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From:	General Secretariat of the Council
On:	10 November 2015
To:	Delegations
No. prev. doc.:	12253/15
Subject:	Schengen evaluation of Austria - Council Recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external border

Delegations will find in the annex the Council Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of management of the external border by Austria, adopted by the Council at its 3421st meeting held on 10 November 2015.

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

COUNCIL RECOMMENDATION**on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external border by Austria**

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 ¹, 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 Austria remedial actions to address deficiencies identified during the Schengen evaluation in the field of management of the external border 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(2015)6144].
- (2) The implementation of the Austrian Integrated Border Management (IBM) concept and in particular the first tier of the four tier access model consisting in deploying an advisory team for the prevention of illegal entry assisting air carriers can be considered as best practice.

¹ OJ L 295, 6.11.2013, p. 27.

- (3) In light of the importance to comply with the Schengen acquis, in particular the checking procedures of persons on entry, priority should be given to implement recommendations 12 and 19 below.
- (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:

Austria should:

Integrated Border Management Strategy

1. prepare a concrete multiannual action plan for the implementation of the national plan for the Integrated Border Management.

Inter-agency cooperation

2. sign the remaining agreements related to inter-agency cooperation also at the national level;

Risk analysis system

3. develop and implement the missing CIRAM 2.0 elements and put the national risk analysis system fully in line with CIRAM 2.0. One important element to develop is a comprehensive strategic risk analysis, including to provide for the capacities for making such analyses;
4. ensure sufficient resources and harmonization of the quality of work of different actors involved in the risk analysis process;
5. put more focus on assessing the capacity of the border control system for finding possible systematic gaps and vulnerabilities in the national system; for example quality control of first line border checks (language skills, risk profiling) and document checks should be made in a more systematic and thorough manner;

6. make special efforts in measuring the level of Austria's border security system to mitigate identified threats and develop tools to indicate areas / procedures which are most vulnerable to specific threats, enabling a swift and sufficient response to different threats and events;
7. consider implementing a scheme of temporary secondments between regional units to enable harmonization of the quality of risk analysis among different units and provide for an additional pool of resources if needed;
8. participate in FRAN data collection related to secondary movement of migrants and start to submit requested data;

Training

9. implement the new border guard training concept giving clear priority to the border police officers working at the international airports;
10. give more efforts to training of foreign languages (English, Russian and Turkish) for the border police officers working especially in the first line;
11. strengthen the training related to minors and other vulnerable groups as well as identification of victims of trafficking in human beings. To make full use of training tools provided by Frontex in this regard.

Border checks

12. make better use of the Council Directive 2004/82/EC² by including more carriers in the national system;
13. pay particular attention to minors when conducting border checks according to Annex VII of Regulation (EC) No 562/2006³;

² Council Directive 2004/82/EC of 29 April 2004, on the obligation of carriers to communicate passenger data; OJ L261, 6.8.2004, p. 24.

³ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code); OJ L 105, 13.4.2006, p. 1.

14. ensure that at all airports with General Aviation the General Declaration, including the passengers list, is provided to the Borders Police in advance, in accordance with point 2.3.1 of the Annex VI of Regulation (EC) No 562/2006;

15. bring the stamping of the documents of members of the family of a Union citizen who also present their residence card provided for in Directive 2004/38/EC⁴, as well as the positioning of the stamps in line with article 10, Annex IV of Regulation (EC) No 562/2006 and the Schengen Handbook for Border Guards established by Commission Recommendation⁵;

Salzburg airport

16. improve the organisation of the second line procedure in such a way that it ensures privacy during the performance of an interview, while keeping an efficient work flow;

17. bring the position and the quality of the exit control booths in Terminal 1 in line with the recommendations in the Schengen Catalogue, established by the Schengen Evaluation Working Party⁶, for "allowing easy risk profiling" and preventing unauthorised observation;

Vienna airport

18. carry out border checks fully in line with Article 7 of Regulation (EC) No 562/2006, paying special attention to the more thorough verification of all the entry conditions for third country nationals;

⁴ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC; OJ L158, 30.4.2004, p. 77.

⁵ Commission Recommendation C(2006) 5186 establishing a common "Practical Handbook for Border Guards (Schengen Handbook" to be used by Member States competent authorities when carrying out the border control of persons, of 6 November 2006.

⁶ Schengen Catalogue on External borders control, Return and Readmission, doc. 7864/09 SCH-EVAL 48 FRONT 21 COMIX 252.

19. bring the positioning of the entry control booths in Terminal 3 in line with the recommendations in the Schengen Catalogue guaranteeing that it is possible for border guards to oversee the passengers, before the actual entry check takes place;

Done at Brussels,

For the Council
The President
