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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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REPORT

from : Evaluation Committee

to: Schengen Evaluation Working Party

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

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

The comments of the Maltese authorities are set out in footnotes.

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Acknowledgements:

The members of the Evaluation Committee (EvalCom) wish to thank the Maltese authorities and the staff of the Embassy's Consular Section in Tunis for the good organization of the visit, the co-operation and assistance by the staff on the spot in helping Evalcom to carry out its task during its visit.

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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 Consular Section of the Embassy of Malta in Tunis on 22 September 2006. The Embassy's (consular) jurisdiction covers Algeria also. The majority of Schengen States has Consular posts in Tunis (Italy, the Czech Republic, the Netherlands, Poland, Greece, Finland, Portugal, Austria, Belgium, Norway, Germany, Spain, Hungary, France). On 1 March 1998 the Euro-MED Association Agreement between the European Community and its Member States (on the one hand) and the Republic of Tunisia (on the other) came into force. Tunisia also participates in the European Neighbourhood Policy. In this context, an Action Plan came into force in July 2005, which provides for dialogue and cooperation on migration issues (including visa issues).

The Republic of Tunisia is located in North Africa, bordering Algeria (south-west), Libya (south-east) and the Mediterranean Sea to the north-east. The coastline is more than 1300 km, and the distance to Sicily from the northernmost part of the country is less than 150 km. Tunisia covers a total area of 164 150 km² and has a population of approximately 9 900 000. As opposed to other North African countries, Tunisia has a fairly uniform population although some small groups of French and Italian origin, and about 3 000 Jewish are still present.

Human Rights organizations and UN-organs have for a long time criticized the Tunisian regime for violating human rights. Torture is common, prisoners are kept isolated for many years and the freedom of speech is severely restricted.

A substantial part (>20%) of the population is, in one way or another, connected to agriculture. The most important contribution to the Gross National Product however stems from (oil)industry and tourism.

According to unofficial sources, the unemployment rate is over 20%. The employment situation in the south-western part of the country is especially difficult. The existing and potential unemployment among young people is one of the government's most serious challenges. Tunisia has a close connection to French and Italian culture, and many of its younger inhabitants with limited means have a distinct wish to settle down abroad – either for work or for studies.

Taking the above mentioned into consideration, there is some immigration potential amongst the Tunisian population. This is however of minor importance compared with the situation in Tunisia's neighbouring countries. Both in Algeria and Libya the immigration potential is much larger due to the difficult political and social circumstances. This calls for a thorough examination of visa applicants/applications, especially of supporting documents meant to prove the identity/nationality of the applicant.

In light of joining Schengen and thereby becoming responsible in due course for the issuance of visas with access to all Schengen Member States, Malta should be aware of and prepared for a considerable increase in visa applications. It is therefore of great importance to harmonize the decision-making process regarding visas.

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2. MANAGEMENT SUMMARY

Evalcom considers that, on the basis of the checks carried out and the information gathered, Malta, as far as its Consular Section of its Embassy in Tunis is concerned, may be in a position to implement the Schengen acquis in full in due course. No significant failings or chronic errors were noted in the daily work of the Consular Section.

In general terms, Evalcom underlines that awareness of the risk of illegal immigration and other forms of misuse of visas should increase as this will become a key issue when the Malta will start to issue Schengen visas.

Positive practices worth a particular mention, included :

Good access management, the availability of information and the security situation inside the premises, all of which were considered to be satisfactory.

Training of personnel furthermore seemed adequate, as did the availability and use of equipment.

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

Alignment of fees; allowing non-residents to apply for visa; the need to improve the security situation outside the building and the Embassy's consular premises; the need to adapt the visa management system to enhance security; the need to limit the number of visa stickers stored and the safe-keeping of stamps.

Finally, Maltese legislation should be adapted to take account of the procedural safeguards enjoyed by family members of EU nationals (concerning refusals and the right of appeal).

These issues are dealt with in depth in the following chapters and the resulting general conclusions and recommendations can be found in chapter 13.

3. ACCESS TO THE EMBASSY AND CONSULAR SERVICES

3.1 Location; entrances

The Embassy and its Consular section are situated on the 2nd floor of the Immeuble Carthage Centre, on Rue du Lac de Constance, 1053 Les Berges du Lac - the financial suburb of Tunis, and consist of two (2) separate adjacent apartments, No B2 (Embassy) and No B3 (Consular section), each with a separate entrance in the same corridor.

The building is owned by SOFIM, a Tunisian construction company, the offices of which are located in the same block.

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3.2 Information

Visa information can be obtained in English, French and Arabic via telephone, fax and email as well as in person at the Consular Section.

Information in French (on the Consular Section's address etc. and opening hours, required supporting documents) and examples of correctly filled-in application forms (in French / English) are on display on notice boards outside the building and inside the waiting room.

The home-page / website of the Ministry of Foreign Affairs (MFA) www.mfa.gov.mt also provides detailed information in English.

3.3 Application forms

Application forms (English/French) are available in the Consular Section's waiting room / counter area.

They can also be downloaded from the MFA's home-page / website www.mfa.gov.mt in English, French, Arabic, Russian and Chinese.

Malta introduced the Schengen harmonized visa application form for visa applications, adapted to the relevant parts of its national law, in May 2004.

3.4 Access management

The visa section is open Monday to Friday from 09h00 - 11h00 for visa applications as well as delivery of visas.

There is no appointment system, the public is received on a first-come-first-serve basis (average no. of applicants p/day: 3-5, in peak periods up to 10).

On reaching the 2nd floor, applicants identify themselves via intercom and are admitted into the Consular Section by the counter staff; the applicant can be seen on the CCTV monitor.

The waiting room has a capacity of +/- 15; there is a counter for filling in forms and 5 chairs. There are 2 counters. The counter is also used for in-depth interviews. Since the counters are in the waiting room, there is no privacy for the applicant.

Besides the Consul, who is also deputy-head of the diplomatic mission, there is 1 permanent employee (local administrative/visa clerk/counter staff member).

EvalCom comments and recommendations:

Access management and the availability of information in general, seemed satisfactory.

There is no privacy for the applicant at the counter.

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4. SECURITY (PREMISES)

Outside:

A janitor employed by SOFIM (see above) is posted outside 24/7 at the entrance of the building. He does not perform any kind of (security) check in relation to the Maltese Embassy/Consular Section or otherwise.

The entrance (burglar resistant security door) to the Consular Section, next to that of the Embassy on the 2nd floor, is monitored via CCTV (8 cameras in total). Recorded images are saved approx. 1 month. Images can be watched from behind the counter and in the Embassy. There is no security guard at this entrance, nor is there a metal detector, as a consequence of which neither people nor bags are checked before entering.

Office-windows are not protected and can be opened, with the exception of the archive room (strong room), where visa stickers are stored: these windows are barred.^{1 2}

Inside:

The premises of the Consular section are monitored by CCTV (see above).

The Consular Section has an independent alarm system; the diplomatic staff have a personal identification code to activate/deactivate the security alarms outside office hours. The alarm system is connected to a private security company; the diplomatic staff is both alerted by automatic mobile alert (sms) and phoned directly in case of alarm.

The hall/entrance, waiting room and the counter area are constantly under surveillance through the use of CCTV systems.

At the counters, bullet-proof glass windows separate the applicant from the counter staff and all documentation is channelled through a pass-through. Communication takes place by intercom. The counters have fixed panic buttons.

Doors can be opened only by magnetic key cards which are personalised according to staff's individual competencies. The system registers all access. Only the Ambassador and the Consul have keys to the Embassy and the Consular section which they take home.

¹ Comment MT: Malta would like to confirm that while the window in the waiting room can in fact be opened, this is merely for the purpose of "airing" the room, after office hours, during the relatively hot months. In as far as a security hazard is concerned, Malta confirms that this window has been fitted with finned glass separators so as to eliminate the possibility of any attempt of movement from the exterior resulting in break-ins. However, Malta has noted EvalCom recommendations with regard to the barring of such windows.

² Evalcom should clarify that it was referring to the "office" windows of the back-office rather than those of the waiting room.

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EvalCom comments and recommendations:

The security situation inside the Consular section seemed satisfactory, given the current low number of applicants.

However, the security situation outside should be improved e.g. by introducing a systematic security check before entering the building / the corridor leading to the Embassy's consular premises.

5. SUBMISSION OF APPLICATIONS

- Pre-check of applications

A preliminary check is carried out by the counter staff, who verifies that all details on the application form have been correctly filled-in and that all appropriate documents are attached. Incomplete / incorrect applications are rejected at the counter; applicants are informed (by checkmarking the list of documents required for obtaining a visa) which documents they must bring with them when coming to pick up the visa. Passports are returned after stamping if/when the application is received.

- Personal appearance

All visa applicants must appear in person (including accompanying family members). Exceptions are made only in case of high-ranking civil servants or senior officials representing national authorities/agencies who send applications by a Government courier accompanied by a "Note Verbale".

- Representation

The Maltese Consular Section does not represent any other country in visa matters.

- Nationality of applicants

The vast majority of applicants is Tunisian.
Non-residents may not apply for a visa.

- Handling fee

In line with the existing bilateral agreement between Malta and Tunisia, a) Tunisian nationals holders of Diplomatic or Special passports do not require visas and b) Tunisian nationals requiring a visa are exempted from paying the fee.

Fees are charged in Tunisian Dinars in cash; the amount depends on nationality (TU: free, nationals from Morocco, Algeria, & Libya) and type of visa (transit or entry) (see [Annex II](#)).

- Stamping of the passport

The applicant's passport is stamped with an Embassy stamp after receipt of the application. The stamp is not fully in compliance with the CCI .

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EvalCom comments and recommendations:

*Malta should consider the possibility of future representation under the provisions of CCI, Part II, section 1.2.*³

*Upon joining Schengen, non-residents staying or residing legally in Tunisia (or Algeria) should be able to apply for a visa subject to the conditions laid down in the CCI ch. III 3.*⁴

*Evalcom recalls that bilateral agreements on waiver of the handling fee must be denounced upon application of the Schengen *acquis* in full.*⁵

Fees must be aligned upon joining Schengen (i.e. no differentiation according to nationality or type of visa).

*The features of the application stamp should be brought fully in line with the requirements laid down in the CCI ch. VIII 2.*⁶

6. PROCESSING THE APPLICATION

6.1 Lodging an application

Examination of an application

After pre-checking, the counter staff (visa clerk) registers the application (prints the receipt) and carries out a more detailed check of the documents on their authenticity (retro-viewer and securitech equipment). The Consul may also perform these duties at different stages in the procedure *and* carry out an interview if he or the visa clerk considers it necessary/useful, in order to verify the actual purpose of the visit, the applicant's intention to return to Tunisia and to ensure that the replies given are consistent with what is stated in the application. The interview is held at the counter.

The processing of the application continues by the visa clerk entering the data into the recently introduced (August 2006) Visa Management System (VMS) and in an (unprotected) EXCEL file.

Evalcom was told that the application, together with the documents, is then submitted to the Consul, who after double-checking the file, submits all cases to the Maltese authorities.

In the past, some applicants were refused a visa without consultation of the central authorities (Algerian applicants); however Evalcom was told that this practice was abolished very recently. Applicants' details and the information provided is screened by the central authorities (including consultation of the Maltese "stop-list") who either approve or object.

³ Comment MT: As far as future representation is concerned, Malta will be considering (two-way) representation with the new Member States.

⁴ Comment MT: Malta confirms that upon joining Schengen, non-residents staying in Tunis (or Algeria) or those residing legally, would be able to apply for a visa, subject to the conditions laid down in the Common Consular Instruction (CCI).

⁵ Comment MT: Malta notes that bilateral agreements on waiver of the handling fee will no longer be applicable upon application of the Schengen *acquis* in full.

⁶ Comment MT: The features of the application stamp are being brought fully in line with the requirements laid down in CCI (Chapter VIII Para 2).

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The visa can be issued/printed only if the central authorities approved ("A"-status); in case the central authorities objected, they cannot be issued/printed (although in certain circumstances the Consul can re-submit the application for reconsideration).

The visa clerk is authorised to print only after the Consul has indicated his decision on the application form. The levels of access to the system can be specified/limited according to the user (3 levels: local / consular / administrative), the visa clerk having wide access. Ultimately, this could lead to the visa clerk printing a visa sticker without prior authorisation to do so.

The applicant must phone (usually 2 days after lodging the application) to inquire about the status of his application. In case it has been granted, the applicant is told by the visa clerk to bring his/her passport and the remaining supporting documents (e.g. travel medical insurance, transport ticket, means of subsistence, hotel reservation etc.), after which the visa clerk prints the sticker.

If the applicant does not phone, the sticker is not printed.

The visa clerk re-checks all the relevant details, returns the sticker to the Consul who authorises the issuance of a visa, after which the visa clerk affixes the sticker to the passport.

The visa is signed and stamped by the Consul (mission dry-stamp, embossed in the middle right hand side of the affixed sticker).

Timeframe: visas are on average issued within 2-3 days from the date of application.

6.2 Supporting documents

All applicants must submit together with the visa application form, a photo, a copy of the ID, a copy of the details-page of the passport, a valid residence permit in case of non-nationals (except for Algerians), and other listed documents supporting the purpose and the conditions of the planned visit, means of transport as well as means of subsistence and accommodation (for tourists).

Further supporting documents required for the following types of visa include:

- for employees: a rubber-stamped employment certificate, a vacation leave authorisation, 3 most recent pay-slips, copy of the Social Security card, summary of the annual salary breakdown;
- for businessmen or self-employed: company registration certificate and copy of the relevant Official Notification from the Government Gazette, licence to operate business, latest company tax receipt, certificate by professional association
- for pensioners: pensioner card/certificate
- students: parental authorisation (signed by both parents and legalised) in case of minors, student card/school or university registration certificate, proof of financial means of parents;
- for business purposes: a signed invitation letter from the company in Malta, trainees: contract plus traineeship sponsorship letter, proof of financial means;
- transit: return ticket
- academic purposes: university attendance certificate incl. latest reports, registration school Malta, confirmation of granting of scholarship, copy of school-fee receipt.

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6.3 Co-operation with travel agencies

The Consular Section does not accept visa applications submitted by travel agencies or other intermediaries and has not entered into any accreditation arrangements with any such agencies.

6.4 Medical Insurance (TMI)

All applicants whose request for a visa has been approved, have to take a basic travel insurance that covers any medical expenses in Malta up to €30,000.

There is no list of recognised insurance companies; however five main, well-known companies are generally used.

In case of exemptions from the requirement of TMI, this cannot be printed on the visa sticker for technical reasons. (Family members of EU citizens are exempted from the requirement of having TMI.)

6.5 Types of visa issued/ Simplification of transit

The length of the visa issued corresponds to the length of the visit as requested by the applicant and to the purpose of the visit.

Malta issues (C) (and (D)) type visas.

For the purpose of short stay (not exceeding 90 days), Malta recognises short stay, multiple entry visas, D-visas and residence permits issued by Schengen Member States.

For the purpose of transit, as of 1/10/06, Malta will recognise short stay visas, long term visas and residence permits issued by Schengen Member States and new Member States as well as residence permits issued by Switzerland and Liechtenstein (cf. Council Decision no. 895/06/CE and 896/06/CE).

EvalCom comments and recommendations:

Despite the existing differentiated levels of access to the visa management system (VMS), the visa clerk can -in theory- print visa stickers without prior authorisation to do so: in order to avoid this potential risk, access modalities of the VMS should be reviewed.

The system should be adapted to allow for exemptions from the requirement of TMI to be printed on the visa sticker.

According to the Schengen acquis as it currently stands, Malta should not recognise short stay, multiple entry visas, D-visas and residence permits issued by Schengen Member States for the purpose of short stay.^{7 8}

⁷ N.B. even after joining Schengen, D-visas shall not be recognised for short stay purposes.

⁸ Comment MT: Malta has noted the EvalCom comments with regard to the unauthorised printing of visa stickers in the Visa Management System. Furthermore, the System will be adapted to allow for exemptions from the requirements of Medical Insurance (TMI) to be printed on the visa sticker.

Malta confirms that, for the purpose of transit only, it recognises valid, multiple-entry Schengen visas. It also confirms that for the purpose of transit it has, since 1 October 2006, recognised long term visas and residence permits issued by Schengen Member States and new Member States, as well as residence permits issued by Switzerland and Liechtenstein.

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7. VISA STICKER

Visa stickers are normally sent by diplomatic pouch, although Evalcom was told that the MFA delegation which was present during the evaluation, had brought 3300 stickers with them. In view of the average use of stickers on a yearly basis, no more deliveries should be necessary until 2009.

Visa numbers are registered / managed centrally by the MFA.

Visa stickers are kept in the safe in the strong room behind the counter area. Access to this area is restricted to diplomatic staff. The visa clerk receives up to 10 stickers per day, which are kept in a small safe below the counter.

Visa stickers corresponding to Schengen requirements with integrated photos are printed by the visa clerk on the computer situated in the back-office / counter area. The data in the MRZ fully match the requirements of the CCI (annex 10).

A copy of the affixed sticker is filed together with the application.

In the cases checked by Evalcom, the sticker was affixed in such a way that the MRZ could not be properly read (+/- 2cm from the edge of the page).

If an error is detected on the sticker which has not yet been affixed to the passport, the kinegram is punched (two holes) and a red cross is drawn across the sticker.

If the sticker is already in the passport, a red cross is drawn across it, it is stamped "annulled" and the kinegram is scratched.

A report (register 2005-2006) is drawn up on all invalidated and destroyed visa stickers, both electronically and in paper form.

Cancelled stickers are kept until the end of the month after which they are returned to Malta where they are shredded. All cancelled stickers are registered electronically.

EvalCom comments and recommendations:

Evalcom considers that the presence of 3300 visa stickers in the Consular Section, enough to last until 2009, poses an unnecessary security risk, and recommends not having more than the number of stickers necessary for a given period (1-3 months) present in the Consular Section.⁹

It is recommended to affix the visa sticker in such a way, that the MRZ can be properly read (i.e. at the edge of the page).

⁹ Comment MT: Following EvalCom recommendations, Malta confirms that it has re-established its minimum stock-levels of visa stickers (ie for the period of 1-3 months). An Internal Circular, to this effect, was issued by the Ministry of Foreign Affairs on 16 October 2006.

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8. REFUSAL OF VISA

Evalcom was told that in case a visa is refused, no reasons are given. If the applicant requires proof of refusal in order to get a refund on an air ticket / hotel expenses, the Consul may issue a proof of refusal (declaration).

Applicants (incl. family members of EU citizens) may not appeal the decision. Appeals/complaints can be lodged only in cases related to data protection.

Applicants can always lodge a new application.

The average monthly rejection rate in 2005 was 16%.

EvalCom comments and recommendations:

*As a consequence of procedural safeguards enjoyed by family members of EU nationals under Directive 2004/38/EC, refusals must be notified in writing, detailed motivation must be given and this category of persons also enjoys a right of appeal of such decisions. Maltese legislation must be adapted accordingly without delay since this Directive applied from the date of accession.*¹⁰

9. SECURITY (STAFF AND MATERIAL)

9.1 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 complete, prepare the electronic processing of the application (e.g. insert data into database), print the sticker, hand out the visas and cash the visa-handling fee.

Expatriate (NB only diplomatic) staff may: receive negative answers from the national databases, decide whether further information or an interview is required, decide whether a visa is granted (or refused), carry out contacts with local partners if necessary, in particular cases.

Checks upon recruitment are carried out through presentation of the local criminal record, an interview with the consul and the ambassador, after which the file is sent to MFA's Human Resources Department. After receiving the green light from the MFA, the person in question may be recruited.

Due to the limited human resources at the Consular section, there is no rotation scheme for local staff but they are said to be supervised by the Consul.

¹⁰ Comment MT: Malta has taken note of EvalCom comments on the need to adapt its legislation and has forwarded these for adoption.

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9.2 Documents

All sensitive documents are stored and filed in the Embassy's strong room. Only the Ambassador and Consul have access to this area.

No passports are retained at the Consular Section. It is only in exceptional cases that the Consul may agree to retain the passport.

Refusals are kept in file for 5 years; processed (positive) applications are kept for 1 year.

Dry (visa) stamps are kept in the strong room.

9.3 IT

The web-based national Visa Management System (VMS) is accessible to all Malta's diplomatic missions via *intranet* and is not accessible by the general public. All missions are connected to the Malta Government network via a VPN connection which, Evalcom was informed, provides the necessary encryption levels required i.e. IP Sec and 3DEZ. Key management is handled by the national IT agency. The system is also catered for through the HTTPS.

Other government services are able to access the system via specific IP addresses.

Each user has his/her login account and their passwords expire every 3 months.

NB The function of being able to save passwords and log-ins was activated in the VIS.

After 20 minutes, screens block automatically.

Access-levels are granted by the central authorities (CA).

The system is managed centrally from Malta. Backups are made on a daily basis.

In case of an electricity break-down, the visa can be issued manually in emergency cases; there is however no procedure for subsequently informing the CA/border guard thereof.

The visa is entered into the system as soon as the network is up again.

IT devices are located in the Consul's office.

The national Data Protection Act applies to all processing in relation to visas and the Data Protection Commissioner has the right of supervision and an obligation to provide redress to applicants who feel that their data protection rights are not fully safeguarded.

EvalCom comments and recommendations:

Dry (visa) stamps should be kept in the safe in the strong room.

*The function of being able to save passwords and log-ins, should be de-activated in the Visa Management System.*¹¹

*The central authorities and the border guard must be informed in cases where visas have been issued manually.*¹²

¹¹ Comment MT: Following EvalCom comments, Malta confirms that it has already de-activated the function to automatically save passwords and/or log-ins.

¹² Comment MT: In the event that visas have to be issued manually, the central authorities will be duly notified by the diplomatic mission and consular post concerned.

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10. EDUCATION AND TRAINING

The Ministry of Foreign Affairs has, through Twinning Projects, initiated a number of train-the-trainer modules, dealing with IT and visa procedures. These modules are regularly updated and trainers from a number of diplomatic missions are re-called to keep abreast of any new developments in these fields.

In 2002, Austrian experts gave a workshop on the use of the CCI Instructions Manual and Schengen visas in the framework of Twinning, followed by a visit in 2003 to Austria and an additional project, on (upgrading) the capacity to issue visas, in 2004. Also in 2002 the pre-accession project on 'Capacity building in the fields of Asylum and Border Management' provided for procurement of forgery detection equipment and the necessary training on the detection of forged documents for consular officers.

Evalcom was informed that besides the elaboration of an exhaustive Training Manual for Consular Officers, to be published end of 2006, an on-line training programme for self-training is planned.

EU/CCI knowledge: A 2003 version of the Common Consular Instructions (CCI) was available. Samples / specimen (hard copy) of Tunesian travel documents were also available.

EvalCom comments and recommendations

Training of personnel seems adequate.

11. EQUIPMENT FOR DETECTING FALSE DOCUMENTS

A Retro-viewer and SECURITECH anti-forgery equipment, used to detect falsified documents, is available and used at the Consular section.

Samples / specimen (hard copy) of Tunesian travel documents were available as well as the Keesing data bases.

EvalCom comments and recommendations:

Equipment is adequate and appears to be used.

12. LOCAL CONSULAR CO-OPERATION (LCC)

The Consul participates in EU Member States' meetings, whose Consuls meet on average twice per EU presidency. Statistics are exchanged upon request. Most meetings have an agenda. Following a leakage of information, minutes of these meetings are no longer made.

In view of the need to harmonise practices, an exchange of information is ongoing.

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13. GENERAL CONCLUSIONS AND RECOMMENDATIONS ¹³

At the end of its mission, Evalcom considers, on the basis of the checks carried out and the information gathered, that Malta, as far as its Consular Section in Tunis is concerned, may be in a position to implement the Schengen acquis in full in due course. No significant failings or chronic errors were noted in the daily work of the Consular Section.

Concerning the local situation, access management, the availability of information and the security situation inside the premises were all considered to be satisfactory.

Training of personnel seemed adequate, as did the availability and use of equipment.

N.B. According to the current Schengen acquis, Malta should not recognise short stay, multiple entry visas, D-visas and residence permits issued by Schengen Member States for the purpose of short stay.

Evalcom wishes to comment on a few points which, to its mind, merit special attention or reviewing by the Maltese authorities in order for Malta to join Schengen in full:

On the whole, Evalcom wishes to underline that awareness of the risk of illegal immigration and other forms of misuse of visas should increase as this will become a key issue when the Malta will start to issue Schengen visas. Interviews are an essential part of this risk analysis.

Fees should be aligned, and non-residents should be able to apply for a visa once Malta joins Schengen; at the same time, bilateral agreements on waiving the handling fee must be denounced.

Regarding security, Evalcom considers that:

- the security situation outside should be improved e.g. by introducing a systematic security check before entering the building / the Embassy's consular premises;*
- the existing (theoretical) possibility for the visa clerk to print visa stickers without prior authorisation, should be ruled out by adapting the system;*
- the Consular section should not have more than the number of visa stickers necessary for a given period (1-3 months) present at one time;*
- the function of being able to save passwords and log-ins, should be de-activated in the Visa Management System;*
- stamps should be kept in the safe in the strong room.*

Finally, Maltese legislation should be adapted as a consequence of procedural safeguards enjoyed by family members of EU nationals under Directive 2004/38/EC on refusals and the right of appeal (applicable from the date of accession).

¹³ Comment MT: see our footnotes in the preceding chapters.

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ANNEX I

VISAS ISSUED BY THE MALTESE CONSULAR SECTION GENERAL IN TUNIS

VISAS ISSUED BY THE MALTA CONSULAR SECTION IN TUNIS 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 in %
January	0	0	44	44	2	46	4	8%
February	0	0	80	80	0	80	8	9%
March	0	0	64	64	0	64	23	26%
April	0	0	82	82	0	82	4	5%
May	0	0	54	54	0	54	9	14%
June	0	0	65	65	0	65	11	15%
July	0	0	220	220	0	220	12	5%
August	0	0	190	190	0	190	24	11%
September	0	0	88	88	0	88	13	13%
October	0	0	32	32	0	32	25	43%
November	0	0	39	39	0	39	20	34%
December	0	0	82	82	0	82	14	15%
Total	0	0	1042	1042	2	1044	167	16%

VISAS ISSUED BY THE MALTA CONSULAR SECTION IN TUNIS 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 in %
January	0	0	42	42	0	42	3	7%
February	0	0	28	28	0	28	6	18%
March	0	0	74	74	0	74	13	15%
April	0	0	33	33	0	33	5	13%
May	0	0	114	114	0	114	9	7%
June	0	0	112	112	0	112	16	13%
Total	0	0	403	403	0	403	52	11%

RESTREINT UE

VISAS ISSUED BY "SCHENGEN" CONSULATES IN TUNIS in 2006

VISAS ISSUED BY SCHENGEN CONSULATES (January 2006)											
	Visas A	Visas B	Visas LTV B	Visas C	Visas LTV C	Total Visas A+B+C	Visas D	Visas D+C**	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate
AUSTRIA				33			3		36	11	23,4%
BELGIUM				117			18		135	104	43,5%
DENMARK				49						1	2,0%
FINLAND				47					47	13	21,7%
FRANCE	2	26		4825			373		5226	591	10,2%
GERMANY		30		591			106		727	210	22,4%
GREECE				14			3		17	6	26,1%
ITALY		1		322			472		795	48	5,7%
THE NETHERLANDS				60			7		67	22	24,7%
PORTUGAL				22						3	12,0%
SPAIN				250			5		255	24	8,6%
SWEDEN				43					43	15	25,9%
NORWAY				4			2		6	9	60,0%
Total	2	57		6377			989		7354	1057	

VISAS ISSUED BY SCHENGEN CONSULATES (July 2006)											
	Visas A	Visas B	Visas LTV B	Visas C	Visas LTV C	Total Visas A+B+C	Visas D	Visas D+C**	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate
AUSTRIA									78	10	11,4%
BELGIUM									208	21	9,2%
DENMARK									8	3	27,3%
FINLAND									65	20	23,5%
FRANCE									6800	950	12,3%
GERMANY									1166	230	16,5%
GREECE									179	5	2,7%
ITALY									982	128	11,5%
THE NETHERLANDS									55	22	28,6%
PORTUGAL									82	4	4,7%
SPAIN									877	46	5,0%
SWEDEN									70	14	16,7%
NORWAY									14	6	30,0%
Total									10584	1459	13,78%



EMBASSY OF MALTA, TUNIS

SCHEDULE OF FEES (effective from 01st July 2006)

ROE: Lm 1 = TD 4

ITEM	MALTA FEE	CREDIT REVENUE	ADM. CHARGE	CREDIT ME Tunis	TOTAL
VISAS					
Entry Visa	Lm 10 40 TD	Rev.37 Item 0332	Lm 4 16 TD	Cost centre 22 Item 2160	56 TD
Entry Visa: Moroccans/ Algerians	Lm 5 20 TD	Rev.37 Item 0332	Lm 4 16 TD	Cost centre 22 Item 2160	36 TD
Entry Visa: Libyans	Lm 2.5 10 TD	Rev.37 Item 0332	NIL	Cost centre 22 Item 2160	10 TD
Transit Visa	Lm 5 20 TD	Rev.37 Item 0332	Lm 4 16 TD	Cost centre 22 Item 2160	36TD
PASSPORTS					
Passport 16+	Lm 12 48 TD	Rev.41 Item 0311	Lm 4 16 TD	Cost centre 22 Item 2160	64 TD
Passport 10-15	LM 6 24 TD	Rev.41 Item 0311	Lm 4 16 TD	Cost centre 22 Item 2160	40 TD
Passport 0-9	Lm 3 12 TD	Rev.41 Item 0311	Lm 4 16 TD	Cost centre 22 Item 2160	28 TD
Emergency Passport	Lm 2 8 TD	Rev.41 Item 0311	Lm 4 16 TD	Cost centre 22 Item 2160	24 TD
Second Passport	Lm 25 100 TD	Rev.41 Item 0311	Lm 4 16 TD	Cost centre 22 Item 2160	116 TD
LEGALISATION					
Legalisation Commercial	Lm 7 28 TD	Rev.49 Item 0301	NIL	N/A	28 TD
Legalisation Educational	Lm 5 20 TD	Rev.49 Item 0301	NIL	N/A	20 TD

Participants

(FIN)	Timo TÄYRYNEN (leading expert)
(NO)	Anne AUBERT
(NL)	Karina KREUGER
(ESP)	Álvaro KIRKPATRICK DE LA VEGA
(F)	Patrick POINSOT
(PL)	Marek STASIENKO
(D)	Jens JANIK
(Cion)	Dafni GOGOU
(CS)	Laetitia BOT

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