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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Austria on the application of the Schengen acquis in the field of temporary reintroduction of border control at the internal border with Hungary and the absence of border control at the internal border with Italy

In accordance with Article 15(3) of Council Regulation 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, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of temporary reintroduction of border control at the internal border with Hungary and the absence of border control at the internal border with Italy¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 13966/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Austria on the application of the Schengen acquis in the field of temporary reintroduction of border control at the internal border with Hungary and the absence of border control at the internal border with Italy

THE COUNCIL 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 Schengen², 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 Austria remedial actions to address deficiencies identified during the Schengen evaluation in the field of temporary reintroduction and absence of border control at the internal 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(2017) 2631.
- (2) The factual situation observed at the time of the visit at the internal borders of Austria with Hungary and Italy was mainly in line with the provisions of the Schengen Borders Code, with some improvements necessary.

² OJ L 295, 6.11.2013, p. 27.

- (3) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Austria shall, pursuant to Article 16 (1) of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that Austria should

1. provide additional training on document examination to the border guards performing the temporary border checks at the border crossing point Nickelsdorf;
2. provide the persons who are refused entry at the internal border with Hungary with the substantiated decision stating the precise reason for the refusal in line with Article 14, paragraph 2 of the Schengen Borders Code;
3. collect statistics on the number of border checks and police checks performed by the Federal Police (at, respectively, the internal border with Hungary and Italy) and on the issue that triggered those checks.

Done at Brussels,

For the Council

The President
