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### OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council

On: 15 April 2019

To: Delegations

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Subject: Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of **Finland** on the application of the Schengen *acquis* in the field of **management of the external border**

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Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Finland 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 15 April 2019.

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 2018 evaluation of Finland 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<sup>1</sup>, 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 Finland remedial actions to address the deficiencies identified during the Schengen evaluation in the field of management of the external border carried out in 2018. 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(2019) 450.

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

- (2) Finnish authorities have constantly developed a strategic approach to border management supported by a comprehensive, clear, well-phased and structured National Integrated Border Management (IBM) Strategy accompanied by a multi-annual Action Plan already aligned to the EU IBM concept. The core components of the EU IBM concept have been efficiently established in the Finnish border control system and good practices were identified in the organisation of the inter-agency and international cooperation, the quality control mechanism, the cooperation with Frontex and the setting up of contingency planning integrating national and EU crisis management concepts. Finland has integrated the criminal information and intelligence process in the whole cycle of border management by implementing efficient procedures and tools for information management with a view to ensure synergies and operational effectiveness in border checks and border surveillance. There are efficient databases to support the border surveillance (RASTI) and the border checks (RATAS); furthermore, the border check procedures largely make use of comprehensive pre-arrival information and profiling.
- (3) In light of the importance of complying with the Schengen acquis, priority should be given to implementing the recommendations related to the sufficient allocation of human resources: 1, 2, 11, 20; land border surveillance: 3; border check procedure: 4, 6, 10, 12, 18, 19, 23; training: 11, 13, 15, 21, 22, 29; infrastructure: 20.
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Finland 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 Finland should:

## **Human resources**

1. ensure that a sufficient number of trained staff are deployed to perform border control in all conditions and at all border crossing points and border guard stations. Ensure sufficient resources for border management to allow the implementation of the new EU initiatives and, ensure a uniform and high level of border control at the Finnish borders;

## **Land border surveillance**

2. re-assess staffing needs to increase border surveillance capacities and provide for more patrolling;
3. upgrade technical capacities so as to extend the area covered by modern technical means, and thereby ensure a reliable situational picture of the border area;

## **Border checks**

4. ensure that procedures for checking intra-Schengen flights are in line with Articles 14 and 23 of the Schengen Borders Code;
5. ensure that the border guards responsible for performing border checks on pleasure boats have sufficient knowledge of the Schengen Borders Code, e.g. by organising regular refresher courses;
6. bring the visa issuing procedure in line with Article 22 and 35 (5) of the Visa Code and improve the knowledge of the customs and border guard officers on the provisions of the Visa Code;
7. ensure the visa fee paid for a visa issued at the border complies with the Visa Facilitation agreement between the European Union and the Russian Federation;

8. ensure that the form for informing third country nationals who are subject to a thorough second line check on the purpose and procedures for second line checks is available in all the official languages of the Union in accordance with Article 8(5) of the Schengen Borders Code;
9. review existing signposting to bring it in line with Article 10 and Annex III of the Schengen Borders Code and install correct signposting where missing;

### **Nuijamaa Border Crossing Point**

10. ensure that all third country nationals are subject to a thorough check, by examining all entry conditions;
11. ensure that a sufficient number of trained border guards are deployed to perform border checks in Nuijamaa Border Crossing Point, in particular during peak periods;
12. increase the awareness of the border guards in the first line on risk profiles and indicators, including on foreign terrorist fighters;
13. increase training of customs officers on the verification of entry conditions of third country nationals, as well as increase their awareness on the functionalities provided by RATAS, the border control system;
14. revise the lay-out of the outside area in front of the Passenger Traffic Centre to allow for complete observation of the passenger flow;

### **Vaalimaa Border Crossing Point**

15. increase the continuous training provided to first line officers and document specialists;
16. increase the duration and/or frequency of refresher training courses on border checks for customs officers and keep the number of participants in each training session low in order to improve the efficiency and effectiveness of the training;

### **Port of Helsinki - West Harbour Border Crossing Point**

17. Ensure that the supervision booth of the ABC (Automated Border Control) gates at departure is facing these gates in order to allow proper profiling of the departing passengers;

### **Helsinki Airport Border Crossing Point**

18. optimise first line border checks by making more use of passenger profiling, establish the tasks and their repartition between the different actors; make appropriate use of the second line and by doing so avoid disproportionate waiting time for passengers;
19. improve the quality of first and second line checks by also verifying means of subsistence in accordance with Article 8 of the Schengen Borders Code;
20. continue with the efforts to increase the number of staff at Helsinki Airport and improve the infrastructure of the airport to allow the management of increased passenger flow;
21. ensure that all border guards at Helsinki Airport are regularly trained, make full use of available e-learning materials and ensure supervision of the training system;

### **Rovaniemi Airport Border Crossing Point**

22. provide staff with regular dedicated training, especially in detection of forged documents;
23. improve knowledge of border guards working in the first line regarding entry conditions to be checked for third country nationals, in particular means of subsistence, and as regards visa requirements;
24. ensure that border guards working in the first line at Rovaniemi Airport have good knowledge of the rules and procedures governing stamping;
25. improve the level of English of border guards working in the first line;
26. improve awareness of border guards on useful reference materials related to threats and risks;

27. adjust the arrival area to the current passenger traffic in order to avoid the mixture of Schengen and non-Schengen passengers, while ensuring a sufficient number of border guards to conduct border checks;
28. ensure that third-country nationals subject to a thorough second line check are always given written information on the purpose of, and the procedure for, such a check, and make the information available in all the official languages of the Union in accordance with Article 8(5) of the Schengen Borders Code;

### **Kittilä Airport Border Crossing Point**

29. improve the knowledge of the border guards on specific risk indicators related to the profiling of potential foreign terrorist fighters;
30. improve language training in English in order to be able to obtain sufficient and proper information to perform border checks;
31. ensure the improvement of document training for the border guards to have sufficient skills to perform document examination.

Done at Brussels,

*For the Council*

*The President*

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