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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

No. prev. doc. : 8805/2/06 REV 2 SCHEVAL 76 COMIX 405 RESTREINT

Subject : Schengen evaluation of ITALY
- Draft Council conclusions on the follow-up to the Schengen evaluation conducted in 2004

1. The Schengen Evaluation Working Party submits the following observations to Council to conclude on the follow up to the Schengen evaluation of Italy. The Council is invited to take note of this assessment.
2. In the course of 2004, an evaluation took place of the application of the Schengen acquis by Italy concerning border controls with non-Schengen neighbours, as well as police cooperation with neighbouring (Schengen) countries, visa issuance, the use of SIS and the SIRENE bureaux and data protection.
3. The Council already concluded that Italy plays a key role because of its geographical location (southern border of the Schengen area).

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4. Italy has kept the Schengen Evaluation Working Party informed of the measures it has implemented to remedy the weaknesses and deficiencies which were detected. This follow-up can be found in doc. 8805/2/06 REV 2 SCHEVAL 76 COMIX 405 RESTREINT and in additional information the Italian delegation was asked to provide to the Schengen Evaluation Working Party.

5. The Council is satisfied with the efforts Italy is making in applying the recommendations for the correct application of the Schengen acquis.

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ANNEX

Council conclusions on the Schengen evaluation of Italy adopted by the JHA Council on 2/3 June 2005

(doc. 14420/3/04 REV 3 SCHEVAL 65 COMIX 678 RESTREINT)

1. The correct application by Italy 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 28 – 29 May 2001 (cf. 8968/01 SCH-EVAL 18 COMIX 378).
2. An extensive questionnaire was completed and visits were paid to sea, air and land borders, to consulates, to SIS and SIRENE offices, to police stations and to the data protection authority. The following comments should be read in conjunction with the individual reports of the inspection teams in order to get a full picture of the assessment and recommendations.
3. In general terms, it should be acknowledged that the evaluation has shown that the methods of applying the Schengen acquis in and by Italy, are largely adequate and thus leave the experts with an overall positive impression.
4. At sea borders, where Italy is facing constant and large-scale threats, the good cooperation between the authorities was noted, including exchanges with third countries like Tunisia and cooperation with other Member States, as well as the sufficient level of infrastructure and equipment at some harbours, although the assessment varies greatly from one port to another. However, major efforts should be made to ensure that border guards are capable of checking the passengers and their documents "face to face", when ferries with their usual large number of passengers arrive in the Italian ports. There appeared to be a misunderstanding about the nature of controls to be applied to family members of EU citizens, which should be clarified. The Mediterranean remains a front line in the combat against illegal migration. The arrangement of maritime surveillance and tactical management of deployed units have still to be improved.
5. Border controls at airports were generally favourably assessed with regard both to the separation of passenger flows and to the issue of intelligence. The equipment may be improved by adding passport readers (a similar suggestion has been made for the sea borders) and by better positioning of the control booths. At one particular airport, an important deficiency was noticed in the use of SIS. Italy is urgently requested to remedy that weakness.
6. Border controls at land are in conformity with the basic recommendations of the Schengen Border catalogue, except for some areas which are not covered by sufficient monitoring, which means that illegal crossing might be almost risk-free.

In general, the Schengen evaluation group recommends to Italy that all authorities should establish a common forum for coordination and risk analysis.

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The Council would welcome additional information from Italy on the number and handling of illegal immigrants who are neither detained nor expelled to a third State.

7. Regarding visas, experts found that the Common Consular Instructions (CCI) were applied in a generally satisfactory manner at the Italian Consulates in Tirana and Istanbul, without significant shortcomings being noted. Recommendations to both consulates addressed the exchange of information on the issuing of LTV's and the procedures in relation to the stamp, the seal of the consulate and the sticker. It was suggested also to improve and/or change the current practice of exchanging data by unencrypted email (Tirana only), working with travel agencies (Istanbul), the non-blanking of screens and the apparent non existence of rules on entering and deleting data, which the Evaluation Committee recommends a data protection sub-group to look into.

8. The assessment of the use of SIS and the functioning of the SIRENE bureau have demonstrated that many improvements have taken place since the 2001 evaluation. In general, the use of the SIS seemed still to be at relatively low level, but the response time was found to be largely adequate. Further, at one airport, the number of queries proved to be unacceptably low and this lack of use of the system at that particular airport should be remedied. In general, the number of queries could be increased.

9. Police cooperation is working in a satisfactory manner with France, Austria and Slovenia. The current focus, which is understandably directed towards combating illegal immigration, might be extended to include other forms of serious crime. The central management of information through the SIRENE office deserves more attention.

10. The Data protection requirements are adequately fulfilled. Italy is invited to verify the data, as regards their accuracy since such an unusually high number of these data had been deleted.

11. Italy is invited to inform the Council in writing, within the next six months, on the follow-up it intends to give to these recommendations.

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 areas to be visited, duration and composition of the visiting committee.

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