



Council of the
European Union

Brussels, 5 April 2016
(OR. en)

7528/16

Interinstitutional File:
2015/0311 (NLE)

PARLNAT 71

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 2015 evaluation of Sweden's application of the Schengen acquis in the field of management of the external borders |

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 of Sweden's application of the Schengen acquis in the field of management of the external borders.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the evaluation of Sweden's application of the Schengen acquis in the field of management of the external borders

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 ²,

Whereas:

- (1) The purpose of this Recommendation is to recommend to Sweden remedial actions to address deficiencies identified during the Schengen unannounced 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(2015) 9237].
- (2) In light of the importance to comply with the Schengen acquis, in particular the border check procedures, human resources and training priority should be given to implement recommendations 5, 6, 8, 9, 11,12, and 14 below.

¹ OJ L 295, 6.11.2013, p. 27.

² COM (2015) 672.

- (3) 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

Sweden should:

1. prepare a concrete multiannual action plan for the implementation of the national plan for the Integrated Border Management and to include in this action plan also clear deadlines and describe needed and allocated resources for different projects and concepts, including budget;

IBM Strategy

2. implement the objectives of the *Strategy for Sweden's external border control and internal control of aliens for the period 2014-2016* by drafting and implementing national, regional and local action plans containing concrete measures, resources, deadlines and responsibilities. To further develop an integrated national plan for the external borders by adopting a clear strategic document based on the EU IBM concept;

Risk analysis system

3. develop and implement the currently missing Common Integrated Risk Analysis Model elements and ensure that the national risk analysis system is fully in line with CIRAM 2.0.;
4. efficiently integrate the detection and investigation methods for countering cross border crime into border check procedures by ensuring that risk profiles on facilitators, modus operandi and specific instructions are made available to personnel assigned for performing border checks;

Human resources

5. allocate supplementary human resources for first and second line activities to cope with the increasing passenger flows at Arlanda Stockholm airport;
6. establish a regular system of briefing at the beginning of each shift to increase the awareness of risk analysis products and to provide police officers performing border checks with updated instructions on the application of national and EU legislation;

Training

7. fully implement the Common Core Curriculum and establish a system of continuous training for officers performing border checks at all levels. A special emphasis should be placed on the continuous training in the field of false documents detection, use of risk profiles, and EU legislation concerning border checks procedures;

Infrastructure

8. improve border control facilities allocated for entry checks in Terminal 5. The airport administrator should ensure sufficient space for an efficient management of passengers flows, optimize the location of control booths to ensure the possibility of profiling and allocate a dedicated room for second line checks on documents. A special location for persons refused entry and waiting for the decision should be allocated;

Border checks

9. improve the application of border checks procedures, by providing border guards with risk analysis products concerning the fight against terrorism and instructions to regularly use the technical means available for detecting false/falsified documents when performing checks on all categories of persons. To enforce the professional supervisory mechanism on application of border checks procedures to reach a uniform level of implementation of EU legislation by all the personnel;
10. revise the current procedure for decision making in cases of refusal of entry to allow the decision to be taken directly and in time at Arlanda airport;

11. further improve the existing practical communication workflow to ensure that the information on the decision of the Court and on the enforcement of the return decisions issued in cases of passengers detected with forged documents which are not refused entry at the border is actively forwarded to the border police division in question;
12. adopt practical measures for the implementation of Article 7(5) of the Schengen Borders Code, by ensuring that written information on the procedure and purpose of thorough second line checks is provided to third-country nationals subject to such a check;
13. ensure the functionality of the visa issuing system allowing for the collection, storage and printing of visas at Arlanda airport;
14. increase the effectiveness of the practical implementation of Directive 2004/82/EC by developing an API system allowing for the electronic collection and processing of data sent by all air carriers departing from non EU Member States;
15. ensure that the practical application of Directive 2001/51/EC also includes cases of transit passengers in accordance with Article 2.

Done at Brussels,

*For the Council
The President*
