



Consular Affairs and Migration Policy Department
Aliens and Visas Division
Ref: DCM/VV-560/10-ES

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the Republic of Austria and has the honour to refer to the new legal framework for the representation of Schengen States for the purpose of examining applications and issuing Schengen visas. This new legal framework is contained in Article 8 of the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) and applies from 5 April 2010.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands has the intention to maintain all the existing arrangements with the authorities of the Republic of Austria and to start representation of the Netherlands in **Astana** (Kazakhstan) in accordance with Article 8 of the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

The Ministry of Foreign Affairs of the Kingdom of the Netherlands proposes to conclude the representation arrangement with regard to Schengen visas as follows:

1. Extent of representation

As of 15 October 2010 the Kingdom of the Netherlands will represent the Republic of Austria in accordance with the Visa Code with regard to all types of Schengen visas at the following locations.

Country	Consulate*
	buiten verzoek

As of 1 January 2011 the Republic of Austria will represent the Kingdom of the Netherlands in accordance with the Visa Code with regard to all types of Schengen visas at the following locations.

Country	Consulate*
Kazakhstan	Astana [1]



Representation consists of:

- a. informing the public;
- b. issuing the visa when appropriate;
- c. for locations with indication [1]: refusing to issue the visa when appropriate and dealing with appeals, in accordance with the national law of the representing Member State;
- d. for locations with indication [2]: when contemplating refusing to issue the visa, submitting the application to the relevant authorities of the represented Member State in order for them to take the final decision. The relevant authorities of the represented Member State are the respective local contact points as listed in Annexe 1 or the central contact point as listed in Annexe 1.

2. Conditions of representation

- a. Visa applications will be assessed and visas issued in accordance with the procedures, conditions and criteria laid down in the Visa Code (Regulation 810/2009).
- b. Except in the cases specified in the Visa Code, a Member State cannot be held liable for activities performed on behalf of the other Member State.
- c. The visa fee (art. 16 of Regulation 810/2009) is for the representing Member State.
- d. The representing Member State may work with an external service provider at one or more locations, in accordance with and under the conditions stipulated by Regulation 810/2009.
- e. The supporting documents submitted by the applicant may need to be translated into (one of) the working language(s) used by the consulate* of the representing Member State.



- f. When applicable, prior consultation with other Member States (in accordance with art. 22 of Regulation 810/2009) will be carried out by the represented Member State, as specified in point 2.1.1.2 of the Schengen Consultation Network Technical Specifications (doc. 5124/08), unless the required modifications have been adopted to enable the representing country to conduct these consultations.
- g. As applicable, notification of other Member States will be carried out by the representing country (in accordance with art. 31 of Regulation 810/2009).
- h. In the event of questions, in particular when related to the inviting party or sponsor, the representing Member State's consulate* may contact the central and/or local contact point of the represented Member State. A list of contact points is attached (Annexe 1). If an answer is not provided in due time (in principle within seven calendar days), the representing Member State may decide on the information available.
- i. The represented Member State undertakes to coordinate with the representing Member State on the recognition of travel documents issued by the country/countries where it is represented. The representing Member State will inform the represented Member State of new travel documents issued by third countries and request specimens for the represented Member State.
- j. For each location where it is represented, the represented Member State's local (or central) contact point(s) and the representing consulate* can agree on a case by case basis to facilitate persons, companies and institutions that are of national importance to or are well known in the represented Member State. The representing Member State will grant them the same facilitations and privileges as it does for its own bonafide applicants.
- k. On a yearly basis and upon request by the represented Member State, the representing Member State will provide statistical data for each location on visas issued and refused on behalf of the represented Member State.



1. The practical implementation of this arrangement may be reviewed on a yearly basis and in particular if the number of visa applications for the represented Member State is increasing.

3. Final provisions

This representation arrangement will enter into force and apply from 1st November 2010 and will remain valid for an indefinite period, unless:

- it is amended by written mutual consent of both Member States;
- it is suspended in whole or in part by one of the Member States. This Member State will, if possible, notify the other Member State accordingly, if possible at least 30 days in advance, stating the reason(s) for the suspension;
- one of the Member States terminates this arrangement by giving written notice of termination to the other Member State. This arrangement will cease to be valid 30 days after the date of such notification.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Embassy of the Republic of Austria the assurances of its highest consideration.

The Hague, 13 October 2010

To the Embassy of
The Republic of Austria
The Hague



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* 'consulate' as defined in the Visa Code, art. 2.2.9



ANNEXE 1

Local contact points for the Kingdom of the Netherlands	Represented in
Embassy Office of the Kingdom of the Netherlands 103, Nauryzbai Batyr Street 050022 <u>Almaty</u> - KAZAKHSTAN Tel: + 7 727 2503773 Fax: + 7 727 2503772 E-mail: alm-ca@minbuza.nl	Astana (Kazakhstan)
Central authorities of the Kingdom of the Netherlands	
Ministry of Foreign Affairs Consular Affairs and Migration Policy Department (DCM) PO Box 20061 2500 EB <u>The Hague</u> – THE NETHERLANDS Tel: +31.70.3485622 Fax: +31.70.3484583 E-mail: dcm-vv-posten@minbuza.nl	

Local contact points for the Republic of Austria	Represented in
buiten verzoek	



Central authorities of the Republic of Austria

Ministry of European and Foreign Affairs (Bundesministerium für europäische und internationale Angelegenheiten)
Department IV.2 /Travel and Border and Immigration Affairs)
(Abteilung IV.2 /Reise- und Grenzverkehr, Aufenthaltswesen)

Minoritenplatz 8
A-1014 Wien - AUSTRIA

Telephone: (+43/0) 50-1150 - 3879 ou 4513

Fax: (+43/0) 50-1159-242

E-mail: abtiv2@bmeia.gv.at

Internet:

<http://www.bmeia.gv.at/aussenministerium/buergerservice/pass-und-visum/visainformation-englisch.html>

Austrian Embassy
The Hague

GZ: Den-Haag-ÖB/KONS/1082/2010

NOTE VERBALE

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The Embassy of the Republic of Austria avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

The Hague, 22 December

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To the Ministry of Foreign Affairs
Consular Affairs and Migration Policy Department (DCM)
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www.aussenministerium.at/denhaag, den-haag-ob@bmeia.gv.at

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Embassy of the Kingdom of the Netherlands 103, Nauryzbai Batyr Street 050022 Almaty – KAZAKHSTAN Tel: +7 727 25 03 773 Fax: + 7 727 25 03 772 E-mail: alm-ca@minbuza.nl	Astana (Kazakhstan)
Central authorities of the Kingdom of the Netherlands	
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Federal Ministry for European and International Affairs (Bundesministerium für europäische und internationale Angelegenheiten)
Department IV 2 (Travel and Border and Immigration Affairs)
(Abteilung IV 2 Reise- und Grenzverkehr, Aufenthaltswesen)

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Internet <http://www.bmeia.gv.at/aussenministerium/buergerservice/pass-und-visum/visainformation-englisch.html>

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