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SCH-EVAL 114
COMIX 529

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Subject: Schengen evaluation of SWITZERLAND - Draft Council conclusions on the evaluation of the correct application of the Schengen acquis including follow-up

Delegations will find attached the partially declassified version of the above-mentioned document.



Brussels, 20 October 2014
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RESTREINT UE/EU RESTRICTED

**SCH-EVAL 114
COMIX 529**

NOTE

From: General Secretariat of the Council

To: Working Party for Schengen Matters (Evaluation) / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)

Subject: Schengen evaluation of SWITZERLAND - Draft Council conclusions on the evaluation of the correct application of the Schengen acquis including follow-up

1. The Working Party for Schengen Matters (Schengen Evaluation) submits the following comments to Council to conclude on the Schengen evaluation of Switzerland and its follow up thereto. The Council is invited to take note of this assessment.
2. In 2014, an evaluation took place of the application of the Schengen acquis by Switzerland concerning border controls at the external borders, as well as police cooperation with neighbouring (Schengen) countries, visa issuance, the use of SIS and the SIRENE bureaux and data protection.
3. After the successful conclusion of these evaluations, Switzerland informed the Working Party for Schengen Matters (Schengen Evaluation) of the measures they have implemented / are implementing to remedy the weaknesses and deficiencies which were detected. This follow-up can be found in doc. 14010/14 RESTREINT containing information the Swiss delegation was asked to provide to the Working Party for Schengen Matters (Schengen Evaluation).

4. In the area of **data protection**, Switzerland implemented all recommendations of the previous evaluations, possible exceptions being **NOT DECLASSIFIED**. It further enhanced the transparency of FedPol's data subject's request handling by introducing an unsolicited annual exchange of statistics - including refusals - with the Federal Data Protection and Information Commissioner (FDPIC), and improved the multilingual presentation of Schengen/Dublin/DP matters on various federal websites by addition of direct links. **NOT DECLASSIFIED** will in future be repeatedly scheduled within the FDPIC's annual work programmes. By end of 2014, the Federal Department of Justice and Police (FDJP) is mandated to conclude whether the control mechanisms available to the FDPIC need to be strengthened, **NOT DECLASSIFIED**. On cantonal level, SIS log file inspections **NOT DECLASSIFIED** to fulfil the requirement of independence and impartiality.

5. In the field of **police cooperation**, Switzerland overall maintains a good level of implementation of the Schengen acquis. The Swiss authorities have made an effort to implement the recommendations made during the 2008 evaluation mission. Most of the recommendations have been fully implemented, namely the creation of the Swiss Pol Index and the Central Query Mask, but there is some work to be done **NOT DECLASSIFIED**.

Another major change since 2008 is the creation of the International Police Cooperation Division. The EvalCom considered this as a positive step particularly in relation to bringing together the strategic and operational aspects of the international cooperation under the same umbrella.

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A positive aspect is the cooperation between police officers and border guards on a day-to-day basis at all levels. This cooperation allows for the difficulties posed by the decentralized nature of the Swiss police structures to be overcome.

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In addition it was found that there was room for improvement **NOT DECLASSIFIED**

The relevant authorities are also looking into appropriate solutions for the recommendations concerning training, namely, the continued use of Schengen e-learning in a more structured way both at federal and cantonal level; establishment of joint training courses for police officers assigned to joint patrols in the border area, focusing on the different procedures and practical police work carried out by each country, as well as any differences in applicable legislation. The implementation of these recommendations will be done by strengthening of contacts between relevant authorities at central and cantonal level and changes in the course programmes which should be reflected in the fedpol's training "Action Plan 2015."

Furthermore, the EvalCom recommended that the Swiss authorities consider organizing mixed patrols with neighbouring countries **NOT DECLASSIFIED** on a more regular basis and encouraged the Swiss authorities to further explore the possibility of common liaisons with other countries when expanding its LO network. The implementation of these recommendations is in progress, depending on the internal assessments that are currently being made.

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6. As regards **air borders**, the EvalCom visited Geneva and Zürich airport in June 2014 and concluded that Switzerland applies the relevant provisions of the Schengen *acquis* in a generally satisfactory manner. Switzerland follows the principles of Integrated Border Management (IBM) as regards border control in general and cooperation between the 26 cantons is functional and well organised. Infrastructure was found to be generally sufficient and meeting the needs. There is clear understanding of the provisions of the Schengen Borders Code as regards border checks, and improvements were noted in risk analysis at central, regional and local level **NOT**

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As for recommendations made during earlier evaluations, these were found to have been adequately implemented and followed up.

Points meriting special attention or reviewing, and the follow up (intended to be) given thereto, included:

- **NOT DECLASSIFIED**

- **NOT DECLASSIFIED** authorities are looking at ways to let 2nd line staff and new employees participate in SBG training sessions providing training in line with the Common Core Curriculum. There are plans for specific English language courses and greater emphasis will be placed on sufficient English skills when recruiting new staff. **NOT DECLASSIFIED**

- regarding carrier sanctions, the amendment to the FNA passed the chambers of the Federal Parliament in June 2014. The amendment is foreseen to come into effect by April 2015.

7. In the field of **visa issuance**, both in **Mumbai** and **Guangzhou**, the EvalCom considered that Switzerland applied the Visa Code in a very satisfactory manner. No failings or significant or chronic errors were noted in the daily work of the Consulates. In both locations, the EvalCom was appreciative of the thorough and efficient examination procedure, staff's competence and knowledge, and particular features of the national visa information system 'ORBIS'. In **Guangzhou** the EvalCom was in addition appreciative of the handy and informative 'Visa Application Checklist' and it considered the close cooperation among Swiss representations in China to constitute a best practice.

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Finally, all security related aspects are being dealt with / examined and are expected to be implemented by end 2014.

8. As regards **SIS/SIRENE**, EvalCom considers that Switzerland's implementation of the SIS (although widely limited only to **SIS 1** functionalities) and **SIRENE** acquis is in general good.

Good practices were observed by EvalCom, in particular in what concerns the organisation by the **SIRENE** Bureau of annual Schengen Conferences attended by all end-users, including the cantonal police, the Federal Office of Justice, the Federal Office of Migration and the Swiss Border Guard;

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EvalCom also felt that several procedures put in place by the authorities were positive, namely as regards training. These included the use of Schengen flyers by all end-users, the organisation of Schengen Conferences, e-Learning courses in the field of Schengen and SIS which participants had to pass, and the participation of SIRENE operators in the training of end-users. EvalCom also appreciated the very good languages skills of the SIRENE operators and the very high level of security of the Swiss N-SIS and infrastructure in general.

However, EvalCom pointed out that some recommendations made during the previous evaluation in 2008 had still not been fully implemented, **NOT DECLASSIFIED**

NOT DECLASSIFIED

EvalCom recommended that the Swiss authorities evaluate the current training measures and examine whether there might be a need for change and/or for enhancement in order to optimise the tools already in use: e-Learning, conferences, intranet, courses. **NOT DECLASSIFIED**

9. The Council is satisfied with the efforts Switzerland has made so far, and continues to make, in implementing the recommendations made for the correct application of the Schengen acquis. It invites Switzerland to continue its efforts in relation to the remaining outstanding points mentioned above and described in greater detail in its follow-up reports.

The Council invites the Commission to take these results into account in its future dealings with Switzerland.
