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Subject: Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2017 evaluation of **Sweden** 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 on addressing the serious deficiencies identified in the 2017 evaluation of Sweden 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 20 December 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 serious deficiencies identified in the 2017 evaluation of Sweden 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 Schengen¹, 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 Sweden remedial actions to address the serious deficiencies identified during the Schengen evaluation in the field of management of the external border carried out in 2017. 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) 2220.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) Sweden has a good developed cooperation with the other Nordic countries. In the context of the Baltic Sea Region Border Control Cooperation, including also Russia, the Swedish Coast Guard shares information and conducts joint activities with the countries in the region concerning environmental and cross border related issues. Furthermore, the Swedish Coast Guard has synchronised air patrols with Finland, Denmark and Germany. The close cooperation of Swedish authorities with their regional counterparts is considered as a point of particular interest. In the framework of the Police Customs Network, Sweden makes use of police and customs liaison officers together with the Nordic countries in order to cooperate with third countries in the field of serious organised crime but with limited focus on border control and migration related issues. The Swedish Migration Agency has deployed twelve migration liaison officers, with the main task of collecting information and analyse the situation in third countries in the field of migration. The Swedish Police benefits very much from the deployment of dedicated liaison officers in third countries to efficiently fight against cross-border crime (e.g. document fraud) and illegal migration to Sweden.
- (3) The national registration database is available for the border guards in both the first and second line. The on-site team observed and was informed that through the system the border guards are able to consult in a very quick way the address and income data of all persons in Sweden, as well as some other relevant information. Due to this, border guards in the first line are consulting the system when verifying the information provided by the passenger about persons they are visiting in Sweden, but also their financial capability to cover the costs of the stay of the third country national. This procedure, due to which more thorough checks in the second line can be avoided in some cases, makes the overall border checks procedure smooth and efficient.

- (4) Notwithstanding these points of particular interest, the on-site visit revealed serious deficiencies in the carrying out of external border control by Sweden, in particular due to the lack of a strategic approach to border management, insufficient training level, lack of national risk analyses model based on Common Integrated Risk Analysis Model 2.0, the lack of command and control functions at the National Coordination Centre and in the way border checks are conducted at some border crossing points. Under the current circumstances, where Sweden is facing a sharp increase in the number of passengers and risks related to irregular migration, Sweden is seriously neglecting its obligations in the carrying out of external border controls and ensuring an efficient, high and uniform level of border checks.
- (5) Therefore it is important to remedy each of the deficiencies identified with the least possible delay. In light of the importance complying with the Schengen acquis, priority should be given to implement recommendations, as regards: integrated border management: 1 to 8; human resources and professionalism: 9 to 13, 41, 46, 48, 50, 51, 52, 61 and 62; risk analysis: 14 to 20 and sea border surveillance: 21;
- (6) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within one month of its adoption, Sweden should, pursuant to Article 16 (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 Sweden should:

A) Integrated Border Management (IBM)

1. Establish a national Integrated Border Management strategy as required in Article 3(3) and in line with Article 4 of Regulation (EU) 1624/2016 of the European Parliament and of the Council of 14 September 2016 (European Border and Coast Guard Regulation).
2. Make full use of the special training on Integrated Border Management delivered by Frontex when preparing the national Integrated Border Management strategy and related action plan.
3. Establish a permanent national coordination mechanism on Integrated Border Management to guarantee an effective and unified implementation of the national Integrated Border Management strategy.
4. Define a leading and responsible authority in charge of border management in Sweden at strategic, regional and local level.
5. Define and agree on a functional division of tasks and responsibilities between the border services involved in border checks at the sea border in official documents translating the legal text in more operational provisions.
6. Strengthen border control related planning and management system and respective line of command within the Police from national to regional level to guarantee effective and unified approach to border management.
7. Further develop the current network related to managing and developing of border control processes lead by the Police National Operations Department by inviting other relevant border authorities to joint this network.

8. Enhance inter-agency cooperation by establishing permanent cooperation structures covering all authorities involved in border management. Formalise this cooperation with cooperation agreements covering the core areas of assistance. Clarify the division of work and responsibilities between the different authorities involved in border checks.

B) Human resources and training

9. Ensure sufficient number of trained staff to enhance the border checks in all the coastline areas and improve the identification capabilities of the relevant boats that could pose any risk by performing risk analysis.
10. Develop a certified national training system covering all the national authorities involved in border management. Create national capacity to update the content of the national training system and curricula for basic and refresher training on the basis of systematic training needs analyses in line with Article 16 of Regulation 399/2016. Develop relevant training for managerial and strategic level and use the Interoperability Assessment Programme prepared by Frontex to check that the national training curricula are in line with the European Common Core Curricula. Make active use of the training products provided by Frontex.

C) National quality control system

11. Establish a national quality control system to systematically and regularly evaluate all the components and elements of the national border management system. This system should cover all relevant organisations and functions on a regular basis and it should be conducted by properly trained experts familiar with the Schengen requirements.
12. Make good use of the existing European Border and Coast Guard Agency training programme to maintain the skills of these experts.

13. Establish the needed capacity to conduct the vulnerability assessment in line with Regulation 1624/2016 and the vulnerability assessment established by the Management Board of the European Border and Coast Guard Agency. Make full use of this assessment when developing the national quality control system.

D) Risk analyses

14. Develop a risk analysis system covering the whole IBM at national level fully in line with Article 11 of the Regulation 1624/2016 and the Common Integrated Risk Analysis Model (CIRAM) 2.0 to link risk analysis and border management at tactical, operational, and strategic level involving all authorities responsible for border control.
15. Produce risk analysis products in accordance with CIRAM 2.0, describing threat, vulnerability and impact at strategic, operational and tactical level. Use the risk analysis for command and control functions, planning and resource allocation.
16. Establish one single responsible body at the strategic level for risk analysis on illegal migration and border-related matters as well as a central database on risk indicators including data from all police regions. Establish concrete risk indicators and risk profiles to support the border control activities and a coherent reporting system at local, regional and strategic levels.
17. Establish a dissemination plan and a regularly updated electronic platform on border-related issues on the intranet for a structured distribution of risk analysis reports to relevant counterparts in the police and other national authorities involved in border management.

18. Implement a risk analysis system for border management in accordance with the Common Integrated Risk Analysis Model 2.0 in the Coast Guard in line with Recital 8 of Regulation 399/2016 and Article 11 of Regulation 1624/2016. Compile strategic, operational and tactical risk analysis products to support the border surveillance and border check activities of the Coast Guard.
19. Ensure specialised risk analysis training for the operators in the Swedish Maritime Clearance Centre to improve the performance of their duties.
20. Establish a national system of inter-agency cooperation for the exchange of information on risk analysis conducted in the field of border control involving in particular the National Police, the Coast Guard and the Customs but also the Migration Agency when relevant.

E) Sea border surveillance

21. Improve the inter-agency cooperation and exchange of information with the national maritime authorities in order to receive information in a timely manner on the movements of small boats and pleasure boats. Increase the number of border control (patrolling for identification and increased number of border checks) activities on the small and pleasure boats. Conclude an operational and tactical risk analysis for these types of boats.

F) National Coordination Centre / Eurosur

22. Further develop National Coordination Centre to be in line with the requirements of Article 5 of the Eurosur Regulation. Consider integrating the maritime situational picture compiled by the Coast Guard in the National Coordination Centre in order to ensure an integrated national situational picture concerning border management.

23. Enhance the inter-agency cooperation between the national institutions to efficiently implement the requirements of Article 9 of Regulation 1051/2013.
24. Ensure the capacity of the National Coordination Centre to operate 24/7 by providing for a sufficient number of trained staff.
25. Ensure the implementation of the capacity building project financed by ISF Borders to support the operationalisation of Eurosur in Sweden.

G) Recommendations on individual sites visited

General issues

26. Establish a clear second line function and cooperation with the first line and place the second line close to the first line to support the border checks in accordance with the Schengen Borders Code, at the sea border crossing points and Arlanda airport.
27. Increase the number of border checks at the sea border crossing points on the basis of risk analysis, combined with the strengthening of training and professional skills of the first line staff and ensure that the staff is familiar with the EU acquis in the field of border checks procedures.
28. Improve the national situational picture related to the border checks by increasing the quality of the statistics on the basis of systematic registration of the second line checks and the setting up of coherent risk analysis system.
29. Provide electronic support for automatic query of passenger lists in the databases and include the relevant results in the compilation of risk analysis products.

30. Implement the extended system for Advance Passenger Information with automatic queries to the relevant databases.
31. Ensure a sufficient number of trained staff to analyse passenger information and disseminate the results.
32. Ensure that visa issued at the border and the reasons for refusal of entry as well as the grounds for refusal and nationality of the persons refused is always registered in accordance with Annex II, part e) of Regulation 399/2016.
33. Ensure that visas at borders are issued in accordance with Articles 27 (3) and 35 (3) of Regulation 810/2009.
34. Develop the national capacity to maintain and replace the technical equipment used for border checks purposes. Compile a national investment plan for covering the running costs and the maintenance of the equipment used for border control.
35. Ensure that entry is refused also to the third country nationals using false/counterfeit/forged documents as required by Article 14 (1) in conjunction with Article 6(1) of the Schengen Borders Code, without prejudice to any necessary apprehension or arrest for judicial procedures.
36. Ensure that in all cases when entry has been refused the third county national does not enter the Swedish territory as required by Article 14(4) of the Schengen Borders Code.
37. Ensure correct application of Directive 2001/51/EC by imposing fines on all carriers that are in breach.

H) Border crossing points sea borders

Stockholm Port

38. Ensure a reliable connectivity and accuracy of the readers for performing queries in the Schengen Information System and the Visa Information System, as well as in the national databases, including biometric data query.
39. Ensure an appropriate coverage of the booths' glass in order to prevent unauthorised observation of the computer screens.
40. Replace the control booth in the passenger terminal to allow accurate profiling of the passengers.
41. Conduct the border check procedures in line with Article 8(2) and (3) of Regulation 399/2016. Provide more training for the staff to perform border checks in accordance to the Article 8(2) of Regulation 399/2016, in particular on detection of forged documents, use of the equipment, profiling and thorough interviewing on purpose of stay.

Gothenburg Port

42. Include the issue of attempted illegal border crossing through clandestine entry/exit at the sea border crossing points in the regional/local risk analysis function in order to enrich the situational picture at all levels with details on this phenomenon and to support the allocation of resources to prevent this type of irregular migration in the future.
43. Improve the functionality of the mobile bus with first and second line capabilities; provide the required equipment to perform border checks in line with the Article 8 of Regulation 399/2016, including visa readers.

44. Ensure a stable connectivity to the relevant databases while using the mobile bus.
45. Provide specific training in risk analysis in line with Common Integrated Risk Analysis Model 2.0 to the responsible officer in the Western Region.

Malmö port

46. Provide the coast guard officers performing first line border checks with mobile equipment as required in Article 15 to meet all requirements of Article 8 of Regulation 399/2016 for performing border checks on small boats/cargo ships if needed.

I) Border crossing points air borders

Stockholm Arlanda Airport

47. Increase the number of staff both for first and second line checks as well as the number of trained document experts.
48. Ensure that all second line offices are fully equipped and used in particular during the checks on arriving non-Schengen flights.
49. Establish urgently a follow-up training program for border guards. This programme should at least cover: profiling, foreign terrorist fighters, modus operandi and trends and threats, document training.
50. Ensure that all second line officers and document experts are regularly trained, including first line checks and procedures.
51. Ensure that all officers dealing with Risk analyses are properly trained.
52. Ensure the continuous presence of a decision maker for the refusal of entry decisions.

53. Simplify the refusal of entry procedure, for instance by giving the decision making powers to the shift leader, and ensure that each person to whom entry has been refused receives the decision in written before leaving Sweden.
54. Ensure that third country nationals are always redirected to the lane for all passports in order to avoid too long waiting time for EU/EEA/CH nationals.
55. Ensure that briefings are organised more frequently and that the border guards are obliged to attend the briefings and read the daily reports before starting their daily duties.
56. Ensure that visa stickers are stored in a secure way and register visa issued electronically.
57. Install fingerprint readers for the VIS checks at all control booths (arrival and departure).
58. Ensure that the travel documents of the third-country nationals are stamped in accordance with the Schengen standards, as specified in Article 4.6. of the Schengen Handbook for Border Guards.
59. Ensure proper functioning of the sliding doors between the booths.
60. Establish suitable locations for persons who are refused entry and also for arrested persons.
61. Improve the quality of border checks and bring these in line with Article 8(3) of Regulation 399/2016. Provide additional training to all staff dealing with border checks, in particular related to profiling, detection of forged documents and interviewing/assessing all entry conditions.
62. Improve the overall cooperation and coordination between the first and second line and ensure that border guards receive feedback from the second line check when they identify a case and are informed of the further proceedings.

63. Bring the signposting above the control booths fully in line with Article 10 and Annex III of Regulation 399/2016, including the blue colour of the flag of the European Union and ensure better visibility of border control booths.
64. Implement the missing elements of Common Integrated Risk Analysis Model 2.0 and ensure the sufficient number of trained officers dedicated to risk analysis function and formalise the processes and structures regarding to the information flow.
65. Provide the necessary secure IT - systems for risk analyses and distribution of the information within the organizational structure.

Skavsta Airport

66. Ensure that all border guards receive additional refreshment training.
67. Ensure a proper functioning of the Eurodac work station.
68. Ensure that in all cases passengers who are subject to a thorough second line check are provided with written information about the purpose and procedure for such a check.
69. Ensure that for private flights arriving at Skavsta airport from third countries, the General Declaration, including the passengers list, is provided to the border police in advance, in accordance with Annex VI, point 2.3.1 of Regulation 399/2016.
70. Ensure better visibility of border control booths.
71. Implement the missing elements of Common Integrated Risk Analysis Model 2.0 by ensuring a sufficient number of trained officers dedicated to risk analysis functions, formalising the processes and structures regarding the information flow and provide the necessary secure IT -systems for analysing and distributing the gathered information within the organisational structure.

Gothenburg Airport

72. Ensure that all border guards are familiar with all entry conditions including the amount of financial means needed, the rights of family members of EU/EEA/CH nationals and stamping rules.
73. Adapt the booths in Terminal 2 in order to enable better communication during the first line checks and install mirrors to enable a complete view of the passenger in front.
74. Adapt the booths in Terminal 1 in order to prevent unauthorised persons from seeing the computer screens and the equipment inside the booths.
75. Ensure monitoring of the passenger flow at the airport e.g. by providing the police access to the Closed Circuit TV installation in line with the Schengen requirements.
76. Use the second line for thorough investigation of the purpose of stay and other entry conditions to reduce the current length of the first line procedure in those cases where further verification is needed.
77. Ensure that the usb microscope, where available, is operational and used by border guards conducting border checks.
78. Ensure that the travel documents of the third-country nationals are stamped in accordance with the Schengen standards, as specified in Article 4.6. of the Schengen Handbook for Border Guards.
79. Ensure the proper functioning of the Eurodac work station.
80. Organize a briefing for each shift.

81. Ensure that the information about the purpose of the second line check is always provided in writing.
82. Ensure that all passengers including those arriving with private flights are checked in accordance with article 8 (1) of Regulation 399/2016 and that private flights are checked in accordance with Annex VI, Paragraph 2.3.1 of Regulation 399/2016.
83. Ensure urgently that passengers arriving from non-Schengen destinations at gate 19 are not able to leave the airport before passing the border checks in accordance with article 8 of Regulation 399/2016 and ensure proper separation of Schengen and non-Schengen area of the airport as required in Annex VI, 2.1.1. of Regulation 399/2016.
84. Bring the signposting above the control booths fully in line with Article 10 and Annex III of Regulation 399/2016, including the blue colour of the flag of the European Union and ensure better visibility of border control booths.
85. Implement the missing elements of Common Integrated Risk Analysis Model 2.0 by ensuring the sufficient number of trained officers dedicated to risk analysis functions, formalising the processes and structures regarding to the information flow and provide the necessary secure IT -systems for analysing and distributing the gathered information within the organisational structure.

Malmö airport

86. Increase the number of staff and ensure continuous presence of sufficient number of border guards at the airport in the future.
87. Ensure that briefings are organised more frequently for each shift.
88. Establish a follow-up training program for border guards. This programme should at least cover: profiling, foreign terrorist fighters, modus operandi and trends and threats, document training.

89. Ensure that the knowledge and performance of border checks of the additional staff working at airport is at the same level as the knowledge of the border guards working on a permanent basis.
90. Bring the stamping in line with the Schengen standards.
91. Ensure that there is a fully equipped second line office at arrival and departure and make use of the second line office for conducting interviews.
92. Place the control booths at departure and arrival in a way that border guards are facing the passengers and have a clear overview of the passengers in front of the booths and allow for proper profiling of the awaiting passengers in line with the Schengen requirements.
93. Ensure that the phones in the control booths are working.
94. Ensure that for private flights arriving from third countries, the General Declaration, including the passengers list, is provided to the border police in advance, in accordance with Annex VI, point 2.3.1 of Regulation 399/2016.
95. Implement the missing elements of Common Integrated Risk Analysis Model 2.0 by ensuring a sufficient number of trained officers dedicated to risk analysis functions, formalising the processes and structures regarding to the information flow and provide the necessary secure IT-systems for analysing and distributing the gathered information within the organisational structure.

Done at Brussels,

For the Council

The President
