



Council of the
European Union

026968/EU XXVI. GP
Eingelangt am 18/06/18

Brussels, 18 June 2018
(OR. en)

14735/06
DCL 1

SCH-EVAL 174
VISA 287
COMIX 901

DECLASSIFICATION

of document:	14735/06 RESTREINT UE/EU RESTRICTED
dated:	30 October 2006
new status:	Public
Subject:	Report on the Evaluation Committee's mission to the Consular department of the Embassy of Slovenia in Belgrade in the context of the New Member States' preparations for the full implementation of the Schengen acquis

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

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

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 30 October 2006

14735/06

RESTREINT UE

SCH-EVAL 174
VISA 287
COMIX 901

REPORT

from : the Evaluation Committee
to: the Schengen Evaluation Working Party
Subject : Report on the Evaluation Committee's mission to the Consular department of the Embassy of **Slovenia in Belgrade** 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 department of the Embassy of Slovenia in Belgrade, 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 Slovene authorities are set out in footnotes.

RESTREINT UE

TABLE OF CONTENTS

1.	Introduction	3
2.	Management summary	3
3.	Access to the Consular department and consular services	4
4.	Security (premises)	6
5.	Submission of applications	8
6.	Processing the application	10
7.	Visa sticker	13
8.	Visa refusals	14
9.	Security : staff and material	15
10.	Education and training	16
11.	Equipment for detecting false documents	17
12.	Local consular co-operation (LCC)	17
13.	General conclusions and recommendations	17

DECLASSIFIED

Acknowledgements:

The members of the Evaluation Committee (EvalCom) wish to thank the Slovenian authorities and the staff of the Consular department in Belgrade 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.

RESTREINT UE

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 department of the Embassy of Slovenia in Belgrade on 19 September 2006.

The Republic of Serbia became an independent state after separation from Montenegro in June 2006. It is located in south eastern Europe, bordering Hungary, Romania, Bulgaria, Macedonia, Albania, Montenegro, Bosnia-Herzegovina and Croatia. Serbia has a population of approx. 9 500 000 including Kosovo and Vojvodina. Kosovo is administrated by the UN through UNMIK (United Interim Administration Mission in Kosovo).

A variety of ethnic minorities are represented in Serbia. 83% of the Serbian population claim to be ethnic Serbians. Minority groups include Hungarians (293 000) Slovaks (70 000), Bosnians, Roma, Croats and Albanians. There are still about 300 000 refugees in Serbia. They are mainly ethnic Serbians from Croatia, Kosovo and Bosnia-Herzegovina.

The minorities situation in Serbia has improved considerably after Milosevic's resignation. A proposal for a new law on the protection of minorities is under scrutiny.

The socio-economic situation in the country is very difficult, after almost 10 years of war and sanctions. Public services like health and education suffer from lack of resources. Unemployment - especially among young people- is high: officially about 28%, in reality however allegedly close to 40%. Poverty is a large problem. The black/grey economy is considerable, as is corruption.

Taking the above into consideration, the immigration potential in Serbia is huge as a whole, especially in Kosovo and the risk of illegal immigration is considerable. This calls for a thorough examination of visa applicants / applications, bearing in mind the very low rejection rate of visa decisions of the evaluated consular department in Belgrade in 2005 (2,61%).

In light of joining Schengen and thereby becoming responsible in due course for the issuance of visas with access to all Schengen Member States, the new Member States 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.

2. MANAGEMENT SUMMARY

Evalcom considers that, on the basis of the checks carried out and the information gathered, Slovenia, as far as its Consular department in Belgrade 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 department.

Positive practices worth a particular mention, included :

Access management, which seemed efficient and training which was considered sufficient. In terms of security and data protection, IT-equipment seemed to fulfil the requirements.

RESTREINT UE

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

Evalcom considered the low number of in-depth interviews held in relation to the large total number of applications submitted, as well as the low rejection rate, to be a matter of concern. Awareness of the risk of illegal immigration and other forms of misuse of visas should increase, since this will become a key issue when Slovenia starts to issue Schengen visas, and interviews are an essential part of this risk analysis.

Further issues included the systematic exemption of personal appearance in specific cases, the practice of accepting group visa applications and collective passports, and the non-respect of specific procedural safeguards enjoyed by family members of EU nationals under Directive 2004/38/EC on notification of refusals, motivation and right of appeal, which incidentally applied from the date of accession.

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 CONSULAR DEPARTMENT AND CONSULAR SERVICES

3.1 Location; entrances

Since July 2006, the Consular department of the Slovenian Embassy in Belgrade is located in the new Embassy building in the city centre, consisting of a house, at Pariska ulica br. 15, near to the French and Austrian Embassies. There is a dead-end street with parking spaces in front of the building. The other departments of the Embassy are scheduled to move in end of 2006.

The Consular department is located on two levels, connected by an inner staircase. The offices of the Consul, vice-Consul and one administrative staff member are located on the upper level (about 3 meters from the ground level), together with a meeting room and a secured server room. The visa section is located on the lower floor (basement).

There are two entrances to the Consular department / Embassy, the main (right) entrance reserved for staff and visitors, and the second (left) for visa applicants and consular clients only; it leads downstairs to the waiting rooms and the counters.

3.2 Information

Information by telephone is available every working day from 9h00 - 17h00 (Fridays until 16h00). The information is recorded (answering machine 24/24) and offers the possibility to speak with an operator during working hours.

Information can also be obtained from the services of the call centre of Telekom Serbia, where three operators provide detailed information regarding visa and residence permits, and book appointments for submission of applications. The call centre works every working day from 7h00 - 15h00. The service costs 30 CSD+VAT per minute (approx. 40 euro cents). It provides similar services to the Embassies of France, Belgium, Sweden, Italy, Greece and Hungary. There is a possibility to speak to an operator in English.

RESTREINT UE

Written information on how to obtain a visa, how to fill in the application forms and other general information is available on the web page of the Ministry of Foreign Affairs of the Republic of Slovenia – www.mzz.gov.si.

The notice board at the entrance (outside) provides general information regarding visas and appointments. The information is in Serbian, except for the notice regarding emergencies (phone numbers), which is in English and Slovenian.

The notice board inside in the waiting room contains information in Serbian and English on how to obtain a visa or residence permit, how to fill in the application form, the necessary documentation in detail and other necessary information.

Information is provided directly to applicants by e-mail and fax upon request.

3.3 Application forms

Application forms are available in the waiting room of the visa section, from the security officer at the entrance during office hours, and through the call centre (see above). They can also be downloaded from the webpage of the MFA. Application forms are available in Serbian, Slovenian and English. The MFA website (www.gov.si/mzz/) provides application forms in English, German, Italian, French, Russian, and Slovenian.

The content and lay-out of the visa application form correspond to the uniform application form set out in Annex 16 of the CCI.

3.4 Access management

The opening hours are:

- Monday to Friday 9h00 - 13h00 for visa and residence permit applications as well as other consular matters;
- Monday to Friday 15h00 - 16h00 for delivery/returning of passports/visas.

During peak season, an extra staff member is seconded from the MFA (June, July, December).

Applicants have to make an appointment through the call centre, which makes a maximum of 120 appointments per day. Alternatively, applicants can come directly to the Consular department in person to make an appointment (in 10 days time at the earliest) on Monday, Wednesday and Friday between 15h00 and 16h00; this also applies to family members of EU citizens.

There is a Slovenian security officer at the door during office hours as well as a private company security officer. Only applicants who are on the (call centre) list can enter the visa waiting room.

The list is provided daily, also to the security guard, before opening; applicants coming without an appointment must be approved by a consular staff member or the Slovene security officer.

Both entrances are equipped with video-speaking devices.

Under normal circumstances not more than 10-15 applicants are waiting at the visa entrance outside. The security officers decide together with the consular diplomats how many applicants are allowed to enter the visa waiting rooms in the basement. (There are two interconnected waiting rooms each with a capacity of approx. 10 people, 6 chairs and a table.)

RESTREINT UE

There are 3 counters adjacent to the first waiting room for submission of visa applications and residence permits. A 4th counter is located in a separate room next to the second waiting room and is used by other clients requiring consular assistance and for conducting in-depth interviews.

EvalCom comments and recommendations:

Evalcom noted that access seemed well-managed and efficient (no waiting, no queues).

It is recommended that the number of the call centre and information on how to obtain a visa or residence permit in English is posted outside, rather than inside the waiting room.

4. SECURITY (PREMISES)

Outside:

A Serbian police officer from the Serbian Ministry of Interior is located approx. 50 meters from the building, between the French and Slovene Embassies, guarding the street 24/24.

During working days (08h00-17h00), the expatriate Slovenian security officer who is part of the expatriate administrative/technical staff and who is policeman by occupation, as well a security officer from a private security agency, are on duty.

The Slovene security officer at the entrance to the visa section is equipped with a manual metal detector (which was however 'being repaired' on the day of Evalcom's visit), and a metal detecting gate. All applicants are checked before entering. No suitcases or large bags are allowed in, only small bags after a security check of their contents.

The interior and exterior of the Consular department is protected by a mechanical, electronic and video security and surveillance system.

Activities on the premises are recorded by 8 digital cameras (2 outside in front of the building and 6 inside). The images are stored on a hard disc for a period of 7 days; they are examined if necessary.

All windows of the lower premises of the Consular department (visa section) are protected by iron bars. The facade of the building is under cultural heritage protection and cannot be altered. The upper level four windows (about 3 meters from the ground) of the Consul's offices looking out onto the main street, are protected by additional locks, IR sensors and bomb blast foil. They are not barred and can be/were opened.

Evalcom was told that by triggering the alarm, the alarm device sets off an audio signal which sounds in the offices of the Consular department and can be stopped only by disconnecting the alarm system exchange. The system automatically starts dialling telephone numbers of the duty phone (mobile) of the security officer and then successively the numbers of the head of the Consular department and diplomats.

Dialling is interrupted by switching off the alarm system exchange. The alarm system is organised into security zones which facilitates the switching on or off of individual zones. According to the Consuls, there are two zones that are not usually switched off: the server room and the strong room where visa stickers are kept. Entry into those areas requires an extra code.

RESTREINT UE

Inside:

Keys are stored in the key-locker protected by an electronic code lock in the administration room on the upper floor next to the alarm system keyboard. Under normal circumstances, the (indoor) keys of the Consular department never leave the building.

When starting work, the security officer or diplomat unlocks (opens) the consular premises. Only the main entrance keys and the keys to the Consular department's administration room may be taken out of the building by one of the diplomats and the security guard, who additionally have a personal code for turning the alarm system on/off and a personal code for unlocking the key-locker.

The hall and staircase linking the two levels of the Consular department (the applicants' section is separate) are under video surveillance, as are the waiting room (counter area), main entrances and doors to the server room.

The lower part of the 3 counters separating the clients' waiting room/counter area from the back office consists of metal profiles and a brick wall; the upper part or counter is made of bullet-proof glass. They are equipped with a speaking device / intercom and a document feeder/sliding drawer. 2 panic buttons are installed behind the counter area where the counter staff is.

A 4th counter with similar features is located in a separate room with an alarm detector, reserved i.a. for other consular affairs and in-depth interviews.

EvalCom comments and recommendations:

Bearing in mind the building's status (cultural heritage protection) the general technical security situation is satisfactory, although some form of additional protection/security of the four windows of the Consul's offices on the upper level which look out onto the main street, and which are presently poorly protected, is strongly recommended.¹

¹ Comments SI: Slovenia is aware of a somewhat lower grade of physical protection of the four windows; it should, however, be reiterated that the windows are more than 3 metres above the road and they are protected by a bomb blast foil. It should further be mentioned that no work with visa stickers is performed at this floor at any time. The work with visa stickers is performed in another part of the building, where visa stickers are also stored. The access to this part is protected to the maximum from the interior as well, both physically and technically.

RESTREINT UE

5. SUBMISSION OF APPLICATIONS

- Pre-check of applications

In order to submit an application for either a visa or permanent residence, an applicant must make an appointment through the call centre of Telekom Serbia (although an appointment may be made directly in person also, see above).

The following clients do not need to make an appointment in order to submit a visa application: family members of EU Member States' citizens, VIP's and emergency cases (serious illness or death of a relative). Only the (vice-)Consul can take such a decision. In these cases the empty "slots" (cancelled appointments) are used. For business visa emergencies, the Economic Chancellor of the Embassy has up to five extra "slots" available p/day of which he must notify the Consular department one day in advance.

The Slovenian security officer at the door checks whether all necessary documentation is there and provides information and forms if necessary. He may not send an applicant who has an appointment away.

At the counter, 5 minutes are foreseen per applicant. In case of need, a more in-depth interview is conducted by one of the diplomats in a separate room at the 4th counter. Evalcom was told this seldomly occurs.

Local visa officers and/or posted consular staff (all of whom speak Serbian) receive the applications and perform a pre-check. In case essential documentation is missing, the visa officer informs the applicant, in writing, which missing documentation should be submitted within a time limit of 14 days.

A short interview may be performed by the staff at the counter in uncontroversial cases for both individual and business visa applications (see annexed sample questionnaires - annex IV). The findings are noted on the application form and the questionnaires, together with the type of visa, the duration of validity, the purpose of stay, the staff member who received the application (signature) and the fee.

After submission, a receipt is given informing applicants of the date of delivery, the number of the application and the fees paid. Travel documents/visas are handed out on the basis of this certificate.

- Personal appearance

Applications must be submitted in person.

Exceptions are made for close family members travelling together (incl. minors) and group visas in collective passports (approx. 30 cases per month).

In general, it is not possible to submit an application through a representative; exceptions are made for:

- a list of bona fide companies in Serbia, mainly of Slovene ownership, whose employees can submit their applications by a company courier together with a written authorisation. This list is prepared by the Consular department in cooperation with the Embassy's Economic Chancellor.
- official invitations, visits of delegations or persons with official invitations by national institutions of the Republic of Slovenia, if the applicant is known to the Consul or vice-Consul and considered bona fide; documentation (including a verbal note) for such official visits can be submitted via courier of the Ministry of Foreign Affairs of the Republic of Serbia.

RESTREINT UE

- Representation

The Slovenian Consular department does not represent any other country in visa matters. (NB Slovenia is represented by Austria in 12 other cities.)

- Nationality of applicants

The vast majority of the applicants are Serbian. Citizens of Bosnia and Herzegovina and FYROM, who reside legally in Serbia, are the most common exceptions. Non-residents may apply for a visa if they are staying in Serbia legally and in case there is no representation of Slovenia in their country of residence.

- Handling fee

The non-refundable handling fee of €35 is charged upon receipt of the application and is to be paid in euros. An additional €1 p/person is charged in case of a group visa. Exemptions may be granted to holders of diplomatic or official travel documents, high officials, family members of EU citizens and university professors; individuals only in rare cases.

- Stamping

All passports are stamped on the first empty page, even when the application is withdrawn, indicating that the application was received, the country code, the place where the application was submitted, the date of submission and the type of visa applied for. The stamps used are in accordance with the CCI.

EvalCom comments and recommendations:

In light of the introduction of biometrics in the (near) future, the practice of accepting group visa applications and collective passports should be reviewed.

The exemption from the requirement of personal appearance in case of family members / minors and group applications, is not in line with the general rule that each applicant should appear in person, as laid down in the CCI ch. III 4 and in the Best Practices.²

² **Comment SI:** A visa applicant is always invited to an interview if there is even the slightest doubt concerning his/her application; in such cases, the quality and substance of relationship between the minor and the accompanying adult is assessed. Slovenia will observe the recommendations of the Committee and change the described practice so that it will fully comply with the provisions of the Common Consular Instructions as soon as it starts fully implementing the Schengen Agreement.

RESTREINT UE

6. PROCESSING THE APPLICATION

6.1 Lodging an application Examination of an application

After submission and pre-checking (see details above, point 5.), applications are forwarded to the administrative staff in the back-office who enters them into the visa system (VIZIS). Scanned photographs are entered as well. After that they are forwarded for scrutinising, verification and approval/refusal to the expatriate diplomatic staff (consuls).

The processing of applications is carried out by 1 expatriate staff member in the morning and (up to) 3 in the afternoon, in the back office behind the counter area. The Consul subsequently examines applications and enters official notes electronically and on applications.

In a first stage it is checked whether the data were correctly entered into VIZIS and the scanning of the photograph was successful; the contents of the application and remarks are also examined. All applicants are automatically checked through security databases. The decision taking person verifies the authenticity of the documentation and ID.

The second stage is the submission of applications for approval. Further procedures depend on the result of the approval procedure (if, for instance, a "security risk" is established, the application is sent to the MFA for additional clearance).

The Consuls may select one of the following options given by the VIZIS system:

- Positive decision
- Negative decision
- Incomplete application (additional supporting documentation is needed. Applicant is given a written notice with indicated additional documentation needed and a new deadline for submission (usually 10 days))
- Further consultation (sent through MFA to Ministry of Interior. Final decision cannot be made before procedure is completed and the Consular department receives an electronic answer (up to 10 working days, average 5). A negative decision by the Central Authorities may not be overruled by a consul).

In accordance with this decision, the deciding person marks and writes on the visa application: the issuance of a visa, type of a visa and its validity.

The VIZIS register is, Evalcom was told, the base of all visa procedures at all Slovenian diplomatic missions and consular posts. The competent employee of a diplomatic mission or consular post is acquainted with the matches from this base showing the results of the previously filed visa applications. It includes information on the type, validity and other data on the visa issued as well as information on the grounds of a potential refusal to issue a visa

The FIO base includes data on citizens of third countries that were dealt with by the Slovenian security authorities in the past. This base also includes persons against whom the judicial authorities pronounced measures of refusal of entry into the Republic of Slovenia. The user is informed of the matches from this base on the match/no match principle. The third base is the TUPL which includes data on all lost and cancelled documents (>Interpol). This information is forwarded to Slovenia from other countries. In this case, the number of the passport as well as potential other documents is checked (personal identity card, residence permit).

RESTREINT UE

Furthermore, the visa information system automatically reminds the user in cases when the application must be submitted for additional checking, regardless of potential matches from the previously mentioned bases. This occurs in cases of citizens of certain countries in respect of which preliminary consultations with Slovenian security authorities must be carried out (a kind of 5A list).

Applicant's financial status is primarily determined on the basis of information about his/her regular employment, salary, lawful resident status (the visa application must be compulsory accompanied by an employment and salary certificate "workbook" ³). Unless the application is satisfactory in this regard, an interview is held with the applicant during which his/her financial status is clarified.

An in-depth interview may be performed by the Consul / vice-Consul. The findings are noted on the application and questionnaires. A maximum of 2 interviews are said to be conducted per day.

Timeframe: The entire visa procedure, from submission of the application to issuance of the visa, takes 3 days. However, a visa can be issued sooner in urgent cases. If an application is referred for additional clearance (consultations with the MFA), the procedure takes up to 10 days.

6.2 Supporting documents

Besides a visa application form, a valid passport, a photo, travel medical insurance and proof of means of support, an applicant must provide the following supporting documents in the following cases:

- employees: proof of employment (salary information, position and length of employment and a copy of the *workbook-see footnote*)
- pensioners: recent pension slip
- students: certificate of enrolment and proof of income parent / guardian
- artists, self-employed or tradesman/craftsman: proof of municipal registration and of tax payment
- farmers: proof from the relevant municipal authorities, health insurance book
- housewives / dependents: letter of support and proof of income of the support provider.

Additional documents required include:

- in case of private travel: a letter of invitation
- in case of business: a letter of invitation from a corporate entity registered in SI
- in case of multiple visas: proof and explanation of long-term commercial commitment
- in case of tourist visa: tourist voucher, confirmation of reservation and paid arrangement in Slovenia
- in case of a B-type visa – transit visa: copy of a valid Schengen visa or visa of country of visit
- in other cases (medical treatment, recipients of Slovenian pensions, owners of Slovenian real estate): see annex.

In case of group visas, the collective passport and that of the group leader is required, as well as a photo and an application form for each group member, TMI, proof of means of support and a letter of invitation.

For a detailed description of the above, see annex III.

³ A "workbook" is an employment certificate, filled in and stamped by the employer, which must be supplied by all applicants as proof of employment.

RESTREINT UE

6.3 Co-operation with travel agencies

The Consular Department does not work with travel agencies.

6.4 Medical Insurance

When applying for a visa, the presentation of travel medical insurance is mandatory. Upon the introduction of the health insurance requirement, a list of 4 accepted local insurance companies was drawn up in the framework of local consular cooperation; the list is posted on the notice boards of the Consular department. Additionally all insurance companies with a registered seat in the EU are accepted.

The minimum insurance liability has been established at €30 000.

EU nationals' family members, holders of diplomatic and service passports and people on official missions or travelling for health reasons, are exempted from the requirement of having medical insurance.

6.5 Types of visa issued / Simplification of transit

The Consular department issued mostly C visas (short stay) – 28.927 in 2005 and 591 –B (transits).

Concerning the issuance of group visas in collective passports, see 5. (above)

As of July 2006, Slovenia recognises, for the purpose of transit: short and long term visa and residence permits issued by Schengen Member States, similar documents issued by new Member States and residence permits issued by Switzerland and Liechtenstein.

As for nationals of Bosnia and Herzegovina, fYROM, Serbia, Montenegro, Turkey and Russia, holders of Schengen short and long term visas and residence permits are recognised and allow for a stay of up to 15 days in Slovenia.

EvalCom comments and recommendations:

Although in general the interviews held at the counter appeared to be efficient, Evalcom considered the number of applicants being interviewed more in-depth, very low (max. 2 p/day) in relation to the relatively large total number of applications submitted; Evalcom recalls that interviews are essential to the risk-analysis related to illegal immigration and other forms of misuse of visas.

According to the Schengen acquis as it currently stands, Slovenia should not recognise short stay, multiple entry visas, D-visas and residence permits issued by Schengen Member States for the purpose of short stay. ^{4 5}

⁴ N.B. even after joining Schengen, D-visas shall not be recognised for short stay purposes.

⁵ Comment SI: In 2003 the Government of the Republic of Slovenia adopted a decision by which it unilaterally introduced visa facilitations for citizens of Serbia and Montenegro. Those visa facilitations will cease to apply upon Slovenia's accession to Schengen at the latest. Slovenia informed the competent Serbian authorities about this with a diplomatic note on 30 January 2006. Currently bilateral consultations are held on measures to reduce negative consequences of the removal of these facilitations.

RESTREINT UE

7. VISA STICKER

The stickers used by the Embassy meet the Schengen requirements (including the integrated photograph of the applicant). The machine readable zone (MRZ) is in compliance with Annex 10 of the CCI.

Supply of stickers :

Visa stickers are ordered by the Consul from the MFA via the VIZIS. The stickers are sent by diplomatic pouch (2000-3000 per month). The Embassy is informed through the visa information system of the exact number and the serial numbers of the stickers sent.

The Consul must confirm the arrival of the visa stickers in the VIZIS. He then distributes, according to need, via the VIZIS and then physically, 100 stickers to each member of the local staff in charge of printing who in turn have to acknowledge receipt in the VIZIS. Stickers can only be used by the staff members to whom they have been attributed.

Printing and affixing :

The printing is done by 3 local staff members and occasionally, during the peak season, by an additional consular agent seconded by the MFA.

These staff members may only print stickers related to applications which have been approved by a Consul (whose initials then appear on the visa sticker). In order to check the content of the sticker about to be printed, the system displays a preview of the result of the complete printing process (number of the sticker, picture of the applicant, personal data).

If an error is detected before printing, the staff may correct it, but one of the Consuls will have to take a new decision.

Once the sticker is printed, it is verified and affixed in the passport (but not as close as possible to the bottom of the page), the local staff puts a dry seal on the right hand side of the sticker, covering both parts of the sticker and the page of the passport.

The stickers are then signed by one of the three Consuls (who is not necessarily the one who took the approval decision).

Cancellation:

If an error is detected on the sticker after the printing, it is cancelled by putting a red cross on it, and the kinegram is destroyed. Mention of the cancellation is also inserted in the VIZIS system.

The cancelled stickers are handed over to the Consul and kept in the safe.

If the sticker was already affixed in the passport, it is destroyed by means of red cross and a cancellation stamp. A copy of the cancelled sticker is made and kept in the safe.

Once a year, these stickers are sent back to the MFA for destruction in the premises of the official stickers supplier. A list of the numbers of the cancelled sticker is kept by the Consular department .

Check of the use of the stickers :

At the end of each working day, the VIZIS issues, for each staff member involved in the printing process, a report stating the number of registered applications, printed visas, cancelled stickers and remaining attributed stickers.

Besides, the visa system can provide information about the remaining blank stickers and the cancelled ones.

RESTREINT UE

8. VISA REFUSALS

In case the Consul decides not to grant a visa, his decision is registered in the VIZIS and mentioned on the application form, with a reference to the corresponding section of the Aliens Act.

According to the Slovenian Aliens Act, the competent authority is not obliged to provide any explanation of the grounds for refusal to issue a visa. Nevertheless, the MFA has instructed its Embassies and Consular departments to use a standard form with which they notify an applicant of the specific reason for which the visa was rejected. The form used in Belgrade is both in Slovenian and Serbian. It refers not only to Slovenian legislation, but also to articles 5 and 15 of the Schengen Convention.

There is no legal possibility to appeal against a refusal. Applicants may ask for reconsideration but, unless some new substantial information is invoked, the decision is not changed. The applicant can however lodge a complaint with the MFA on the handling of the case.

The average monthly rejection rate in 2005 was 2,61%.

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. Slovenian legislation must be adapted accordingly without delay since this directive applied from the date of accession.⁶ The rejection rate is very low; given the fact that very few in-depth interviews are held, Evalcom considers this to be a matter of concern. Awareness of the risk of illegal immigration and other forms of misuse of visas should increase, since this will become a key issue when Slovenia starts to issue Schengen visas.⁷

⁶ Comment SI: In all cases of visa refusals applicants receive written information about the reasons for refusal from Slovenian representative offices. The Evaluation Committee has noted correctly that the Slovenian legislation presently does not provide for appeals against a visa refusal. However the relevant amendments to the national legislation are already in the pipeline in Slovenia, which will make it possible for applicants falling in the categories listed in directive 2004/38/EC to appeal in case of a visa refusal. Written information given to applicants in such cases will be changed accordingly as well.

⁷ Comment SI: As stated above, interviews are held in basically all cases. It should also be noted that 2.61 per cent of visa applications are refused on average by the Slovenian representative office in Belgrade (average for 2005), which is comparable to some other representative offices of Schengen states in Belgrade. It should further be taken into account that applicants from Kosovo, who represent the most risky migration group, are not dealt with in Belgrade as is done by other Schengen representative offices but by the Embassy of the Republic of Slovenia in Skopje, where the refusal rate is consequently much higher. An additional reason for the lower rejection rate is the fact that the Slovene embassy in Belgrade uses the service of a call centre. Beside appointments for visa applicants, the purpose of the call centre is to provide written information to the customers about documentation that has to be submitted when applying for visa. For that reason the Slovene embassy in Belgrade notes a significantly lower number of refusals. Refusals are almost in all cases the consequence of substantial reasons and not of the lack of documentation as may be the case at the representations of other Schengen member states.

RESTREINT UE

9. SECURITY : STAFF AND MATERIAL

9.1 Staff

The Consular department has 7 permanent staff members dealing with visas: 3 expatriate diplomats posted from Slovenia (i.e. the Consul, the vice-Consul and a third expatriate diplomat) and 4 local staff (3 with dual nationality and 1 Serbian).

Local staff may work at the counter and have contact with the applicants under supervision of an expatriate who is also at the counter. They may also check whether the documents presented are complete, prepare the electronic processing application (e.g. insert data into database), print the sticker, hand out the visas and cash the visa handling fee.

Only expatriate (diplomatic) staff are informed of hits on national blacklists, may decide whether further information or interview is required, decide whether a visa is granted or refused, have contacts with local partners if necessary in particular cases, and decides about the possibility of carrying out consultations of the central authorities.

- Checks upon recruitment:

Evalcom was informed that the local staff is recruited on a proposal by the Embassy to the MFA, and subject to the latter's authorisation.

- Potential for misuse of professional position:

Local staff members rotate every working day at the counters (on decision of either the Head of the Consular Section or his Deputy) with no prearranged intervals. Local staff members, who work under supervision of an expatriate, are not allowed to go into the waiting room during the opening hours or when clients are present. Evalcom was informed that no incidents have occurred to date.

9.2 Documents

All passports and files of applicants are kept in a security cupboard in the office of the local staff. Stickers (blank or cancelled), stamps and dry seals are stored in an anchored safe situated in a small strong room under alarm surveillance. At the moment of the evaluation, 2500 stickers were stored in the safe. Only the Consul and his deputy have access to this safe. Each staff member involved in the printing process has a small portable metal box for keeping his or her attributed stock. At the end of each working day these boxes are stored in the main safe.

Archiving:

Processed applications are kept for 2 years, refusals for 5 years. At the time of the evaluation, the only positive applications found at the Embassy were those of 2006. Evalcom was told that the previous files had been sent to the central authorities because of the move to the new premises. Those refused since November 2001 were indeed archived.

RESTREINT UE

9.3 IT

There is a power-on and standard login password requirement. Password screen savers on each computer are in use as well. Data are exchanged with the central authorities on a daily basis. Local staff does not have the possibility to perform checks against the national databases, only expatriate staff is entitled to do so.

A backup of all visa data is provided at the Consular department and at the central level (MFA).

The entire transfer of data between Ljubljana and Belgrade is encrypted (standard Lotus Notes encryption + special encryption (proxy server)).

All login and data access is taped for the sake of data protection.

Personal passwords must be changed every month. Screens block automatically after one minute.

EvalCom comments and recommendations:

IT-equipment seems to fulfil the requirements in terms of security and data protection.

10. EDUCATION AND TRAINING

At least once p/year all Consuls must attend a 2-3 day seminar in Ljubljana. There were two specialised seminars on the pre-Schengen situation.

There are also regional meeting between Consuls and representatives of the central authorities.

In July 2006 all consular expatriate staff from the Slovene Consular departments in Belgrade, Podgorica, Sarajevo and Skopje met in Belgrade for a 3 day seminar.

Additional training on false and falsified documents (document security) was given to all EU Consuls in Belgrade on initiative of the Austrian Consular department at the end of 2005.

The Common Consular Instructions (CCI) were available.

Each member of the expatriate staff must undergo special IT training at the Ministry before being posted.

Local staff is trained on the job by the expatriate staff, and Evalcom was told there are monthly meetings.

EvalCom comments and recommendations

Training seems to be sufficient.

RESTREINT UE

11. EQUIPMENT FOR DETECTING FALSE DOCUMENTS

The Consular department is equipped with magnifying glasses, UV lamps, a Retro-viewer, and a CD-Rom as well as a manual containing samples of documents and descriptions of their security features.

There is also a file containing locally detected samples of fake/falsified documents.

Information on locally discovered fake/falsified documents is exchanged within the scope of local consular cooperation.

NB some of this equipment is rarely used because Serbian passports do not contain certain security features.

EvalCom comments and recommendations:

The equipment available seems to be sufficient.

12. LOCAL CONSULAR CO-OPERATION (LCC)

Slovenia participates in EU Member States' meetings, whose Consuls meet on initiative of the EU presidency. Information on current issues encountered in the work of EU consular units in Belgrade is exchanged at these meetings and in direct contacts (e.g. between SI and A, D and It). A common list of bona fide TMI companies was established recently.

Statistical data are regularly exchanged and updated. The Consular Division of the MFA is kept informed.

13. GENERAL CONCLUSIONS AND RECOMMENDATIONS ⁸

At the end of its mission, Evalcom considers, on the basis of the checks carried out and the information gathered, that Slovenia, as far as its Consular department in Belgrade 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 department.

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

Access seemed generally well-managed and efficient (no waiting, no queues) and training was considered sufficient. IT-equipment seemed to fulfil the requirements in terms of security and data protection.

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

⁸ Comment SI: see our footnotes in the preceding chapters.

RESTREINT UE

Evalcom considered the low number of in-depth interviews held in relation to the large total number of applications submitted, as well as the low rejection rate, to be a matter of concern. Awareness of the risk of illegal immigration and other forms of misuse of visas should increase, since this will become a key issue when Slovenia starts to issue Schengen visas, and interviews are an essential part of this risk analysis.

The systematic exemption of personal appearance in case of family members/minors and group applications is not in line with the general rule that each applicant should appear in person, as laid down in the CCI ch. III 4 and in the Best Practices.

The practice of accepting group visa applications and collective passports should be reviewed in light of the introduction of biometrics in the (near) future.

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. Slovenian legislation should be adapted without delay, since this directive applied from the date of accession.

DECLASSIFIED

RESTREINT UE

ANNEX I

VISAS ISSUED BY SLOVENIAN EMBASSY IN BELGRADE

	01.01.2005	VBG	31.12.2005	V I . I	A visas issued	B visas issued	C visas issued (ADS included)	C visas applied for	ADS visas issued	Total A,B,C visas issued	Total A,B,C visas applied for	Total A,B,C visas not issued	Not issued rate for A,B,C visas	Total LTV visas issued	D visas issued	"D+C" visas issued	Total A,B,C,LTV, D, "D+C" visas issued	Rate LTV visas issued / B + C visas issued
			jan.05			39	1.652	1.693		1.691	1.733	42	2,42%				1.691	0,00%
			feb.05			25	1.644	1.689		1.669	1.714	45	2,63%				1.669	0,00%
			mar.05			36	1.774	1.824		1.810	1.860	50	2,69%				1.810	0,00%
			apr.05			32	2.481	2.549		2.513	2.581	68	2,63%				2.513	0,00%
			maj.05			84	2.284	2.329		2.368	2.413	45	1,86%				2.368	0,00%
			jun.05			53	3.182	3.261		3.235	3.314	79	2,38%				3.235	0,00%
			jul.05			86	2.731	2.804		2.817	2.890	73	2,53%				2.817	0,00%
			avg.05			74	2.426	2.506		2.500	2.580	80	3,10%				2.500	0,00%
			sep.05			41	2.602	2.683		2.643	2.724	81	2,97%				2.643	0,00%
			okt.05			32	2.712	2.776		2.744	2.808	64	2,28%				2.744	0,00%
			nov.05			28	2.243	2.304		2.271	2.333	62	2,66%				2.271	0,00%
			dec.05			61	3.191	3.293		3.252	3.354	102	3,04%				3.252	0,00%

For information

TOTAL for VBG between 1/1/2005 and 31/12/2005	0	591	28.922	29.711	0	29.513	30.304	791	0	0	0	0	29.513	0	0	0	29.513	
TOTAL concerned cities (max 0)	0	12	12	12	0	12	12	12	0	12	12	12	12	0	0	0	12	0
Minimum		25	1.644	1.689		0	1.714	42									1.669	
Maximum		86	3.191	3.293		3.252	3.354	102									3.252	
Average		49	2.410	2.476		2.270	2.525	66					2,61%				2.459	

14735/06

ANNEX I

DG H

LB/mdc

RESTREINT UE

19

EN

RESTREINT UE

01.01.2006	VBG	A visas issued	B visas issued	C visas issued (ADS included)	C visas applied for	ADS visas issued	Total A,B,C visas issued	Total A,B,C visas applied for	Total A,B,C visas not issued	Not issued rate for A,B,C visas	Total LTV visas issued	D visas issued	"D+C" visas issued	Total A,B,C,LTV, D, "D+C" visas issued	Rate LTV visas issued / B + C visas issued
	1/1/1														
31.12.2006															
	jan.06		25	1.843	1.895		1.868	1.920	52	2,71%				1.868	0,00%
	feb.06		23	1.542	1.602		1.565	1.625	60	3,69%				1.565	0,00%
	mar.06		73	1.918	2.004		1.991	2.078	87	4,19%		2		1.993	0,00%
	apr.06		18	1.867	1.900		1.885	1.918	33	1,72%		3		1.888	0,00%
	maj.06		30	3.028	3.066		3.058	3.096	38	1,23%		6		3.064	0,00%
	jun.06		10	2.867	2.920		2.877	2.930	53	1,81%		4		2.881	0,00%
	jul.06						0	0							

For information

TOTAL for VBG between 1/1/2006 and 31/12/2006	0	179	13.065	13.387	0	13.244	13.567	323	0	15	0	13.259			
TOTAL concerned cities (max 0)	0	6	6	6	0	6	6	6	6	4	0	6			
Minimum		10	1.542	1.602		0	0	33		2		1.565			
Maximum		73	3.028	3.066		3.058	3.096	87		6		3.064			
Average		30	2.178	2.231		1.019	1.044	54		4		2.210			

RESTREINT UE

VISAS ISSUED BY "SCHENGEN" CONSULATES IN BELGRADE IN 2005

UE / Schengen Country	A visas issued	B visas issued	C visas issued (ADS included)	C visas applied for	ADS visas issued	Total A,B,C visas issued	Total A,B,C visas applied for	Total A,B,C visas not issued	Not issued rate for A,B,C visas	Total LTV visas issued	D visas issued	"D+C" visas issued	Total A,B,C,LTV, D, "D+C" visas issued
GREECE		108	40036			40144				276	245		40665
SLOVAKIA	0	10792	10646	10727	0	21438	21519	81	0,38%	0	3	0	21441
POLAND	0	121	4211	4216	0	4332	4337	5	0,12%	0	58	0	4390
ITALY	4	325	26780	27789		27109	28131	1022	3,63%	346	3635	24	31114
NETHERLANDS	0	40	7328	8057		7368	8098	471	5,82%	7	16	155	7546
SWEDEN		7	5745			5752	7403	1468	19,83%				5752
CYPRUS	0	29	0	4179	0	29	4257	2	0,05%	4206	49	0	4284
HUNGARY	2	16979	66160	66809		83141	83819	678	0,81%		153		83294
FRANCE	2	559	19766	20811		20327	21444	1077	5,02%	40	449		20816
BELGIUM	0	25	4579	5689	0	4604	5719	1139	19,92%	0	261	26	4891
PORTUGAL	0	18	1605	1703		1623	1722	69	4,01%	1	44	0	1668
NORWAY			1626			1626		111			24		1650
AUSTRIA	2	3244	38219			41465	42608	1143	2,68%	5	293	138	41901
GERMANY	8	594	48442	56248		49044	56881	7837	13,78%	47	3368		52459
CZECH REPUBLIC	0	729	15536	15599	0	16265	16336	53	0,32%		274		16539
FINLAND		8	868			876	991	115	11,60%	81			957
DENMARK		9	2772	3009		2781	3018	228	7,55%	3			2784
SPAIN	1	118	5434	5335		5553	5656	133	2,35%		144		5697

**VISAS ISSUED BY "SCHENGEN" CONSULATES IN BELGRADE
in 2006**

VISAS ISSUED BY SCHENGEN CONSULATES IN BELGRADE IN 2006 (January-May)											
	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	2	1347		15993	11	17353	650		17992	721	4,83%
<i>BELGIUM ?</i>											
DENMARK		4		791		795	28		823	90	10,2%
FINLAND				13	271	284				37	13,6%
<i>FRANCE ?</i>											
GERMANY	1	178		23601		23780	2765		26545	5866	20,5%
ITALY *	1	134		4164	14	4313	743		5056	239	5,3%
THE NETHERLANDS		5		3007		3012				216	6,3%
PORTUGAL		13		573		586				5	3,3%
SWEDEN **				1379	251	1630				292	15,6%
NORWAY	0	0	0	582	0	582	76	0	658	54	9,4% ⁰
Total	4	1681		50103	547	52335	4262		51074	7520	9,8%

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

DECLASSIFIED

Supporting documents

For all types of visas the following documentation is required:

- VISA APPLICATION FORM (must be completed using alphabet and capital letters only, all questions must be answered and the application must be signed).
- A VALID PASSPORT (passport must be at least three months beyond the intended period of stay in the Republic of Slovenia). In the case the passport has been valid for less than a year; the previous passport must be submitted.
- ONE PASSPORT-SIZE PHOTOGRAPH (3.5 x 4.5 cm; full face).
- INTERNATIONAL COMMERCIAL HEALTH CARE INSURANCE which fully covers the period of the requested visa, and 30.000 euros minimum insurance.
- PROOF OF MEANS OF SUPPORT

For:

- Employed persons: proof of employment should contain information about your salary, position and length of employment. The proof must be dated, stamped and signed by your employer. In addition to this, the applicant must provide an attested photocopy of the *workbook* or an ordinary photocopy of the *workbook* together with the original.
- pensioners: recent pension slip
- students: certificate from school or university that shows the applicant to be currently enrolled and proof of income of his or her parent or guardian
- artists, self-employed or tradesman/craftsman: proof of registration from the relevant municipal authorities and proof of tax payments from the relevant tax authorities (both not older than 3 months)
- farmers: proof from the relevant municipal authorities, health insurance book
- housewives and other dependents: letter of support and proof of income of the support provider.

Additional document requirements:

I. PRIVATE TRAVEL

- ORIGINAL LETTER OF INVITATION from a citizen or a foreigner with a permanent residence in the Republic of Slovenia (attested at “upravna enota” or at a notary) (see Annex 6).

Compulsory information in the statement:

- the guarantor’s first and last name and place and date of birth
- the guarantor’s current address of residence and telephone number
- the invitee’s first and last name and place and date of birth
- the invitee’s address of residence
- purpose of visit
- duration of stay and date of arrival
- intended address of stay
- statement from the guarantor that he or she is prepared to cover all the foreseeable and unforeseeable expenses of the invitee’s stay in Slovenia
- the expressed written consent of the invitee that all the information given in the letter of invitation can be used in the verification process by the relevant agencies and institutions of the Republic of Slovenia, the European Union and any other EU member state.

RESTREINT UE

II. BUSINESS TRAVEL

- ORIGINAL LETTER OF INVITATION FROM A CORPORATE ENTITY REGISTERED IN THE REPUBLIC OF SLOVENIA. Invitations must be attested at "upravna enota" or a notary (see Annex 7).

Compulsory information in the invitation:

- name of the corporate entity (the guarantor)
- first and last name of the person in charge
- the guarantor's current address and telephone number
- the invitee's first and last name and place and date of birth
- the invitee's current address of residence
- purpose of visit
- duration of stay and date of arrival
- statement from the guarantor that the entity is prepared to cover all the foreseeable and unforeseeable expenses of the invitee's stay in Slovenia
- the expressed written consent of the invitee that all the information given in the letter of invitation can be used in the verification process by the relevant agencies and institutions of the Republic of Slovenia, the European Union and any other EU member state..

MULTIPLE VISAS:

Proof of long-term commercial commitment (contracts, payment slips, etc) and an explanation of this commitment.

III. TOURIST VISA

- CONFIRMATION OF PAID TOURIST ARRANGEMENT (VOUCHER) of at least 30% of the price or BANK CONFIRMATION of paid arrangement.
- CONFIRMATION OF RESERVATION AND OF PAID ARRANGEMENT in Republic of Slovenia.

IV. TYPE B VISA – TRANSIT VISA

- PHOTOCOPY OF VALID SCHENEGEN VISA OR OF THE VISA OF THE COUNTRY OF VISIT

V. VISAS NECESSARY FOR OTHER ARGUMENTATIVE REASONS

For treatment in Republic of Slovenia:

- EVIDENCE OF MEDICAL TREATMENT IN REPUBLIC OF SLOVENIA from the institution from which the treatment will be taken and AGREEMENT OF MINISTRY OF HEALTH OF THE REPUBLIC OF SLOVENIA – sent directly to the Consular Department.

For receivers of Slovenian pensions:

- A WRITTEN ORDER OF RECEIVING PENSION IN REPUBLIC OF SLOVENIA (odločba Zavoda za pokojninsko in invalidsko zavarovanje)

For real estate owners in Republic of Slovenia:

- EVIDENCE OF REAL ESTATE OWNERSHIP IN REPUBLIC OF SLOVENIA (from Land Registry - "zemljiška knjiga" or Geodetic administration)

RESTREINT UE

VI. GROUP VISAS

- COLLECTIVE PASSPORT and PASSPORT OF THE GROUP LEADER
- ONE PHOTOGRAPH of each member of the group.
- VISA APPLICATION FORM (for each member of the group; must be completed using alphabet and capital letters only, all questions must be answered and it must be signed by each member).
- INTERNATIONAL COMMERCIAL HEALTH COVER which covers the period of the visa validity for each member of the group.
- EVIDENCE OF MEANS OF SUPPORT for all members.
- INVITATION LETTER (depending on the purpose of the visit – the same as for individual visas)

DECLASSIFIED

Sample questionnaire for short interview at counter

a) individual application

VPRAŠALNIK V PRIMERU ZASEBNEGA OBISKA – ZNANCI ALI SORODNIKI

1. Kdo je pobudnik obiska (prosilec ali garant)?

Prosilec
Garant

2. Kakšno je vaše razmerje do osebe, ki vas vabi v Slovenijo?

ožji sorodnik	daljni sorodnik	prijatelj, znanec	zaročenec(ka) fant / dekle
-----	-----	-----	-----

3. Razlogi za obisk v Sloveniji?

4. Kdaj in kje ste se nazadnje srečali z osebo, ki vas vabi?

5. S čim se oseba, ki vas vabi preživlja / ukvarja?

6. Ali osebam ki vas vabi v Sloveniji živi sama? Ali je poročena? S kom? Ima otroke?

7. Navedite telefonsko številko osebe, ki vas vabi?

8. Ostali zaznamki

Podpis uslužbenca

RESTREINT UE

b) Business visa application

VPRAŠALNIK V PRIMERU POSLOVNEGA OBISKA

1. Kdo je pobudnik obiska (prosilec ali garant)?

Prosilec
Garant

2. S kakšnim poslom se ukvarja prosilec?

3. Kako ste vzpostavili kontakt s poslovnim partnerjem in kdaj?

4. S kakšnim poslom se ukvarja poslovni partner v Sloveniji?

5. Koliko časa se poznate s poslovnim partnerjem v Sloveniji? Ali sta v preteklosti že poslovno sodelovala? Kdaj? Kako?

6. Kakšen je namen obiska? Kaj boste v času obiska pri poslovnem partnerju počeli?

7. Navedite telefonsko številko osebe, ki vas vabi?

8. Ostali zaznamki

Podpis uslužbenca