



Council of the  
European Union

Brussels, 1 August 2018  
(OR. en)

15198/06  
DCL 1

SCH-EVAL 182  
COMIX 946

#### DECLASSIFICATION

of document:	ST15198/06 RESTREINT UE/EU RESTRICTED
dated:	13 November 2006
new status:	Public
Subject:	Schengen evaluation of ITALY - Draft Council conclusions on the follow-up to the Schengen evaluation conducted in 2004

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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## RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 13 November 2006

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RESTREINT UE

SCH-EVAL 182  
COMIX 946

### NOTE

from :	the Italian delegation
to:	the Schengen Evaluation Working Party
No. prev. doc. :	14503/06 SCHEVAL 158 COMIX 876 RESTREINT
Subject :	Schengen evaluation of ITALY
	- Draft Council conclusions on the follow-up to the Schengen evaluation conducted in 2004

With reference to document SCH-EVAL 158 COMIX 876 of 25 October 2006 on the “*Draft Council conclusions on the follow up to the Schengen Evaluation conducted in 2004*”, the Italian delegation makes the following remarks:

- although point one of the aforesaid document contains the statement: “ *The Schengen Evaluation Party submits the following comments to Council...*”, reading point 2,3,4 and 5 respectively, the “following comments” concerned cannot be found. On the contrary, they refer to well-known issues, discussed at the competent fora, as the Italian Schengen Evaluation of 2004 (point 2); the role of Italy “because of its geographical location (southern border of the Schengen area) (point 3); the Italian information activity for the Schengen Evaluation Group on the measures taken to get in line with recommendations made by the experts during the Italian evaluation (point 4)
- under point 5 we can read the Council recognition of the “efforts” made by Italy to align with the above mentioned recommendations, but it does not mention the Schengen Evaluation Group’s overall judgement on the activity carried out by Italy to get in line with the recommendations made by the experts during its evaluation. In this connection we inform you that the document approved by the Council as regards the “Conclusions of the Italian

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Schengen Evaluation” (RESTREINT UE 14420/04 SCHE-EVAL 65 COMIX 678 of 10 December) where, under point 11, there is a Council’s advice for the following *“Italy inform the Council in writing, within the next six months, on the follow-up it intends to give to these recommendations”*. Moreover, stating that *“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” under the aforesaid point 11, the Council means the need for the Schengen Evaluation Group to give the Council every evaluation element as to the Italian follow-up so that “the Council might consider the need to carry out a follow up visit...”*.

Taking into account the aforesaid and considering that:

- the Italian Schengen Evaluation is considered generally satisfactory, as you can read in the above mentioned “Conclusions of the Italian Schengen Evaluation” (RESTREINT UE 14420/04 SCH-EVAL 65 COMIX 678 of 10 December); in fact, point 3 contains the following statement *“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”*.
- In the above mentioned “Conclusions of the Italian Schengen Evaluation” (RESTREINT UE 14420/04 SCHE-EVAL 65 COMIX 678 of 10 December), inviting Italy to *““Conclusions of the Italian Schengen Evaluation” (RESTREINT UE 14420/04 SCHE-EVAL 65 COMIX 678 of 10 December), the Council has indicated the very objectives of the document under examination, that shall be focused on evaluating the Italian activity carried out to align itself with the recommendations made by the experts during its Schengen evaluation in 2004*.
- The recommendations made by the experts during the evaluation in question do not detect gaps so serious (*deficiencies and weaknesses*) to jeopardize Italy’s alignment with the Schengen standards or to undermine control at external borders;
- During previous meetings, the Schengen Evaluation Group declared it was satisfied with Italy’s alignment, carried out during its *follow-up* activity, and that the Presidency in charge had decided to draw the current “Conclusions”, in order to forward them to the next JHA Council, to be held in December 2006, for approval”;
- According to the Italian delegation, it would be advisable to include in this document the above mentioned positive remarks expressed by the Schengen Evaluation Group during the meeting of September 2006, in order to clarify the general framework of the Italian follow-up, as already done for the previous “Council Conclusions for the Italian Schengen Evaluation”
- It would be advisable also to avoid language misunderstandings between the English version and the Italian translation of the words *“weakness and deficiency”*, under point 4, in particular if they are not specified in a general framework as happened for the “Conclusions of the Italian Schengen Evaluation” (RESTREINT UE 14420/04 SCHE-EVAL 65 Comix 678 of 10 December), where the Council, as under point 11. *to inform the Council in writing, within the next six months, on the follow-up it intends to give to these recommendations”*

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- Avoid useless repetitions among the various parts of the text, as for example between point 1 : *“The Council is invited to take note of this assessment”* and point 5 *“The Council takes note of the efforts is making in applying the recommendations for the correct application of the Schengen Acquis”*
- Stress that not only Italy, *is making in applying the recommendations*”, but also the activities already started and carried out, adding the words *“has been made”* between “efforts Italy” and *“is making”*, point 5;

The following amendments to the text are proposed:

- eliminate point 1
- under point 4, replace *“...remedy the weaknesses and deficiencies which were detected”* with *“to adequate completely to the recommendations of the Schengen evaluation inspection teams for the correct application of the Schengen acquis”*
- include a new point indicating the overall satisfactory consideration expressed by the group during the meeting for the efforts made by Italy to align with the recommendations concerned;
- amend point 5, taking into account not only the follow-up underway but also the follow-up already performed by Italy to align itself with the aforesaid recommendations”.

The text concerned is herewith enclosed in order to facilitate the reading. On the basis of the suggestions received, the amended parts are highlighted and overlap with the text already drawn up by the Council Secretariat

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ANNEX

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Brussels, ~~25 October 2006~~

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SCH-EVAL 158  
COMIX 876

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### NOTE

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

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~~1. The Schengen Evaluation Working Party submits the following comments to  
Council to conclude on the follow-up to the Schengen evaluation of Italy. The  
Council is invited to take note of this assessment.~~

21. 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.

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32. The Council already concluded that Italy plays a key role because of its geographical location (southern border of the Schengen area).

43. Italy has kept the Schengen Evaluation Working Party informed of the measures it has implemented to ~~remedy the weaknesses and deficiencies which were detected~~ fully comply with the recommendations of the Schengen Evaluation inspection teams for the correct application of the Schengen acquis. 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.

4. During its meeting the Scheval Evaluation Working Party expressed an overall positive opinion.

5. 1Either The Council takes note of the efforts Italy has made and is making in applying the recommendations for the correct application of the Schengen acquis, or The Council is invited to take note of this assessment.

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