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NOTE

From: General Secretariat of the Council
To: National Parliaments

Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Iceland on the application of the Schengen acquis in the field of the common visa policy

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Iceland on the application of the Schengen acquis in the field of the common visa policy¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 13968/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2017 evaluation of Iceland on the application of the Schengen acquis in the field of the common visa policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen², and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this decision setting out a recommendation is to recommend to Iceland remedial actions to address deficiencies identified during the Schengen evaluation in the field of the common visa policy carried out in 2017. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2017) 5138.
- (2) In light of the importance of the correct implementation of the provisions linked, among others, to the decision-making process, the Visa Information System (VIS), the organisation of the visa sections and adequate resources and trainings provided to the consulates, priority should be given to implementing recommendations no. (1), (2), (4), (6), (8), (13)-(18) and (21).
- (3) This decision setting out a recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16, paragraph 1 of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide this to the Commission and the Council,

² OJ L 295, 6.11.2013, p. 27.

HEREBY RECOMMENDS:

that Iceland should:

Consulate in Beijing

1. Ensure that the consulate has sufficient expatriate staff members in order to supervise the work of locally hired staff. In light of the fast increase of the number of visa applications, consider the possibilities to ensure that the head of the visa section would only have visa (and consular) related responsibilities.
2. Ensure that applications are registered by the consulate in the IT system and in VIS without delay once the application has been deemed admissible and also the systematic use of the IT system to record findings of the examination, verifications, interviews, etc. and the reasons leading to the decision. Ensure the proper registration of information on manually filled in visa stickers in VIS, as well.
3. Ensure that the stamp indicating that an application is admissible is no longer used.
4. Instruct expatriate staff to properly supervise the processing of applications and to enter/verify the decisions in the IT system, before the visa sticker is printed or the case referred to the central visa authority for further processing. Limit the visa processing rights of the local staff who is not a national of an EU/EEA Member State. As a minimum, they should not be authorised to grant ("Veitt") visas.
5. Ensure that the management and distribution of visa stickers to staff members are performed or adequately supervised by expatriate staff.
6. Issue multiple entry visas with a length of validity corresponding to the applicant's proven need / justification to travel frequently or regularly and consider using the full range of length of validity for multiple entry visas (from 6 months to 5 years).
7. Ensure that the standard form (Annex VI of the Visa Code) is used in case of refusal, annulment and revocation of visas.

8. Ensure the proper application of the provisions regarding invalidation, annulment and revocation of visa stickers, depending on each case, including the provisions to register such cases in the VIS. Ensure that misprinted visa stickers are destroyed, unless they are already affixed to the passport.
9. Reconsider the use of the return control procedure and ensure that tourism surveys conducted by the consulate are clearly separated from the visa procedure.
10. Review and update the consulate's website to make it more user-friendly; complete and correct the information available there. In addition, instruct the external service provider (ESP) to improve its website to make it more user-friendly, to better structure the information and to complete and correct the information where necessary. Instruct the ESP to complete the information available on the notice board in its premises.
11. Ensure proper recording of the handover of the files/passports between the ESP and the consulate (e.g. by means of a bar code reader since bar codes are used already by the ESP to track files).
12. Instruct the ESP to use the applicant's passport when entering personal data into the Icelandic ESP data entry programme (VisIce), rather than the visa application form.
13. Improve the monitoring of the ESP, amongst others by carrying out unannounced visits/calls and keep the records of the monitoring activities.
14. Instruct the ESP to strictly limit the data retention periods in all the systems and local drives in line with legal requirements and regularly monitor the practices of the ESP in this regard.

Central visa authority / Horizontal aspects

15. Ensure, possibly with the assistance of experts from other Member States, that all staff dealing with visa processing, including the ones already working at the consulates undergo a thorough training and obtain a sound knowledge about the relevant EU law, among others, the Visa Code, the Handbook, the VIS Regulation, the Table of Travel Documents, the visa facilitation agreements as well as the use and functionalities of the IT systems.

16. Make the relevant EU and corresponding Icelandic legislation available to the staff via intranet.
17. Start regular monitoring of the consulates.
18. Amend the national legislation with a view to setting the fee for visa extension at EUR 30.
19. Abolish the "VIS" comment on the visa sticker.
20. Ensure that the guarantee form includes information about the storage of the guarantor's personal data in the VIS.
21. Either authorise the consulates to refuse visas without the involvement of the Directorate of Immigration (DoI) or ensure that they do not circumvent the refusal procedure by recommending applicants to withdraw their applications. Ensure that in case the consulates or the DoI identify any of the refusal reasons when examining the application, the visa is indeed refused.
22. Agree on a protocol between the Ministries of Interior and the Foreign Affairs on the management of blank visa stickers, in particular the monitoring of stocks and future needs, the ordering and the distribution to the consulates and other authorities. Ensure that there is a central register (possibly integrated in the IT system) in which the distribution and receipt of all blank visa stickers is documented.
23. Send instructions on visa sticker management to the consulates.
24. Clarify the responsibilities between the consulates and the DoI in the procedures related to invalidation, annulment and revocation of visa stickers.
25. Ensure that shipping companies sign a financial guarantee to cover the expenses of seafarers, when submitting visa applications to the DoI.
26. Review and update the DoI website to make it more user-friendly complete and correct the information available there.

IT system

27. Use Erlendur (the Icelandic visa processing IT system) as the primary means of communication between the authorities when processing an application.
28. Modify Erlendur to implement all search capabilities set out in Article 15(2) of the VIS Regulation.
29. Carry out an IT security risk assessment with a particular focus on the IT set-up of the consulates and make sure that proper measures to assure data security are in place as per Article 32(1) of the VIS Regulation. Adopt and implement a security plan in accordance with Article 32 of the VIS Regulation.
30. Integrate the prior consultation, including the consultation table, into Erlendur in order to ensure that prior consultation is always performed when required and the outcome of that is always properly taken into account.
31. Ensure that all staff understands when and how to use VISMAIL.
32. Ensure that the VIS check is enforced by the system when registering the application in Erlendur.
33. Consider adding functionalities to improve data quality control (e.g. pop-up messages, inactivating certain tabs to block further processing) in the system.
34. Modify Erlendur to ensure that all printing processes are logged and all visa sticker numbers are properly registered in the system.
35. Consider integrating the biometric registration programme into Erlendur and make the process of connecting an application with the appropriate NIST file automatic.

36. Modify the VisIce system so that ESPs would only have access to their own files and ensure that old (probably blocked) application files are deleted from VisIce on a regular basis. Consider including the possibility to register information about whether the fingerprints have been captured or the reason of their absence.

Done at Brussels,

For the Council
The President
