



Council of the
European Union

105844/EU XXV. GP
Eingelangt am 01/06/16

Brussels, 1 June 2016
(OR. en)

12894/09
DCL 1

SCH-EVAL 107
COMIX 632

DECLASSIFICATION

of document:	ST 12894/09 RESTREINT UE
dated:	7 September 2009
new status:	Public

Subject:	Schengen evaluation of SWITZERLAND
	- -Progress report on Swiss airport evaluation

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

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

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 7 September 2009

12894/09

RESTREINT UE

SCH-EVAL 107
COMIX 632

NOTE

from :	Swiss delegation
to :	Working Party on Schengen Evaluation
Subject :	Schengen evaluation of SWITZERLAND - -Progress report on Swiss airport evaluation

1. Background information

From 24 to 29 August 2008 the Schengen Evaluation Committee (EvalCom) evaluated Switzerland's external air borders at the airports of Zurich, Geneva, Basle and Sion. A re-visit of the Zurich, Geneva and Basle airports took place from 9 to 13 February 2009. The Schengen Evaluation Committee made – amongst others - the following recommendations¹:

- *"The EvalCom recommends considering the drafting of a comprehensive national plan which will encompass all elements of the integrated border management at all four tiers of the Schengen border security model."*
- *"The EvalCom recommends considering creation of the risk analysis system (...)."*
- *"The EvalCom recommends considering centralised function as responsible for coordination of combating illegal immigration country-wide and for creation of a well functioning system of cooperation at all levels."*

¹ Compendium on the Swiss Confederation, doc. 15536/2/08 REV 2 SCHEVAL 58 CH 7 FL 5 COMIX 307, and summary of the compendium on the Swiss Confederation, doc. 9345/09 SCHEVAL 64 COMIX 343 RESTREINT

RESTREINT UE

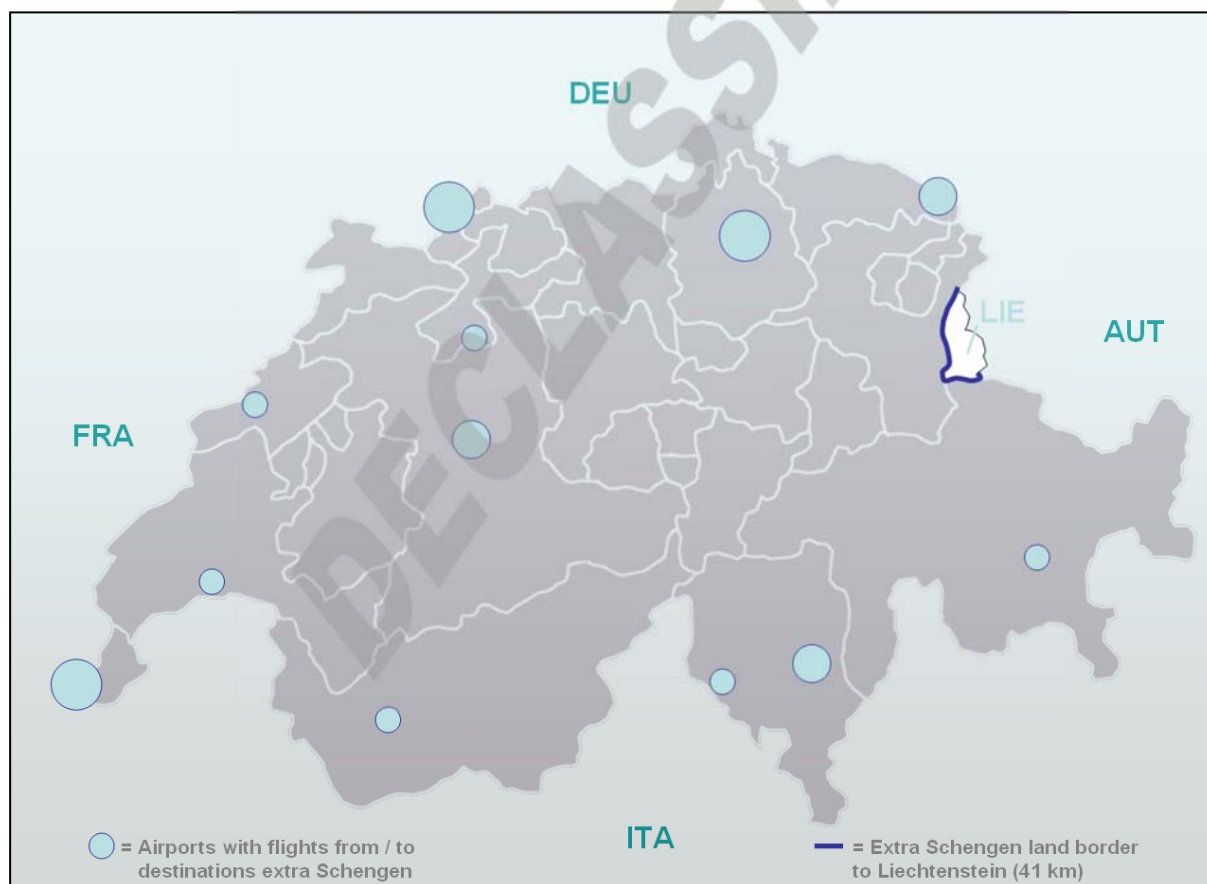
Switzerland was invited to inform the Schengen Evaluation Working Party by the end of September 2009 on the progress in implementing these recommendations. This is the purpose of this report, which consists of two main parts: Integrated Border Management (IBM) and a description of individual measures that will form part of IBM in the future and which are already underway.

2. Integrated Border Management (National Plan)

2.1. General remarks

The national plan on integrated border management must be in line with various conditions:

Firstly, the national plan must take into account that the measures applied by Switzerland as part of its border management have direct consequences for the security of all Schengen member states. The responsibility for the security of the Schengen area requires comprehensive and co-ordinated national border management which fits into the European context and is structured around the four-tier access control model (1. Measures in third countries, 2. Bilateral and international co-operation, 3. Control measures at external borders, 4. Control measures within the area of free movement).



(fig. 1)

Secondly, the content of the national plan must be aligned with the specific situation of Switzerland, namely its geographical position (i.e. as a de facto landlocked Schengen member state with external borders only at its airports) and the migration risks arising thereby (see fig. 1).

Thirdly, special attention must be paid to Switzerland's federal structures, which pose a particular challenge. Co-operation between the various border management authorities, which is co-ordinated by the Federal Office for Migration (FOM), already works well in practice; where necessary, ad-hoc structures are established under the lead of the FOM, and there is cross-agency co-operation. These structures need to be optimised further and, if necessary, institutionalised under integrated border management.

2.2. Developing an integrated border management strategy

All border management measures are to be consolidated under the integrated border management strategy (see fig. 2), the starting point of which will be a comprehensive analysis of the current situation (strengths, weaknesses, opportunities, risks and threats) and an assessment of future developments. The analysis will therefore not be limited to exogenous threats (for example, the development of migration routes and modus operandi of irregular migrants), but will also include endogenous risks such as systematic risks posed by decentralised structures resp. jurisdiction.

The analysis will form the basis of the overall visions from which strategic objectives will be derived. These strategic objectives will – wherever possible – be adapted to the four tier access control model, and will also comprise objectives with cross-section functions that have a bearing on all four tiers (for example, objectives relating to continuous risk analysis).

The strategic objectives will be supplemented with remarks on basic conditions that need to be taken into account when transforming these strategic objectives into operational measures. These include in particular:

- acknowledgement of the four tier access control model;
- rhythm and procedure for reviewing and adapting strategic objectives;
- remarks on the institutional setting, especially the obligation to include the appropriate partner authorities in the implementation of the strategy.

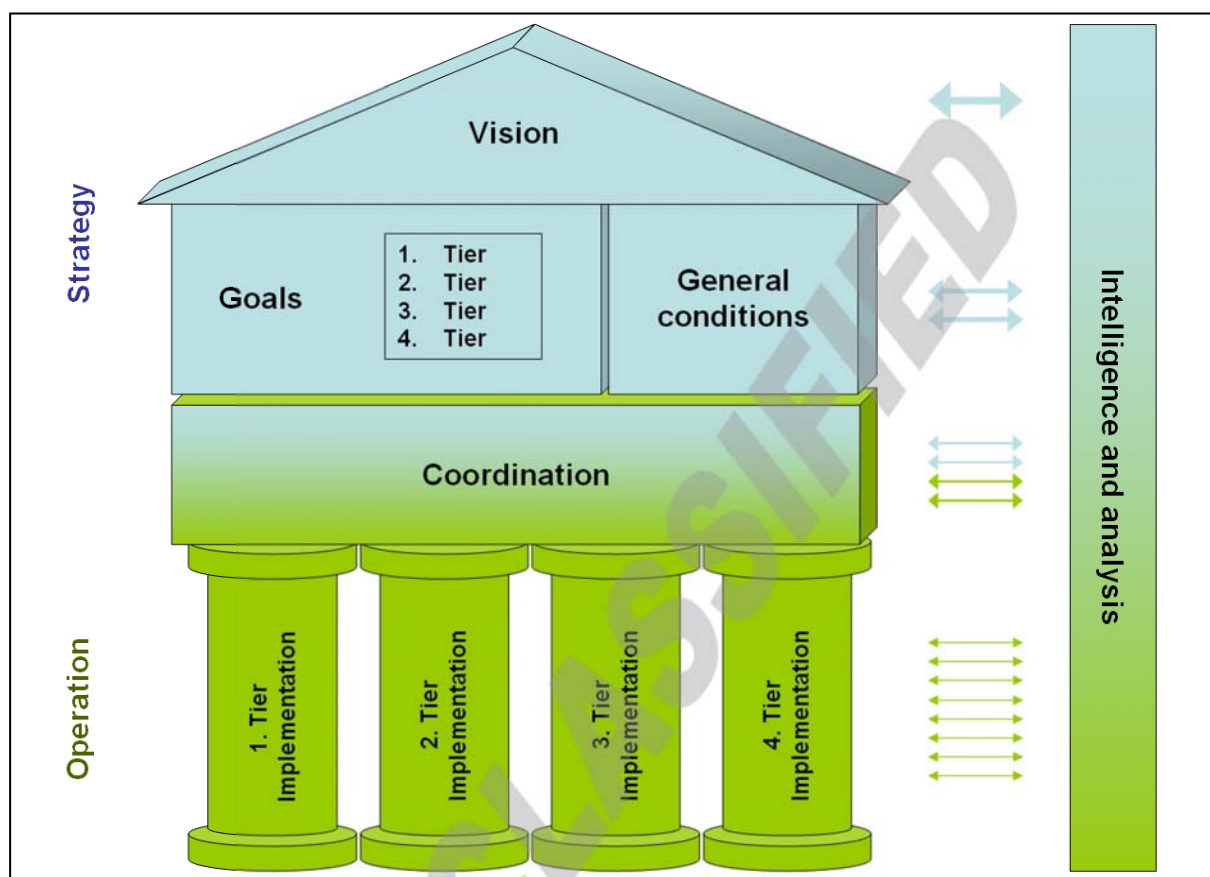
The responsibility for compiling a comprehensive analysis, and developing strategic objectives and a general framework for the policy makers lies with the Federal Office for Migration and thus with a single agency.

2.3. *Specific implementation of the integrated border management strategy*

Based on the long-term strategic objectives and the continual analysis of the migration situation, the FOM will define specific operational measures for each of the four tiers.

These measures will be implemented in close co-operation with the competent partner agencies.

The FOM will ensure that the individual measures are co-ordinated and will provide support and assistance to the partner agencies in implementing the measures.



(fig. 2)

In order to push ahead with developing the national plan and begin applying the first specific measures before the strategic objectives have been definitely established, Switzerland has decided on a two-track procedure: to proceed with several projects that will, in the future, constitute the national plan despite the fact that the plan has not yet been finalised. These projects are described under point 3 of this report.

2.4. *Developing an integrated border management strategy – action so far and in future*

The Federal Office for Migration is responsible for developing and implementing the integrated border management strategy.

Due to the integral approach of the future border management strategy, developing the strategy successfully requires intensive co-operation with all types of partner agencies. Successful co-operation depends on a mutual understanding of the concept of integrated border management. Therefore, one of the first steps undertaken was to organise a workshop in May 2009 informing all partners on the concept of integrated border management. The workshop was also an opportunity to compile – with the input of the partner agencies – an inventory of existing, projected and other possible elements of integrated border management.

At the same time, the Federal Office for Migration obtained information from other states on their national border management systems. These findings were incorporated into the FOM's own work. To compile a comprehensive situation analysis that will form the basis of the integrated border management strategy, the FOM has in addition amalgamated various analysis tools, which had previously been managed on a decentralised level (see 0 below).

In the coming months, FOM will be compiling a first draft of overall visions, strategic objectives and a general framework (as described under 2.2) for the attention of the policy makers. This task should be completed by the end of 2009. In the meantime, FOM will push ahead in implementing various operational measures.

3. Parallel implementation of operational measures

At the same time as developing the strategic basis, Switzerland is giving priority to implementing certain operational measures. The following is an overview/status report of these measures:

3.1. Risk analysis / combating illegal migration

Exchange and analysis of reliable information form the basis for defining strategic and operational goals. Thus, structured information management and sound risk analyses are indispensable to combating illegal migration effectively, efficiently and in co-ordination with partners.

That is why Switzerland has prioritised the ILA project (integrated situation assessment of external borders) in the last few months. The aim of the project is to consolidate various risk analyses that have up to now been compiled on a decentralised basis and to bring them together to create one national analysis instrument. This objective has been largely achieved.

3.1.1. Objective of ILA

The project aims to compile a monthly risk analysis on irregular migration throughout the whole of Switzerland containing findings from the external borders (tier 3), findings from activities in third countries (tier 1), and within the area of free movement (tier 4). The data gained from these areas are amalgamated, presented by a FOM unit specialising in the analysis and evaluation of data, and finally evaluated and interpreted according to qualitative and quantitative criteria.

3.1.2. Status of the project

After identifying the relevant data providers, the existing decentralised analysis products were evaluated. A catalogue of relevant data was subsequently defined, which in the initial phase is limited to findings gained from the external borders. The relevant data (as defined in the catalogue) is provided each month by the border control agencies with the aid of a template. The first sample ILA risk analysis (0 edition) was published in July 2009. After evaluating comments received from data providers and ILA recipients, the ILA analysis will appear monthly as from September 2009 in a consolidated format.

3.1.3. Next steps

As mentioned, the ILA risk analysis currently focuses on findings gained from the external borders. To improve and extend the scope of ILA in future, Switzerland plans to incorporate findings also gained from within the area of free movement and from activities in third countries.

3.2. Individual measures according to the four tier access control model

3.2.1. 1st tier

a) Immigration Liaison Officer (ILO)

The work carried out by the six Swiss migration attachés already includes many of the tasks of an ILO. However, up to now the migration attachés have not been registered as ILOs and are therefore not part of the Schengen ILO network. The Federal Office for Migration - together with its partner agencies – is currently adapting the job description (for example with regard to training) with the aim of changing the status of the migration attachés into ILOs.

b) Airline Liaison Officer (ALO)

Implementation of the project has been unexpectedly delayed due to legal difficulties that have arisen with regard to status and reciprocity. Legislation providing a satisfactory legal basis for the deployment of ALOs has been drafted but will not enter into force before 2011. In the meantime, the Federal Office for Migration and the Border Guard Corps are seeking a solution; one possibility under discussion would be to deploy document advisers beforehand on site solely for the purpose of training.

c) Carrier Sanctions (CASA)

Preparations for implementing Carrier Sanctions have now been finalised. Sanction procedures will be implemented under Council Directive 2001/51/EC. The Federal Office for Migration has initiated proceedings against various airlines.

d) Co-operation agreements with airline carriers

The Swiss government has had a co-operation agreement with SWISS International Airlines for Zurich Airport since 2004. In addition, the Federal Office for Migration is planning to draw up a modular standard agreement aimed at co-operation with other airlines in order to further reduce the number of INADs.

3.2.2. 3rd tier

a) Front Alert (FRONTAL)

Switzerland has implemented EvalCom's recommendation on creating a system for the rapid exchange of (operational) information between the various border control agencies and other agencies involved in border security. Following an evaluation of various options, FOM has decided on a secure, intranet-based mail application, which can be accessed by all border control agencies, and by the relevant units at the Federal Office for Migration and the Federal Office of Police (Fedpol). The application allows each user to forward important information (for example, warnings regarding new forgery methods) simultaneously to all other users.

b) Advanced Passenger Information (API)

The conceptual phase of the project is well advanced, but the technical implementation has been delayed due to procurement difficulties. Implementation is therefore not expected before spring 2011.

4. Conclusion

Work is currently in progress on all levels to develop the national border management strategy and to implement the first operational measures. Switzerland is endeavouring to implement EvalCom's recommendations quickly and consistently in order to constantly improve border security.

DECLASSIFIED