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**2016/0212 (NLE)**

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**SCH-EVAL 175**  
**FRONT 380**  
**COMIX 663**

### **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council  
On: 13 October 2016  
To: Delegations

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No. prev. doc.: 12620/16

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Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of absence of border control at the internal border by Switzerland

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Delegations will find in the annex the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of absence of border control at the internal border by Switzerland, adopted by the Council at its 3490th meeting held on 13 October 2016.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

**RECOMMENDATION**

**on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of absence of border control at the internal border by Switzerland**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen<sup>1</sup>, and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision setting out a recommendation is to recommend that Switzerland address the further improvements identified during the Schengen evaluation in the field of absence of border control at the internal border carried out in 2015. Following the evaluation, a report covering the findings and assessments and listing further improvements identified during the evaluation was adopted by Commission Implementing Decision C(2016)3254.
- (2) The situation observed at the internal border of Switzerland with Italy is in line with the provisions of the Schengen Borders Code, but some improvements are required.

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

- (3) The Recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within six months of its adoption, the evaluated Member State shall, pursuant to Article 16(8) of Regulation (EU) No 1053/2013, provide the Commission its assessment on a possible implementation of the recommendations, including indications of possible further improvements,

HEREBY RECOMMENDS:

The Swiss Confederation should

1. further improve awareness of the number of identity checks performed by the Swiss Border Guards at the internal border by collecting statistics detailing the number of identity checks and the issues that triggered such checks;
2. ensure that the exercise of specific police competences within internal border zones, as conferred upon the Swiss Border Guards, is subject to measures which ensure that checks carried out based on such powers do not have an effect equivalent to border checks as provided by Article 23 of the Schengen Borders Code.

Done at Brussels,

*For the Council*

*The President*

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