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DECLASSIFICATION

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Subject: Schengen evaluation of FINLAND
- Draft Council conclusions

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : the Presidency
to: the Schengen evaluation Working Party
Subject : Schengen evaluation of FINLAND
- Draft Council conclusions

1. The correct application by Finland of the Schengen *acquis* has been evaluated in accordance with the decision of the Executive Committee of 16 September 1998 (cf. SCH/Com-ex (98) 26 def.) and the note on the continuation of the work on Schengen evaluation and implementation, action programme and timetable, which was approved by the Council on 2 December 2004 (doc. 15275/04 SCHEVAL 70 COMIX 718). The evaluation of Finland took place in connection with the evaluation of the four other Member states of the Nordic Passport Union, Denmark, Iceland, Norway and Sweden.

2. An extensive questionnaire was completed and visits were paid to sea, air and land borders, to consulates, to SIS and SIRENE offices, to police stations and to the staff of the data protection authority.

The following comments and recommendations should be read in conjunction with the individual reports of the inspection teams in order to get a full picture of the assessment.

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3. Finland is on the whole applying the Schengen acquis in a very satisfactory manner. At some stages of the evaluations of the Nordic countries, practices were detected that could even be considered a best practice of the application of the Schengen acquis, whereby in particular border management is concerned.

However, on some other issues, Finland should correct weaknesses and make improvements to the implementation of the acquis.

4. Border surveillance and border control are being implemented at such a high level by the Border Guard, that this can still serve as an example for all EU Member States, in particular with regard to the surveillance of the blue borders. Only very small deficiencies with regard to the equipment were noted. The decrease in the number of personnel since 2004 should be reviewed in light of the increase of the traffic in the port of Helsinki.

5. Border controls at the airport of Helsinki were very positively assessed and the evaluation team listed several modern and well-suited features. It is supported by thorough interagency cooperation and risk analysis.

6. The evaluation of the border management at the Finnish land borders led to a very positive evaluation. Almost all elements presented, especially the general strategy and risk assessment, the system of border surveillance, the international cooperation and the inter-agency cooperation and coordination, might be considered as best practices. It is just recommended that Finland continues to monitor closely possible developments in the management of border controls on the Russian side for the consequences it may have for the Schengen area.

7. The handling of visa applications in both evaluated consulates has been raising concern. The handling of visa applications in both evaluated consulates met in many issues the relevant Acquis requirements but there were some issues which raised concerns. For instance in St.Petersburg and despite the fact that the building facilities and the security are impressive, the huge number of visa applications has grown out of proportion very rapidly which constitutes a challenge to the consulate regarding staff and the processing of visa applications with the number of staff, the possibility to assess applications and the requirement for personal appearance. The Consulate Embassy in Ankara, and especially the Honorary-Consulate in Istanbul, which deals with receives a larger number of visa applications, raised serious concern about incomplete files and the potential risk of errors or current conflicts of interest. The Schengen Evaluation working party has in the meantime been informed about first measures taken by Finland to terminate this situation.

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8. The presentation by Finland on the organisation of its law enforcement authorities and the cooperation arrangements that have been set up between their Police, Customs and Border Guards, as well as some information on the Nordic cooperation arrangements and additional information in writing could lead to a first impression that recommendations should be made for a better coordination of all crossborder-operations related to serious and organised crime.¹ ²

9. The level of Data Protection in Finland was considered to be impressive. It has been suggested to develop a system, whether manual or automated, providing at least for occasional routine auditing of log files to check for unauthorised access.

10. As for what concerns the use of SIS, it was noted that there are several different IT systems (PATJA,WEB, LIPRE, ULKONET, VIISU, VYYHTI and SIS). Each system has its own advantages and disadvantages. It is recommended that some harmonization be implemented in order to improve the functionality of these systems.

11. Finland is invited to inform the Council in writing, in the course of the next semester, on the follow-up it intends to give to these recommendations and those contained in the reports. In the framework of the evaluation of the application of the Schengen acquis, the Council might consider the need to carry out a follow-up visit. Such a visit would be limited to what is absolutely essential in respect of the areas to be visited, the duration and composition of the visiting committee.

¹ The Belgian delegation suggests to discuss the need for a follow-up visit if and when required.

² The Belgian and Finnish delegations consider that the conclusions could be more positive as the actual text of the report suggests, e.g. "In several places in the report the practices concerning international police cooperation were considered as best practice."