



**COUNCIL OF
THE EUROPEAN UNION**

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**VISA 170
COMIX 663**

"A" ITEM NOTE

from: General Secretariat of the Council

to: Council

No. prev. doc.: 13919/1/02 VISA 163 COMIX 630

Subject : Adoption of conclusions on intensified consular cooperation

1. Following discussions in the Strategic Committee on Immigration, Frontiers and Asylum on 5 and 6 November 2002, and the finalisation of the text by the JHA Counsellors at their meeting on 11 November 2002, agreement was reached on the conclusions set out in the Annex.
2. On 13 November 2003, the Permanent Representatives Committee confirmed this agreement, and suggested that the Council "Justice and Home Affairs" adopt these conclusions as an "A" item at its meeting on 28-29 November 2002.

CONCLUSIONS ON INTENSIFIED CONSULAR COOPERATION

Remembering the events of 11 September 2001 that created a need to intensify controls in connection with the movement of persons across the external borders, both in the short term and in the long term,

Recalling the Council meeting on 20 September 2001, where the Council requested the Member States to apply procedures for the issue of visas with maximum rigour and to this end step up local consular cooperation,

Recalling the European Council meeting in Laeken on 14 and 15 December 2001, where the Member States agreed that better management of the Union's external border controls would help in the fight against terrorism, illegal immigration networks and the traffic in human beings, and where the European Council therefore asked the Council and the Member States to take steps to set up a common visa identification system,

Considering the European Council meeting in Seville on 21 and 22 June 2002, where the Heads of State and Government recalled that top priority should be attached to the introduction, as soon as possible, of a common identification system for visa data, in the light of a feasibility study to be submitted in March 2003 and on the basis of guidelines from the Council,

Noting that guidelines for the introduction of a common system for an exchange of visa data were adopted at the Council meeting on 13 June 2002, and that the result of the Commission feasibility study on the basis of the guidelines is expected to be ready in March 2003 after which the comprehensive work of creating the actual database will start,

Recalling that the Common Consular Instructions lay down the framework for consular cooperation, among other things in view of the exchange of information on applicants who have been refused a visa because they have used stolen, lost or forged documents, because they have not observed the time-limit for departure stated on previous visas, because of security risks, and particularly in case of suspicion of attempted illegal immigration into the States applying in full the provisions of the Schengen acquis,

Recalling that for this purpose the missions are to organise meetings at a level that they deem suitable and at a frequency adapted to events,

Acknowledging that the exchange of information as part of consular cooperation is an invaluable means of seeking at an early stage to identify persons related to terrorist threats, terrorists and terrorist groups and to fight illegal immigration and trafficking in human beings,

Considering that at present there is a need for immediate action in order to increase cooperation between Member States on the issue of visas in relation to internal security and the fight against terrorism and illegal immigration,

Recalling Council Regulation (EC) No 334/2002 of 18 February 2002 laying down a uniform format for visas, where it was decided to integrate a photograph produced according to high security standards on the visa sticker at the latest within a period of five years after the adoption of the technical measures,

Noting the comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union adopted by the Council on 28 February 2002 according to which consideration should be given in particular to including in visas, where appropriate, not only a photograph of the applicant but also his or her biometric data,

Considering the report on current and future level of cooperation between the Member States' Immigration Liaison Officers in third countries,

the Council has adopted the following conclusions:

- the Council recalls the importance of an efficient consular cooperation in relation to the issuance of visas, including with regard to the implementation of decisions concerning the consultation procedures; in this regard the Council recalls the ultimate responsibility of the central authorities of the Member States for the smooth running of consular cooperation at local level, and invites Coreper to look into making consular cooperation more effective by a closer monitoring of activities,
- the Council emphasises the importance of data collection, the use of existing databases and exchange of information in connection with visa applications, which could be used as means to identify persons related to terrorist threats, terrorists, terrorist groups, illegal immigration and trafficking in human beings,
- cooperation and exchange of information in consular cooperation should therefore be intensified and include the exchange of information collected in connection with the processing of visa applications and deemed to be relevant in the fight against terrorism, illegal immigration and trafficking in human beings,
- taking into account the time perspective regarding the common visa database and the need for efficient measures to fight terrorism, illegal immigration and trafficking in human beings, the Council calls for an examination before April 2003 regarding the effectiveness of prior consultation with central authorities as set out in the Schengen Convention, specifically with regard to the number of third-countries mentioned in annex 5 to the Common Consular Instructions,
- the Council urges the diplomatic missions of the Member States in third countries where networks involved in or associated with international terrorism are assumed to exist to exchange information obtained in connection with visa applications regularly and at least once a month,
- information shall be exchanged within the framework of national data protection rules and relevant international legal instruments,

- the Council invites Member States to accelerate the implementation of the Council Regulation of 18 February 2002 laying down a uniform format for visas in order to integrate a photograph on the visa sticker as soon as possible notwithstanding the five years time limit as set out in the Regulation,
- the Council invites the relevant EU bodies to consider the need for advancing the work on the possibility to insert other biometric data in visas,
- furthermore the Council invites the Member States to consider the need for exchange of information between Immigration Liaison Officers in third countries and the embassies of Member States within the framework of consular cooperation,
- finally the Council invites the Member States to consider where consular cooperation could be useful in connection with the implementation of the EU return action programme.
