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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Spain on the application of the Schengen acquis in the field of the management of the external border (Barcelona Airport)

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 2016 evaluation of Spain on the application of the Schengen acquis in the field of the management of the external border (Barcelona Airport) ¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 6503/17

Council Implementing Decision setting out a

RECOMMENDATION

**on addressing the deficiencies identified in the 2016 evaluation of Spain on the application of the Schengen acquis in the field of management of the external border
(Barcelona Airport)**

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:

The purpose of this decision setting out a 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 border carried out in 2016. 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) 6006.

² OJ L 295, 6.11.2013, p. 27.

Spanish authorities invest in use of modern technologies in their management of the external air border at Barcelona Airport. The Advanced Passenger Information (API) is received from all carriers and all flights arriving from extra Schengen countries. The lists are analysed automatically against the databases and watch lists. Furthermore there are in total 12 ABC gates used at Terminal 1 and 12 at Terminal 2. The use of these e-gates for the EU/EEA/CH nationals above 18 years old proved to increase the efficiency of border checks on arrivals and to some extent leads to more efficient use of staff for other tasks. In case of malfunction or alert of the gate, the police officer supervising the ABC gates uses a mobile I-pad connected to the data base that is used to verify the person in the ABC gate.

In light of the importance to comply with the Schengen acquis, in particular the correct implementation of the Schengen Borders Code Regulation, priority should be given to implement recommendations 1, 5, 6, 7, 10 to 12, 23 and 24.

This decision setting out a 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, paragraph 1 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. ensure that risk analyses are conducted also at local level by specialised and trained personnel according to the CIRAM 2 model;
2. ensure that the exchange of information and the interaction is enhanced between the shifts and between the first and second line offices, in particular regarding the results of the second line checks;

3. enhance direct connections with the authorities at the most important connecting airports in third countries and improve direct cooperation between the authorities at the Barcelona airport and the National Police liaisons officers abroad according to the risk analysis and threat situation;
4. establish a direct cooperation with air carriers especially from the countries of origin with most risks for irregular migration, human smuggling and other border related crimes;
5. increase the number of staff permanently by deploying more qualified staff for the first and second line activities;
6. ensure the availability of second line staff also on Sundays and during the night;
7. establish a regular system of briefings for all first and second line officers;
8. use secured tools (official mail boxes or other own secured software tools) for sharing/sending official and restricted information;
9. improve the training system in order to ensure that all border guards are adequately acquainted with the Schengen acquis and updated about its evolution (e.g. by annual or cycle and ad hoc refreshment courses);
10. implement in due time an effective system of specialised mandatory training that would ensure a high level of professionalism of first-line and second-line officers in the area of document fraud, risk analysis, profiling, THB and cases when children and unaccompanied minors and other vulnerable groups cross the border and provide regular training and frequent briefings on trends related to the use of forged documents;
11. increase a training cycle in foreign languages at the local level in order to improve the knowledge of English and other frequently used languages to enhance the quality of the border checks;

12. prepare and widely transmit to all border guards performing border checks risk profiles related to border checks and foreign terrorist fighter phenomena with clear risk indicators and provide training on risk profiles related to foreign terrorist fighters;
13. make the necessary arrangements to relocate (in due time/asap) the ABC gates in order to make better use of the gates and improve the signposting leading to these gates;
14. simplify the passengers queuing system in order to allow EU/EEA/CH passengers to reach the booths more easily and to change lane more easily;
15. establish separate lanes and mark dedicated control booths for crew members at the arrivals and departures in Terminals 1 and 2;
16. make regular use of the docubox and other equipment in the coordinators office in Terminal 2.
17. provide access to specimen of documents to all officers in the first line; additionally, provide access to specimen of documents in the coordination officer's office;
18. ensure a better use and more training on the Schengen Handbook for Border Guards and make the legislation available for all officers at the first line;
19. provide regular frequent rotation system for first line officers aiming to keep the level of motivation high and the work satisfactory for all officers;
20. ensure that in case of apprehending a person who uses falsified/forged documents such documents can be seized and in no circumstances are given back to the passenger;
21. ensure that the walls and the back side of the control booths in Terminal 2 are properly covered in order to prevent unauthorised persons from looking into the control booth and ensure that all booths at Barcelona airport are fully equipped;

22. ensure the full separation of Schengen/non Schengen areas, as required in point 2.1.1. Annex VI of the Schengen Borders Code by installing higher physical barriers;
23. ensure that SIS data in national copy is identical to and consistent with the SIS II database as required in Article 9(2) of the Regulation 1987/2006/EC and Decision 2007/533/JHA and ensure that border guards conduct more systematic queries of travel documents in accordance to Article 8(2) and 8(3) of the Regulation (EU) 2016/399/EC (Schengen Borders Code);
24. improve the practical implementation of border checks procedures by thoroughly verifying all entry conditions for third country nationals in order to bring it in line with article 8 of the SBC.

Done at Brussels,

For the Council

The President