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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 Italy on the application of the Schengen acquis in the field of management of the external border

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 Italy on the application of the Schengen acquis in the field of management of the external border[1].

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[1] Available in all official languages of the European Union on the Council public register, doc. 6357/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border

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 decision setting out a recommendation is to recommend to Italy 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 DecisionC(2017)210.

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[2]   OJ L 295, 6.11.2013, p. 27.

(2)   The Border Police at the Italian airports have established a good cooperation with air carriers, in particular with Alitalia, providing border police with the passengers' data and in some cases with copies of the travel documents of passengers arriving from countries with a high risk of illegal migration. This cooperation resulted in an enhanced risk assessment of passengers arriving from certain risk destinations and close surveillance of these passengers while staying in the transit area.

(3)   At Fiumicino airport, the Border Control System (BCS) was operative and analysing API information provided by 77 carriers on 46 routes. The system enables pre-checks of the passengers' lists, API data as well as additional data of the passengers such as the presence of luggage, the copy of the documents and the booking details. These data are processed and analysed by the Border Investigation Unit, enabling them to conduct checks at the gate of arrival. Furthermore, the officers in the first and second line are actively informed of passengers of interest to be able to carry out more thorough checks, when necessary. Also, the result of the analysis is used daily by the Border Investigation Unit by deploying their personnel for gate checks on the selected flights arriving from high risk areas and in order to prevent the phenomenon of misuse of transit at this airport.

(4)   At Milan Malpensa airport a pilot project named Sybil is ongoing with the aim to monitor the passengers from the security check to the boarding gate by scanning the boarding pass and cross checking that the same boarding pass is used by the same person for the intended travel. The border guards receive the list with 'flagged' passengers based on the prior manual analysis of the API data and possible hits in the databases. The API information is received and analysed for each passenger arriving from all extra-Schengen flights.

(5)   At Naples airport in cooperation with the counter terrorism unit of the local criminal police (DIGOS), the airport border guard authorities have developed a prototype database to monitor the history of travel patterns of passengers on flights from risk destinations with the view of identifying potential foreign terrorist fighters and other passengers presenting a risk. The online system allows the local officers responsible for risk analysis to run tailored searches on all API data received at the airport from all carriers from all extra-Schengen destinations. The search criteria can be based on the requests/requirements/alerts (for example from other sources like DIGOS) containing information on suspicious travel patterns, destinations, age or nationality. API lists are automatically crosschecked against the search criteria and corresponding passengers are flagged. First line officers also have access to the system via the local intranet and are informed about flagged passenger's real time.

(6)   In Bari, the national police have established a specialized unit on cross-border criminality, which has developed a well-functioning practical cooperation with investigation units from other Member States or third countries (Belgium, Germany and Greece, Turkey, fYRoM and Albania). The cooperation with liaison officers in combating human trafficking, smuggling of drugs and foreign fighters is very efficient.

(7)   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, 11, 12, 15, 17, 18, 26, 30, 31 and 49.

(8)   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 Italy should

Integrated Border management

Integrated Border Management Strategy

1.   establish a national IBM strategy based on the updated EU IBM concept by describing main principles, responsibilities and priorities related to implementation and development of the border management, this strategy should be supported by a multiannual action plan defining also needed resources, timetables and responsibilities;

2.   develop permanent coordination structures and defined procedures covering all elements related to integrated border management as part of the IBM strategy, joint strategic planning of national capabilities should be based on clear priorities defined in the national strategy;

Risk analysis

3.   improve the risk analysis system by implementing all the elements of CIRAM 2.0. In particular, the central level authorities should regularly assess the efficient use of risk indicators by the first line and second line officers for the detection of document fraud, foreign terrorist fighters, clandestine, hiding in vehicles and victims of trafficking in human beings;

4.   develop strategic risk analysis for decision making regarding investments and allocation of resources for the medium (2-3 years) and long term (beyond 3 years), the strategic risk analysis should include an assessment of vulnerabilities, elaborate joint strategic risk analyses, including Customs, Border Police, Coast Guard, Financial Guard, at central, regional and local level;

5. improve the risk analysis system by providing a written methodology supported by a handbook for the performance of risk analysis products at all levels and organising regular meetings between local risk analyses units of different authorities involved in border management, ensure the horizontal flow of information for risk analysis at local level, by granting access to the data introduced by other local reporting units in the SMSI-RA system;

6. develop a national risk analysis training program based on CIRAM 2.0 principles to guarantee a unified implementation of risk analysis;

7. draw operational conclusions from, and develop standard procedures for using, the risk analysis products for the first and second line officers;

8. ensure the full use of the common risk indicators of foreign terrorist fighters by the border guards performing border checks;

Inter-agency cooperation

9. develop inter-agency cooperation between the Police and Customs by creating a clear legal basis for more structured and unified cooperation at the national and local level, forms of practical cooperation at the local (regional) level should be defined by an agreement or a common memorandum of understanding;

International cooperation

10. develop and activate practical cooperation between Italian and Croatian as well as Italian and Montenegrin border authorities;

Human resources and training

11. ensure that all the border guards of different authorities performing border checks and border surveillance have received adequate and CCC based basic training on border control;

National coordination centre (NCC Eurosur)

12.   improve the functions of the NCC, by ensuring a comprehensive national situational picture, integrating the existing applications or by ensuring the 24/7 access to all relevant applications;

Rome Fiumicino Airport

Risk analysis

13.   establish a permanent briefing system at the beginning of shifts and ensure the attendance of all the border guards;

Border check procedures

14.   ensure regular feed-back and exchange of information with the border police in order to increase the quality of the procedure on the sanctions for air carriers;

15.   intensify consultations of databases containing alerts on documents and persons in case of persons enjoying the right of free movement under Union law and bring the border checks in line with Article 8 of the Schengen Borders Code;

Infrastructure and equipment

16.   increase the security of the control booths to prevent unauthorised observation of computer screens, improve the positioning of the border guards inside the control booth to allow the proper performance of behavioural analysis of the passengers queueing before the border checks;

Milan Malpensa airport

Border check procedures

17.   intensify consultations of databases containing alerts on documents and persons also in case of persons enjoying the right of free movement under Union law;

Human resources and training

18. guarantee that all (new) border police officers participate in the basic border guard training courses, ideally before starting to work at the border crossing point;

Infrastructure and equipment

19. improve the ergonomics of the booths to enable the border guards to overlook the passengers and perform a proper profiling;

20. ensure appropriate lanes for passengers at arrival to guarantee the proper profiling and in order to avoid mixing of the passengers;

Naples airport

Risk analysis

21. develop the national database (SMSIRA) in a way to ensure distribution of information and data flow between crossing points;

22. organise regular meetings of risk analysis officers working at the airport risk analysis units in order to enhance exchange of experience, information and situational awareness at the Italian external border;

23. consider developing short-term staff exchange programs, which could allow local risk analysts to be deployed at other Italian airports;

Border check procedures

24. bring the refusal of entry procedures in line with the Schengen Border Code by delivering the decision to the third country national concerned after the decision is taken and signed;

25. bring the standard form for refusal of entry in line with the standard form as set out in Annex V, part B of the SBC;

Human resources and training

26.   implement in practice the mechanism to reinforce the staff during the periods of high passenger flows;

27.   ensure that two border guards are supervising the e-gates at all times;

28.   ensure that the border guards receive more regular training on the provisions of the Schengen Borders Code and other relevant provisions of the EU-acquis;

29.   establish a language training program (in particular English) in order to improve the language skills for all border guards according to the Schengen Catalogue;

30.   implement a national strategy and an annual program for providing the refreshment course to the border guards and management in order to enable all border guards to receive regular trainings;

31.   ensure more regular trainings in detection of forged documents for the staff dealing with border checks;

32.   make more use of interpreters in cases when no communication is possible due to the language barrier and ensure that the questions to verify the nationality of the passengers are modified regularly in order to prevent possible misuse by irregular migrants;

Infrastructure and equipment

33.   ensure confidentiality of border checks by re-shaping the booths and securing the side glass wall of control booths with appropriate material;

34.   install and bring the sign posting in line with Annex III of the SBC;

35.   ensure more signs in the departure area indicating the position of the border control booths in order to facilitate the passengers leaving the Schengen area;

Inter-agency cooperation

36.   prepare and conclude written cooperation agreements with other stakeholders at the airport defining cooperation in different cases and situations;

Port of Palermo

Risk analysis

37.   develop the local risk analysis combining the local conditions with the national situational picture, focus should be put on deriving local conclusions for first and second line officers, in particular regarding detections of fraudulent documents, foreign fighters, clandestine entries and victims of trafficking in human beings, the analysis of the local vulnerabilities should be developed in the form of regular testing of the capability of the technical equipment and staff to detect fraudulent documents, clandestine entry and assessment of the conditions of entry;

Infrastructure and equipment

38.   improve the quality of border checks by providing better equipped facilities for first and second line checks for ferries;

Training

39.   provide foreign language training to border guards with a particular focus on the languages spoken by the majority of the travellers who cross the border (English, French and Arabic);

Border check procedures

40.   develop further the electronic data transmission in cooperation with other authorities in order to simplify checking of passenger and crew lists;

Port of Catania

Training

41. ensure that all the border guards attend language training, and that they continue to improve their language skills;

Infrastructure and equipment

42. install fixed booths to facilitate the proper implementation of entry/exit checks;

Border check procedures

43. ensure that as a general rule pleasure boats coming from non-Schengen destinations can only moor at border crossing points in order to bring the procedure in line with Schengen Borders Code, Annex VI;

44. increase awareness on Schengen Borders Code requirements of checks on pleasure boats within the management of Border police and Coast Guard;

45. ensure the availability of the "Revoked" stamp at the level of BCP Catania port;

46. implement an effective training programme concerning the issuance of visas at the border for the personnel responsible for taking decisions and to implement the data in the visa issuing system;

Port of Bari

Border checks procedures

47. ensure that all entry/exit stamps prints are clearly visible as provided by the technical specifications laid down in the doc. SCH/Gem-Handb (93) 15;

Infrastructure and equipment

48. equip the border police in the port of Bari with the additional technical equipment and means for the detection of persons hiding inside vehicles;

Pozzallo hotspot

49. register all migrants, including photograph and fingerprints, without exceptions. There should be contingency plans how this can be done also in case of massive influx;

Sea border surveillance

50. improve the sea border surveillance system by developing a more integrated radar system and to increase coverage of the current radar system;

51. arrange for CCTV system for the Port of Catania so that it covers the major areas and spots of the port and make it available for Financial Guard and Coast Guard;

52. improve the language skills of all the participating personnel, using any kind of communication during sea patrolling.

Done at Brussels,

For the Council
The President