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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 Malta 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 Malta on the application of the Schengen acquis in the field of management of the external border¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 11327/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Malta 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 Schengen², 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 Malta remedial actions to address deficiencies identified during the Schengen evaluation in the field of 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(2017)1077.

² OJ L 295, 6.11.2013, p. 27.

- (2) The joint training for all the authorities involved in border control is a good example of a beneficial joint action and investment in inter-agency cooperation. The Maltese solution to coordinate all sea border surveillance operations and to create a consolidated maritime situational awareness by one joint centre is also found to be a good practice in the prevailing operational environment.
- (3) In light of the importance to comply with the Schengen acquis, priority should be given to implement the recommendations related to the implementation of the integrated border management strategy (1), the national risk analysis system (12) and further development of the National Coordination Centre in line with the EUROSUR Regulation (24).
- (4) 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 listing all the recommendations to remedy any deficiency identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

that Malta should

Integrated Border Management (IBM) concept

1. improve the national IBM strategy by adopting it officially and strengthening its implementation by developing the relevant annual and multiannual action plans defining priorities, time-frames, responsible authorities and needed resources;
2. enhance the inter-agency cooperation structure between the border control authorities related to the implementation of the national IBM strategy and to the risk analysis model by formalising it with e.g. setting up memoranda of understanding;

3. further enhance the bilateral cooperation between the Armed Forces of Malta and the relevant Italian authorities on border control issues;
4. develop a national quality control system involving all border control authorities to systematically examine that border control is in line with the Schengen requirements (make use of Frontex training for Schengen evaluators);
5. increase the capacity of the border control system at the airport to manage the increasing number of passengers, for example by the use of ABC gates and/or an increase in the number of staff;
6. elaborate a long term and comprehensive staffing plan to ascertain sustainable development in human resources;
7. provide the civilian immigration officers at the airport access to all relevant databases in the first line and similar powers as police officers performing border checks; guarantee that they have received the same training in the field of border control as police border guards officers;
8. increase and intensify document examination and risk analysis training for border guards working at the first and second line;
9. develop a certified training programme for border guard officers performing border checks, in line with the Common Core Curriculum;
10. provide joint training on border control issues to all border control authorities on an annual basis;
11. develop a well-equipped national centre for checking all types of advance passenger information automatically, covering both the seaports and the airport;

Risk analysis

12. develop a risk analysis system for border control purposes at national level fully in line with the Common Integrated Risk Analysis Model (CIRAM) 2.0, which links risk analysis and border management at tactical, operational, and strategic level involving all authorities responsible for border control;
13. improve the existing strategic monthly, half yearly and annual products by: including an interpretation of statistical trends; developing additional chapters on the description of phenomena of interest, main threats and risks, underlying factors and outlooks, as well as findings that allow for making recommendations and policy proposals which could facilitate the optimal use of resources;
14. produce up to date tailored risk analyses which include risk indicators based on recent phenomena or cases of interest revealed at the border and make these products available to first and second line officers and other authorities involved in border control to increase their situational awareness and thereby better focus their activities at work;
15. improve inter-agency cooperation in the field of risk analysis and information sharing between the different border control authorities;

Border checks

16. ensure that every shift includes a sufficient number of document experts and provide the relevant information on and trends in the use of forged and falsified documents to all the border guards (first and second line);
17. establish a single window platform available for border guard authorities with information on the arrival, departure and stay in the port of all ships, in line with the Schengen requirements;
18. ensure prompt fingerprinting and registration in the EURODAC system of all persons who crossed the border unauthorised (including asylum seekers) and provide the airport with direct access to the EURODAC and AFIS system;

19. elevate the position of the border guard in the control booths at the airport to ensure proper profiling and checking of the (queuing) passengers;
20. carry out proper maintenance of the stamps to ensure a readable print, in line with Annex IV (4.b) of the Schengen Borders Code (SBC);
21. bring the written information provided to third country nationals subject to a second line check on the purpose and procedures for this check in line with the latest version of the SBC and ensure that this form is available in all the official languages of the Union in accordance with Article 8(5) of the SBC;
22. ensure the production, distribution and use of risk analysis products with risk indicators and profiles for the checking of the passenger and crew lists of the cruise ships arriving at Valletta Cruise Port;
23. enhance surveillance at the Msidi Marina border crossing point outside its opening hours to prevent attempts to avoid the border check;

Situational awareness and border surveillance

24. bring the National Coordination Centre (NCC) fully in line with the EUROSUR Regulation; integrate and connect the Maltese Police Force (main border control authority) and the customs administration with and to the NCC; enhance the national situational picture by adding police and customs resources to the system also, and ensure that CIRAM is applied by the Armed Forces of Malta (AFM) when planning and performing border control tasks;
25. equip all maritime assets with night/thermal vision capability; use an encrypted communication channel between the assets involved in border surveillance;
26. reinforce the radar system to maximise its coverage and install, in conjunction with the radar stations, electro-optics with night/thermal vision capability;

27. provide Schengen course training to all AFM Maritime Squadron personnel involved in border surveillance activities;
28. provide for mobile control equipment for document examination on board maritime assets.

Done at Brussels,

For the Council

The President
