



Council of the
European Union

Brussels, 23 May 2016
(OR. en)

14008/05
DCL 1

SCH-EVAL 110
FRONT 188
COMIX 737

DECLASSIFICATION

of document: 14008/05 RESTREINT UE
dated: 10 November 2005
new status: Public

Subject: Schengen evaluation Sea Borders Nordic Countries
NORWAY

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THE EUROPEAN UNION**

Brussels, 10 November 2005

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REPORT

from : the Evaluation Committee Sea Borders
to: the Schengen Evaluation Working Party

Subject : Schengen evaluation Sea Borders Nordic Countries
NORWAY

This report was made by the Evaluation Committee Sea Borders and will be brought to the attention of the Sch-Eval Working Party which will ensure a report and the presentation of the follow-up thereto to the Council.

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Working Party (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), the Sea Borders Evaluation Committee carried out a visit to the Nordic Countries between 2 and 12 October 2005.

The visit was scheduled as shown below;

- 1. Finland:** **2 - 4 October:**
2 October: arrival of the experts and briefing
3 October: inspection of the port of Helsinki, West and South terminal and presentation of the blue border surveillance concept
4 October: Air Patrol Squadron (Malmi airport), Kotka Coast Guard area, Kotka port, blue border surveillance flight, departure to Stockholm
- 2. Sweden:** **4 - 6 October**
4 October: arrival in Stockholm
5 October: inspection of the port of Nynäshamn and the Coast Guard Centre in Stockholm
6 October: departure to Copenhagen
- 3. Denmark:** **6 - 9 October**
6 October: arrival in Copenhagen
7 October: inspection of the port of Copenhagen
8 October: drafting
9 October: departure to Kristiansand
- 4. Norway:** **9 - 10 October**
9 October: arrival in Kristiansand and inspection of the port of Kristiansand
10 October: departure to Reykjavik
- 5. Iceland:** **10 - 12 October**
10 October: arrival in Reykjavik
11 October: inspection of the port of Reykjavik
12 October: departure

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The experts on the Committee's list consisted of :

Mr Jacques LAINE (France), leading expert, Mr Andreas HOCHEGGER (Austria), Mr Marios CHRISTOFIDES (Cyprus), Mr Helmut LENZ (Germany), Mr Raimonds DEICMANIS (Latvia), Mr Zydrunas NESTECKIS (Lithuania), Mr Wojciech HENINBORCH (Poland), Mr Pedro CORREIA DE MATOS (Portugal), Mr Ramón CORTES MÁRQUEZ (Spain), Mrs Ana Isabel SÁNCHEZ RUIZ (European Commission) and Mr Erwin BUYSENS (EU Council SG)

The Committee would like to thank the Norwegian authorities for their hospitality during the respective visits and, in particular, extend its appreciation on the openness and close cooperation shown. It would particularly like to thank all authorities involved for having sent the answers to the detailed questionnaire well in advance which allowed the Committee to prepare in the best possible way for the visit.

The Committee did not have the opportunity to visit the Coast Guard blue border surveillance facilities since the Coast Guard personnel was involved in a rescue operation at the day of the visit.

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2. MANAGEMENT SUMMARY

The port of Kristiansand, situated in the South of Norway, is confronted with a very low threat of illegal immigration. The region is mainly affected by the smuggling of drugs and cigarettes by sea. The port has only one extra Schengen ferry connection, with the United Kingdom.

The controls in the port are carried out by the police of the Agder Police district, in particular the Immigration Unit. This unit consists of 12 officers and the daily controls are carried out by 3 persons in the winter season and 4 persons in the summer season. The Committee considers this number as too limited, in particular in the summer season. It welcomes the fact that the Police prefers to deploy duly trained and skilled officers in the booths to carry out controls than to engage officers with only a basic training. However, this policy choice forces the officers to perform extra hours. The Committee therefore recommends that the number of staff be increased in the summer season.

This increase could also solve the situation whereby no officer is present in the second line office. In case of doubt about the authenticity of documents, the suspected persons are placed in a waiting room and the officer in the booths has first to complete the controls on the disembarking or embarking passengers before a detailed examination of the document can take place.

In general, the booths in the terminal area are well equipped. Some small deficiencies were, however, noted i.a. that the signs are not fully in accordance with the signs as laid down in the Council Decision 2004/581/EC of 29 April 2004 and that not all booths were equipped with SIS terminals at the moment of the visit.

The port area of the terminal is poorly fenced and secured and malafide persons can easily circumvent controls when disembarking by car. The Committee would therefore strongly recommend that the fencing be adapted as soon as possible.

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With regard to the control of cargo ships, the local Police authorities make a distinction between cargo ships coming from Schengen countries and cargo ships coming from non-Schengen countries. Only the latter are submitted to border controls. This practice is not in accordance with the provisions of the Schengen Convention and the Common Manual.

The Police are not directly involved in the surveillance of the blue borders as this is carried out by the Coast Guard, which is a part of the Armed Forces. The cooperation between the Police and Coast Guard is governed by an Agreement between the Ministry of Defence and the Ministry of Justice and Police. The Coast Guard Act gives the Coast Guard the authority to carry out border control on sea. When necessary, the military units will operate on behalf of the Police and under its leadership and guidance. The operational command of the vessels remains, however, with the military Commander in chief. While the cooperation between the Coast Guard and the Police is considered as very good, the Committee is of the opinion that the direct involvement of the Police in the blue border surveillance at sea should be strengthened.

The Committee has not visited the Commander Regional Headquarters North Norway and it is therefore difficult to assess the efficiency of the blue border surveillance.

A national border security plan is still being developed and is expected to be ready in 2006.

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3. GENERAL INFORMATION:

The information of a more general nature is contained in the Norwegian answer to the questionnaire addressed to Norway with a view to the evaluation of the application of the Schengen acquis i.e. Norway i.e. doc. 10949/05 SCH-EVAL 46 COMIX 452 (RESTREINT UE).

However, for reasons of clarity the Committee briefly recalls some of the elements contained in these answers as they give an insight in how border management is organised in Norway.

3.1. Strategy

3.1.1. Legislation

The main legislation with regard to border control is the following:

- The National Immigration Act,
- The National Immigration Regulation,
- The National Circular on the Common Manual,
- The Police Act.

3.1.2. General strategy for border management

The external border management is part of a wider security plan within the Police force aiming at preventing and combating crime, including border surveillance and control. The basis is the existing cooperation between national authorities.

There is no specific border security plan in which the border control management is developed. Based on the risk analysis model CIRAM and the work connected to the previous Risk Analyses Centre in Helsinki, the national border security plan is to be in place before April 2006.

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The National Police Directorate is responsible for border security management and for the plan to be developed based on the defined four tiers/filters: Activities in third countries (of origin and transit); Bilateral and international cooperation; measures at the external borders (100% control of all persons crossing external borders; stationary and mobile surveillance of the borders and control and surveillance based on analysis) and further activities inside the territory of the free movement of persons.

The starting point is the tactical and operational level in the police districts, which enables decision-makers both on local and national level to develop counter measures. The National Police Directorate has developed a standard form to enable the local police to describe and defined the activity on each border crossing point, the area between border crossing points and on the rest of its territory. This documentation also includes information from other sources inside and outside the police force, e.g. the Coast Guard, the Customs, the Port Authorities, the ship-agents, the Airport Authorities and transport agencies. This defined documentation is the basis for the future procedure on border control and surveillance.

3.1.3. Analysis of environment and threats

Analysis of environment and threats is the task of the National Criminal Investigation Service, a central organisation that provides both administrative and operational support especially in relation to illegal immigration, cross-border crime and organised crime. It presents an analysis of the threat level once a year. It will serve as a contact point for the FRONTEX Agency.

The national threat and risk assessment is based on information gathered from different sources: the local police districts, the National Criminal Investigation Service, the National Police Directorate as well as other sources inside and outside the Police, and finally once fully operational, the FRONTEX Agency.

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3.1.4. *International cooperation (regional, bilateral and readmission agreements)*

International cooperation is based on the Agreement between Norway and Russia on border control regime (1949); the Agreement between Finland, Norway and Russia on cross-border cooperation (1998); the Agreement between Norway and Russia on cross-border cooperation (2002) and the Memorandum of understanding between the Norwegian National Police Directorate and the Finnish Frontier Guard on border surveillance (2002).

Furthermore, Norway is a member of the Baltic Sea Region Border Control Cooperation and the Baltic Sea Task Force.

3.2. **Organisational (functional) structure**

3.2.1. *Centralised supervision and instructions*

Border control and surveillance are in Norway the joint responsibility of the Police, the Armed Forces, in particular the Coast Guard, the Border Guard Company and the Customs administration.

The Police have the main responsibility for border control but the Chief of Police may, when necessary, give to employees in the Customs Administration, the Armed Forces and others without police authority the power to carry out passport examination.

The responsibility for the surveillance of the blue borders lays basically on the Coast Guard, which is a part of the Armed Forces.

* The National Police

There is only one police force in Norway, headed by the National Police Directorate. The National Police Directorate is organized under and acts under the constitutional responsibility of the Ministry of Justice and the Police.

Norway has 27 police districts, each headed by a Chief of Police. There are external border crossing points in 23 police districts. The police districts are located throughout the country and each consist of a local headquarter and several police stations.

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Border control, surveillance and internal control are part of the daily activities of the Police.

The Border Commissioner is responsible for ensuring compliance with border agreements and other agreements between Norway and Russia, preventing violations of border agreements and negotiating with the Russian border authorities to settle any dispute that may arise.

Immigration matters fall within the competence of the National Directorate of Immigration.

3.2.2. Coordination and inter-agency cooperation, division of responsibilities

As mentioned before, border control and surveillance in Norway are the joint responsibility of the Police, the Armed Forces, in particular the Coast Guard (blue border surveillance), the Border Guard Company and the Customs Administration.

- The National Police Force covers all police matters including border control
- The Border Guard Company is in charge of the surveillance of the Norwegian/Russian border
- The Coast Guard is in charge of the surveillance of the maritime border
- The Customs carry out the control of goods

There is a Customs official at the National Criminal Investigation service. There is also cooperation in PTN ("Politi og Toll i Norden" that is "Police and Customs in Nordic countries"). The PTN has posted communication officials in countries both within and outside the Schengen area.

The Coast Guard assists other bodies according to the Coast Guard Act and the Coast Guard Regulations. Units of the Coast Guard may work for the entire coastal administration, which means it may serve various authorities in the Norwegian waters. Coast Guard vessels can be responsible for executing external border control as well. Cooperation between the Police and the Coast Guard is regulated by an agreement between the Ministry of Defence and the Ministry of Justice and the Police. The Coast Guard's authority to carry out border control has its legal basis in the Coast Guard Act. The designated military units operate on behalf of the Police and under its leadership and guidance, while the operational command is vested in the military Commander in Chief.

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3.2.3. Specialised services

There are also several special police agencies that assist the local police. The most important are:

- The National Criminal Investigation Service (SIS/SIRENE)
- The National Police Immigration Service
- The Norwegian Border Commissioner for the Norwegian-Russian Border
- The National Police Computing and Material Service
- The Central Mobile Police Service
- The National Police University College
- The National Authorities for Investigation and Prosecution of economic and Environmental Crime

3.3. Operational effectiveness

3.3.1. Resources

The National Police has a staff of more than 12000. In the Agder Police District, the number of staff is 554.

The number of Coast Guard officers involved in the surveillance of the blue borders is approx. 700.

3.3.2. Level of controls at external border

As already mentioned the National Border Security plan will implement the four-tier border control concept.

3.4. Risk analysis, \ intelligence and Data-flow management

3.4.1. Organisation

The National Police Directorate (see also point 3.2.1.) coordinates the risk analysis, intelligence and data-flow management.

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The National Criminal Investigation Service coordinates the operational activities on national level when it comes to risk analysis, intelligence and data-flow management.

The Police Districts coordinates the operational activities on local level.

3.4.2. Methods

There is a new model for a National Border Security Plan describing the threats, the control and the risks on each border crossing and summing up at the level of the different police districts. The plan is expected to be in place in 2006.

The police district will use the model when they develop their local analysis.

3.4.3. Horizontal and vertical data flows

The National Criminal Investigation Service is responsible for establishing, updating and maintaining various registers in order to collect current information. The information is reported from the local police from all over Norway, but also from the established cooperation with e.g. INTERPOL and Europol. The cooperation between the Nordic countries' Police and Customs, called PTN ("Politi og Toll i Norden" that is: "Police and Customs in Nordic countries"), has been established in order to reinforce efforts, particularly those directed against drug crime and organised, cross-border crime. The Nordic countries have posted 35 Nordic communication officials altogether, both within and outside the Schengen area, e.g. in Thailand, Russia and Pakistan. The information generated by them is also reported to the National Criminal Investigation Service, who carries the operational responsibility for this service. The national INTERPOL-office is situated on the National Criminal Investigation Service's premises. In addition, the national SIS/SIRENE-function and the national Europol contact point are placed here.

3.5. Staff and training

3.5.1. Adequacy and the level of professionalism

The border guards in Norway are police officers trained by the National Police University College after a three years course ending with a bachelor degree. Normally they do police work in fields other than border guard activity for years and then they are recruited as border guards.

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Civilian border guards, employed in the police force and given adequate training, always work together with a police officer.

3.5.2. Responsibilities of the Border Guards

The police officer covers all the police tasks, including the first line control and investigation powers.

The civilian border guards are only responsible for the first line control.

3.5.3. Selection criteria

The police officers are selected through a thorough process before the start of their education at the National Police University College. After starting up their duties at local police districts they are given additional training before acting as border guards.

Civilian border guards are recruited from the civilian labour market, based on their education and practice, normally higher education and more than five years of practice in other fields. Some of the civilian border guards work as case-workers in immigration matters in the police force when they are not serving as border guards.

3.5.4. Basic training

Police officers graduate from the National Police University College after three years study with a bachelor degree.

Civilian border guards employed in the police force have their civilian education outside the police force. Their recruitment is based on their competences, specially their linguistic skills with at least two foreign languages.

The National Police Directorate has actively worked with the establishment of the Common Core Curriculum as a platform for common standards for border guard training all over Europe.

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The National Police University College has the responsibility for training of police officers and practical training of other employees in the police force. This includes training for border guard activities and other police tasks related to foreigners.

A new education model started up in April 2005 and will be in place in all police district before April 2006.

There is a national plan for education, starting with education of trainers from each police district, which is given 5 weeks course at the National Police Academy consisting of 3 weeks defined content given in the Common Core Curriculum and 2 weeks educational practice. The trainers are police offices with experience in border guard activity, defined as mid level officer in the Common Core Curriculum. The National Police University College has the responsibility in cooperation with the trainers to define and produce the content of the course to be held in the police districts, lasting for at least 1 week.

The EU-training day will be included in the national ongoing program, following the schedule established by the Ad-hoc Centre for Border Guard Training in Traiskirchen. There will be a yearly meeting at the National Police University College for trainers to develop and update the yearly programme for border guard training.

3.5.5. Further continuing education

Further training, linguistic and specialised, takes place at local level based on needs and competences.

3.5.6. Specialised training for different managerial levels

The National Police University College as well as civilian education institutions offer training for different management levels.

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3.6. Readmission, expulsion and illegal immigration, carrier liability

The National Police Immigration Service is a Specialist Agency for the National Police Service.

The Agency is responsible for:

- Coordinating all removals in immigration cases from Norway
- Norwegian contact point for returnees in connection with the Dublin Convention and return agreements with other countries
- Documentation and reassuring quality of Norwegian returns.
- National coordination of combating illegal immigration

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4. REPORT ON THE PORT OF KRISTIANSAND

4.1. General information

4.1.1 Environment, structure of border crossing point, organisations, traffic, threats, crime statistics

The port of Kristiansand is situated in the South of Norway and falls within the competence of the Agder Police District. This district has a coastline, 120 nautical miles long. The distance from Kristiansand to Denmark is 72 nautical miles and it takes about two hours by fast boat. The distance to Sweden is about 231 nautical miles.

The port has six different terminals; the oil terminal, the cargo/cruise terminal, a container/ro-ro terminal, a deepwater terminal, a testing area for submarines and a ferry terminal.

There are regular ferry connections with Denmark (Hirtshals, 5 times per day), Sweden (Gothenburg, 3 times a week) and the United Kingdom (Newcastle, 2 times a week). The ferry between Gothenburg and Newcastle passes via Kristiansand (4 times per week). Up to 90% of the passengers on these ferries are EU nationals.

In general, the region has a low threat of illegal immigration. It is more affected by the smuggling of drugs and cigarettes.

4.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The Committee was told that there is a close cooperation between the different forces i.a. Police, Customs and Coast Guard. If needed, the Police can use the ships of the Coast Guard.

There is also a close cooperation between the Police and the pilotage authorities, the shipping agents and the ferry companies.

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4.1.3. Risk analysis and intelligence functions

As already mentioned, the starting point is the tactical and operational level in the police districts. The National Police Directorate has developed a standard form to enable the local police to describe and define the activity on each border crossing point, the area between border crossing points and on the rest of its territory. This documentation also includes information from other sources both inside and outside the police force, e.g. the Coast Guard, the Customs, the Port Authorities, the ship-agents, the Airport Authorities and transport agencies.

The local plans are the basis for the aforementioned national border security plan.

Intelligence and surveillance is forwarded by the National Criminal Investigation Service and the National Security Police to the local authorities.

4.2. Infrastructure and equipment

4.2.1. Signposting

a) Passenger control zone

In front of the booths there are flexible signposts indicating "Passports", "EU EEA" and "All Nationalities" (in English and Norwegian).

This is not fully in accordance with the signs laid down in Council Decision of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points.

There is no signposting on departure or on arrival to show the route that passengers should pass to the passport control zone.

b) Car/lorry/bus control zone:

On the booths there are signposts (plates) "EU/EEE; all nationalities; passports" (in two languages: Norwegian and English) on each booth informing arriving/departing passengers in vehicles.

This is not fully in accordance with signs laid down in Council Decision of 29 April 2004 determining the minimum indications to be used on signs at external border crossing. There is no signposting on departure or on arrival to show the route that passengers travelling by car, lorry and bus drivers should follow to the passport control.

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4.2.2. Separation of flows

There is a spacious quay dedicated to the ferry line Gothenburg-Kristiansand-Newcastle. A private company hired by the port is responsible for the separation of Extra Schengen and Intra Schengen flows inside the vehicle area.

4.2.3. Lanes for checks

a) Passenger zone:

There are different lanes for arrival and departure. There are 2 spacious booths which can serve 4 lanes.

b) Car/lorry/bus zone:

The arrival and departure passport control areas are situated at different parts in the port. There are four lanes for exit control, and two lanes for entry control. As reported, two lanes were used for passport control on departure (two booths) and one on arrival.

4.2.4. Control facilities

a) Passenger control zone:

Passport control of foot passengers (arrival / departure) is organised on the same level, inside the ferry terminal building. Arrival and departure areas are separated by 2 booths which are used both for arrival and for departure controls. The booths are placed correctly. However, due to a lack of space between the wall and the booth, only one booth can face the queue of passengers waiting to be controlled.

The computers are placed in such a way that passengers can not look at the screen.

There is camera surveillance, operated by the Port Authority. The Police can have access to the images on request.

In this zone, there are administrative offices and a combined guardroom/ waiting room.

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b) Cars/lorry/bus control zone:

There are three control booths for vehicles, each with two work stations. One booth is dedicated to entry control, and two booths to exit control. The computers are placed in such a position that the passengers cannot look at the screen.

At the ferry terminal building, next to the customs control point, there is a place (garage) to carry out a special control on cars.

There are no cameras to monitor the movement of vehicles in the passport control area.

Dogs and CO2 devices for the detection of illegal migrants are available.

4.2.5. Equipment: first line, second line, mobile

a) First line passengers' zone:

The equipment in the booths is in line with the Schengen/EU standards.

All booths are equipped with computers with access to the SIS and National Police registers. During the controls, each officer was equipped with entry/ exit Schengen stamps. Furthermore, the booths are equipped with mobile phones, two passport readers (scanners) CM 2135, "Checkpoint-D" for document examination, legislation and regulations in written form, handbooks for checking documents, UV lamp and magnifying glasses.

b) First line car/busses/lorry zone :

The first line equipment in the car/bus/lorry zone is the same as in the passenger control zone. One of the booths for departure control has additional equipment (mobile cases with magnifying glasses), a Keesing Identity Checker, lighters and the handbook "ANNUAL PASSPORT CONTROL GUIDE 2000" and a CO2 detector.

Mobile computers are used instead of fixed computers; their number depends on the number of personnel working in the booths. At the moment of the visit one of these booths was not equipped with a computer.

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Second line office

The second line office is equipped with a computer with access to SIS and national police registers. For document examination Light box LB 430, “Stereoscopic Zoom Microscope Nikon SMZ 800”, a “Fiberoptic – Heim LQ 200” a “Keesing Identity Checker Selecta Dock”, a copy machine and a printer are available.

Furthermore, there are handbooks containing genuine and false passports and ID documents as well as legislation and regulations.

For communication phones and fax are available.

20 stamps (10 stamps for arrival and 10 stamps for departure) are stored in a safe. The officers are not equipped with their own stamps; they have to take it from the safe, when they are on duty. The control-codes are changed several times; instructions are given by the Police Headquarters.

The latest version of the Common Manual in paper form is available in the second line (doc FRONT 18 COMIX 107 dated 25 February 2005). In addition, the latest version of the Common Manual is always accessible on the Police intranet. The intranet is accessible from all computer terminals within the Police, including the terminals in the passport booths and the second line offices.

4.2.6. Communication

All the booths in the passenger control zone, as well the second line, are equipped with computers connected to Intranet and Internet. SIS and different national databases are covered by these systems. There are also telephones, mobile phones, fax and police radio-telephones.

4.2.7. Transportation and mobility

One police car is available at the port. If necessary, other cars can be sent by the Police Headquarters in Kristiansand.

4.2.8. Access control / fencing

The port area is poorly fenced and the fences can easily be crossed. In the vehicle control area of the ferry terminal there is only temporary fencing. At some places the fence was damaged.

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There are two different camera-surveillance systems. The cameras for the passenger control zone are owned and operated by the shipping company and the cameras for the car/busses/lorry control zone are owned and operated by the Port authority. The Police do not have immediate access to the monitoring system, but have full access to the tapes when required.

4.2.9 Detention / readmission premises

In the second line there is a small combined guardroom/waiting room, that can be locked and serve as a detention room when needed.

4.2.10. Storage of blank visa

As reported, blank visas are stored at the Police Headquarters in Kristiansand.

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Comments and recommendations of the Evaluation Committee:

The booths in the terminal area are well equipped for passport control and document examination. The Committee noted, at the moment of the visit, that one of the booths for the departure control of vehicles was not equipped with a computer and recommends solving this deficiency. The Committee was, however, told that officers use laptop computers to carry out checks. The Committee noted that this booth is placed in such a way that only drivers of cars with a steering wheel on the right can be controlled directly from the office.

The area where the booths are placed for the departing foot passengers in the ferry terminal is rather small and the officer in one of the booths can not face the queue of passengers waiting to be controlled. The Committee takes into account that in the winter season only one booth is used.

The Committee also recommends improving the fencing in the terminal in order to avoid that persons can avoid the controls.

The signposting is not fully in accordance with the signs as laid down in Council Decision 2004/581/EC of 29 April 2004. The Committee notes that this Decision applies from 1 June 2004 in so far as Member States set up new signs or replace existing signs at border crossing points. In all other cases, this Decision applies from 1 June 2009.

4.3. Controls and procedures

4.3.1. Traffic handling / traffic modes

4.3.1.1. Ferries

The ferry from Newcastle arrives on a regular basis on Tuesdays and Fridays, and sails to Gothenburg on the same day. The one from Gothenburg arrives on Wednesdays and Sundays, and sails to Newcastle an hour later. The ferry line with Denmark uses a different terminal.

As already mentioned, there is no infrastructure in place to separate the intra-Schengen flow with Sweden from the extra-Schengen flow to the United Kingdom. This separation is carried out by staff from a private security company hired by the port authority.

The number of passengers going to, or coming from, Newcastle is approx. 500 passengers per ferry in the summer, and up to 120 cars. This ferry line is frequently used by lorry traffic.

Passengers in the extra Schengen connection are mostly Norwegian and British nationals. Around 10 % of the passengers are not EU/EEA nationals.

4.3.1.2. Cargo vessels

Approximatively 1200 cargo ships visit the port of Kristiansand each year. These ships are mostly container cargo ships. 80 % of these cargo vessels are regular liners connecting with other ports within the Schengen area.

4.3.1.3. Cruise ships

30 cruise ships with about 40000 passengers visit the port of Kristiansand per year. Most of the cruise ships come from and go to another port within the Schengen area. The Norwegian authorities were not able to provide the figures for the cruise ships having Kristiansand as first or last Schengen port.

The passengers are mostly EU/EEA nationals, although some cruise ships carry American and Japanese tourists.

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4.3.1.4. Pleasure boats

Pleasure boats not based in the port usually come from another Norwegian port, Denmark, the Netherlands or from the UK. No figures for pleasure boats visiting Kristiansand could be provided by the Norwegian Police.

4.3.1.5. Fishing vessels

The Committee was informed that only coastal fishing vessels visit the port of Kristiansand.

4.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

In Norway, the only authority empowered to carry out border checks is the Police. The Police can get additional information regarding this task from the Coast Guard, Customs, harbour authorities and sheriff offices. The Committee was told that the Agder Police district does not use administrative personnel (civilian border guards) to carry out border checks, although the possibility exists, if needed.

According to the information provided by the Norwegian authorities, two persons were refused entry at Kristiansand harbour in the first half of 2005.

4.3.2.1. Ferries

The Committee was able to attend the embarkation of the ferry leaving for Newcastle.

As provided by the Norwegian legislation, the passenger list is forwarded by the ferry company to the local Police station in advance of the departure, or arrival, of the ferry. Usually, the Police authorities do not check the information on the list but use it to prepare for the controls.

All outgoing passengers had to go through a border check. For both foot passengers and passengers in cars, different lanes are used for "EU/EEA" nationals and "all nationalities". Controls include: verification of identity, and in the case of non EU/EEA/CH nationals, checking of the passport in the SIS and national Police databases, checking of the possession of a valid visa if required, the verification of the purpose of the trip, of the invitation and of the financial means if necessary, and the stamping of the passports. Some EU/EEA nationals can also be checked in the SIS on the basis of profiling.

If something needs to be clarified, the passenger has to wait until all other persons have passed the control.

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The Committee noticed that, although the infrastructure for the controls is, in general, adequate, there are no specific booths for the control of lorries. Lorries have to use the same booths adapted for cars, and this does not allow for a proper visual check of the lorry driver or of possible passengers. The Committee took note that there was no Police officer controlling outside the vehicle.

The Police have a good cooperation with the ferry companies and with the harbour authorities.

4.3.2.2. Cargo vessels

Shipmasters are obliged to transmit the list of crew and possible passengers to the Police at least 24 hours before the arrival or departure of the vessel. These lists are checked against the SIS and the national databases.

Only cargo vessels coming from outside Schengen are physically checked by the Police. The Police do not seem to carry out any checks on those vessels considered as “intra-Schengen cargo vessels”; these vessels are only subject to Customs control. The Committee considers that this distinction between intra-Schengen and extra-Schengen cargo vessels is not allowed by the Schengen Convention and the Common Manual and that all cargo passengers and crew should be subject to a border check.

The Norwegian authorities could not provide figures on stowaways but the Committee was told that these cases are very rare.

4.3.2.3. Cruise ships

Cruise ship companies have to communicate the passenger list and the crew list to the Police authorities, at least 24 hours before the arrival of the ship. The lists are subject to an administrative control against the SIS.

According to the Norwegian authorities, a physical check of the person on board will be carried out only if there is a hit in the SIS or any other suspicious element. Otherwise the ship is not visited by the Police.

The Police consider that if there were missing passengers or crew they would be reported by the shipmaster.

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The Committee was informed that any cruise ship passenger submitted to the visa obligation may undertake without a visa visits of short duration on land in the port in which such ship is docked. The chief of police concerned lays down the extent of this area. When disembarking, any such passenger shall be issued with a separate disembarkation certificate by the passport control authority. When any such passenger re-embarks, the certificate is handed to the passport control authority or, if the passport control authority is not present, to the master of the ship or any person who is so empowered. However, this regulation is only valid if the docking does not exceed 72 hours.

This practice can not be considered as in conformity with the Schengen Convention and the Common Manual. The Committee nevertheless observes that the provisions on the control on cruise ships will be amended following the adoption the Schengen Borders Code. The new provisions allow for an administrative check and, on the basis of risk analysis, a physical control. The Schengen Borders Code is due to enter into force in 2006.

4.3.2.4. Pleasure boats

Pleasure boats that come from outside the Schengen area are not obliged to communicate information on the passengers and crew in advance but only when they enter Norwegian waters. They have to use an authorised border crossing point. The Police believe that usually, unknown sailors are reported to the Police either by the boat master, by the harbour master or by the local sheriff.

If the Norwegian authorities suspect that a pleasure boat coming from outside the Schengen area carries non EU/EEA passengers, a check on board can be carried out.

4.3.2.5. Fishing vessels

No information was provided by the Norwegian Police on how the control of fishing vessels would be carried out.

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4.3.3. *Vehicle check*

The Norwegian authorities usually rely on the checks carried out by the ferry staff on the vehicles entering the ferry. One of the purposes of these checks is detecting hidden persons.

The port of Kristiansand does not have equipment to record the vehicle plates when passing the border check.

4.3.4. *Issuance of visas*

Only visas for seamen in transit have been issued at the port of Kristiansand. These visas are only issued in the Agder district Police headquarters. 47 visas were issued in the district in 2004, and 64 have been issued between 1st January and 5th September 2005.

Comments and recommendations of the Evaluation Committee:

The Committee invites the Norwegian authorities to ensure that all incoming and outgoing cargo vessels are controlled as provided for by the Common Manual.

Even if the risk of illegal immigration is considered low, the Committee points out that the control of cruise ships is not carried out in accordance with the provisions of the Common Manual. However, it takes into account that the provisions on the control on cruise ships will be amended following the adoption of the Schengen Borders Code. The new provisions will allow for an administrative check and, on the basis of risk analysis, a physical control. The Schengen Borders Code is due to enter into force in 2006.

Although seamen are allowed to get ashore without a visa in the city where the ship berths, special attention should be given for certain nationalities to the application of Annex 14B of the Common Manual (RESTREINT UE) in case of disembarkation.

The Committee encourages the authorities in the port of Kristiansand to improve the collection of statistics on the different types of traffic.

Comments of Norway:

The number of crew members signing off or signing on cargo ships is very limited (around 80 up to October 2005 in Kristiansand).

4.4. Border surveillance

4.4.1. *Tactics applied, including system of border patrolling, command and control*

The border control and surveillance in Norway are the joint responsibility of the Police, the Armed Forces, in particular the Coast Guard and the Border Guard Company and the Customs Administration. The Armed Forces execute border surveillance.

The Commander Regional Headquarters North-Norway, located at Reitan near Bodø, execute the operational command of the Armed Forces with regards to Schengen responsibility. The Headquarters of the Coast Guard are located in the same place. There are three Coast Guard bases situated along the Norwegian coast.

The Coast Guard assists other bodies according to the Coast Guard Act and the Coast Guard Regulations. Coast Guard units may work for the entire coastal administration, which means it may serve various authorities in the Norwegian waters. Cooperation between the Police and the Coast Guard are regulated by an agreement between the Ministry of Defence and the Ministry of Justice and the Police. The Coast Guard's authority to carry out border control has its legal basis in the Coast Guard Act. The designated military units operate on behalf of the Police and under its leadership and guidance, while the operational command is vested in the military Commander in Chief.

4.4.2. *Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)*

The Armed Forces Regional Headquarters Surveillance Centre was established in order to integrate active and passive sensors, thus providing a correlated picture of all activities along the Blue Border. The system and organization registers entry notifications and entry/departure reports, from foreign non-military vessels (exceeding 24 meters and 50 tons) that enter or depart from Norwegian internal waters.

The Coast Guard monitors the territorial waters and external borders by technical installations and physical surveillance.

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The Coastal Operational and Surveillance System (COSS) register entry notifications and entry/departure reports from foreign non-military vessels that enter or depart from Norwegian internal waters. Furthermore, the COSS registers information reported by civil servants at the Coastal administration.

The Police have access to the COSS, in order to control persons arriving by sea. Through this access, the Police know the vessels arriving at the ports and have details such as name, calling sign, flag, arrival and departure time, the first and the last calling ports, etc.

There has been no illegal entry or exit through the maritime border last year.

4.4.3. Reaction capability

The level of control and surveillance is determined on the basis of the threat assessment.

The Norwegian Coast Guard has 6 Sea-Lynx helicopters. These are mainly embarked onboard Coast Guard vessels. The Coast Guard has chartered an additional 2 civilian aircraft for surveillance purposes. In addition, 2 Orion P-3N Maritime Patrol aircrafts are regularly tasked to maritime surveillance.

The Coast Guard operates 15 vessels patrolling the coast, monitoring the sea border.

Coast Guard vessels and cutters are equipped with night vision binoculars. The Coast Guard operates infrared detection equipment on its 3 Nordkapp-class and Svalbard-class vessels.

Ships/boats:

<i>Coast Guard Vessels</i>	<i>No</i>	<i>Speed in knots</i>	<i>Length in meters</i>	<i>Area of operation</i>
<i>Nordkapp Class</i>	<i>3</i>	<i>22</i>	<i>106</i>	<i>Open waters</i>
<i>Svalbard Class</i>	<i>1</i>	<i>17</i>	<i>103</i>	<i>Open waters</i>
<i>Chartered vessels</i>	<i>7</i>	<i>14-18</i>	<i>50-83</i>	<i>Open waters</i>
<i>Fast patrol boats</i>	<i>4</i>	<i>20-25</i>	<i>23-33</i>	<i>Territorial water</i>
<i>Chartered Cutters</i>	<i>4</i>	<i>10-12</i>	<i>35-42</i>	<i>Territorial water</i>

In addition to the above, the Border Guard Company is equipped with seven assault boats.

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4.4.4. Availability and permanency of the above mentioned (human and technical) resources

The approximate number of Navy troops executing Schengen responsibilities on the blue border is 700.

The Coast Guard vessels patrol 24 hours a day.

Coastal radar stations, radars on oilrigs, vessel traffic control and Regional Headquarters

Surveillance centre operate 24 hours a day.

The Police, in charge of the internal waters, have 4 patrol boats during the summer and 2 during the winter.

Comments and recommendations of the Evaluation Committee:

The Norwegian Armed Forces have the overall responsibility for the blue border surveillance of the territorial waters of the country. The Norwegian Police have access to the Coastal Operational and Surveillance system (COSS).

Although the risk of illegal immigration is, for the time being, at a very low level the Committee considers that the Police should be more involved in the blue border surveillance at sea.

The programme did not include a visit to the Coast Guard Headquarters which complicates the Committee's task in assessing the blue border surveillance.

Comments of Norway:

The Evaluation Committee states that they consider that the Police should be more involved in the blue border surveillance at sea.

In the Norwegian concept of border management, the Police are not directly involved in the surveillance of the external borders. The Coast Guard, which is a part of the Armed Forces, carries out Border surveillance of the blue border. The Armed Forces are responsible for border

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surveillance in Norway and the Police are responsible for the control. When necessary, the Coast Guard units will operate on behalf of the Police, and under its command and guidance. The Coast Guard has limited police authority to perform border control. This is regulated in the Coast Guard Act.

Even though the Coast Guard is part of the Armed Forces, they have several civilian tasks.

There is a close cooperation between the Police and the Coast Guard. In addition to the cooperation, which is regulated in the agreement between the Ministry of Defence and the Ministry of Justice, there is close contact and cooperation in other fields. The Police and Coast Guard (and the Custom service) arrange yearly common meetings. The intention of these meetings is to inform each other on actual problems or projects, contribute to a closer cooperation on central and local level etc.

At local level there is close cooperation and exchange of information between the two services. Representatives from the Police contribute in the education of the Coast Guard officers regarding border control. Representatives from the Coast Guard participate in EU/Schengen-training for Police officers.

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4.5. Staff and training

4.5.1. Adequacy and the level of professionalism

The Agder Police district has a total staff of 554 employees which are deployed in 27 Police stations. It is the only Police district controlling two counties. There are 18 border crossing points in this district, one of which is the Kristiansand port. 27 police officers are assigned to the control of these border crossing points.

The immigration unit in Kristiansand consists of two operational sections; a patrol and border control section composed of 7 Police officers and an investigation section composed of 4 Police officers. Furthermore, there is one commanding officer for both sections which brings the total amount of officers to 12.

The 12 police officers operate in different shifts from 6h30 until midnight. The shifts last 8 hours each. The deployment is based on the type and density of the traffic. When the controls are completed, the officers will continue their work in the Police headquarters.

In the summer season, the Agder Police district is reinforced by 95 persons, mainly senior students from the Police College, who are, however, not involved in border control tasks. Since the Police prefer to deploy only well trained officers in border control, the officers in the port have to perform extra hours, notably in the summer season.

During the summer season there are 4 persons on duty, two for the control of passengers and two for the control of vehicles. In the winter season this number decreases to 3 persons.

There is, however, no duty officer in the port. In case of refusal of entry or when somebody is detained, the controlling officer must report to the legal and licensing department in order to receive further instructions. There are 28 officers who have a Law degree in the Agder Police District. One of them is specialised in border control issues.

There are no civilian border guards on duty at the Agder Police district.

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4.5.2. Basic training

The basic training of police officers to serve in the Norwegian police is three years education, plus post- education training covering various areas of the police profession.

The lawyer on duty in the Kristiansand police headquarters who is specialised in border control, goes at least twice a year to national meetings within the Police in order to be updated on law and procedural issues.

The twelve police officers go to regular briefings which are given by the officer who attended a special training. The concept of "train the trainers" is used.

The National Criminal Investigation Service provides the officers with up to date information on false and forged documents. This Service also issues a regular bulletin which is downloaded on the Intranet.

Armed Forces

The Coast Guard participate in courses on national level and specialist training is included in the training program for the Coast Guard officers.

Training programmes are held within the Army and the Coast Guard in cooperation with the Police.

All navy officers assigned for duty to the Coast Guard follow a one week Schengen course.

Specially designed courses

There is a special course to train Coast Guard personnel on the provisions of the Coast Guard Act and the authority vested by the Statute.

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Comments and recommendations of the Evaluation Committee:

The Police officers on duty had a very good knowledge of border control and are well trained. Their number slightly changes depending on the season, with a total of 4 persons deployed in the booths in the summer season. The Committee considers this number as limited and recommends its reinforcement in the summer season. The Committee welcomes that the Police give priority to well trained officers in border control instead of deploying on an ad hoc basis other officers who have received little training in border control.

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5. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

The port of Kristiansand has only one extra-Schengen ferry connection, which is with the United Kingdom. The companies are very vigilant and carry out controls before passengers and vehicles embark towards the UK. This is also the case in Kristiansand where the ferry companies play a significant role in the control of the outgoing traffic to the United Kingdom.

The Committee noted that the Police officers carrying out the controls were very professional and had good linguistic skills. Their number is limited which does not lead to any problems in their tasks during the winter season. In the summer season, when the number of inhabitants of Kristiansand raises from 80000 to more than 200000, more police officers are deployed in the city. This reinforcement is, however, very limited in the port area itself and the Norwegian Police prefer that officers work overtime rather than reinforcing them with other officers who lack the necessary skills to carry out control in the port. The Committee welcomes that preference is given to the local duly trained officers. Their number is, however, limited to cope with the increased traffic in the summer season. The Committee therefore recommends that additional officers be trained to be deployed in the port when necessary, and in particular in the second line.

With regard to the infrastructure and the equipment, the Committee noted various deficiencies, some of which are rather significant:

- The fencing of the terminal area is, in general, very poor and the fences can easily be crossed. Due to the limited amount of officers, there is a clear risk in the summer season that persons can escape from the controls, in particular when they disembark the ferry by car.
- The signs used, both in and outside the terminal, are not entirely in accordance with the signs laid down in the Council Decision 2004/581/EC of 29 April 2004. The Committee notes that this Decision applies from 1 June 2004 in so far as Member States set up new signs or replace existing signs at border crossing points. In all other cases, this Decision applies from 1 June 2009.

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With regard to the control of cargo ships, the Committee was surprised by the distinction made by the local authorities between internal and external cargo traffic. Cargo ships coming from Schengen countries are considered as internal traffic and not controlled. This practice is not in accordance with the provisions of the Common Manual.

The Committee noted that, even if the risk on illegal immigration is low, the control of cruise ship passengers is not fully carried out in accordance with the provisions of the Common Manual. It takes however into account that the provisions on the control on cruise ships have been amended following the adoption of the Schengen Borders Code. The new provisions will allow for an administrative check and, on the basis of risk analysis, a physical control. The Schengen Borders Code is due to enter into force in 2006.

While the cooperation between the Armed Forces and the Police is considered as very good, the Committee is of the opinion that the direct involvement of the Police in the blue border surveillance at sea should be strengthened.

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