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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of Italy on the application of the Schengen <i>acquis</i> 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 2022 evaluation of Italy 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. [9993/23](#).

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Italy on the application of the Schengen acquis in the field of the common visa policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen², and in particular Article 15(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) A Schengen evaluation in the field of the common visa policy was carried out in respect of Italy in October 2022. Following the evaluation, a report containing the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2023) 270.

² OJ L 295, 6.11.2013, p. 27.

- (2) Recommendations should be made on remedial actions to be taken by Italy in order to address deficiencies identified as part of the evaluation. In light of the importance of the correct implementation of the provisions related, among other things, to the proper type of visa to be processed, the use of the uniform visa application form and that visa applicants should be able to lodge their application within two weeks from the date when the appointment was requested, priority should be given to implementing recommendations 1, 3, 4, 9 and 10 in this Decision.
- (3) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.
- (4) Council Regulation (EU) 2022/922³ applies as of 1 October 2022. In accordance with Article 31(3) of that Regulation, the follow-up and monitoring activities of evaluation reports and recommendations, starting with the submission of the action plans, should be carried out in accordance with Regulation (EU) 2022/922.
- (5) Within two months of its adoption, Italy should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Italy should provide that action plan to the Commission and the Council.

RECOMMENDS:

that Italy should:

General

- (1) instruct all Italian consulates without delay to refrain from issuing short-stay visas for applicants⁴ who intend to stay longer than 90 consecutive days in Italy and amend the national law to ensure clarity and legal security in this regard;

³ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) N° 1053/2013, OJ L160 of 15.6.2022, p. 1.

⁴ With the exception of beneficiaries of Directive 2004/38/EC who are eligible for 'entry visas' in form of a short-stay visa.

- (2) ensure that the Central Visa Authority takes a leading role in the preparation of public procurements to select external service providers in order to ensure a smooth transition between contracts and that the staff at the consulates can focus on their primary tasks, i.e. processing Schengen visa application;
- (3) ensure that the short-stay visa application form is not used for the purpose of processing long-stay visa applications and *vice-versa*;
- (4) ensure that visa applicants can lodge their application within two weeks from the date when the appointment was requested, for instance by stepping up the efforts to reinforce the staff involved in Schengen visa processing and also by engaging with the external service provider(s) on how to reduce the waiting time for appointments where the delays are (primarily) due to the staff shortages at external service providers;
- (5) ensure that the processing time of visa applications never goes beyond 45 calendar days and is only extended beyond 15 calendar days in individual cases, notably when further scrutiny of the application is needed, e.g. by reinforcing at least temporarily the staff at consulates under the heaviest pressure (Morocco, in particular);
- (6) ensure that application files are entered in the Visa Information System without delay when the application is considered admissible;

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- (7) ensure that all relevant information is provided to the public by the consulate and the external service provider in accordance with Article 47 of Regulation (EC) No 810/2009⁵ (hereinafter: the Visa Code);
- (8) in relation to the external service provider,
 - (a) instruct the external service provider to review and clean the scroll down list of visa types in its booking system;
 - (b) instruct the external service provider to refrain from refusing to register applications that they consider inadmissible if applicants insists to submit them, in spite of the

⁵ OJ L 243, 15.9.2009

staff of the external service provider having duly informed them about the applicable rules and their assessment that Italy may not be the competent Member State;

- (c) ensure that the external service provider systematically checks the completeness of the files on the basis of an updated checklist which complies with the harmonised list set out in Commission Implementing Decision C(2019)3271, informs applicants if certain documents are missing, and sends incomplete files to the consulate only in cases where the applicant insists on their submission;
- (d) ensure that visa applicants always have the choice to lodge their application through the external service provider without being obligated to take optional services for an extra service fee;
- (e) refrain from drawing up separate lists of issued/refused visas in the process of returning travel documents to the external service provider and ensure that they do not become aware of the decisions on individual applications;
- (f) instruct the external service provider to do its utmost to collect the direct contact information of the visa applicant in order to facilitate the return of the travel documents;
- (g) reinforce and formalise the monitoring of the external service provider by regularly carrying out announced and unannounced visits, draft reports of the visits and ensure the follow-up of the problems identified;
- (h) in the process of setting up the cooperation with the new external service provider, ensure that adequate privacy at the counters will be provided, the ticketing system will work, and visa applicants will be called to the counters in accordance with their ticket number;
- (i) ensure that activities will be divided by counters to decrease the waiting time and increase efficiency;
- (j) ensure that the external service provider's appointment booking system allows applicants to indicate how many applications will be submitted during the appointment (for the same family) in order to allow a better overview of the daily expected workload by the external service provider;

- (9) ensure the use of the latest version of the uniform application form set out in Annex 9 of Visa Code Handbook I and ensure that the content of the Italian online version of the application form fully corresponds to the latest version of the uniform application form;
- (10) ensure that applicants present fully filled in and signed application forms when lodging visa applications;
- (11) ensure that only one photograph is required from each applicant;
- (12) align the different versions of the checklist and ensure that its content complies with the harmonised list of supporting documents for Senegal set out in Commission Implementing Decision C(2019)3271;
- (13) ensure that the staff is aware of relevant visa facilitation agreements, especially the one concluded between the EU and Cabo Verde and that the provisions of the agreements (e.g. regarding the visa fee) are complied with;
- (14) ensure that requests of additional documents are systematically and swiftly followed-up by the consulate after the expiry of the deadline given to applicants to provide documents;
- (15) ensure that the visa processing of Gambian nationals complies with Council Implementing Decision (EU)2021/1781⁶;
- (16) increase the number of expatriate decision-makers at the consulate in Dakar.

Done at Brussels,

For the Council

The President

⁶ OJ L 360, 11.10.2021, p. 124–127.