

**Agreement**  
**between**  
**the Federal Minister for European and International Affairs of the**  
**Republic of Austria**  
**and**  
**the Minister of Foreign Affairs of the Republic of Malta**  
**on the reciprocal representation in the practice of granting visas**

The Minister for European and International Affairs of the Republic of Austria on the one hand and the Minister of Foreign Affairs of the Republic of Malta on the other hand (hereinafter “signatory partners”),

have according to Article 8 of provision N° 810/2009 of the European Parliament and the Council of 13<sup>th</sup> July 2009 on the Visa Code of the Community,

agreed upon the following:

### **Article 1**

#### **Reciprocal Representation**

- (1) The Republic of Austria and the Republic of Malta represent each other in the processing of visa applications and the granting of standardised visas, valid for the territory of all signatory countries of the Agreement of 19<sup>th</sup> June 1990 on the realisation of the Schengen Acquis of 14<sup>th</sup> June 1985 on the gradual abolition of checks at their common borders (Schengen Convention).
- (2) The posts, where a representation according to para (1) will be established, are attached to this agreement. Any modification of the attachment will be effected through the exchange of notes.

### **Article 2**

#### **Procedure**

- (1) The representing Representation accepts the visa application, registers the application data and from the time of the introduction of the registration of biometrical characteristics in visa, registers the biometrical information and carries out the examination of the application.
- (2) If the conditions for granting the visa are met in accordance with Schengen regulations and if the evaluation of entry-requirements and the risk assessment of the responsible representation meet the required standards, the representation decides on the visa application and issues a visa according to its assessment.
- (3) If the requirements for the granting of a visa are not met in accordance with Schengen regulations and if the evaluation of entry-requirements and the risk assessment of the responsible representation do not meet the required standards, the representation is authorised, according to Article 8 para 4 letter d of the Visa Code, to refuse the visa independently. In this case the representation instructs the applicants according to Article 32 para 3 of the Visa Code concerning legal remedies against this decision with the representing member state by means of the form, provided in the annex of the Visa Code.
- (4) Upon request of the represented member state the representing authority will inform the central authority of the represented state on a case by case basis about the fact of and the reasons for the refusal.

**Article 3**  
**Responsible Authority**

- (1) The responsible authority for the implementation of this agreement is:

In the Republic of Austria:  
Ministry of European and International Affairs  
Dept. IV.2 (Travel- and Cross Border Traffic; Residence Issues)  
1014 Vienna

In the Republic of Malta:  
Ministry of Foreign Affairs  
Central Visa Unit  
Floriana FRN 1530

- (2) The Signatory Partners inform one another through the exchange of notes about the contact details of the in para (1) mentioned authorities.

**Article 4**  
**Begin of the Representation**

- (1) The representing representation carries out the activities of implementing this agreement independently.
- (2) The representing representation informs the European Commission about this agreement as well as the termination of this agreement before it enters into force, respectively before it goes out of force.
- (3) Simultaneously the information according to para (2), the representing representation informs the Consulates of the other Member states as well as the Delegation of the European Union in the affected area of representation about this agreement as well as the termination of this agreement before it enters into force, respectively before it goes out of force.

**Article 5**  
**Visa Fees**

The representing representation is in all circumstances entitled to the visa fees.

**Article 6**  
**Coming into Effect, Validity Period, Cancellation**

- (1) The Agreement enters into force on the first day of the month following the day of the signing of this agreement. This agreement is concluded for an unlimited period. With the coming into force of this agreement the agreement concluded between the Minister of European and International Affairs of the Republic of Austria and the Minister of Foreign Affairs of the Republic of Malta on the reciprocal representation in visa issues dated from 1<sup>st</sup> November 2005 ceases to be in force.
- (2) This agreement can be adjusted and amended by mutual agreement through the exchange of notes on diplomatic level.
- (3) Each signatory partner can terminate this agreement by writing through diplomatic channels by either contracting party. In case of termination, the agreement remains

valid for ninety (90) days following the receipt of the notice of termination by the other signatory party.

- (4) Each signatory partner may, without stating any reason, suspend the agreement at any time as a whole, or part of it. The suspension or the lifting of the suspension is to be notified to the other contracting party through diplomatic channels and shall enter into force on the first day of the month following the notification of suspension or lifting of suspension.

Done in Valletta the 29<sup>th</sup> November 2010 in two copies each in English and German language, both versions being equally authentic.

Michael Spindelegger m.p.

Tonio Borg m.p.

The Federal Minister for European  
and International Affairs of the  
Republic of Austria

The Deputy Prime Minister and Minister of  
Foreign Affairs of Malta

## ANNEX

The Republic of Austria represents the Republic of Malta in:

- Addis Ababa Ethiopia
- Bangkok Thailand
- Bern Switzerland
- Bogotá Columbia
- Brasilia Brazil
- Buenos Aires Argentine
- Bucharest Rumania
- Caracas Venezuela
- Dakar Senegal
- Damascus Syria
- Harare Zimbabwe
- Hong Kong People's Republic of China
- Jakarta Indonesia
- Kuala Lumpur Malaysia
- Kuwait Kuwait
- Lima Peru
- Mexico City Mexico
- Nairobi Kenya
- Ottawa Canada
- Santiago de Chile Chile
- Sarajevo Bosnia and Herzegovina
- Seoul Korea
- Shanghai People's Republic of China
- Sofia Bulgaria
- Tehran Iran
- Tokyo Japan