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SCH-EVAL 3
COMIX 6

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Subject: Schengen evaluation of DENMARK
- Draft Council conclusions

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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NOTE

from : the Presidency
to: the Schengen evaluation Working Party
Subject : Schengen evaluation of DENMARK
- Draft Council conclusions

1. The correct application by Denmark of the Schengen acquis has been evaluated in accordance with the decision of the Executive Committee of 16 September 1998 (cf. SCH/Com-ex (98) 26 def.) and the note on the continuation of the work on Schengen evaluation and implementation, action programme and timetable, which was approved by the Council on 2 December 2004 (doc. 15275/04 SCHEVAL 70 COMIX 718). The evaluation of Denmark took place in connection with the evaluation of the four other Member states of the Nordic Passport Union Finland, Iceland, Norway and Sweden.

2. An extensive questionnaire was completed and visits were paid to sea and air borders, to consulates, to SIS and SIRENE offices, to police stations and to the staff of the data protection authority.

The following comments and recommendations should be read in conjunction with the individual reports of the inspection teams in order to get a full picture of the assessment.

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3. Denmark is on the whole applying the Schengen acquis in a very satisfactory manner. At some stages of the evaluations of the Nordic countries, practices were detected that could even be considered a best practice of the application of the Schengen acquis. However, on some other issues, Denmark should correct weaknesses and make improvements to the implementation of the acquis.
4. In the field of surveillance of the Danish sea borders the function of supervision and instruction by the Ministry responsible for border management, implementation of risk analysis as well as data flow management should be strengthened and streamlined. It is also important to guarantee an appropriate level of professionalism and training of the personnel responsible for these tasks. To that end it is recommended that the police should assume a more active role in this field.
5. Border controls at airports were considered to be performed in accordance with the Schengen standards, since the infrastructure is largely in place and only some loopholes were detected as regards the separation and surveillance of the passenger flows. The experts noted the excellent linguistic skills of the staff.
6. The handling of visa applications in both evaluated consulates was considered satisfactory and experts support the plans for constructing a new Chancery (in Ankara) with a view to enhancing the degree of security around the Embassy.
7. The Danish law enforcement authorities have adopted a very good, intelligence-led policing approach, of which international police cooperation is an integral and integrated part. A number of detailed recommendations are made throughout the text but the Evaluation Committee equally was able to identify a number of Danish solutions as best practice. The main recommendations concerns a better use of the Schengen instruments with a view to assisting the threat assessment and help prioritise resources in a more effective manner.
8. The level of Data Protection in Denmark was considered to be impressive. It has been suggested to clarify in a formal understanding whether the Data Protection Agency has the authority to order changes or merely to issue opinions to the authorities acting as controllers on the way the SIS is operated.

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9. As it did in 2001, the evaluation team made a list of recommendations relating to the use of SIS, among which a more regular check on alerts concerning Danish nationals and a consistent effort on training police officers in the use of SIS.

10. Denmark is invited to inform the Council in writing, in the course of the next semester, on the follow-up it intends to give to these recommendations and those contained in the reports.

In the framework of the evaluation of the application of the Schengen acquis, the Council might consider the need to carry out a follow-up visit. Such a visit would be limited to what is absolutely essential in respect of the areas to be visited, the duration and composition of the visiting committee.

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