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From: General Secretariat of the Council
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To: Delegations

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Subject: Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of **France** on the application of the Schengen acquis in the field of **management of the external border**

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation addressing the deficiencies identified in the 2016 evaluation of France on the application of the Schengen acquis in the field of management of the external border, adopted by the Council at its meeting held on 4 June 2018.

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

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of France 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 the Treaty on the Functioning 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 , and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision is to recommend to France 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(2018) 102.
- (2) An Operational Coordination Centre (OCC) was established at Lyon Airport on 1 December 2014. All relevant stakeholders like the Border Police, airport company representatives and representatives of main airline carriers like Air France are working at the centre. This comprehensive concept involving all relevant stakeholders improves the coordination of activities and contributes to the level of security and quality of airport services.

- (3) In light of the importance of complying with the Schengen acquis, in particular on integrated border management, the allocation of sufficient resources, risk analysis, training, checking procedures of persons, and the separation of Schengen/non-Schengen passenger flows, priority should be given to implement recommendations 1, 2, 4, 5, 7, 8, 11, 17, 18, 41, 53, 66, 67, 75, 76, 77, 85, 97, 98, 100, and 101 below.
- (4) This Decision 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 recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that France should

A) Integrated Border Management (IBM)

Integrated Border Management Concept

1. adopt the new national Integrated Border Management (IBM) strategy officially and prepare a comprehensive multiannual action plan defining responsible authorities, clear timelines and necessary resources to support effective implementation of the strategy;
2. develop a comprehensive national quality control system covering all border control authorities and the whole border control system; this system should be based on a systematic and well planned evaluation of all border crossing points and border surveillance components by well-trained experts from all border services; reports and recommendations should be properly followed-up;

Interagency cooperation

3. enhance cooperation between the Central Direction of the Border Police (DCPAF) and Customs in the field of risk analysis to create more comprehensive national risk analysis products;

Risk analysis

4. adapt the national risk analysis system fully in line with the European risk analysis system (Common Integrated Risk Analysis Model, CIRAM 2.0); all authorities involved in border control should be able to conduct and contribute to the national risk analysis system in line with CIRAM; it is also recommended to make full use of existing Frontex tools, including training programmes when developing this system;

Human Resources and Training

5. increase the overall capacity (number of staff and/or develop checking procedures and infrastructure/technical capacity) to manage border checks in line with the Schengen Borders Code at all border crossing points;
6. adjust the length and content of document training for all border guards to an adequate level and include training on profiling and the foreign fighter's phenomenon in all levels of training;
7. ensure that border guards are better trained in interviewing techniques;
8. develop a nationally coordinated and certified training system covering all services involved in border control in line with the European common core curriculum;
9. develop and establish specific risk analysis training for customs officers dealing with risk analysis at border crossing points;

10. develop specialised training for all staff dealing with risk analysis and/or make active use of the trainings provided by Frontex;
11. increase the knowledge of English language of the officers dealing with border checks at the airports;

B) Recommendations on individual sites visited

Horizontal issues

12. improve the knowledge of the border guards in the first line on specific risk indicators related to the profiling of potential foreign fighters;
13. bring the stamping of travel documents in line with the Schengen standards (Schengen Handbook for Border Guards);
14. bring the form used for the refusal of entry in line with the standard form in Annex V, part B of the Schengen Borders Code;
15. ensure that the Directive 2001/51 on carriers' liability is implemented in practice by Customs and at Nice Airport;
16. develop the current legal basis to guarantee that DCPAF is also competent to check means of transportation and the objects in passengers' possession, or, if developing the current legal basis is not possible, enhance cooperation and joint operations with Customs;
17. improve further the capacity of the border guards' communication network to cope with the increased volume of data which needs to be processed and ensure that the checks in the Schengen Information System (SIS II) and other databases are conducted in line with Article 8 (2) and 8(3) of the Schengen Borders Code;
18. improve the performance of telecommunication infrastructure serving first line officers for the consultation of national databases, SIS II and the Visa Information System (VIS);

Land border

BCP Gare du Nord

19. improve the means of communication between border guards and the passengers in the first line, for instance by adapting the front glass in order to ensure good understanding on both sides;
20. ensure that the border guards make more use of equipment when checking travel documents;
21. set up a system to ensure that weekly and monthly risk analysis reports and case studies including practical risk profiles and risk indicators are provided systematically to border guards at Gare du Nord through the intranet or other electronic platforms;
22. ensure a feedback procedure for the risk analysis products received from national level;
23. ensure that appropriate measures in the form of fines are issued to third country nationals, who upon exit are found to have exceeded the maximum duration of authorised stay on the territory of the Member States in accordance with the provisions in national legislation;

Sea border

BCP Port of Calais

24. introduce a permanent refreshment training system to ensure a standard level of knowledge about the Schengen acquis and updates related to the Schengen Borders Code and the other main provisions;
25. adopt a structured briefing system at the beginning of each shift and overlapping time between shifts ensuring transfer of relevant information;
26. ensure adequate infrastructure to prevent unauthorised observation of computer screens;

27. enhance border guards' language skills, in particular English, to guarantee that border checks are carried out in line with the Schengen Borders Code;
28. enhance the Border Police's working conditions in the Port and take adequate measures to prevent any unauthorised observation of personal data;
29. improve border checks on third country nationals and organise additional training to improve the knowledge on entry conditions and other relevant provisions of the Schengen acquis;
30. optimise the authenticity check of documents. Passport readers should be upgraded so that they are able to read the content of the passport chip;

BCP Port of Marseille

31. remove the extract on risk indicators of foreign terrorist fighters from public observation and keep it restricted to be viewed by border guards only;
32. introduce a planned training system at local level, aimed to standardise the level of professionalism of border guards and provide periodic refreshment sessions in line with the training needs;
33. take adequate measures to prevent any unauthorised observation of personal data in the control booths;
34. ensure the availability of document experts and the necessary equipment for more thorough document checks in the terminal premises (in the existing second line offices);
35. increase the use of the existing equipment for document checks during the border check. In addition checks, both on exit and entry, should be focussed on checking the duration of stay and the entry conditions in line with article 8 of the Schengen Borders Code;
36. improve the quality of affixing stamps in passports, in line with Annex IV of the Schengen Borders Code;

BCP Port of Bregailon

37. develop and implement a "one window/client" concept to make queries against the Customs system and the DCPAF system more user friendly;

BCP Port of Sète

38. plan and implement the renewal of the infrastructure of the terminal and the control area in order to better cope with the amount of traffic in peak times;
39. increase capacity to conduct proper document checks at the first and second line with adequate equipment;
40. revise the practice of checking pleasure boats and fishing vessels to fully meet the provisions of Annex VI of the Schengen Borders Code;

Air border

BCP Roissy-Charles de Gaulle Airport

41. increase urgently the number of staff to ensure an efficient and effective border check procedure and avoid dependency on other units;
42. ensure that all border guards attend refreshment trainings;
43. adjust the length and content of document training to an adequate level;
44. adjust the working hours of the document expertise centre to ensure the availability of qualified document experts also for the flights in weekends and outside of the current working hours during weekdays;
45. provide border guards with document checking equipment, including UV light in accordance with point 44 of the Schengen Catalogue;

46. adjust the position of the border guard operating the Automated Border Control gates to allow proper profiling of passengers;
47. ensure proper communication between the first and second line officers in order not to interrupt the activities at first line checks and change the current procedure between the first and second line in such a way that the border guards in the first line do not need to leave their place every time second line checks are required;
48. take measures in order to improve the communication between the passenger and the border guard, for instance by adapting the front glass in order to ensure good understanding on both sides;
49. improve the first line procedure in order to ensure the proper check of passengers, crew members, persons with reduced mobility (PRM), airport staff, by separating the lane for crew and PRM from the regular passengers and abolish the practice that airport staff uses the first line booths to cross from one airport area to another;
50. ensure that first line staff can access and find the national risk analysis products; feedback from the national level to the local level on the contribution from the Risk Analysis Unit should also be provided;
51. ensure that the alerts to the first line are also provided electronically and in real time;
52. make more use of technical equipment for detecting forged documents during gate checks;
53. ensure that the physical separation into Schengen and non-Schengen zones in terminal 1 is improved in order to avoid the possibility of persons or belongings (including documents) passing from one zone to the other;
54. ensure that the travel documents of the third-country nationals are stamped in accordance with the Schengen standards, as specified in Annex IV of the Schengen Borders Code and section I.4 of the Schengen Handbook;

BCP Orly Airport

55. ensure that written emergency plans are in place to prevent possible mass-movements and forced entry through the border (e.g. in cases when unattended luggage has been left in close proximity of border check points or other situations);
56. take the necessary measures to guarantee that airports with external border traffic are covered by the national quality control system;
57. set up a system to ensure that weekly and monthly risk analysis reports and tailored risk analyses including risk profiles are provided to border guards in a structured way, via intranet or other electronic platforms;
58. install mechanical devices at the first line ensuring controlled passage of checked passengers and improve the visibility of signposting in the south terminal;
59. increase the use of the available equipment and ensure that a magnifying glass is available in all the booths to improve the quality of checking passengers' documents;
60. take measures in order to improve the communication between the passenger and the border guard, for instance by adapting the front glass in order to ensure the good understanding on both sides;
61. ensure proper communication between the first and second line officers in order not to interrupt the activities at first line checks and change the current procedure between the first and second line in such a way that the border guards in the first line do not need to leave their place every time second line checks are required;
62. ensure that all persons to whom entry is refused are properly informed about the reasons, their rights and further procedures;
63. take the necessary efforts to ensure secure and fluent border checks of crew members;

64. ensure that all relevant databases are searched before stamping the travel documents;
65. install the necessary equipment in the second line office in the departure area of Orly South terminal in order to ensure that thorough second line checks can be carried out in accordance with the Schengen Borders Code;
66. ensure that border checks are carried out in line with Article 8 of the Schengen Borders Code, in particular by performing thorough checks on the entry of third country nationals in line with Article 8(3) of the Schengen Borders Code
67. increase urgently the number of staff in order to fulfil the requirements of Article 15 of the Schengen Borders Code and ensure that all booths in the first line are fully equipped;

BCP Lyon Airport

68. reinforce timely the staff to ensure efficient and effective border checks also after opening of the new terminal;
69. increase the quality of the risk analysis products by providing specialised training for analysts as well as by providing a clear methodology, and ensure that the risk analysis constitutes the main task of the specialised unit;
70. ensure full implementation of the training plan and provide refreshment training for all border guards;
71. provide further specialised training to document experts;
72. ensure that the stamps are stored in a secure way;
73. provide reliable and easily accessible information about foreign fighters to the first line officers including profiles, routes and personal data;

74. ensure a sufficiently equipped and manned second line office at each terminal, close to the first line;
75. urgently make the necessary arrangements to ensure that passengers from non-Schengen flights arrive to first line checks at a different time or clearly separated from the passengers arriving from Schengen flights;
76. verify the entry conditions of all third country nationals arriving from non-Schengen airports in accordance with Article 8 of the Schengen Borders Code;
77. ensure that the physical separation into Schengen and non-Schengen zones in terminal 1 is improved in order to avoid the possibility of persons or belongings (including documents) passing from one zone to the other;

BCP Saint Etienne Airport

78. adjust the length and content of document training for all border guards to an adequate level and include training on profiling and the foreign fighters' phenomenon in all levels of training;
79. increase the fluidity and security of the border check processes, by providing to all the border crossing points manned by the Customs authorities a border check application which integrates automated collection of data and single search functions;
80. improve the conditions for arriving passengers waiting for border checks and increase the space at the arrival area in front of the first line;
81. improve the working conditions for the border guards in the first and second line;
82. ensure that the travel documents of the third-country nationals are stamped in accordance with the Schengen standards, as specified in Annex IV of the Schengen Borders Code and section I.4 of the Schengen Handbook;

83. ensure the use of the updated standard form for refusal of entry as indicated in Annex V, part B of the Schengen Borders Code;
84. ensure implementation of a registration procedure of stamps in line with point 4 of Annex IV to the Schengen Borders Code;

BCP Nice Côte d'Azur Airport

85. increase urgently the number of staff dealing with border checks;
86. provide border guards in the first line with document checking equipment, including magnifying glass in accordance with point 44 of Schengen catalogue and provide practical training;
87. adjust the length and content of document training for all border guards to an adequate level, or merge the initial training with the training for enhanced document checks;
88. ensure proper privacy protection and data security by implementing appropriate measures for instance by applying a foil in front of the booth;
89. improve the communication between the passenger and the border guard by changing the front glass in order to ensure the good understanding on both sides;
90. ensure better protection of personal data and privacy of passengers checked at mobile desks;
91. use reservists only for support tasks and not for border checks;
92. improve further the capacity of the border guards' communication network to cope with the increased volume of data which needs to be processed;
93. keep only one register for the visas issued;

94. ensure that the register of the stamps contains all necessary information;
95. set up a system to ensure that weekly and monthly risk analysis reports and case studies including risk profiles are drafted and information is provided systematically to border guards through daily briefings, the intranet or other electronic platforms;
96. develop specialised training for all staff dealing with risk analysis and/or follow the trainings provided by Frontex;
97. ensure urgently that sufficient measures are taken in order to prohibit access through the control booths by installation of (automatic) locked doors;
98. ensure that the border checks are performed in accordance with Article 8 of the Schengen Borders Code, in particular by performing thorough checks on the entry of third country nationals in line with Article 8(3) of the Schengen Borders Code;
99. keep a register on refusals of entry according to Annex 2 of the Schengen Borders Code;

C) Border surveillance and situational awareness

National Coordination Centre (NCC)

100. bring the NCC and the implementation of the Eurosur system in line with Regulation (EU) 1052/2013;

Sea border surveillance

101. increase the identification capacity concerning small targets at sea. This can be done by developing an integrated technical surveillance system including long range thermal vision cameras;

102. make the situational picture available to all levels of each authority in order to increase the efficiency of patrolling and reaction capability on the incidents at sea.

Done at Brussels,

*For the Council
The President*
