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LIMITE

**SCH-EVAL 48
VISA 60
COMIX 187**

NOTE

From: Austrian delegation

To: Working Party for Schengen Matters (Schengen Evaluation) - Mixed
Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)

No. prev. doc.: 12254/15

Subject: Schengen evaluation of AUSTRIA - Action Plan to remedy any deficiencies
identified in the 2015 evaluation report in the field of visa

Delegations will find annexed the Action Plan to remedy any deficiencies identified in the 2015 evaluation report in the field of visa provided by Austria on 8 February 2016.

In conformity with Article 16 (2) of Council Regulation (EU) No 1053/2013 of 7 October 2013, Member States are invited to send comments, if any, by **Monday 14 March 2016 (cob)** to schengen.evaluation@consilium.europa.eu.

ACTION PLAN to remedy any deficiencies identified in the evaluation report concerning the 2015 evaluation of AUSTRIA

(Article 16 of Regulation 1053/2013)

I. VISAS

- doc C(2015)6142

- doc 12254/15

RECOMMENDATION	PRIORITIZED RECOM YES/NO	PLANNED ACTION TO BE TAKEN BY [MS]	FORESEEN TIME-FRAME
1 carry out systematic monitoring of external service providers (ESP), inter alia by: – making regular unannounced visits to the visa application centres both in the locations where the Austrian diplomatic mission/consular post is situated and elsewhere in the country concerned (the latter possibly in cooperation/alternation with other Member States using the same centres); reports of these visits should be drawn up; – updating the ESP on a regular	NO	1.1 All consulates were informed again about their duties and are obliged to make reports about it	completed
		1.2 The evaluation of ESPs and the communication with them is integrated in the monitoring scheme of the inspector general of the MFA.	continuously

<p>basis on changes of practice and ensuring that such changes of practices are implemented correctly;</p> <p>– supervising ESP staff continuously when they deliver applications to the consulate and collect passports and ensuring electronic tracking of all exchanges of applications, travel documents and other documents.</p>			
<p>2 Change the workflow in consulates so that expatriate consular staff are always aware of the results of the SIS check, national consultations and prior consultation of other Member States (where relevant) before they take the final decision on applications and authorise the printing of the visa sticker.</p>	<p>NO</p>	<p>2.1 The information about hits of all databases and the consultation result will be integrated in the new visa software</p>	<p>Q3 2016</p>
		<p>2.2 The consulates are informed in writing and this issue is one focal point in the visa training</p>	<p>completed</p>
<p>3 Ensure that the decision to issue a single-entry or multiple-entry visa (MEV) be based on applicants' real needs and his visa history, as an MEV is in most cases not</p>	<p>NO</p>	<p>3.1 AT welcomes the recommendations. The MFA has sent the results of the evaluation and the recommendations to its consulates which get relevant instructions on a regular basis.</p>	<p>completed</p>
		<p>3.2 Concerning the need for the central authorities' prior approval of the issuing of MEVs with a validity of over a year and other internal consultation</p>	<p>-</p>

<p>relevant for very short stays of a few days; ensure that MEVs with a long validity are issued in accordance with Article 24(2) of the Visa Code 2 to bona fide applicants with a solid visa history, in order to facilitate travel for frequent or regular travellers and lessen the administrative burden on the visa section; reconsider the need for the central authorities' prior approval of the issuing of MEVs with a validity of over a year so as not to obstruct proper implementation of the Visa Code.</p>		<p>procedures AT has to refer to the AT internal organisation structure on visa matters which is crucial for the correct implementation of the Visa Code. No changes are planned</p>	
<p>4 Consider abolishing the practice of 'consulting' the applicant before formal refusal of their application, as this is not provided for in the Visa Code and EU law has primacy over national law.</p>	<p>NO</p>	<p>4.1 Due to the right to appeal for applicants who have been refused a visa and the AT case law in this regard referring especially to recital 7 and 29 of the Visa Code (Reg. (EC) No 810/2009) AT had to modify the practice by consulting the applicant prior to the official refusal. No changes are planned. This practice only concerns potential refusals and gives the applicant a second chance, which is in his favour.</p>	<p>-</p>
<p>5 Upgrade the national IT system so as to prevent unauthorised staff printing a uniform visa where there has been a SIS</p>	<p>NO</p>	<p>4.2 The consulates were informed, that this must not lead to a length of procedure exceeding 15 days.</p>	<p>completed</p>
		<p>5.1 Foreseen for the new software release</p> <p>5.2 -</p>	<p>Q3 2016</p> <p>-</p>

'hit' or a negative reply in prior consultation while maintaining the possibility of issuing visas with limited territorial validity.			
6 Update all relevant websites (at consulate and central levels) to cover all information as required under Article 47(1) of the Visa Code.	NO	6.1 All consulates were informed accordingly	completed
		6.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA.	continuously
7 Ensure that the application form to be used by applicants is that in Annex I to the Visa Code without any alterations.	NO	7.1 All consulates were informed accordingly	completed
		7.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA	continuously
8 Ensure that visa applicants are required to present only one photograph as provided by the Visa Code.	NO	8.1 All consulates were informed accordingly	completed
		8.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA.	continuously
Embassy/visa section in Moscow			
9 Ensure that applications are not declared admissible (and the admissibility stamp not affixed) until the visa fee has been paid (by bank transfer or otherwise).	NO	9.1 The consulate was informed accordingly	completed
		9.2 As the VIS will be completely rolled out in Feb 2016 no more stamps have to be affixed (see Art 20 (3) Visa Code).	Q1 2016
10 Ensure that the misprinted visa stickers are invalidated in accordance with the provisions of the Visa Code.	NO	10.1 The consulate was informed accordingly	completed
		10.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA.	continuously
11 Ensure that the standard form for notifying the annulment of	NO	11.1 The consulate was informed accordingly	completed
		11.2 The evaluation of this issue is integrated in the monitoring scheme of	continuously

a visa is used systematically		the inspector general of the MFA	
12 Draw up protocols for the distribution of individual visa stickers to (EU) local staff during the day signed by these staff members, so that each visa sticker can be traced at any time	NO	12.1 The consulate was informed accordingly	completed
		12.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA	continuously
Embassy/visa section in Delhi			
13 Closely monitor the ESP to ensure that it takes appropriate technical and organisational measures to protect personal data and sensitive documents when handling files and data by the ESP	NO	13.1 The consulate was informed accordingly	completed
		13.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA.	continuously
14 Raise consular staff's awareness that they must respect fundamental rights and human dignity in their conduct vis-à-vis visa applicants.	NO	14.1 The staff was locally was reminded of their duties	
		14.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA.	
15 Ensure that the form for notifying refusal is filled in correctly in all cases	NO	15.1 The consulate was informed accordingly	completed
		15.2 The evaluation of this issue is integrated in the monitoring scheme of the inspector general of the MFA.	continuously