informed via phone or a letter and is called to the Embassy to collect the visa.

Applicants whose applications have been refused, are informed orally. Upon request (s)he will receive a standard letter without any specific reason about the grounds of the refusal (just the usual refuse wording according to their law). The majority of applicants come personally to collect their passports, in which case the above-mentioned refusal letter is handed to them personally, but in case of refusal their passport can be send by mail, then it is accompanied by this standard letter.

According to the national legislation, there is no right to appeal.

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## 9. SECURITY STAFF/MATERIAL)

### 9.1 Staff : Division of tasks between expatriate staff and local staff

In total, the Embassy employs 1 Consul and 2 Russian staff.

*Local staff* may: work at the counter and have contact with the applicants with supervision by an expatriate; check whether the documents presented are sufficient; prepare the electronic processing application; print the sticker; hand out the visas and cash the handling fee.

*Expatriate(diplomatic) staff* may: receive negative answers from national databases; decide whether further information or an interview is required, decide whether a visa is refused and contact local partners / consular representations of other MS if necessary in particular cases.

### 9.2 Staff

#### - Checks upon recruitment

Before being employed, local staff has to present a declaration of good conduct. All Maltese employees are subject to security clearance.

#### - Further evaluation

No specific evaluation for local staff is made and there is no rotation of staff to ensure that the staff responsible for issuing visas shall in no way be exposed to local pressure and to prevent the formation of "habits" which could lead to a decline in the level of vigilance (CCI, VII, point 1).

#### - Access and stock-monitoring

Only the ambassador and the consul have the keys of the main door, the archives and each other's offices. The local staff has magnetic card access to the consular section. During office hours, the locally employed receptionist operates the main door and the door leading to the consular section. The consul keeps the key to the safe (which contains blank visa stickers; see 4.2) in his office with him all the time, also when conducting personal interviews with applicants. After working hours, the consul takes the keys home.

### 9.3 Documents

Blank visa stickers are sent by diplomatic post (maximum stock is 2000 blank stickers). Through the computer system, sticker numbers are allocated to a Russian local staff member (there are two). The main supply of blank stickers is stored in an old and unanchored safe box which is not in a strong room but in the office of the consul. The daily supply of visa stickers is stored in a safe box in the counter area, together with passports of applicants (with and without affixed visa stickers). This safe box is operated by the local Russian staff. Cash received from visa handling fees is also stored in the safe box in the counter area.

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## 9.4 IT

### - Login (passwords) and Access

Each user has his/her login accounts and their personal passwords expire periodically and access only in accordance with allocated task.

There is a password protected screen saver system which activates itself after 15 minutes.

### - Distribution of information

The EvalCom was informed that the National Visa Information System is web-based and all Malta's diplomatic missions have access to the system. The system is an encrypted internet connection. All diplomatic missions and consular posts are connected to the Malta Government network via a VPN connection. Backups are carried out daily.

In emergency cases where the network or system is down, limited numbers of users have access to an offline visa printing facility. Should there be lack of electricity, the visa is written manually. The visa is then logged into the system once the network is up.

### - Encryption

The EvalCom was informed that the system is an encrypted internet connection. All diplomatic missions and consular posts are connected to the Malta Government network via a VPN connection which provides for the appropriate encryption levels.

### - Data protection

The EvalCom was informed that the processing of visa applications falls under the national security legislation; no specific data protection rules have been applied. The Evalcom was informed that data protection authorities have rights of supervision and an obligation to provide redress to applicants that seek it.

Visa applications are stored in archives for 1 year in case of a positive decision and for 5 years in case of refusal.

### ***EvalCom comments and recommendations:***

**As mentioned in the comment and recommendations at chapter 4, the current Embassy building hardly allows for creating a proper separation between visa applicants on the one hand and the Embassy staff and visa equipment and stickers on the other. Therefore the document handling situation is considered inadequate. With no safe room and no proper place for carrying an interview (taking place in the Consul's office where a safe with blank stickers is located), the security risk presently could be considered as very serious.**

### ***Comments of Malta:***

*Having noted the recommendations to improve the present document handling situation, Malta has since installed a new security cabinet in a safe room, so as to store all blank visa stickers. Access to this security cabinet is limited to the Ambassador and to the Consul/Head of the Visa Section. Access to the safe room is also conditioned through a security door with remote access capabilities. Photographs will be supplied in due course.*

## 10. EDUCATION AND TRAINING

The Ministry of Foreign Affairs of Malta informed the EvalCom to have organised, through Twinning Projects with other EU Member States such as Austria or the United Kingdom, at least two train-the-trainer modules, dealing with IT, visa procedures in general and detection of false documents.

No Consular Seminar or specific pre-Schengen education course seems to have been organised by the Maltese authorities.

In-service training of local staff has apparently been carried out at a basic level, as regards IT and the Schengen acquis.

### ***EvalCom comments and recommendations:***

**The EvalCom recommends that the Maltese central authorities introduce additional training on the existing Schengen acquis.**

### ***Comments of Malta:***

*Malta confirms that, a number of training activities have taken place in the EU/Schengen adaptation process:*

- *Funded by the Government of Malta, senior officials of the Ministry of Foreign Affairs visited Austria to study and assess Maltese requirements in the upgrading process of the capacity to issue visas in May 2003. This visit was coupled with an on-site visit to the Austrian Consulate in Bratislava. In July 2003 this visit was followed up by a visit, also financed by the Government of Malta, by high officials of the Malta Police and MITTS to establish the information technology requirements and interconnectivity network needs.*
- *The pre-accession project MT-01-03 'Capacity building in the fields of Asylum and Borders' Management', provided for procurement of forgery detection equipment and necessary training on the detection of forged documents for consular officers stationed or to be stationed in Maltese representations overseas.*
- *Under the Twinning Covenant between Malta and the United Kingdom (MT2001/IB/JH-01), Austrian experts were invited by the United Kingdom to have a workshop on the use of the Common Consular Instructions Manual and Schengen Visas for consular officers stationed or to be stationed in Maltese diplomatic and consular missions.*

*Furthermore, through a Twinning Light Project Agreement in 2004, the Agency for European Integration and Economic Development (AEI) of Austria have been providing assistance to strengthen Malta's capacity to issue visas. Specifically designed to further the training of Consular and Immigration Staff, the Twinning Light Project's activities have included:*

- *Train-the-Trainers in the Application of the CCI;*
- *Preparation of National Visa Instructions;*
- *Visa Management System Training;*
- *On-the-spot training in EU Member State Consular Offices in Libya and Tunisia; and*
- *Preparation of Training Manuals*

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Within the scope of the project, "train the trainer" activities on the CCI have been provided to all Consuls, especially those posted in North Africa and Eastern Europe, as well as to members of the Maltese central authorities who have attended training on:

- Schengen types of visas
- Standard procedure for assessment of the visa application according to Schengen requirements
- Collection of statistics
- Conditions for granting a visa: Supporting documentation, including travel insurance, verification procedures
- Manual of documents/ list of documents to which a visa can be affixed

Besides the elaboration of an exhaustive Training Manual for Consular Officers, which will be published towards the end of 2006, an on-line training programme for self-training is also planned.

Malta confirms that the Training Unit at the Ministry of Foreign Affairs holds annual training programmes for diplomats and consular staff, and is also responsible for a number of pre-posting revision programmes, targeted at all diplomats and consular staff prior to being posted abroad.

## 11. EQUIPMENT FOR DETECTING FALSE DOCUMENTS

Equipment is in the visa counter area and used both by local Russian staff and the consul. All relevant equipment is available and functioning. However, in practice only UV light is used.

### *EvalCom comments and recommendations:*

**The EvalCom recommends that training on the detection of false documents is organised and that all existing equipment is used regularly.**

### *Comments of Malta:*

Malta notes the recommendation and confirms that, as explained in Para 10, basic training on the detection of false documents is carried out to all Consular Staff prior to posting and is provided by the National Document Examination Unit at the Police General Head Quarters. It is pertinent to add, however, that the locally engaged staff are only trained to carry out initial basic checks (ie ultra-violet light source), while secondary and more intensive checks are carried out by the Consul.<sup>3</sup>

Again, through a number of Twinning Light Projects, consular staff have been also been trained by document specialists. This training is expected to be intensified through the publication of the Training Manual for Consular Officers and the on-line training programmes, mentioned in Para 10.

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<sup>3</sup> Additional comment from the EvalCom: At the time of the evaluation the Consul stated that he only uses the UV-light.

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## 12. CONSULAR CO-OPERATION

The EvalCom was explained that the Consul normally attends the monthly Local Consular Cooperation Meetings.

### *EvalCom comments and recommendations:*

**The EvalCom regards as positive that LCC monthly meetings are regularly attended.**

### *Comments of Malta:*

*The Embassy of Malta, like all of Malta's diplomatic missions and consular posts, firmly believes that the experience and information-exchange through frequent and comprehensive LCC meetings is vital. They will continue to strive for a better, more developed and deepened cooperation among the Member States Embassies.*

## 13. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS

At the end of its mission, the EvalCom considers, on the basis of the checks carried out and the information gathered, that the Maltese Embassy in Moscow is currently not in a position to implement the Schengen acquis fully. EvalCom is aware of and appreciates the efforts that Malta undertook to prepare for applying the Schengen Acquis. However, the limitations of the current Embassy premises and fact that many important features with regard to issuing visas were implemented only recently (new visa counter and waiting room facilities, new IT system, etc) and are therefore not yet properly 'field-tested', contribute to the conclusion that it may take some time until Malta, as far as its Embassy in Moscow is concerned, will be able to meet the requirements. The EvalCom acknowledges that the current Embassy building does not allow for creating a proper separation between visa applicants on the one hand and the Embassy staff and visa equipment and stickers on the other. However, that does not alter the fact that the level of security of the staff and visa equipment and stickers is considered insufficient. The EvalCom strongly recommends that the security situation and procedures at the present premises be remedied before Malta starts implementing the Schengen acquis in full.

The EvalCom wishes to comment on those points which, in its view, merit special attention by the Maltese authorities, at the time of full implementation of the Schengen Acquis:

- 1) Security as well as a part of the procedures are considered as inadequate and may pose risks. For Malta to be in a position to issue Schengen visas, procedures, as described in chapters 4.2, 6.2, 6.4, and 9.3, and overall security situation need to be brought up-to Schengen standards.
- 2) Due to the fact that decisions are taken by the Maltese central authorities and reasons for refusals are not given, the Embassy is unable to improve its capacity to assess the risk of illegal immigration and the local situation cannot be taken into consideration by the Maltese central authorities. The fact that the Embassy serves merely as a mailbox, without an exchange of all relevant information, does not allow for taking a well-considered decisions on visa applications as described in the CCI.
- 3) There is no information board with written information or examples of application forms outside the premises of the Embassy. The Evalcom was told by the Embassy staff that the Russian authorities (owner of the building) would not object to display an information board at the ground floor or outside the Embassy premises.



# RESTREINT UE

## **Malta comments:**

All of EvalCom's comments and recommendations have been individually addressed in this Report. Malta wishes, however, to reiterate that

1. It appreciates the fact that the current Embassy building "hardly allows for creating a proper separation between visa applicants on the one hand and the Embassy staff and visa related material on the other". As the allocation of the premises of the Embassy of Malta is governed by an Intergovernmental Agreement, Malta has, for some time now, been negotiating with the authorities of the Russian Federation for the availability of alternative office space. This was amply explained to the EvalCom during the start of their visit.
2. Malta has noted EvalCom's concerns on the premises and the security situation and confirms that enquiries are under way with a security service company who would be contracted to carry out the necessary security checks.
3. Malta has taken steps to improve access to information by setting up an Information Board available on the Ground Floor, wherein sufficient written information and examples of correctly filled-in Visa Application Forms are on display.

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ANNEX I

## VISAS ISSUED BY THE MALTA CONSULATE IN MOSCOW

VISAS ISSUED BY THE MALTA CONSULATE IN MOSCOW									
IN 2005									
	Visas A	Visas B	Visas C	Total Visas A+B+C	Visas D	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate	Rejection Rate in %
January	0	0	26	26	0	26	1	0	3.85
February	0	0	63	63	0	63	1	0	1.59
March	0	0	58	58	2	60	1	0	1.67
April	0	0	84	84	0	84	0	0	-
May	0	1	140	141	0	141	1	0	0.71
June	0	0	163	163	1	164	1	0	0.61
July	0	0	232	232	1	233	0	0	-
August	0	0	122	122	9	131	2	0	1.53
September	0	0	64	64	6	70	2	0	2.86
October	0	0	103	103	1	104	1	0	0.96
November	0	0	85	85	3	88	2	0	2.27
December	0	0	31	31	6	37	1	0	2.70
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1171</b>	<b>1172</b>	<b>29</b>	<b>1201</b>	<b>13</b>	<b>0</b>	<b>1.08</b>

VISAS ISSUED BY THE MALTA CONSULATE IN MOSCOW									
IN 2006									
	Visas A	Visas B	Visas C	Total Visas A+B+C	Visas D	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate	Rejection Rate in %
January	0	0	34	34	3	37	2	0	5.41
February	0	0	33	33	6	39	1	0	2.56
March	0	0	146	146	2	148	0	0	-
April	0	0	0	0	0	0	0	0	
May	0	0	0	0	0	0	0	0	
June	0	0	0	0	0	0	0	0	
July	0	0	0	0	0	0	0	0	
<b>Total</b>	<b>0</b>	<b>0</b>	<b>213</b>	<b>213</b>	<b>11</b>	<b>224</b>	<b>0</b>	<b>3</b>	<b>1.33</b>

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ANNEX II

<b>Schengen Evaluation of the new Member States</b>	
<b>VISA I</b>	
<b>Moscow-St Petersburg, 10-18 May 2006</b>	
<b>Leading expert</b>	Timo TÄRYNEN (FIN)
BELGIUM	Philippe LEFEBVRE
CYPRUS	Charalambos PANAYIDES
GERMANY	Berit BÄUMERICH
NETHERLANDS	Ferdi GEUTJES
SLOVAKIA	Fedor ROLL
SPAIN	Álvaro KIRKPATRICK DE LA VEGA
Commission	Yolanda GALLEGO-CASILDA GRAU
Council Secretariat	Fedja ZLOBEC

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