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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 ICELAND
- Draft Council conclusions

1. The correct application by Iceland 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 Iceland took place in connection with the evaluation of the four other Member states of the Nordic Passport Union, Denmark, Finland, Norway and Sweden.

2. An extensive questionnaire was completed and visits were paid to sea and air borders, 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.

3. Iceland 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, Iceland should correct weaknesses and make improvements to the implementation of the acquis.

4. The control of the Icelandic sea borders was positively assessed by noting the important investments made in terms of human resources and infrastructure, compared to 2000. The close cooperation between the terminal operators, the port authorities, the Customs and the Coast Guard was underlined.

5. Border controls at the airport of Keflavik were generally favourably assessed, since the infrastructure is largely in place and only some loopholes were detected. The cooperation between Police and Customs and the procedure followed to carry out risk analysis on flights and passengers are considered very positive.

6. The Icelandic 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 Icelandic solutions as best practice. The main recommendation concerns a better use of the arrangements of Article 40 in case a cross-border operation would take place towards a Schengen State

7. The level of Data Protection in Iceland was considered to be impressive, taking into account the small size of the country. However, it was noted that neither the Ministry of Justice nor the Police Commissioner are legally bound by the opinions of the Data Protection Authority. It has been suggested to review the procedures concerning the possibility to appeal to the supervisory authority or to another independent body.

8. Considering the investments made in Iceland for the SIS, and despite several features that rank as best practice, it is recommended to improve the level of training with respect to SIS in order to maximise the benefits which the police can derive from the system.

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9. Iceland 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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