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European Union

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NOTE

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| From: | General Secretariat of the Council |
| To: | National Parliaments |
| 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 external borders (Algeciras Port) by Spain |

In accordance with Article 15(3) of Council Regulation 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, the Council hereby transmits to national Parliaments 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 external borders (Algeciras Port) by Spain¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 15482/16

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 external borders (Algeciras Port) by Spain

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 ², and in particular Article 15 thereof

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Recommendation is to recommend to Spain remedial actions to address deficiencies identified during the Schengen evaluation in the field of the management of the external borders carried out in 2015. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision [C(2016)5256].
- (2) During the seasonal period when large flow of workers from Morocco and Algiers use the sea port the Spanish Authorities launch the reinforcement operation "cross the strait of Gibraltar" integrating several services to curb the risks related to higher passenger flow more effectively and detect cross border crime.

² OJ L 295, 6.11.2013, p. 27.

- (3) It is important to remedy each of the deficiencies identified with the least possible delay. In light of the importance to comply with the Schengen acquis, priority should be given to implement recommendations 9 and 12.
- (4) This Recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16 of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

that Spain should

1. create a dedicated local risk analysis unit with clear direct responsibility for maintaining permanently an accurate situational picture and risk analysis at the local level;
2. ensure that briefings take place in proper premises and that all staff is aware of all relevant information provided by the local and national risk analysis unit before each shift;
3. ensure that all first line officers know where they can find reference documents;
4. check consequently fingerprints at the external border to meet the obligations of Article 18 of the VIS Regulation;
5. put a film on the glass of the side window in the booths at the entry/exit checks of vehicles and change the position of the screen of the PC to prevent unauthorized observation of the computer screen;
6. increase foreign language training to border guards at local level with a particular focus on the languages understood by the majority of the travellers;
7. complement the existing e-tools with a continuous specialized training on border related topics, in particular on document forgery, risk analysis, THB and update on legislation;

8. to stamp pursuant to all the provisions of Annex IV of the SBC;
9. carry out the checks on third country national in the first line fully in line with the provisions of Article 8 of the SBC (thorough checks);
10. bring the procedures applied for the crew and passenger list in line with Annex VI of the SBC;
11. bring in line the amount of visa fee paid for a visa issued at the border with Article 15 of the Visa Code;
12. implement the objective of the Directive 2001/51/EC and impose sanctions on carriers;
13. ensure that all thorough checks on vehicles are carried out in a reserved area separated from waiting lanes, ensure that the checks on drivers of heavy goods vehicles are carried out whilst the occupant remains at the vehicle (Annex VI, 3.2.9 (e) of the SBC), acquire better equipment and cooperate more closely (Cuerpo Nacional de Policia and Guardia Civil) to achieve the same effect as a one-stop check;
14. increase the effectiveness of the surveillance in the port of Algeciras and make optimal use of the resources. Guardia Civil should have access in real time to the updated surveillance system of the Policia Portuaria;
15. increase the effectiveness of the reaction capability and enhance situational awareness. For this purpose, it should be considered to integrate the data from all authorities participating in sea surveillance and all other relevant information systems, such as VTMIS (Community Vessel Traffic Monitoring and Information System), SafeSeaNet, etc..

Done at Brussels,

For the Council

The President