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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

State of Schengen report 2023

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AND THE COMMITTEE OF THE REGIONS
STATE OF SCHENGEN REPORT 2023

The 2023 State of Schengen report marks continued delivery on the Commission's initiative to reinforce the governance of the Schengen area without controls at internal borders ("Schengen area") and ensure structured, coordinated and common European responses to challenges affecting the common area. It kicks off the second annual Schengen cycle, informing political decision-making as well as the technical follow-up at both the European and national levels. Drawing, among others, from Schengen evaluations carried out in 2022, the report presents the state of Schengen, monitoring progress made at the end of the yearly governance cycle and highlighting priority areas that require further attention.

In the past year, important priorities identified in the 2022 State of Schengen report have been successfully implemented and key milestones have been achieved. Notable achievements include the accession of Croatia to the Schengen area, the adoption of a new legal framework for Schengen evaluations, the first multiannual strategic policy for European integrated border management, the adoption of the Council Recommendation for operational law enforcement cooperation and the launch of the new Schengen Information System. Looking ahead, the 2023 State of Schengen seeks to build on these priorities and overarching goals, in order to guarantee a seamless and effective implementation of the Schengen architecture, taking into account new challenges and priority areas.

This Communication[1] serves as input for the Schengen Council due to take place on 8 June 2023, which brings together the Ministers of the Schengen area to ensure strategic coordination of home affairs policies, to promote the conditions for a well-functioning area of freedom, security and justice and to give operational steer.

1. Reinforcing Schengen governance for a sustained high level of implementation

Guaranteeing an area of freedom, security and justice without internal frontiers requires commonly agreed measures be implemented to the highest possible standards by all, along with structured, coordinated and common responses to threats. To meet the need for this common governance framework, the **first annual Schengen cycle** was established by the Commission in 2022. It has been an important step forward in fostering mutual trust among the Schengen Member States, increasing awareness of common challenges, nurturing a stronger sense of collective responsibility and paving the way for coordinated and decisive action.

A common and stable framework for policy coordination

Since March 2022, the Schengen Council brings together Home Affairs Ministers on a regular basis, to discuss matters related to their countries' common responsibilities related to

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[1] The 2023 State of Schengen report also addresses Commission's legal obligation to provide reporting pursuant to Article 25 of Council Regulation 922/2022 and to Article 33 of the Schengen Borders Code.

Schengen. The first State of Schengen report[2] provided the shared framework by identifying the key policy priorities to address the challenges faced by the Schengen area. To steer the political discussions in each Schengen Council, the Commission presented a **Schengen Barometer**. The Barometer provided a comprehensive situational picture of the key drivers having an impact on the stability of the Schengen area, and covering the situation at external and internal borders, migratory routes into and within the EU, the threats and joint responses to internal security as well as visa policy challenges. The strengthened Schengen Barometer+ presented in March 2023 addressed the need for improved EU situational awareness, preparedness and facts-based policy making, as proposed by President von der Leyen to EU Leaders at February's extraordinary European Council.

Increasing transparency and engagement

Following the calls for stronger political commitment and transparency, the Commission is developing a **Schengen Scoreboard** in close cooperation with the Member States. This tool will further promote transparency related to the functioning of the Schengen area, mutual trust between Member States and will allow effective prioritisation of outstanding remedial actions. An analysis of the implementation of Schengen recommendations over the past years in key areas such as external border management, return, the Schengen Information System and visa policy shows that, cumulatively, the effective national implementation rate is well above 75%.

The Commission has continued its outreach at national level in the Member States. Meetings at both political and technical level were held to discuss key reforms as a follow up to the 2022 report, including discussions between the **Schengen Coordinator** – appointed in June 2022 – and his national counterparts. The exchanges underscored the importance of forging closer links between the EU institutions and Member States and cultivating shared ownership of the governance of the Schengen area. They also revealed that, while there is a very high level of effective implementation of the Schengen *acquis,* there are still important challenges in the Schengen area which need to be tackled.
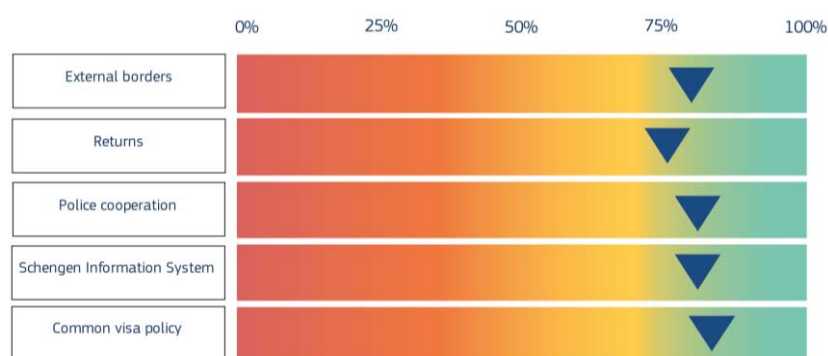
Overview of the implementation rate of Schengen evaluations recommendations by policy area[3]

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[2]   Communication of the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions of 24 May 2022, on the "State of Schengen Report 2022", COM(2022) 301 final.

[3]   Implementation rates per policy area: external borders 78%, return 75%, police cooperation 79%, Schengen Information System 79%; and common visa policy 82%. Implementation rates take into account the nature of the deficiencies (non-compliant or improvement necessary) and the level of implementation of the remedial actions to address Schengen evaluation recommendations.

Second Schengen cycle: consolidation of the existing framework to better detect and address identified challenges

In this second **Schengen Cycle**, the Schengen Council should further step up efforts in coordinating the implementation of common policies and in giving operational steer based on a shared understanding of risks and vulnerabilities. To build on the progress made in implementing the first Schengen cycle's priority actions, it remains important to further consolidate the governance framework, accelerate operational measures on migration and border management, fully operationalise the Police Cooperation Recommendation, lift all long-lasting internal border controls and continue to enlarge the Schengen area.

The effective functioning of this framework is the collective responsibility of all Schengen States, EU institutions and agencies, requiring a high degree of coordination and trust. While the Schengen evaluations ensure that Member States efficiently implement recommendations, a common Schengen approach has to become a primary consideration to prevent potential negative effects for the Schengen area. Individual action by Schengen States should, therefore, be complemented by common action through the Schengen Council addressing priorities of both individual States and the Schengen area as a whole. The **new Schengen evaluation** framework adopted in 2022[4] will lead to more streamlined and comprehensive country recommendations, allowing for the development of strategic orientations and the adoption of recommendations for the whole Schengen area, which will further strengthen the governance framework and the role of the Schengen Council. It initiates a third generation of Schengen

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[4] Council Regulation (EU) 2022/922 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013, OJ L 160, 15.6.2022, p. 1–27.

evaluations[5], moving away from fragmented, policy area-based compliance evaluations and paving the way towards comprehensive assessments of Member States' overall performance. Furthermore, it reinforces the possibilities for the Commission and Member States to conduct thematic evaluations to assess issues and practices across policy areas of Member States facing similar challenges. The enhanced **monitoring activities**[6] will improve the implementation of these common priorities and feed into the Schengen Scoreboard, building on the ongoing efforts to ensure that this tool is a reliable instrument based on a common, rigorous and transparent approach accurately reflecting the situation on the ground. The main developments, the state of play and next steps related to the Schengen evaluation and monitoring mechanism are presented in **Annex 1**.

Reinforcing the role of the Schengen Council with a stronger action-oriented approach requires a more effective use of the Schengen Barometer, Schengen evaluations and other tools, to better identify areas where action is needed, leading to concrete and tangible results. Improving common ownership and responsibility with a greater medium-term focus, combined with stronger, more coordinated and effective implementation are therefore priorities for this second cycle. **The Commission calls upon the incumbent and incoming Presidencies of the Council to further consolidate the Schengen governance framework, building upon the solid foundations of the first Schengen cycle, to ensure a seamless, continuous and permanent governance of the Schengen area**.

Box 1. Harvesting best practices and sharing knowledge

Schengen evaluations identify innovative practices by Member States that could be applied by others, providing Member States with insights into innovative strategies, tools, and measures to effectively implement the Schengen rules.

The *compendium* of best practices presented in **Annex 2** is intended to give additional tools to Member State authorities when implementing the Schengen rules and to build on proven approaches and techniques when putting forward new proposals and initiatives. It also aims to strengthen the framework, created in the Council Working Party for Schengen Matters, allowing Member States to share their experiences, exchange knowledge and learn from each other, leading to improved implementation of the Schengen architecture.

These best practices should also support the effective implementation of the multiannual strategic policy cycle for European integrated border management. Member States are invited to reflect the relevant best practices in their national strategies on integrated border management.

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[5]   While the first generation of Schengen evaluations was coordinated by the Council between 1998 and 2014, the coordination of the second generation (2015-2023) shifted to the Commission under Council Regulation (EU) No 1053/2013 of 7 October, OJ L 295, 6.11.2013, p. 27–37. The new framework will be fully applied for the evaluations of Finland, Lithuania, Latvia, and Estonia in 2023.

[6]   The new Schengen evaluation and monitoring mechanism includes the possibility of having a more strategic use of the available and new monitoring tools, such as revisits (for serious deficiencies), verification visits and thematic evaluations. This will ensure increased and targeted follow-up to Member States' evaluations, which is especially relevant in cases of serious deficiencies. The Commission carried out a first verification visit in February 2023, to monitor the progress made by Belgium to address shortcomings in the management of external borders.

2. A wider and more prosperous Schengen: a key asset for European growth

Today, around 425 million people enjoy the freedom, security and justice that Schengen offers. Schengen is the largest area of free movement without internal border controls in the world. Following its eighth enlargement with the accession of Croatia on 1 January 2023, the Schengen area comprises 27 European countries that have formally abolished their internal frontiers.

The Schengen area: the most visited destination worldwide in 2022

2022 was characterised by the resumption of **international travel** on a large scale following the COVID-19 pandemic. In 2022, 585 million out of the 900 million tourists who travelled internationally came to Europe, representing 65% of the world's total, **making Schengen the most attractive and most visited area in the world**[7].

Beyond facilitating travel within the Union, Schengen is a key driver of competitiveness for European businesses. Schengen substantially contributes to the well-functioning Single Market, accounting for 23 million businesses and 15% of global GDP. Trade in goods and services within the Schengen area has intensified over the last three decades, remaining the main source of trade in goods for the EU (about 60% higher than EU-27 trade in goods with the rest of the world). In 2022, despite the complex and volatile international context, intra-EU trade has experienced a considerable boost when compared to previous years, reflecting the efforts to reduce reliance on external markets and the benefits of operating in a common Schengen area with few barriers. For example, the total trade of transport services within the common area amounted to almost EUR 270 billion in 2022 (up from around EUR 125 billion in 2013). Such services typically involve cross-border movement of people and services, attesting to the well-functioning of the Single Market and the Schengen area. The proposal for an amendment of the Schengen Borders Code complements the proposed Single Market Emergency Instrument aiming to preserve the free movement of goods, services and persons and to ensure the availability of critical products during emergencies.

The increased rise in global mobility resulted in a sharp increase of Schengen visa applications, leading to significant delays in granting appointments and in processing visa applications, as revealed by Schengen evaluations in 2022. In some cases, applicants are paying up to EUR 500 to agencies or individuals just to secure an appointment. In addition, Member States often provide inadequate and inaccurate information to visa applicants regarding the visa application process, which impacts the quality of the assessment of migration and security risks. The consequences of these deficiencies are manifold, ranging from reputational damage for the Member States and the EU as a whole and economic loss, especially in the tourism sector to disruption of family contacts and business relations. Member States should deploy sufficient appropriate staff in consulates to carry out the tasks relating to the examination of applications,

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[7]   UNWTO: Tourism set to return to pre-pandemic levels in some regions in 2023, published on 17 January 2023, accessible here. Statista: Number of international tourist arrivals worldwide from 2005 to 2022, by region, last accessed 12 May, accessible here.

in order to ensure the quality of service to the public. Member States can use EU funding under their national programmes under the 2021-2027 Border Management and Visa Instrument (BMVI) of the Integrated Border Management Fund (IBMF): EUR 88 million are allocated to cover operating support for Common visa policy[8]. The Commission also recalls recent recommendations inviting Member States to streamline inefficient workflows at consulates, to make better use of the knowledge and resources of locally employed staff and to reconsider certain consultations with the central authorities. Issuing more multiple-entry visas with long validity would also lead to efficiency gains.

In April 2022, the Commission proposed to digitalise the visa procedure by creating a common visa application platform and replacing the current visa sticker with a digital visa. The aim is to reduce the administrative burden on Member States to manage the visa applications, helping to overcome existing delays. It will also contribute to reinforcing the security of the Schengen area, making the visa format less prone to fraud or theft. The Parliament and Council began discussing the proposal in June 2022 and substantial progress was made under the Czech and Swedish Presidencies allowing the start of trilogues in May 2023.

Schengen enlargement

Croatia's full accession to the Schengen area in 2023 is an important milestone towards the completion of the Schengen area. It was a key priority area identified in the first State of Schengen report. The positive developments that took place in 2022 were the result of a comprehensive evaluation process that started in 2016. During this time, Croatia made significant efforts to fulfil its commitments to comply with the Schengen *acquis*. Following the positive opinion of the European Parliament[9], the Council decided on 8 December 2022[10] to lift controls at the common borders between Croatia and other Schengen countries. Croatia also started issuing Schengen visas in 2023, making it easier for tourists to visit the country. Such seamless travel benefits not only Croatia but also its neighbouring countries as well as the entire Schengen area.

In December 2022, the Czech Presidency also led an important debate on a Council decision to lift internal border controls as regards **Bulgaria** and **Romania**[11]. It has been 12 years since the Commission confirmed that both Bulgaria and Romania are ready to become fully part of the Schengen area without internal border controls. In its Communication '*Making Schengen stronger with the full participation of Bulgaria, Romania and Croatia in the area without*

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[8] While Member States extensively use EU funds for upgrading premises, software and hardware development, as well as trainings, only few of them use this funding for deploying/recruiting staff dealing with Schengen visa processing.

[9] European Parliament legislative resolution of 10 November 2022 on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia (10624/2022 — C9-0222/2022 — 2022/0806(NLE)).

[10] Council Decision (EU) 2022/2451 of 8 December 2022 on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia.

[11] Accession to the area without controls at internal borders remains subject to an agreement between the acceding State and all the Contracting Parties, as established in Article 140(1) and (2) of the Convention implementing the Schengen Agreement. In December 2022, Austria and the Netherlands did not support the decision for the full application of the Schengen *acquis* in Bulgaria and Romania.

internal border controls[12]' of November 2022, the Commission reaffirmed once again the preparedness of these EU Member States to join the Schengen area. In particular, it took stock of the voluntary fact-finding missions carried out to Bulgaria and Romania in October-November 2022, which not only confirmed the conclusions of the completed evaluation processes from 2011, specifically that Bulgaria and Romania continue to meet the conditions necessary to apply all relevant parts of the Schengen *acquis* in full, but also underlined that the two Member States are duly applying the latest developments of the Schengen *acquis*, therefore being key contributors to the well-functioning of the Schengen area.

It is both a legal expectation and a European promise that Member States acceding to the Union participate fully in the Schengen area once all the agreed conditions are verified and met. Moreover, the failure to lift controls at the internal borders has important negative economic and environmental consequences not only for Bulgarian and Romanian citizens but for the entire EU. Increased waiting times at the borders result in long queues of vehicles and trucks, leading to increased costs, reduced competitiveness for businesses, disruption of supply chains, and decreased revenues for the tourism sector. The uncertainties related to border delays and administrative burdens can discourage foreign investment and undermine economic and social cohesion between Member States. There is even an environmental cost, with estimates suggesting that 46,000 tonnes of CO_2 are emitted per year[13] due to the non-lifting of internal border controls.

The Commission is working closely with the Swedish and the incoming Spanish Presidency to prepare for a decision to be taken by the Council to lift internal border controls as soon as possible this year. Romania and Bulgaria have constantly acted as essential actors for the continuous development of the Schengen *acquis*. It is high time the EU honour its commitment to grant the two Member States full membership to the Schengen area, and further strengthen European unity in doing so.

Significant progress has also been made in the ongoing efforts to further consolidate the Schengen area. After intensive preparations by the Cypriot authorities to ensure their readiness to process Schengen Information System data, **Cyprus** will apply the provisions of the Schengen *acquis* pertaining to the Schengen Information System starting from July 2023[14]. The connection of Cyprus to the Schengen Information System will strengthen law enforcement cooperation and enhance security in Europe. In October 2023, once the Schengen Information System is operational in Cyprus, the Commission will carry out a Schengen evaluation to verify that the necessary conditions for the application of the Schengen *acquis* in the field of the Schengen Information System have been met in Cyprus. As for **Ireland**, following the successful Schengen evaluations in the field of data protection, the Schengen Information System and police cooperation, Ireland will undergo evaluations for the remaining *acquis* it

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[12]   Communication from the Commission to the European Parliament and the Council of 16 November 2022 on Making Schengen stronger with the full participation of Bulgaria, Romania and Croatia in the area without internal border controls, COM/2022/636 final.

[13]   KPMG Romania, The Unnecessary Burden, March 2023, accessible here.

[14]   Council Decision 2023/870 of 25 April 2023 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Cyprus.

has requested to take part in (*i.e.* judicial cooperation in criminal matters, drugs cooperation and Article 26 of the Schengen Convention[15]) in 2023, in view of a Council decision to be taken for the applications of these parts of the Schengen *acquis*.

3. A strong and united Schengen area

The European border management system implemented by Member States has successfully enabled hundreds of millions of people to travel to the Schengen area in 2022. This achievement highlights the common commitment to make the EU the most attractive destination in the world, facilitating swift and safe border crossings. It is therefore crucial that measures to manage external borders align with the triple objective of facilitating travel, enhancing security and managing migration.

Although almost all nationals from non-EU countries come to the EU using legal channels, irregular migration in 2022 reached its highest level since 2016[16], with 330 000 irregular border crossings reported by Frontex. Irregular border crossings on nearly all established migratory routes saw an increase compared to previous years. Although this represents a 66% increase when compared to 2021, the number is far from the levels of 2015[17]. The increased irregular arrivals were largely driven by adverse developments in the European neighbourhood and beyond, which also led to a notable rise in secondary irregular migration, particularly along the **Western Balkan route**, which accounted for 43% of all irregular entries in 2022. **The Central Mediterranean route** was the second busiest migratory route in absolute terms and experienced a 56% increase compared to 2021. Increased irregular migration also brought about additional risks, as irregular migrants are vulnerable to exploitation and crossings, both by sea and land, are hazardous.

In February 2023, the European Council took stock of the migratory situation and agreed to strengthen and accelerate the work with an ambitious set of operational measures on migration and border management. Developments and progress in the last months confirmed that, compared to 2015-2016, we are now better prepared to jointly prevent irregular movements thanks to **enhanced controls at the EU external borders**, and to carry out more efficient return and readmission operations. In the last months, efforts have been made to improve capabilities at the border and to support the purchase of electronic surveillance systems at the external border. To this end, the Commission is finalising an open call for expression of interest under the BMVI Thematic Facility to support Member States facing pressure at specific external land border sections and introduce, extend or upgrade existing surveillance systems. In addition, the measures implemented in 2022-2023 in the context of the Western Balkans

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[15]   Article 26 of the Schengen Convention sets out the obligations of carriers transporting third-country nationals that are refused entry.

[16]   Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 12 January 2023 on the Report on Migration and Asylum, C(2023) 219 final.

[17]   Frontex reported 1 047 210 irregular border crossing in 2015.

Action Plan, such as increased visa alignment of the Western Balkan partners with the EU[18], have already yielded good first results with reduced numbers entering the EU irregularly from this region[19]. Furthermore, in December 2022 Frontex expanded its joint operation in Serbia to the border with Hungary, complementing the support already being provided at the border with Bulgaria. It also launched joint operations in Moldova (April 2022) and in North Macedonia (April 2023). The Commission is looking forward to the adoption of the status agreements it negotiated with Montenegro and Albania in 2023 as well as the start of negotiations with Serbia and Bosnia and Herzegovina on, respectively, renewed and new status agreements. These will help address the challenge of irregular migration more effectively, exploiting the Agency's full potential to work with and in third countries.

Furthermore, the ongoing actions to engage with priority third countries will aim at reducing irregular departures towards the EU and promote returns, as well as legal pathways, in line with the Central Mediterranean Action Plan and the various Team Europe Initiatives. By way of example, the first phase of a new border protection package for Egypt is being implemented, an Anti-Smuggling Operational Partnership was launched with Tunisia and another one is planned with Egypt. Building on these positive developments and with the aim of establishing EU-wide measures to maintain the integrity and functionality of the Schengen area, the Commission is also working on preparing Action Plans on the Eastern Mediterranean and on the Atlantic and Western Mediterranean routes.

It is now essential to keep up the *momentum* of action and the Commission calls on the Schengen Council to take stock of the operational measures the EU is collectively implementing, following February's extraordinary European Council. In particular, Frontex should report on the arrangements taken to reinforce its (re)deployments of personnel and equipment to strengthen key external borders sections in 2023 and on what steps will be implemented together with Member States to ensure the availability of the necessary capabilities.

The developments over the past year highlighted once again the urgent need for swift adoption of the legislative proposals accompanying the **Pact on Asylum and Migration**, to manage irregular migration, asylum, enhance border controls and fight migrant smuggling strategically,

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[18] Serbia reinstated visa requirements for Burundi (21 October), Tunisia (21 October – implemented since 22 November), India (9 December, implemented since 1 January 2023), Guinea Bissau (1 December - implemented since 6 December), Cuba and Bolivia (27 December - implemented since 13 April and 10 February 2023 respectively). North Macedonia has reinstated visa requirements for Botswana and Cuba (29 November, implemented since 1 January 2023) and Azerbaijan (29 November, implemented since 16 March 2023). On 12 January 2023, Montenegro adopted a decision to reinstate visa requirements for Cuban nationals and UAE residents (implemented since 13 January 2023). Albania did not renew the seasonal visa exemption for Indian, Russian and Egyptian citizens (it was, however, renewed until 31 December 2023 for citizens of Saudi Arabia, Bahrein, Oman, Qatar and Thailand).

[19] In February 2023, 3 654 irregular border crossings were reported, which represents a 36% drop from January 2023 (5 751), continuing a decreasing trend that began in November (14 105). In March, although a 69% month-on-month increase was recorded (6 181), there is still a 22% decrease in irregular border crossings along this route in 2023 (14 858), compared to the same period last year (19 029).

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coherently and effectively. To support a more stable and stronger Schengen area, **the Commission calls on the European Parliament and the Council to swiftly adopt the new Schengen Borders Code, the Screening and Eurodac Regulations in particular**.

Effective governance for border management and returns

In March 2023, the Commission established the first-ever multiannual strategic policy[20] on **European integrated border management** to be implemented by the European Border and Coast Guard for the next five years. This decision marks a significant milestone in the efforts to strengthen the Schengen area and ensure effective management of its borders, giving effect to one of the priority actions identified in the 2022 State of Schengen report. The policy cycle is the result of an extensive consultation process between institutions, leading to a shared vision on external border management. It provides a coordinated framework to make sure that all Member States' and Frontex activities – from border surveillance to anti-smuggling to returns – are guided by the same set of common principles and produce tangible results on the ground. This governance framework will be further reinforced by means of a technical and operational strategy to be developed by Frontex by September 2023.

Well-functioning EU border management and returns also require an **effective national governance system** in each Member State. Schengen evaluations carried out in 2022, confirmed that weak governance and a limited strategic approach in some Member States have a negative impact on border control and return activities. Limited cooperation between authorities for border and return activities has also been observed in several Member States, further hampering an effective operational response. In the area of border management, while some Member States have reinforced their national governance, for example by establishing strategic coordination units, others follow a more decentralised approach, which could give rise to challenges as regards strategic border control coordination.

In the field of **return**, the constant fragmented nature of solutions, *ad hoc* responses and the absence of strategic planning prevent Member States from comprehensively streamlining national procedures, working on priorities and making the best use of the (limited) available resources.

While there is no one single institutional solution or model, each Member State's national system should be effective in closing existing loopholes, streamlining efforts, and coordinating all relevant authorities involved to effectively manage the external borders and carry out returns. The **revision of the national integrated border management strategies by March 2024** offers a unique opportunity to strengthen national governance and further reinforce the strategic planning of **national capabilities** for border control and return as well as to set up **national contingency plans**.

Therefore, to ensure the provision of sufficient and well-trained personnel, equipment and infrastructure to effectively support the national strategies for European integrated border

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[20] Communication from the Commission to the European Parliament and the Council establishing the multiannual strategic policy for European integrated border management, COM/2023/146 final.

management, both for border and return activities, Member States should put in place the adequate financial and operational arrangements by March 2024, including on the use of EU funds, for the implementation of their existing national capability development plans.

Furthermore, to guarantee the future availability of common capabilities and following the preparation of the overview of the national capability development plans, Frontex needs to adopt a capability roadmap to further guide development of personnel and equipment for the European Border and Coast Guard in the years to come to ensure that both Frontex and Member States' authorities can deliver on their tasks for border management and return.

Towards the most advanced border management in the world

The entry into operation of the renewed Schengen Information System in March 2023 is the foundation for the establishment of the most advanced border management system in the world. The updated system strengthens external border management and provides additional opportunities for cross-border operational cooperation within the Schengen area. This accomplishment fulfils one of the primary objectives identified in the 2022 State of Schengen report. Due to increased functionalities, people travelling under a false identity can be now better detected and arrested.

The new tools can only reach their full potential if fully implemented by all Schengen States. Moreover, Member States must also implement the existing functionalities to ensure a level playing field and full reciprocity within the EU and the Schengen area. In particular, 2022 Schengen evaluations revealed that not all Member States have put in place the necessary tools and procedures to ensure that all relevant information, including fingerprints and photographs, are inserted in the Schengen Information System when creating alerts or are accessible by the end-users. This prevents police officers and border guards from accurately identifying the person subject to an alert and taking appropriate action. Furthermore, 2022 evaluations highlighted that Member States are increasingly using the Automated Fingerprint Identification System but that there is still room for improvement in some Member States[21]. Non-systematic use of the system risks allowing individuals subject to an alert to avoid being detected by using fraudulent documents.

Together with other large-scale IT-systems, the Schengen Information System will allow easy travel throughout the Schengen area while guaranteeing the highest level of internal security and managing regular and irregular migration. Implementing the Entry-Exit System and the European Travel Information and Authorisation System remains a key priority. The February European Council Conclusions confirmed the need to make these systems operational as soon as possible to ensure full and effective control of the external borders. During the past year, Member States, eu-LISA and the Commission have continued stepping up their efforts to implement this new IT architecture and its interoperability, leading to the world's most technologically advanced border management system. It is of paramount importance that eu-

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[21]   In 2022, more than 4 million searches in 2022 were carried out in the Schengen Information System with the Automated Fingerprint Identification System, whereas in 2021 there were only 1.3 million searches.

LISA and the other relevant stakeholders take the necessary steps within the scope of their responsibilities to avoid further delays that might cause a domino effect on other systems. To this end, eu-LISA has to deliver as quickly as possible the missing critical central component of the Entry-Exit System in order to enable the Member States to test their national technical developments and progress with their preparation for using the system.

Joint efforts for a more effective EU system for returns

The work in this field has evolved during the last year and the common EU system for returns is taking shape, in line with the priority actions identified in the 2022 State of Schengen report. The implementation of the 2021 EU strategy on voluntary return and reintegration[22] is progressing well. In 2022, the positive trend of voluntary returns as the preferred option for returning third-country nationals without legal status continued, with voluntary returns accounting for 56% of all returns implemented[23]. This trend persisted despite the near disappearance of COVID-19 related restrictions on forced returns. Since April 2022, Frontex is providing Member States with standardised packages to support the reintegration of the persons returning to their countries of origin to further strengthen a coherent European approach. Member States are more actively engaging in the Joint Reintegration Services with the Agency, and Frontex is expanding the geographical coverage[24] as well as the scope of these services.

However, the total number of effective returns carried out in 2022 (around 78 000[25]) remained low taking into account that approximately 420 000 third-country nationals[26] were requested to leave the EU and Schengen area in 2022. While cooperation with some third countries on readmission limits the possibilities to carry our returns, Schengen evaluations conducted in 2022 reaffirmed the trend observed in the last years, highlighting the persistent challenges posed by national barriers that hinder the efficiency of return procedures. There are still practical obstacles – limited operational capacity, burdensome national procedures – resulting in Member States not issuing return decisions swiftly to irregular migrants. This significantly hampers the possibilities to initiate the necessary procedures and successfully carry out returns. It also negatively impacts the added value of the updated Schengen Information System since it limits the possibility to introduce return alerts. Furthermore, the effective cooperation among various national actors in the return area[27] is still not sufficient, which, when combined with

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[22]   Communication from the Commission to the European Parliament and the Council of 27 April 2021 on the EU strategy on voluntary return and reintegration. COM(2021)120 final.
[23]   Preliminary data gathered by Frontex as reported by Member States.
[24]   The number of participating Member States and third countries covered has continued to increase, respectively from 5 Member States in the pilot project to 17 Member States since January 2023, with an increased geographical scope (from 24 active third countries in 2022 to 37 in 2023).
[25]   Eurostat data for 2022. Statistics | Eurostat (europa.eu)
[26]   Eurostat data for 2022. Statistics | Eurostat (europa.eu)
[27]   In more than 10 Member States, there are at least two bodies (many times pertaining to different authorities) responsible for issuing return decisions, and in the majority of Member States, the authority responsible for executing returns is also different.

the lack of integrated case management IT systems, creates gaps, poor follow-up and inefficiencies. Return counselling is still not widely available in all Member States.

The complexity of returns clearly calls for structured cooperation, regular exchanges of information, common priorities and a more strategic use of resources. The recently established Operational Strategy for more effective returns[28] is intended to address this key gap and reinforce the coherence of Member States' efforts. The Commission calls on all Member States to make full use of the discussions, practical support and cooperation that is being developed through the High-Level Network for Return and the Return Coordinator. Effective provision of return counselling is to remain high on the agenda of the High-Level Network to ensure that all Members States have return counselling as a professional profile and are aware of all available tools and trainings. Furthermore, during this second Schengen cycle, the High-Level Network needs to explore practical solutions for the identified persistent shortcomings, building on the experience and good practices of Member States. The Schengen evaluations to be carried out from 2023 will contribute to this work by supporting the development of a common framework to assess performance in the return domain.

As the operational arm of the EU return policy, Frontex, plays a key role in this regard. The continuous increase in the number of returns coordinated by Frontex is a very positive development (31% in 2022 compared with 22% in 2021 and 17% in 2020), even more so because it is linked to an increasing share of voluntary returns (+109% in 2022 compared to 2021). The Frontex-led return operations to Albania, Nigeria and Bangladesh are hallmarks of an effective European system and there is a need to continue reaching out to new third countries. The Agency should also continue to support Member States in the development, implementation and harmonisation of return case-management IT-systems at EU level.

The risk of our response falling short will persist until we have a reinforced and more effective legal framework making the common EU system more robust and resilient. To this end, it is key to advance work on the Pact on Migration and Asylum, including starting the negotiations on the recast Return Directive, as well as on more effective cooperation with third countries.

Box 2. Making returns more effective with the updated Schengen Information System

The entry into operation of the renewed Schengen Information System (SIS) in March 2023 will help to boost the effective return of third-country nationals subject to a return decision and the monitoring of enforcement. Member States are now required to upload return alerts in the Schengen Information System. This will lead to the easier detection of returnees who are absconding during migration and border checks, also helping to discourage secondary movements of returnees. It will also make it easier for Member States to mutually recognise each other's return decisions as they will now be able to see via the Schengen Information System if a return decision has been issued in another Member State.

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[28] The Commission contributed to the Operational Strategy with the Policy Document 'Towards an operational strategy for more effective returns' of 24 January 2023 (COM(2023) 45 final).

As another step towards the common EU system for returns, in March 2023 the Commission issued a Recommendation on mutual recognition of return decisions and on expediting returns[29] providing guidance to Member States on how to improve the efficiency of return procedures, including through mutual recognition of each other's return decisions. The Commission is spearheading in-depth discussions with Member States on operationalising the Recommendation and the new opportunities arising from the entry into operation of the renewed Schengen Information System. Through discussions on various aspects of the Recommendation in the Contact Group on Return in March, IMEX Council Working Group in April, and SCIFA in May, the Commission and Member States further looked into the sharing of best practices and identifying concrete practical steps forward. As part of the implementation of the Operational Strategy, the High-Level Network for Return, chaired by the Return Coordinator, will further discuss the issue in June.

Enhanced protection of fundamental rights during border and return activities

The area of freedom, security and justice must, above all, be a single area in which fundamental rights and freedoms are protected. The EU and Member States reaffirmed their unwavering commitment to effective and safe management of external borders and return activities while protecting fundamental rights. The multiannual strategic policy for integrated border management emphasised the need for all EU and national actors to effectively uphold fundamental rights during border and return activities, with robust structures to guarantee access to international protection, respect of the principle of *non-refoulement*, as well as to provide adequate conditions in the exceptional cases where detention of third-country nationals becomes necessary in accordance with EU law. Frontex recruited 46 **Fundamental Rights Monitors**[30] in 2022. National **fundamental rights monitoring mechanisms**, as proposed under the Screening Regulation, enhance transparency and accountability at EU borders. Croatia took the lead and established the first independent monitoring mechanism in June 2022, which was renewed in November with new elements such as unannounced visits at the green borders. Finally, evaluations in 2022 showed that, while detention conditions still require improvements in some Member States, there are also positive examples of centres reflecting the administrative nature of the detention.

Box 3. Priorities for border management and return

1. Implement and consolidate the strategic governance of the European integrated border management by establishing Frontex' Technical and Operational Strategy by September 2023 and aligning the national strategies of the Member States by March 2024.
2. Strengthen national governance for border management and return and coordinate strategic processes such as the planning of European and national capabilities for border control and return, making full use of the EU support offered, including through the High-Level Network for Return and the Return Coordinator.

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[29]   Commission Recommendation of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council, C(2023) 1763 final.

[30]   These recruitments exceed the number of monitors (40) foreseen by the European Border and Coast Guard Regulation.

3. Increase the quality of border checks and border surveillance by providing a sufficient number of trained staff, efficient procedures, adequate use of information systems and enhanced cooperation with third countries.
4. Enhance European and national situational awareness through the implementation of risk analysis and information exchange within the European border surveillance framework.
5. Systematically issue return decisions to third-country nationals with no right to stay, and provide appropriate follow-up of their implementation, closing existing loopholes between asylum and return and putting in place effective return case-management IT-systems.
6. Make full use of the new functionalities of the Schengen Information System for return to enhance the use of mutual recognition of return decisions and fully maximise the possibilities under the Commission Recommendation on mutual recognition of return decisions and on expediting returns.

Phasing out long-lasting internal border controls

The Schengen area requires a common and coordinated approach to address situations that risk having a significant impact on the security and well-being of EU residents. Although the temporary reintroduction of internal border controls may be implemented under exceptional circumstances, this cannot compromise the very principle that there is to be no internal border control[31]. Exceptions to and derogations from this right are to be interpreted strictly when the need arises to respond to a serious threat to public policy or internal security. Significant steps have been taken towards implementing this key priority outlined in the first State of Schengen report. Yet there remains substantial work to be done to ensure that internal border controls are only used as a last resort.

Over the past year, Member States have resorted to reintroducing or prolonging internal border controls on 28 occasions, of which 19 are related to prolonging existing long-lasting internal border controls that have been in effect since 2015. Since October 2022, the Schengen Coordinator has been in close dialogue with Austria, Denmark, France, Germany, Norway, and Sweden, as well as with the Member States affected by these controls. With a view to developing a roadmap to move away from internal border controls as soon as possible, a series of bilateral, trilateral and multilateral meetings were organised to better appreciate the nature of the threats notified by these six countries, and to identify more targeted and effective alternative measures to tackle them. The subsequent lifting of controls by Austria and Czechia at the border with Slovakia, and by Denmark at the border with Sweden, highlights that such alternative measures are available and demonstrates the value of dialogue and exchange of good practices.

These meetings also brought to light that Member States continue to be confronted with serious threats to their internal security and public policy which require action. Furthermore, the notified internal border controls vary significantly as regards their intensity, and often are complementary to the other measures undertaken to address the identified threats. For instance, some Members States carry out trilateral train patrols, such as on train connections between

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[31] Joined cases C-368/20 and C-369/20, NW v Landespolizeidirektion Steiermark, ECLI:EU:C:2022:298, paragraph 64.

Austria, Germany and Hungary, as well as between Austria, Italy and Germany, and others have established joint patrols. Austria, Croatia and Slovenia have also established a police cooperation network with Western Balkan partners, thus helping to prevent entry of irregular migrants from this region and, as such, helping to address one of the recurring grounds of the reintroduced border controls. In the case of Denmark, controls are carried out based on a number plate recognition system deployed by the Danish authorities at the land border with Germany allowing for targeted controls of specific, suspicious vehicles, instead of systematic border controls. The enhanced cross-border cooperation put in place between Austria and Czechia resulted in the lifting of their border controls with Slovakia in February 2023. The expansion of these good practices of cross-border police cooperation to all relevant border sections should lead to the replacement of the existing internal border controls by alternative measures, allowing to ensure a high level of security across the entire Schengen territory.

Box 4. Developments on internal border controls

Between April and May 2023, Austria, Denmark, France, Germany, Norway, and Sweden notified the Commission of the reintroduction of internal border controls for six months (from end of April/mid-May to end of October/mid-November 2023).

On the one side, these notifications reflect efforts made by these Member States during the last few months to limit the impacts of the controls on the exercise of the freedom of movement.

In particular, some MS lifted their controls on some border sections or are in the process of taking measures which could lead to controls being lifted soon. For instance, Denmark now has limited its border controls to its borders with Germany, where controls are conducted as spot checks, and has lifted controls at the border with Sweden. Furthermore, the Commission expects that the planned entry into force, in August 2023, of a new Swedish national law allowing for police checks in the border areas, in line with the Council Recommendation 2017/820 of 12 May 2017[32], will allow for addressing the identified threats without the need to reintroduce internal border controls.

In addition, as set out above, some Member States in their notifications have also explained the useful alternative measures they have started to implement, and have indicated that they will strive to enhance them further. The Commission stands ready to assist all Member States concerned in developing alternative measures further, in order to help limiting the impact on the cross-border socio-economic ties and facilitate the lifting of controls.

On the other side, further information is required from all Member States to better understand the reasons behind the decisions taken, the impact of the reintroduced border controls on the ground, and which alternative measures could help addressing the specific threats that these Member States currently are facing. This should allow the Commission to assess to what extent the threats put forward by the Member States can be considered as new grounds, compared to those put forward previously, and whether the border controls reintroduced in response to these threats are necessary and proportionate. In this context, the Commission notes that certain information related to the

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[32]   Commission Recommendation (EU) 2017/820 of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area. C/2017/3349, OJ L 122, 13.5.2017, p. 79.

security threats are of a sensitive nature which prevents the Member States concerned from sharing this information with the public.

This is why the Commission will launch a formal consultation process under Article 27 of the Schengen Borders Code with all concerned Member States, building on the constructive dialogue which has taken place so far. In this consultation process, the Commission will take duly into account any opinions expressed by Member States that are affected by the current controls. In particular, the Commission, on 26 April 2023, received an opinion from Slovenia with regard to the reintroduction of controls at the Austrian/Slovenian border which will be made the subject of the consultations with Austria. Where these consultations confirm that Member States prolong controls at internal borders in a manner which is not necessary and proportionate, and which is not based on the existence of a new serious threat affecting public policy or internal security[33], the Commission is prepared to make use of legal means at its disposal.

Finally, the Commission underlines that a fully functioning Schengen area is of utmost importance for the EU citizens and encourages the Member States to constantly monitor the evolution of the identified threats and to reflect these findings in the applied measures.

4. Making full use of Schengen potential for a safe and secure area of free movement

Trafficking in human beings, drugs and firearms, cybercrime and terrorism continue to be the main threats to the internal security of the Schengen area. Organised crime comes at a huge economic and personal cost to society. The economic loss due to organised crime and corruption is estimated to represent between EUR 218 and 282 billion annually[34].

Fight against organised crime

There is an unprecedented increase of illicit drugs available in Europe hitting record levels, in particular cocaine from South America. While the vast majority of the trade running through EU ports – critical infrastructure ensuring a smooth functioning of the internal market – is legitimate, ports are also exploited for moving illegal goods into the EU and are vulnerable to infiltration by criminal networks. The sheer volume of containers (over 90 million) handled each year, and the low percentage (between 2 and 10%) that can be physically inspected, makes detection of illicit goods extremely challenging[35]. Drug trafficking generates an estimated annual revenue of EUR 30 billion in the EU[36]. Criminals' infiltration in the legal economy and social fabric has far-reaching and destabilising consequences for society, the rule of law and trust in public authorities. The Commission is exploring possible new policy initiatives on dismantling criminal networks and drug trafficking in the framework of the EU Drugs Strategy and the EU Drugs Action Plan 2021 – 2025.

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[33]   See ruling of the Court of Justice in Joined Cases C-368/20 and C-369/20.
[34]   See European Commission, Protecting Europeans from terrorism and organised crime, last accessed on 12 May, accessible here.
[35]   See Europol, Criminal networks in EU ports: Risks and challenges for law enforcement. https://www.europol.europa.eu/cms/sites/default/files/documents/Europol_Joint-report_Criminal%20networks%20in%20EU%20ports_Public_version.pdf
[36]   EU Drugs Market Report 2019, EMCDDA 2019.

Box 5. Thematic Schengen evaluation on drug trafficking

In accordance with the annual Schengen evaluation programme for 2023[37], a **thematic evaluation** is being carried out in 2023 in the field of police cooperation, identifying **best practices** of Member States facing similar challenges in fighting drug trafficking to the EU, in particular **high volume** drug trafficking.

Member States' national capabilities in the area of police cooperation, protection of external borders and management of IT systems will be assessed. The main focus will be on **police cooperation** as identified by the Schengen *acquis*, meaning: information sharing for the purposes of preventing and detecting criminal offences between relevant law enforcement agencies (including customs) at national and European/international level; cooperation and coordination of cross-border operational actions (such as surveillance, controlled deliveries and joint operations); harbour targeting and risk analysis; human resources and training; anti-corruption strategies and criminal maritime intelligence. The results are expected around the end of 2023 and will be presented to the March Schengen Council and to the Schengen Forum in early 2024.

Organised crime groups use extreme violence, corruption and intimidation. The easy and cheap access to firearms in some countries strongly contributes to **illicit firearms trafficking** across the EU. During 2022, the Commission has been assessing national legislation[38] to ensure a uniform approach on the control of the acquisition and possession of weapons, as well as adequate exchange of information and traceability of firearms, to reduce the risk of diversion into illegal markets.

Disrupting organised criminals' business models

To fight criminal groups that operate beyond Schengen borders, there is a need to work together, uniting action across countries of origin, transit and destination, pooling resources and coordinating efforts.

The **European Multidisciplinary Platform Against Criminal Threats (EMPACT)** has become the key instrument in the Union's fight against organised crime. Nearly 300 operational actions are implemented every year as part of a collaborative effort to build the criminal intelligence picture, conduct investigations and ensure an effective judicial response. In 2022 alone, these joint actions led to over 10 000 reported arrests and EUR 269 million worth of seizures, highlighting the significant impact of this framework, thanks to increased engagement from Member States and partners. In support of these efforts, Member States were allocated

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[37] Commission Implementing Decision C(2023) 56 of 13 January 2023 establishing the annual evaluation programme for 2023 in accordance with Article 13(1) of Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*.

[38] The Commission closed 38 non-communication infringement cases against Member States. It referred one Member State to the Court for not transposing the Directive and one Member State for not transposing the implementing act on Marking. The Commission is currently assessing the compliance of national legislation with these legal texts.

EUR 15.7 million in 2022 through the Internal Security Fund to further support projects and activities within EMPACT.

The enhanced mandate of **Europol**[39] has taken the fight against serious and organised crime in Europe to a new level. This reinforced mandate empowers the Agency to propose Member States to enter information from non-EU countries or international organisations on suspects and criminals into the Schengen Information System. Thanks to information provided by external partners, Europol has stepped up the processing of third country lists of foreign terrorist fighters with a view to inserting them into the Schengen Information System. Further efforts are needed to transform Europol from the EU criminal information hub to the default platform for European policing solutions. The review of the Europol Strategy 2020+ provides an opportunity to make full use of Europol's reinforced mandate and resources to respond to the growing needs for active deployment in Member States, and to reinforce Europol's contribution to security in the Schengen area.

Exchange of information

Exchange of data and relevant information between national law enforcement authorities are a precondition for the effective cooperation in the prevention, detection, and investigation of cross-border crime. The Schengen Information System, being the most widely used and largest information-sharing system for security and border management in Europe, provides Member States' authorities with real-time access to critical information, such as alerts on wanted persons, missing persons, stolen vehicles, and lost or stolen documents. Integrated national **Single Points of Contact**, the central authority responsible for international police cooperation, play a key role in this regard. Over the last year, positive developments have been observed with an increased number of Member States implementing a multi-agency approach, where representatives from different law enforcement entities (police, customs, border guards) are assigned to a Single Point of Contact. There is still room for improvement, particularly regarding the effective and efficient flow of information, the direct and user-friendly access to all relevant databases, as well as the integrated and automated case management system.

The new Directive on Information Exchange between law enforcement authorities is expected to be adopted in the next weeks[40]. It provides law enforcement authorities better tools to prevent, detect, and investigate crime, by ensuring an effective and timely flow of information across the EU. The Directive also establishes rules for the national Single Point of Contact's composition, staff training, and provides for the use of the Europol's Secure Information Exchange Network Application (SIENA) by default, reinforcing the role of Europol as the EU

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[39] Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation, OJ L 169, 27.6.2022, p. 1–42.

[40] Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA, COM/2021/782 final.

law enforcement information hub. The Directive also addresses the shortcomings at national level identified during the Schengen evaluations in the field of police cooperation.

The Council adopted its negotiating mandate on the Prüm II proposal[41] in June 2022, and it is now urgent for the European Parliament to follow to reinforce information exchange between the Member States[42]. In line with the commitment undertaken in the 2022 State of Schengen report, the Commission adopted the Advance Passenger Information proposals[43] in December 2022, providing for the collection of data on selected intra-EU flights for law-enforcement purposes, as well as enabling the joint processing of data to effectively counter serious crime and terrorism. In response to operational needs expressed by Member States for the processing of passenger data from other modes of transport, the Commission will launch two studies on maritime data and on the law enforcement needs on rail and road transport to assess the necessity, proportionality and technical feasibility of such data processing. To strengthen the capability of the Schengen Associated Countries to process Passenger Name Record data and as such counter shared security threats, the Commission will propose the opening of negotiations on international agreements enabling the transfer of such data from the EU.

In the digital age, almost every criminal investigation involves technology and tools that are also abused for criminal purposes, making it challenging to maintain effective law enforcement. There is a risk of criminals 'going dark' and creating online safe havens of impunity. To address this, the Commission will set up a High-Level Expert Group on access to data for effective law enforcement, in collaboration with the Presidency of the Council. The group will explore problems faced by law enforcement practitioners and propose solutions to ensure access to data and enhance security in the digital age.

Maximising cross-border operational cooperation

Cross-border law enforcement cooperation is essential to jointly address security threats and ensure the smooth functioning of the Schengen area. This increased level of cooperation serves as the cornerstone of Member States' actions and has successfully enabled the vast majority of them to avoid resorting to internal border controls.

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[41] Proposal for a Regulation of the European Parliament and of the Council on automated data exchange for police cooperation ("Prüm II"), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council, COM(2021) 784 final.

[42] In addition to the measures related to the Schengen *acquis* – a robust legal framework of measures supporting operational cooperation and information exchange between police and judicial authorities in criminal matters as well as measures in the fields of visa and return policy –, Member States must also cooperate in the fields of security, police and judicial cooperation, as well as migration and asylum.

[43] Proposal for a Regulation of the European Parliament and of the Council on the collection and transfer of advance passenger information (API) for enhancing and facilitating external border controls, amending Regulation (EU) 2019/817 and Regulation (EU) 2018/1726, and repealing Council Directive 2004/82/EC, COM(2022) 729 final and Proposal for a Regulation of the European Parliament and of the Council on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818 , COM(2022) 731 final.

Since the first State of Schengen report, Member States are taking joint action to turn the June **2022 Council Recommendation on operational law enforcement cooperation**[44], one of the main priority actions identified in the 2022 State of Schengen report, into an operational reality. Building on the exchanges of good practices on joint patrols at the December 2022 workshop organised by the Czech Council Presidency and the Commission, a number of Member States are working towards increasing joint patrols with their neighbours. Further such workshops will foster cooperation among law enforcement practitioners. Progress has also been made to address legal and practical obstacles that hinder Member States from fully leveraging the potential of the Council Recommendation. EU-funded projects have helped Member States to set up joint police stations, joint training on the different operational procedures of neighbouring Member States in joint patrols or other types of joint operations and the preparation of joint regional crime-risk analysis that enable to better target joint patrols and operations. The Commission will provide additional funding in 2023 to step up this cooperation. Reflecting this commitment, Schengen evaluations conducted in 2022 showed a notable increase in the awareness and use of EU instruments for operational police cooperation. In several intra-EU border areas, there are regular joint planning meetings, common trainings, and joint patrols carried out based on regional common risk analyses.

Yet, there is considerable scope to further enhance the cross-border cooperation among law enforcement authorities in the Schengen area, as reflected in Schengen evaluations. In particular, there is a need to initiate a process to review the **bilateral and multilateral agreements** between Member States on police cooperation so that these meet the current operational needs.

There is a **wealth of good practices** in some Member States on operational police cooperation that can be taken up by others. The Commission intends to set up an expert group to exchange expertise and coordinate among Member States to improve police cooperation, with significant dedicated funding available in 2024 and 2025 to step up the deployment of good practices in other Member States. The work of the expert group would also feed into the Commission's assessment of the implementation of the above-mentioned Council Recommendation that is due by 2024.

Addressing the necessity for increased exchange of personal data whilst ensuring respect for the protection of personal data

Respecting data protection is crucial in order to ensure that travel within the Schengen area is accompanied by the necessary protection of personal data. Those who manage and utilise information systems such as the Schengen Information System, Visa Information System and in the near future also the Entry-Exit-System and ETIAS, must ensure that data protection requirements are respected in practice and that compliance is regularly monitored. Schengen evaluations conducted in 2022 confirmed that this is not always the case. Furthermore, the data protection authorities are often not provided with sufficient human and financial resources to

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[44]   Council Recommendation (EU) 2022/915 of 9 June 2022 on operational law enforcement cooperation, OJ L 158, 13.6.2022, p. 53–64.

enable them to advise those entities and to supervise comprehensively the lawfulness of processing of personal data in the information systems. Finally, evaluations also revealed that some Member States still have to provide data protection authorities with effective corrective powers towards law enforcement authorities.

Box 6. Priorities for a safe and more secure Schengen area

1. Full operationalisation of the Council Recommendation on operational police cooperation, through the support and coordination of an expert group leading to the uptake of good practices in other Member States.
2. Full transposition and effective implementation of the Directive on information exchange to ensure the seamless, effective and timely flow of information between law enforcement authorities across the EU.
3. Set up and/or upgrade all national Single Points of Contact equipped with efficient case management systems for exchanging information.

4. Strengthen national governance to fully exploit the support provided at EU level, including through Europol, by setting clear national priorities in line with national and European threat assessments and by putting in place the necessary coordination structures.
5. Increase monitoring of drugs trafficking across external borders, by improving intelligence sharing, common risk analysis, profiling and effective cooperation between law enforcement, customs and border control agencies in Member States and relevant partner countries, as well as with EU agencies. Monitor the implementation of the recommended best practices that will be identified through the ongoing Schengen thematic evaluation of Member States' capabilities to fight drug trafficking into the EU.
6. Efficient implementation of the Schengen Information System tools and functionalities, adhering to harmonised procedures, ensuring sufficient resources, including for the data protection authorities.
7. Full transposition and effective implementation of the EU Firearms Directive to increase traceability of firearms and better exchange of information between law enforcement authorities.

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5. **Key actions on the external dimension to address irregular migration and security risks: Strategic approach to EU visa policy**

The common EU visa policy is an integral part of Schengen and one of the most important tools to **address security risks and irregular migration challenges for the Schengen area**.

Nevertheless, the regular monitoring of the visa-free regimes that the EU has with third countries, in particular countries in the EU neighbourhood[45], has shown that important challenges remain in this regard. These relate in particular to irregular migration flows

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[45]   Article 8(4) of Regulation (EU) 2018/1806 requires the Commission to ensure an appropriate monitoring of the continuous fulfilment of the visa exemption requirements by those countries whose nationals obtained visa-free access to the EU following the successful completion of a visa liberalisation dialogue. To this end, since 2017 the Commission has adopted five reports under the Visa Suspension Mechanism, covering the visa-free countries in the Western Balkans (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia) and in the Eastern Partnership (Georgia, Moldova, and Ukraine).

triggered by the **non-alignment** of these countries' **visa policy** with that of the EU, the increase in **unfounded asylum applications from nationals of visa-free countries**, as well as the operation of potentially risky **investor citizenship schemes**, which enable visa-free access to the EU for third-country nationals who would otherwise need visas.

The EU needs to be equipped with appropriate tools to address these challenges and prevent these risks. The existing rules[46] requiring the Commission to monitor the functioning of visa-free regimes with third countries and suspend visa exemptions in cases of increased irregular migration or security risks could be improved in light of the above-mentioned challenges.

In the first months of 2023, at the initiative of the Swedish Presidency, the Council discussed a possible revision of these rules, and in particular of the **visa suspension mechanism**, for which Member States expressed broad support. In her letter to the European Council of 20 March 2023, President von der Leyen took account of this discussion and stated that '*the Commission will strengthen its monitoring of the visa policy alignment and will present a comprehensive report paving the way for a legislative proposal amending the visa suspension mechanism*'.

Against this backdrop, the Commission will present a **Communication on the monitoring of the EU's visa free regimes** ahead of the 9 June Schengen Council. With this Communication, the Commission intends to consult the European Parliament and the Council on the assessment of the main challenges in the areas of irregular migration and security linked to the functioning of visa-free regimes, on the main shortcomings of the current visa suspension mechanism, and on the possible ways to address them, thus paving the way for an upcoming proposal to revise the mechanism, to be adopted in September 2023. These challenges should also be followed up through Schengen evaluations to provide further support for monitoring the functioning of visa-free regimes with third countries.

6. Next steps

The 2023 State of Schengen report launches the second ever Schengen cycle by identifying the main challenges for the Schengen area and priority actions that are to be addressed at both national and European levels. It should be the basis for increased political dialogue, monitoring, and enforcement of the Schengen *acquis*. This report shows that despite specific challenges, we have a robust and well-functioning Schengen area. To further strengthen the area without internal border controls, certain key priority areas should be addressed during this second cycle. The Commission, based on a close dialogue with the Swedish, Spanish and Belgian incoming Presidencies is therefore proposing a set of priority actions for the 2023/2024 Schengen cycle:

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[46]   Article 8 of Regulation (EU) 2018/1806.

Box 7. Second Schengen Cycle – Summary overview of priorities for 2023/2024

1. **Consolidate and further strengthen the Schengen governance cycle**

   - Reinforce the existing tools, including the Schengen Barometer and Schengen Scoreboard;
   - Provide the Schengen Council with the necessary framework to follow-up on the priorities and recommendations resulting from the comprehensive analysis of Member States' performance and the overall state of the Schengen area, allowing for the development of strategic orientations and the adoption of recommendations for the whole Schengen area.

2. Further strengthen the **EU external borders** to address current pressure and to establish an effective integrated border management. In particular:

   - Reinforce key border sections, including through available financial support, and provide for adequate financial and operational arrangements to ensure the successful implementation of their already existing national capability development plans in line with key priorities at external land/sea borders;
   - Establish Frontex' Technical and Operational Strategy by September 2023 and align the Member States' national strategies by March 2024;
   - Increase the quality of border checks and border surveillance by providing sufficient numbers of trained staff, efficient procedures, adequate use of information systems and enhanced cooperation with third countries;
   - Enhance European and national situational awareness through the implementation of risk analysis and information exchange within the European border surveillance framework;
   - eu-LISA to deliver as quickly as possible the missing critical central component of the Entry-Exit System.

3. **Enhance the effectiveness of the return system**

   - The High-Level Network needs to explore practical solutions on the identified persistent shortcomings building on the experience and good practices of Member States;
   - Make full use of the new functionalities of the Schengen Information System for return to enhance the use of mutual recognition of return decisions and fully maximise the possibilities under the Commission Recommendation on mutual recognition of return decisions and on expediting returns;
   - Systematically issue return decisions to third-country nationals with no right to stay and provide appropriate follow-up of their implementation, close existing loopholes between asylum and return and put in place effective return case management IT systems;
   - Schengen evaluations to support the development of a common framework to assess the performance in the return domain.

4. **Enhance internal security of the Schengen area to fight against organised crime and drugs trafficking**

   - Full operationalisation of the Council Recommendation on operational police cooperation;
   - Upgrade of all national Single Points of Contact;
   - Fully exploit the support provided at EU level to combat transnational threats;
   - Efficient implementation of the Schengen Information System tools;
   - Full transposition and effective implementation of the EU Firearms Directive.

5. **Completion of the Schengen area** with a Council decision taken before the end of 2023 on the full application of the Schengen *acquis* to Bulgaria and Romania.

6. **Implement alternative measures, phasing out the long-lasting internal border controls.**

7. Better use of existing tools under the **EU visa policy**:

    *   The Commission will draw up a comprehensive report on the EU's visa-free regimes and its challenges for the Schengen area to improve the visa suspension mechanism of the Visa Regulation;
    *   Deploy appropriate staff in sufficient numbers in consulates and mobilise all necessary resources including from EU funds to cover operating support for common visa policy;
    *   Increased local Schengen cooperation.

Brussels, 16.5.2023
COM(2023) 274 final

ANNEX 1

ANNEX

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Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions

State of Schengen Report 2023

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ANNEX 1

The Schengen evaluation and monitoring mechanism: main developments and next steps

The Schengen evaluation and monitoring mechanism is the key safeguard to ensuring that the Schengen area functions well, allowing for the timely identification and remedying of strategic vulnerabilities. Teams of Member State and Commission experts, supported by EU agencies and bodies, evaluate every Member State and Schengen Associated Country fully applying the Schengen *acquis* at least once every seven years. It is also the framework for verifying if the necessary conditions for the application of the Schengen *acquis* have been met in Member States in respect of which there is no Council decision to apply the Schengen *acquis* in full or in part yet, except for those Member States whose evaluation was already completed when the new Schengen evaluation monitoring mechanism Regulation (Regulation)[1] entered into force.

In accordance with Article 25 of the Regulation, the Commission shall report on the evaluations carried out during the previous year and the conclusions drawn from there, on the functioning of the pool of experts, including the availability of Member State experts and on the state of play regarding remedial actions taken by the Member States.

Evaluation activities carried out in 2022

In 2022, the Commission concluded the second programming cycle of Schengen evaluations, with visits to Spain, Norway, Sweden, Iceland, Denmark and Portugal. In addition, Greece, Italy, Malta, Luxembourg, Cyprus, Belgium, Austria, France and The Netherlands were evaluated on their implementation of the common visa policy[2]. Luxembourg also underwent an evaluation to assess the implementation of data protection requirements.

These Member States each received evaluation teams assessing if external borders are managed up to the required standards and evaluating measures within the Schengen area, including the effective implementation of the return policy, police cooperation and the Schengen Information System. Measures in third-countries under the visa policy were also part of the evaluation activities. Particular attention was paid to verifying respect for fundamental rights in the application of the Schengen *acquis*, including the implementation of the applicable data protection requirements.

During all evaluations carried out in 2022, strategic elements at national level were addressed to provide the evaluation teams with a good understanding of the central organisation and strategy of the authorities, including elements such as training and human resources, risk analysis and contingency planning, for the implementation of the Schengen *acquis*. These points were assessed with visits to central authorities, including the national operational coordination centres, police headquarters, ministries and the SIRENE bureaus. The visits at

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[1]   Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013.

[2]   The mentioned Member States could not be evaluated on their implementation of the common visa policy in 2020 or 2021, as for the other policy areas, due to travel restrictions following the COVID-19 pandemic.

strategic level were implemented hand in hand with visits to the operational level, such as key border crossing points and international airports, police stations and detention centres.

Results of other monitoring mechanisms, in particular the Frontex vulnerability assessment, were duly taken into account in preparing and conducting the evaluation activities, thus ensuring up-to-date situational awareness.

The Schengen evaluations in 2022 provide an overall picture of the implementation of the Schengen *acquis* in the Schengen area, across Member States. While overall the level of implementation of the Schengen *acquis* is at a high level, during the 2022 evaluations, **serious deficiencies** were identified on three occasions. The closure of action plans that concern serious deficiencies[3] is an absolute priority for the Schengen area. The majority of the serious deficiencies identified during the last year have either been resolved or are currently being addressed. In particular, in the area of external border management, the evaluation of Spain revealed low quality and deficient border checks at the majority of the visited border crossing points. Swift remedial steps have been taken to resolve the connectivity and other technical problems of the border check systems and the Commission will carry out a revisit this year to assess these developments. Furthermore, in the case of Iceland, serious deficiencies were identified in the field of police cooperation due to the ineffectiveness of the search capabilities of the Icelandic police force. As a consequence, police officers were not capable of systematically detecting active alerts in the Schengen Information System alerts. As soon as they were notified, the Icelandic authorities have taken steps to address this issue. A verification visit is also scheduled for this year. Finally, the serious delays in granting appointments by external service providers to lodge visa applications in the Netherlands were considered a serious deficiency. The Dutch authorities committed to address this issue as a priority and the Commission is further monitoring the remedial actions being implemented.

Furthermore, based on the results of the evaluations it is possible to identify some common issues in several Member States, which require special attention:

- The 2022 evaluations of the management of the **external borders** showed weak governance of the European integrated border management in some Member States and low inter-agency cooperation. The overall low quality of border checks, in particular at the sea borders, weak sea border surveillance combined with a lack of coherence in risk analysis and scattered situational awareness in most of the evaluated Member States in 2022, remain the main issues of concern.
- Evaluations revealed that there is an increased commitment to work towards a more effective **return policy**, as compared to evaluations carried out in previous years. However, there is no sufficient focus yet to improving the internal aspects of return and the available tools are not fully exploited. The limitations in cooperation as well as the absence of effective return case management systems hamper considerably the possibility to carry our returns.

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[3]   When serious deficiencies are identified, the evaluated Member State is subject to stricter scrutiny by the evaluation team and the Council. It has to report more frequently and will be revisited to identify the progress made in addressing the deficiencies.

- While most Member States showed good compliance with the relevant Schengen *acquis* in the field of **police cooperation**, a recurrent issue was the limited or lacking access of police units to the Visa Information System for the prevention, detection and investigation of terrorist offences and other serious criminal offences. Many Member States did not have a system in place to guarantee such access.
- A constant in all **visa evaluations** in 2022 was the significant delays in granting appointments for visa applicants to submit their applications and/or in processing them. The cooperation of Member State consulates with External Service Providers and the monitoring was often found suboptimal.
- The evaluations verifying the use of the **Schengen Information System** brought to light that many Member States do not yet use the fingerprint search functionality sufficiently. The display of all available data, such as photographs and fingerprints, in the national SIS applications is not yet optimal.
- Evaluations verifying the respect of the **data protection** requirements in the implementation of the Schengen *acquis* showed that some Member States still need to provide the data protection authorities with sufficient human and financial resources to enable them to carry out their Schengen-related tasks, in particular as the data protection authorities cannot always conduct the mandatory data protection audits.

In accordance with the reinforced Schengen evaluation and monitoring mechanism, which became applicable in October 2022, the Commission also organised in February 2023 the first **verification visit** to Belgium to monitor the progress made in the implementation of the action plan related to the 2020 evaluation in the field of external borders management. Progress was observed with regards to strategic coordination and actions are ongoing to consolidate the national coordination and inter-agency cooperation.

No **unannounced visits** were carried out in 2022.

Schengen evaluations: the way forward

Following the entry into force of the new Schengen evaluation Regulation, the **new multiannual evaluation programme** for periodic evaluations to be carried out in 2023-2029 was adopted. Finland, Lithuania, Latvia and Estonia will be evaluated in 2023. Cyprus will also be evaluated for the first time in the field of the Schengen Information System, following its connection in July 2023. Ireland will be subject to evaluations in the remaining policy areas it requested to take part in. In early 2024, Croatia will be evaluated following its accession.

The adoption of the renewed mechanism also triggered the ongoing revision of the **Schengen evaluation guide** and the **Schengen standard questionnaire** as well as further harmonisation of **training** activities leading to a single Schengen evaluation certification. These instruments have been upgraded to align them with the new principles and requirements and provide evaluation teams with the necessary tools to carry out strategic and comprehensive assessments of Member States.

Following a consultation process with Member States and taking into account the priorities set out in this Communication, the following **thematic evaluations** could be considered for 2024: i/ best practices in law enforcement cooperation to tackle the principal sources and routes of illicit firearms; ii/ best practices to address common obstacles which limit the effectiveness and speed of the return system; iii/ solutions to overcome the risk of criminals going 'dark' by creating online safe havens of impunity.

Functioning of the pool of experts

Following the adoption of the new Schengen evaluation and monitoring mechanism Regulation, the Commission established the 2023 pool of experts to ensure the participation of a sufficient number of experienced experts in a faster and less burdensome way.

All Member States designated at least one expert per policy area in which they are evaluated unless the designation would substantially affect the discharge of national tasks[4]. In total, 570 national experts were designated out of which 514 were selected for the 2023 pool, taking into account the general and specific criteria defined in the Regulation and in the designation invitation to the Member States[5].

Nr. of Experts per Member State
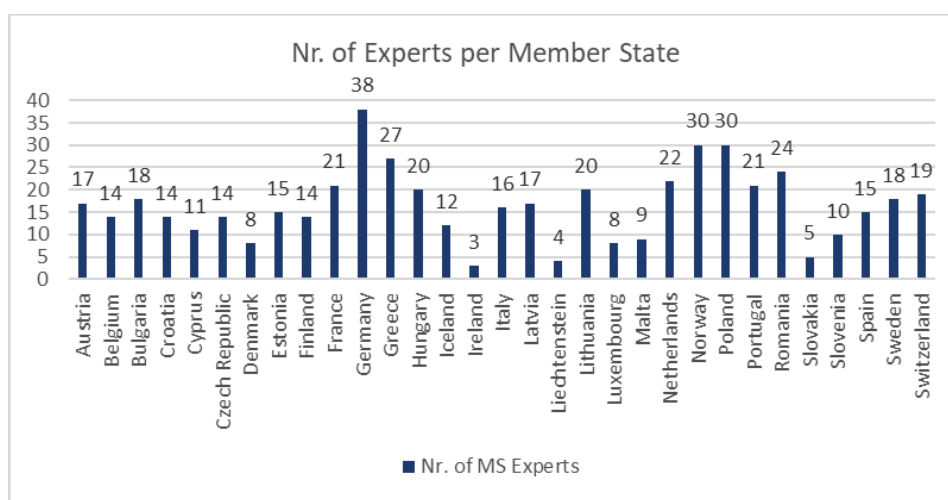
The pool is the primary source of experts for evaluation and monitoring activities to be carried out in 2023. An additional call for experts was launched to find specific experts for the thematic evaluation on drug trafficking.

Overview of remedial action by Member States

Following the evaluation activity, Member States need to address the identified deficiencies and submit an action plan to the Council and the Commission with the remedial actions to be implemented. With the publication of this second State of Schengen report, the monitoring of remedial action by Member States following Schengen evaluations is transferred to the online KOEL-SCHEVAL tool. This transition away from paper handling will enable a better overview of the state of implementation of recommendations and better compliance with the reporting requirements under the new Regulation.

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[4] In accordance with Article 17(2) of the Regulation, '*Member States shall not be required to designate experts in the areas in which, for objective reasons, they are not evaluated or, in exceptional situations, if the designation would substantially affect the discharge of national tasks. If a Member State invokes the latter, it shall provide in writing the reasons and information on the exceptional situation to the Commission*'.

[5] Article 15(1) of the Regulation stipulates that the experts 'shall have appropriate qualifications, including a solid theoretical knowledge and experience in the areas covered by the evaluation and monitoring mechanism, along with sound knowledge of evaluation principles, procedures and techniques, and shall be able to communicate effectively in a common language'. In accordance with Article 17(5), Member States must designate experts who fulfil these conditions.

Since the launch of the first Schengen evaluations under the Commission's coordination in 2015, the evaluation teams were able to close more than 50 action plans. Following the latest assessments of follow-up reports submitted by Member States, **the Commission hereby closes the action plans of Portugal, Lithuania, Malta, Norway, Czechia, Hungary and Slovakia in the field of the common visa policy, the Estonian action plans in the field of borders and return as well as the Hungarian action plan in the field of management of the external borders**, following the full implementation of all recommendations.

In addition, the Commission also closes all action plans addressing recommendations of evaluations that were carried out in 2015 and 2016[6]. This closure is, however, technical since it relates to action plans that still have outstanding actions from previous evaluations while a new evaluation for that Member State in that policy area already took place and new recommendations have been formulated. These actions are carried over to the action plan of the new evaluation to prevent duplication of reporting obligations. In that same spirit, once Member States submit their action plans related to recent evaluations, all old action plans will be technically closed in the review of the adequacy of the new action plan[7].

	2015	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**
Closed[8]	26	30	17	9	5	0	0	0
Open	2	6	19	21	25	22	37	36
Total	28	36	36	30	30	22	37	36

As shown in the table above there are still an important number of action plans open (168 out of 255). However, it is important to note that in general, the Commission can only close action plans when <u>all</u> recommendations are fully implemented[9]. The state of play of individual action plans shows that significant progress has been made and the overall implementation rate is to a large extent above 75%. Priority areas for enhanced implementation include border checks, border surveillance, EUROSUR and the effectiveness of the return system.

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[6] The following action plans are technically closed: Austria – Schengen Information System and data protection (2015); Belgium – Schengen Information System (2015); Germany – return (2015); Liechtenstein – return and data protection (2015); The Netherlands – data protection (2015); Greece – return, police cooperation, Schengen Information System (all 2016); France – management of the external borders, return, Schengen Information System (all 2016); Italy – management of the external borders, return, Schengen Information System (all 2016); Luxembourg – Schengen Information System (2016); and Malta – management of the external borders, return, police cooperation and Schengen Information System (all 2016). The action plan of the 2016 evaluation of Greece in the field of management of the external borders could not be closed due to the significant number of actions not yet implemented. The actions plans on data protection for Belgium, Germany, Greece, France, Italy, Luxembourg and Malta (related to 2015 and 2016 evaluations) could not be closed due to delays in the adoption of the evaluation reports or recommendations after the evaluations in 2020 and 2021.
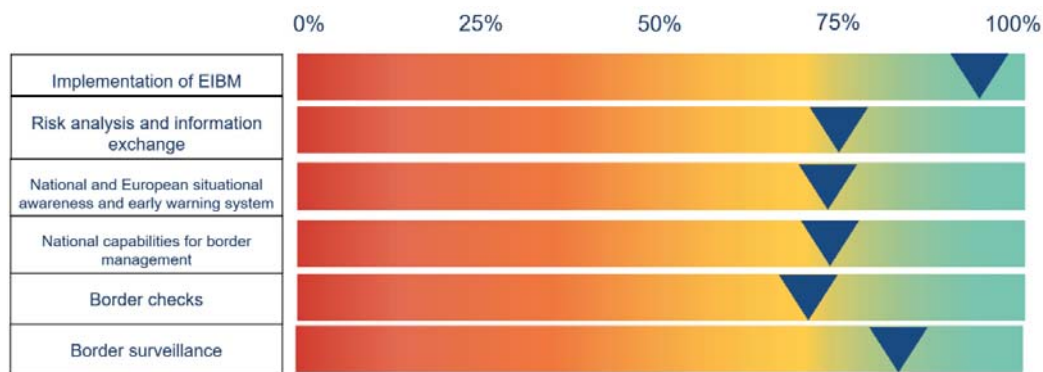
[7] This technical closure can already now be announced for the action plans related to the 2017 evaluations of Iceland, Norway and Sweden regarding the Schengen Information System and Spain in the field of the common visa policy following the new evaluations in 2022.

[8] Table reflects the number of action plans stemming from periodic evaluations that have been closed by the Commission, including those closed in the 2023 State of Schengen report.
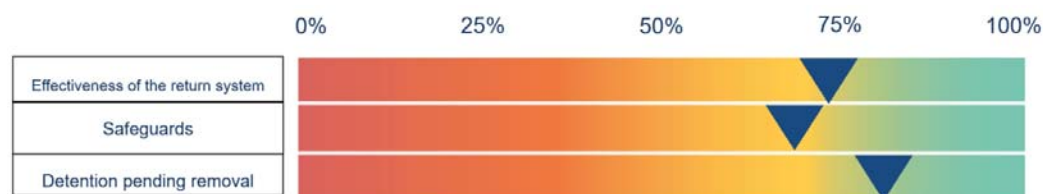
[9] Except in the case of technical closures, as outlined above, though in that case the Member States are required to report on the open recommendations in the new report.

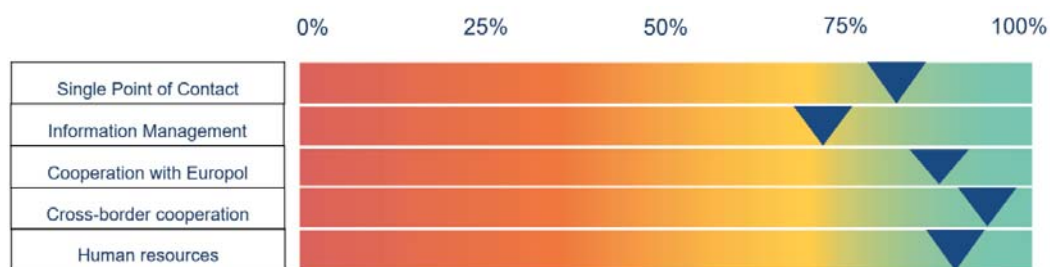## Overview of implementation rate of Scheval recommendations by policy area
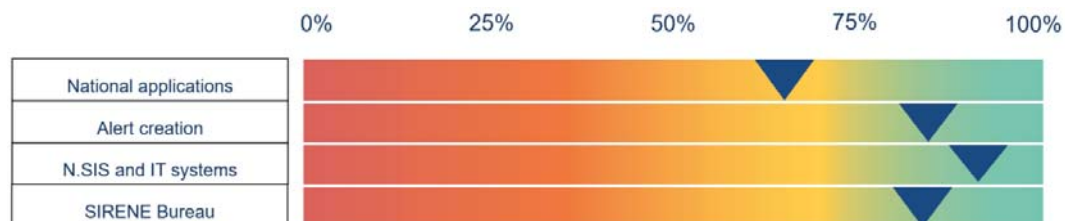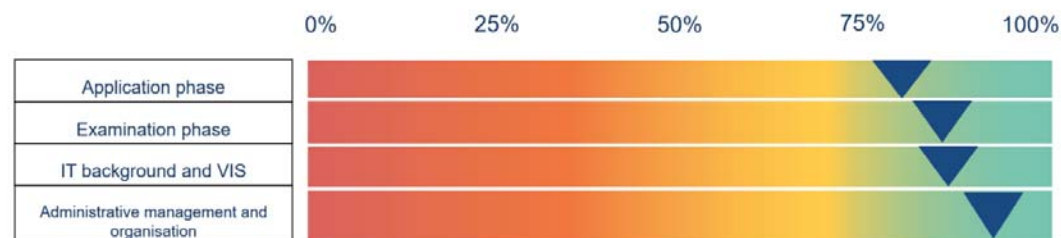
Management of the external borders:

	0%	25%	50%	75%	100%
Implementation of EIBM					
Risk analysis and information exchange					
National and European situational awareness and early warning system					
National capabilities for border management					
Border checks					
Border surveillance					

Return:

	0%	25%	50%	75%	100%
Effectiveness of the return system					
Safeguards					
Detention pending removal					

Police cooperation:

	0%	25%	50%	75%	100%
Single Point of Contact					
Information Management					
Cooperation with Europol					
Cross-border cooperation					
Human resources					

Large-scale information systems:

	0%	25%	50%	75%	100%
National applications					
Alert creation					
N.SIS and IT systems					
SIRENE Bureau					

Common Visa Policy:

	0%	25%	50%	75%	100%
Application phase					
Examination phase					
IT background and VIS					
Administrative management and organisation					

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ANNEX 2

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to the

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions

State of Schengen Report 2023

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ANNEX 2

Compendium of best practices identified in the framework of the Schengen evaluation and monitoring mechanism

As the Schengen area without controls at internal borders (the "Schengen area") continues to be a cornerstone of European integration, effective implementation of the Schengen rules is crucial for ensuring the smooth movement of people across borders, enhancing security while respecting fundamental rights, and fostering cooperation among Member States. The identification of the best practices and innovative solutions by Member States that could be applied by others is at the heart of the new Schengen evaluation and monitoring mechanism. Its objective is to improve the implementation of the Schengen acquis.

This compendium brings together a wide range of best practices and innovative solutions covering various aspects of the Schengen acquis, including border management, return, visa policy, law enforcement, data protection and the use of IT systems, which were identified during Schengen evaluations that took place during the implementation of the first (2015-2019) and second (2020-2022) multiannual evaluation programmes.

The compendium of best practices is intended to give insights into innovative strategies, tools, and measures that can support Member State authorities when implementing the Schengen acquis and to help them build further on proven approaches and techniques when putting forward new proposals and initiatives. It also aims to strengthen the framework, created in the relevant Council Working Party, to further facilitate and encourage Member States to share their experiences, exchange knowledge, and learn from each other. This would facilitate, in particular, peer learning and foster cooperation among Member States, leading to improved implementation of the Schengen architecture. The compendium does not intend to replace or repeat existing best practices included in the different applicable Commission or Council Recommendations or handbook but comes to supplement them with new items.

The Commission intends to update the compendium annually to harvest new and innovative measures identified by the evaluation teams during Schengen evaluation activities from the preceding year.

These best practices should also support the effective implementation of the multiannual strategic policy for European integrated border management (EIBM). Therefore, the Member States are invited to reflect the relevant best practices in their national strategies on integrated border management for EIBM.

This compendium is explanatory and has no legally binding status. It is intended as a valuable resource for policymakers, law enforcement officials, and other stakeholders involved in ensuring the smooth and efficient functioning of the Schengen area but also to support possible solutions for remedial actions addressing future recommendations proposed by evaluation teams. It is part of the annual report referred to in Article 25 of Council Regulation (EU) 2022/922.

1. *Management of the external borders*

Implementation of European Integrated Border Management (EIBM)

Governance of national IBM

- A centre bringing together seven authorities, including the police, the migration office and the customs administration is created at national level. Its main aim is to develop counter-strategies, provide early warnings and develop recommendations. It is a permanent structure, organised around the work of temporary units, and has a wide range of analytical products that serve both tactical decision-making at local level and strategic decision-making at ministerial level. Its analyses are distributed to all border police units through the police web platform. [*Germany, 2015*]

- The creation of a well-functioning and permanent governance system for EIBM coordinated by a specific governing structure and comprising all national authorities involved is essential for the efficient establishment, monitoring and implementation of EIBM in the Member States. The involvement of the Frontex Liaison Officer (as an observer) in the national governance body for EIBM is considered beneficial for information sharing and effective cooperation, and to guarantee a connection between the national and the European level. [*Thematic Evaluation of national IBM strategies, 2020*]

Interagency cooperation

- Close and effective formalised inter-agency coordination and cooperation between the different national authorities at central, regional and local level are considered essential for the effective functioning of integrated border management systems. Border guard units are deployed in the territorial waters and on land of the third countries concerned, ensuring constant joint patrolling by sea and air on board vessels and airplanes of the Member State, supported by electronic means such as the integrated external surveillance system (SIVE). [*Thematic Evaluation of national IBM strategies, 2020*]

Search and rescue

- The national strategy should address objectives to integrate the search and rescue (SAR) function in the national sea border surveillance concept and to make the link with the EU support in this area provided by the maritime joint operations coordinated by Frontex. The SAR function should be included as an integral part of the national sea border surveillance system in terms of planning and development of surveillance capabilities. The National Centre of SAR could share the information collected by the SAR World System to improve planning the surveillance. [*Thematic Evaluation of national IBM strategies, 2020*]

Quality control mechanism

- The Ministry of the Interior has established a national evaluation mechanism for external borders, built on the European and national quality control mechanisms. It brings together the recommendations from the Schengen evaluation mechanism, Frontex vulnerability assessment and national evaluation visits. The latter includes an evaluation of the Schengen Information System/SIRENE and police cooperation issues. [*Austria, 2020*]

- Border management at national and EU level should be systematically subject to the application of the European quality control mechanism covering the entire scope of the EIBM. The permanent national quality control mechanism includes a national evaluators' pool, which is trained in Frontex Schengen Evaluators' courses. [*Thematic Evaluation of national IBM strategies, 2020*]

National and European situational awareness and early warning system
Cooperation (situational awareness)
- The gendarmerie of two neighbouring Member States developed very good bilateral cooperation under a memorandum of cooperation. Based on this memorandum it is possible to conduct joint patrols at sea and land and exchange operational staff, among others. The authorities of these Member States also agreed to integrate their maritime surveillance systems and to share information on the maritime situational picture. [*Portugal/Spain, 2017*] - The coordination between the National Coordination Centres of two neighbouring Member States allows for a common situational picture, efficient information exchange, improved situational awareness at the common borders and an increased response capacity, as the positioning of the assets is also shared between the two countries. [*Portugal/Spain, 2017*]

Border checks
Land borders
- The shift leader delivers operational briefings to the officers assigned to first-line border checks before they carry out border checks on an incoming passenger high-speed train from a non-Schengen country. These briefings count on the participation of the customs representatives to ensure coherent information sharing on updated risk profiles as well as other relevant operational data. One team member of the border guard patrol was specifically trained for intelligence management. Effective border checks are carried out based on a strategic distribution of staff and adequate use of languages reflecting the composition of the passengers. Advanced Passenger Information is required for all trains and for passengers and crew members on these trains. Nominated border guards process advanced passenger information included in the passenger list, pre-checked against pre-selected registers, assessing the flagged risks. Travel documents are examined and verified visually and utilising appropriate technical devices. [*Finland, 2018*]
Air borders
- A dedicated unit of six border guards monitors private transport and recreational aviation, including light aircrafts and helicopters, as it has access to real-time route tracking and flight data from the military radar. The unit receives all the flight plans which are then analysed. When the airport of departure or arrival is not a border crossing point, an alert is given to a police unit to intervene. In case of unauthorised landings at aerodromes not dedicated to border crossings, the authorities impose fines. Risk assessment of deviating flight routes is carried out regularly. [*Belgium, 2020*]

Border Surveillance
- The border guards are supported by an operational system that allows direct mobile consultation of the relevant databases and operational coordination in border surveillance. The system is also used for the coordination of patrols, situational awareness, positioning of patrols and efficient reaction capability. It further allows the Regional Coordination Centre to have a general operational picture, offering the possibility to select the proper means of intervention and the channel of communication in due time. The interactive interface allows the border guard and police patrols, the shift leaders and the Regional Coordination Centre to select and send the geo-location of a place of interest directly to the monitors installed in each patrol car and vessel. It provides a constant and comprehensive situational awareness to the border guards responsible for border surveillance, facilitates communication and improves the reaction capabilities. [*Estonia, 2018*]
- The border guard uses Unmanned Aerial Vehicles (UAV) for surveillance and intervention tasks. Each of the regional units responsible for the external land borders is connected to the system. It consists of three platforms (unmanned mini motor gliders), a ground station (with remote control, screens and antenna) and other supporting equipment. The platforms are equipped with daylight and night-vision cameras, and one platform can be used at any given time. High-quality images from the cameras are delivered in real-time either to the ground station or other connected recipients. This UAV system can enhance the border surveillance capacity, improve situational awareness and facilitate reaction capacities. Once a flying object is detected, the Regional Coordination Centre is swiftly informed for specific intervention measures to be conducted. [*Poland, 2019*]

International cooperation
- The establishment of multilateral cooperation and bilateral agreements with several third countries allows data exchange in real time on maritime surveillance and in the border crossing points for the checks on ferries, and other border-related information. The authorities actively support the development of national capabilities for border control in third countries by donating assets. [*Italy, 2021*]
- The national authorities manage the migration flows and tackle cross-border crime from outside the Schengen area through the implementation of a regional concept of border surveillance. It includes the deployment of liaison officers from third countries to the regional coordination centres of the Member State and vice versa, which aims to facilitate direct cooperation and exchange of information. Border guard units are deployed in the territorial waters and on land of the third countries, ensuring constant joint patrolling by sea and air. A search and rescue mechanism complements the regional border surveillance system with vessels coordinated by the national search and rescue agency. [*Spain, 2022*]

2. *Visa policy*

External Service Provider
- **Imposing financial sanctions on external service providers** in case of non-compliance with the contract, combined with reinforced monitoring of their work, is an effective way to bring the external service provider in conformity with the provisions of the contract and improve its performance. [*Austria, 2022*]

National IT system
- In the national IT visa system, urgent applications (e.g. in a case when an applicant needs to travel very shortly following the submission of the application, such as hospitalisation of a close family member) are permanently flagged. Therefore, urgent applications are easy to identify and their examination can be easily prioritised. [*Malta, 2022*]

3. Return

Effectiveness of the return system
Return procedures - The practice of taking return, removal and entry ban decisions in one step reduces the administrative burden while the procedural rights of the returnees are fully respected. [*Austria, 2015*] - The procedure of notifying the 'intention of issuing an entry ban' when an irregular stay is detected during exit checks, giving the third-country national the opportunity to raise objections, allows the authorities to issue an entry ban without interrupting the departure of the third-country national while respecting the third-country national's rights. [*Netherlands, 2021*] - The procedure established for systematically controlling the compliance of a third-country national with the obligation to return within the period for voluntary departure includes: • Verification of the departure of the third-country national via border crossing points in the State Border Guard Service information system, • Consultation with neighbouring Member States' competent authorities on whether the third-country national departed via their section of the external border; • If the above checks do not yield results, the State Border Guard Service visits the last known address of the third country national in the Member State; • The Migration Department is informed of the results and takes appropriate measures. [*Lithuania, 2018*]
Voluntary return - The promotion of assisted voluntary return programmes at every stage of the asylum and return procedures ensures that third-country nationals are fully informed about the possibility to return voluntarily from the earliest contact with national authorities. This practice contributes to the high rate of voluntary return, which promotes a more dignified, safer and cost-effective manner to return irregularly staying third-country nationals. [*Luxembourg, 2016*] - Throughout the entire return process, voluntary return is a priority for the national authorities. There is a proactive approach to motivate third-country nationals for voluntary departure during all stages of the procedure, particularly at detention centres. The detention centres are considered conducive to promote voluntary return, with case managers and authorities actively motivating third-country nationals to leave the country voluntarily, while providing adequate accommodation and support. [*Netherlands, 2021*] - The early engagement with returnees when promoting voluntary return/departure and the possibility for a returnee to participate in a voluntary return scheme at any point of the return process, promotes and increases the use of voluntary return and reintegration as an integral part of a common EU system for return in line with the EU strategy on voluntary return and reintegration. [*Denmark, 2022*]

IT system

- The use of modern, tailor-made technical equipment like tablets, smartphones and other portable items, with dedicated software programmed to facilitate the work of the police in identifying third-country nationals, to swiftly verify whether the third-country nationals subject to police checks are entitled to stay in the Member State. [*Switzerland, 2018*]

- The use of high-end technology, mobile devices and comprehensive databases for easy access and exchange of information favours the effective return of third-country nationals with no right to stay. [*Netherlands, 2021*]

- The national IT return case management system, which was developed in line with the Frontex model (RECAMAS), provides return-related authorities with an efficient and integrated tool, favouring the effective management of return cases. [*Italy, 2021*]

- The connection of the national migration case management system to the Frontex Application for Return (FAR) charter flights module allows national authorities to reach directly all charter operations organised with the support of Frontex, and help them to organise and participate in return operations more efficiently. [*Austria, 2020*]

Safeguards

Forced-return procedure

- Procedures are in place enabling authorities to take a fast decision on a subsequent asylum application lodged during the removal process to avoid postponing or delaying the removal of a third-country national while respecting the principle of *non-refoulement*. [*Netherlands, 2015*]

Forced-return monitoring

- Adequate monitoring is ensured by the full independence of the National Guarantor, the scope of its action, the trainings provided to the return escorts on fundamental rights and the principle of *non-refoulement*, as well as the regional network of trained forced return monitors operating on the whole territory. [*Italy, 2021*]

- The regular online publication of the forced-return monitoring reports by the Public Defender of Rights, including in English as part of the annual general report of the Ombudsman ensures an additional layer of scrutiny over the removal process, enhancing its transparency, and further supports the effectiveness of the forced-return monitoring mechanism. [*Czechia, 2019*]

Training

- An extensive training programme conducted by highly qualified trainers, along with an established framework for escorting, supported by a well-developed network of trainers, guarantees high standards of performing escorts in line with Frontex standards. The training consists of both theoretical and practical parts. The theoretical part focuses on return operations procedure, fundamental rights, legal framework, communication and cultural awareness as well as medical aspects. During the practical part, officers get familiar with Intervention Techniques and Restraints Situation Training (First Contact, Briefing PIC, Boarding, Seating, Movement on Board, Unauthorised Movement, Catering, Lavatory Procedure and Handover). The practical exercises are done in an airplane mock-up, which makes it possible to train in realistic situations. [*Portugal, 2022*]

Detention for the purpose of removal
Detention centres
- A children's room in registration facilities for foreigners provides appropriate and stimulating surroundings for children. The long opening hours and accessibility without restrictions, the presence of a social worker and the large amount of games and activities available make it attractive for children to use. [*Lithuania, 2018*] - Family centres and targeted psychiatric facilities can cater to the particular needs of vulnerable persons in detention. The family centre's layout, activities and staff commitment allow for family life as close as possible to normal and provide appropriate and stimulating surroundings for families and unaccompanied minors. The psychiatric facility provides for close cooperation between the relevant partners to address the needs of vulnerable persons with psychological problems in the return process while increasing the efficiency of return procedures. [*Netherlands, 2021*] - The developed protocols and training of the personnel, combined with the design and the regime contribute to mitigating the stress and trauma for minors in the return process and are in line with the best interests of the child principle. [*Norway, 2022*]

4. *Police Cooperation*

National Strategies on Law Enforcement
- Every four years, the Minister of Justice and Security sets the National Security Agenda with national policy objectives for police duties. On a regional level, the local government translates the national priorities into regional policy objectives for the police in the Regional Security Agenda. Law enforcement agencies exchange intelligence and information to gather appropriate information and intelligence to contribute to the National Security Agenda, the Regional Security Agendas and Europol's Serious and Organised Crime Threat Assessment (SOCTA). Steering Committees from the Research Department are tasked with the coordination and monitoring of the whole procedure. A daily operational briefing allows the different police teams to be informed about the specific points of attention in their working field. The briefing is based on a national model and provides all relevant information and intelligence available on local, regional, national and international level. Various threat assessments are also elaborated. They are used for instance as a starting point for policymaking in the fight against organised crime and estimating threat levels that indicate the likelihood of a terrorist attack. Additionally, the Research and Analysis desks of all Regional Intelligence Services make their own threat and security assessments. [*Netherlands, 2021*]

Organisation of the Single Point of Contact (SPOC) for international law enforcement information exchange

Organisation, information exchange

- National systems are available across all law enforcement agencies, allowing to search each other's information, which reduces delays and increases efficiency. Furthermore, because all law enforcement agencies use the same national system to register cases, it prevents different law enforcement agencies from working on the same cases or missing opportunities for more cohesive working. [*Finland, 2018*]

- For better coordination of international police cooperation, the Police created a network of contact officers for international police cooperation. They are located in all Regional Police headquarters and the capital's Metropolitan Police headquarter. The contact officers function as a link between local police officers and the SPOC in National Police headquater when performing the following tasks: advising on the choice of channel for police cooperation, assisting in drafting the information exchange requests, translating, and transferring the replies to the local police, raising the awareness of local police officers of different international information exchange possibilities. The contact officers help to improve the quality and facilitate the coordination of information exchange requests. [*Poland, 2019*]

- There is a well-established daily flow of criminal incidents reporting from the local to the regional and state levels. In practice, an e-report on the events of the last 24 hours is regularly available to the local station management team, the regional level and the State Central Criminal Police Office. It allows all levels to take informed decisions. [*Germany, 2020*]

- The system for the coordination of counter-terrorist operations gathers all the intelligence from the different police organisations and institutions responsible for preventing and countering terrorism, violent radicalism, organised and serious crime. The system presents an adequate alternative, combining information management with operational coordination in a situation where the relevant national authorities do not have access to each other's databases. [*Spain, 2022*]

Organisation

- The permanent Police, Customs and Border Guard Crime Intelligence and Analysis Centre (PCB) is a form of effective cooperation and coordination between the law enforcement authorities producing, among others, common analytical and threat assessment products. As such the PCB can be seen as a linchpin supporting both the policy level in taking evidence-based decisions based on a common situation picture as well as the regional and local services in their investigation and intelligence efforts. [*Finland, 2018*]

- Comprehensive and intensive cooperation between law enforcement agencies and the National Tax and Customs Administration both at national and regional levels. Joint investigations and operations as well as exchanges of information and data are common practices. [*Hungary, 2019*]

- Police Cooperation Centres (PCC) have their own new state-of-the-art Case Management System (CMS) module, which is integrated into the national CMS police system and has built-in functionality for generating comprehensive automated statistics on cross-border activities. [*Hungary, 2019*]

- The creation of Central Offices, pooling resources from different administrations and focusing on one type of crime, leads to very effective operational results. [*France, 2021*]

- Effective structure to produce not only the national threat assessment but also dedicated threat and risk assessments. It combines centrally organised quality control with requirement analysis at regional level. The multi-disciplinary strategic analysis unit is responsible for strategic crime analysis. The unit consists

of a team working at the national level and field teams in several regions. Quality control is maintained at the central level which also ensures coherence between the different analytical products. The unit produces the annual national threat assessment which focuses on organised crime groups. [*France, 2021*]

- The International Cooperation Division combines operational information exchange with strategic decision-making at international level. This Division hosts the national Single Point of Contact for law enforcement international information exchanges. It benefits from representation from both national police forces, regional police forces as well as customs. Both relevant authorities have a network of experts on international police cooperation, which assist and advise the criminal intelligence units at regional level on the use of the instruments of international police cooperation. The main law enforcement authorities train experts on international police cooperation regularly. These experts form part of their unit at regional level and perform this function in addition to their daily work. Knowledge is transmitted to the network at an annual meeting, where for example national Liaison Officers at Europol are invited as speakers. In between these meetings, knowledge about new procedures is transmitted to the network either via newsletters or *ad hoc* meetings. In addition, the experts of the authority's network receive a one week capability training before joining the network. These expert networks are a low-threshold way for the dissemination of knowledge on international police cooperation at the regional level. [*Spain 2022*]

Information Management – mobile applications

- Mobile devices have been deployed to provide patrol officers with access to relevant databases via a mobile application. Both user-friendly and powerful, mobile devices can read vehicle licence plates as well as the Machine-Readable Zone (MRZ) of identity documents. They are also equipped with facial recognition capabilities (i.e. send photographs for facial recognition purposes to a central database). [*Hungary, 2019*]

- All police officers with the relevant profile have been equipped with smartphones with direct access to (inter)national databases and with a secure communication application. The national police forces use a mobile solution for working outside the office. Via mobile devices (tablets, smartphones and laptops), every operational police officer can query (inter)national databases (such as identity documents, license plates and biometrics). Objects, such as license plates, which are scanned with the smartphone, are immediately checked against the central database. [*Netherlands, 2021*]

Use of Europol tools for cross-border cooperation and information exchange

- Data from the national system for police investigations is automatically uploaded into Europol's Information System. The database of ongoing investigations is connected to an automated data loader in Europol's Information System. New information is inserted, existing information is enhanced and old information is removed daily. This process is completely automated. The Europol National Unit handles hits occurring between national investigations and foreign investigations, already available within Europol's Information System. [*Netherlands, 2021*]

Cross-border cooperation in internal border areas

Operational cooperation with neighbouring Member States

-   Joint trilateral patrols on trains with its neighbours. [*Austria, 2015*]

-   A bi-annual joint crime analysis report and an operational crime analysis report are prepared between Member States on a fortnightly basis. Further, a daily briefing with information on crimes committed in one Member State is prepared and shared with the partner Member States. [*Liechtenstein, 2015*]

-   Within a border region police district, there is a joint analysis team. This consists of several agencies comprising police, customs, and border and criminal offices. The analyses are used to inform decisions regarding border controls, policing and customs matters. It was noted that analysis reports were used to brief officers in advance of joint patrols, including the determination of the days, times and locations where such patrols would take place. For the ports authorised for non-Schengen arrivals, monthly risk analysis reports are compiled. These are used to inform the operational as well as the administrative aspects of the border controls. [*Denmark, 2017*]

-   The Administrative Agreement on Cooperation between Police Authorities in the Nordic Countries provides for increasing operational police cooperation between the Nordic police authorities. The Agreement sets out guidelines for the exchange of information (to prevent, detect or investigate a criminal offence), police interviews in the jurisdiction of one of the other parties, requests for transcripts of criminal records and serving of subpoenas, search for a person in another Nordic country, Joint Investigation Teams, lending of equipment and transit in connection with extradition of foreign citizens. National police officers are well aware of the provisions that this agreement enabled them to utilise. [*Denmark, 2017; Finland, 2018*]

-   To ensure effective cross-border cooperation and mutualisation of resources, neighbouring Member States signed an agreement on the Common use of Covert Human Intelligence Sources to carry out undercover intelligence operations through a common pool of police officers. [*Lithuania, 2018*]

-   The bilateral agreements on police cooperation concluded with two neighbouring Member States enable the exchange of information on administrative offences, provide for the transfer and transit of persons through the territory of the other state by officers of the other contracting party, contain provisions extending the traditional scope for cross-border hot pursuit and surveillance and grant the same police powers as a national police officer when the other Member State police officers carry out their activities on their respective territory. These agreements also organise a wealth of cross-border joint police cooperation initiatives. [*Czechia, 2019*]

-   The national data system delivers screen flashes when an operation starts thus immediately alerting operators for necessary follow-up. It also provides live feed. The geolocation of the patrolling cars is also visible in the system. Both the Police Cooperation and Customs Centres and the SPOC have direct access to it. [*Czechia, 2019*]

-   Bilateral agreements in force with neighbouring Schengen countries allow cross-border hot pursuits in the respective territories without any time and territorial restrictions, as well as give permission for hot pursuit beyond offences mentioned in Article 2 of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, for example, if someone avoids police or border checks. The bilateral agreements go also beyond the Schengen Convention provisions by allowing hot pursuit on water as well by allowing the apprehension of the pursued person

by the foreign police officer carrying out the hot pursuit. According to the agreement, hot pursuits can be carried out through more than one Schengen internal border. [*Slovakia, 2019; Hungary, 2019*]

- The Member States cooperate successfully in cross-border surveillance with the neighbouring countries in cases of tracking GPS devices upon international requests. All neighbouring countries have technically compatible devices, which ensure the successful tracking of vehicles without physical surveillance. The central office coordinates the execution of such cases and keeps comprehensive statistics. [*Hungary, 2019*]

- Joint bi-national brigades to combat illegal immigration and smugglers are integrated and permanent international cooperation mechanisms enabling two neighbouring countries to organise controls based on shared analysis of migration risks. Composed of an equal number of officers from both countries selected for their technical and linguistic skills, these "brigades" (or "joint units") set up at the Franco-German and Franco-Italian borders are either governed by the Prüm agreements or by a bilateral agreement. In addition to the organisation of joint patrols, the joint brigades (or joint units) provide joint training. This joint brigade system facilitates the exchange of information between two neighbouring countries and the coordination of control operations and should therefore be encouraged and extended to other borders in particular the French-Spanish border. [*France, 2021*]

Human resources

Liaison officers (LO)

- In the framework of their trilateral police agreement, the Member State has agreed to share all their Liaison Officers based in third countries and to target specific geographical target areas. [*Belgium, 2015*]

- Under the Nordic police cooperation agreement national law enforcement authorities (Police, Customs and Border Guards) can use the entire network of Nordic Liaison Officers around the world. It is also possible for Member States to use Liaison Officers' of other Member States. Furthermore, the cooperation between the Member State's police is enhanced by the deployment within the police department of one Member State. [*Finland, 2018*]

Training

- The Member State has embraced the concept of joint training with the police services of its neighbouring countries as a way to improve cooperation in the border areas. Joint trainings and other law enforcement agencies with foreign counterparts stem for instance from the work of the Bilateral Cooperation Committee. Joint trainings are also organised by the Police and Customs Cooperation Centre. [*Germany, 2020; Spain 2022*]

Support of foreign police officers during events

- In case of special events (e.g. music festivals, Christmas markets, sports events and football matches), the police authorities based on Council Decision 2008/615/JHA use the support of foreign police officers. During a large festival the state police benefits from the support of uniformed police officers from other EU Member States, and special pickpocket investigators from other EU Member States. [*Germany, 2020*]

Schengen Information System (SIS)

National applications

Alerts and queries

- If the SIRENE Bureau creates, updates or deletes an alert using the national application, the issuing/requesting authority is automatically notified using an automatic email notification. This simplifies the procedure, reduces the workload and improves the exchange of information between the different authorities involved. [*Hungary, 2019*]

- Extensive roll-out of the functionality that provides for searches based on fingerprints in national and SIS Automated Fingerprint Identification System (AFIS). This functionality and the fingerprint readers are available in most police stations. [*Germany, 2020*]

- The Member State receives passenger data from all flights coming from third countries, the Targeting Centre Borders compiles it and the data is processed automatically through the national Advance Passenger Information (API) System. The API System consists of national databases, 'watch lists', profiles based on risk analysis, the SIS and the Stolen and Lost Travel Documents (SLTD) database. In case of a match, the operators have access to several databases and use the national application to verify the match and get more information about the alert (photographs, fingerprints, more details about the 'action to be taken', etc.). The hit result displays identifiers, 'reason for request' and 'action to be taken'. The suspect's data and flight details are sent to the relevant airport or seaport which is responsible for apprehending the suspect. [*Netherlands, 2021*]

- All SIS query applications provide an easy possibility (a small red button right under the name of the end-user) to see the information on data quality warnings on SIS alerts created per office (by office code), which can be an easy way to rectify errors in the national SIS alerts. [*Italy, 2021*]

Hit reporting

- Several practices are in place to ensure the automatic notification of a hit to the SIRENE Bureau. In particular:

  - Displaying of information on second line officer's screens on a hit as soon as it is registered in the first line. The border guards in the SIRENE Bureau also receive information on hits via the border guard application. [*Poland, 2015*]
  - When the National Road Vehicle Agency achieves a hit, the SIRENE Bureau receives an automatic e-mail notification. This allows the SIRENE operator to verify the hit and contact the Agency in case the latter has not taken the initiative. [*Luxembourg, 2016*]
  - The border application has a direct 'chat' functionality with the case handler in the SIRENE Bureau, which allows immediate direct contact with the SIRENE Bureau if an internal hit reporting form is sent off. [*Croatia, 2018*]
  - End users can send a hit notification to SIRENE directly from the SIS alert review window (automatic email generation). [*Lithuania, 2018*]
  - The national application allows the end-user to send instant messages (i.e. from first to second line) to provide further details about the hit. [*Finland, 2018*]

- A structured reporting form is available to the first-line border control officers in the border control application; it is used for describing the circumstances surrounding the hit and sending this information to the second-line control. [*Poland, 2019*]

- A standardised hit reporting form is available to all end-users. End-users can access this form directly via the applications used to query SIS at the state level or by the file-handling system of the Federal Police. The hit form is interactive and can be easily completed using the values provided in the drop-down menu. It also identifies erroneous information entered in the free-text fields. [*Germany, 2020*]

- At the airport, border guards have set up an effective follow-up procedure for hits on discreet check alerts in cooperation with customs officers. When border guards notice that a passenger is subject to an SIS request for a discreet check, they will discreetly signal this to customs officers. [*France, 2021*]

Mobile devices

- The important roll-out of mobile devices has increased the overall number of searches and hits in SIS. [*Czechia, 2019*]

- Use of a mobile device that checks the readable zone of the travel documents, shows and stores the data from documents, and searches national databases and the SIS. In case of a breakdown of the query systems, mobile devices with document readers can be used to check the SIS for passenger traffic control. [*Hungary, 2019*]

- The distribution of mobile devices equipped to query in the Schengen Information System ensures that all police officers can easily and swiftly query the system by themselves no matter where they are. [*Belgium, 2021*]

Alert creation
- In the SIRENE workflow, a warning message was created to remind the authorities of the necessity to insert biometrics if available when creating an alert in SIS. [*Netherlands, 2021*]
- When creating SIS alerts via the national application, data from previous records are automatically added. Photographs are attached and identity details can be automatically inserted into the new alert. [*France, 2021*]

National SIS and IT systems
- An alert system is available to signal anomalies immediately. The monitoring tool sends emails to system administrators in the event of an anomaly. [*Italy, 2016*]
- The Security operation centre monitors the security at user's level of the entire police network, detecting anomalies that might indicate possible attacks. When the Security operation centre detects a suspicious use, the Operation centre has to intervene to verify the possible anomaly. The active monitoring of 'atypical behaviour' from the end-users performing queries allows them to identify signs of improper use of the Schengen Information System and to prevent possible data security risks. [*Netherlands, 2021*]

SIRENE Bureau
SIRENE procedures
- The Prosecutor's Office has a duty desk that is available 24/7 for referrals from the SIRENE Bureau. [*Denmark, 2017*]

- Involvement of SIRENE staff in on-spot activities during large-scale police operations. [*Switzerland, 2018*]

- A certificate is issued to the victims of misused identities in accordance with national procedures. [*Denmark, 2022*]

- There is a facility to submit fingerprints from the Schengen Information System to the national Automated Fingerprint Identification System through the SIRENE workflow system and get hit/no-hit responses automatically. This process is only initiated when a case file is created in the SIRENE workflow system. In accordance with the legislation, the process does not entail the storage of the SIS fingerprints in the national AFIS. [*Ireland, 2021*]

SIRENE workflow system

- In the case-management applications, when there is a hit in an alert that contains aliases, misused identities and/or links, a window pops up highlighting the presence of this relevant information. This notification effectively addresses one of the most common problems among the query solutions in the different Member States: the difficulty of making this information visible to the end-user. [*Hungary, 2019*]

- The SIRENE workflow system automatically checks all incoming messages from all international channels (including also SIRENE forms), against pre-defined keywords. Personal data included in the forms is automatically checked against the connected databases. Positive results from such screening are marked as 'hot hits' to indicate that those forms should be handled as a priority. Thanks to this solution, the SIRENE Bureau can effectively manage incoming requests without any backlog. [*Liechtenstein, 2021*]

- The workflow system contains many useful functionalities, including the possibility of direct messaging with the end-users and vice-versa, shortcuts buttons for the most-used functions. [*Ireland, 2021*]

- Incoming A and M forms (used to exchange information on European arrest warrants and extradition requests, and on miscellaneous supplementary information when no procedure is laid down, respectively) on persons are processed automatically in the SIRENE case management system, which automatically transfers the incoming forms on alerts related to terrorism to the Danish Security and Intelligence Service. [*Denmark, 2022*]

- The SIRENE forms created by officers are pre-filled with alert data and have predefined texts available that can be added just with one click. The predefined texts are tailored for each form and type of alert. [*Slovakia 2019*]

Training

- The national police service has strongly supported the development of well-designed e-learning modules that turned out to be particularly efficient in the pandemic context, to reach almost all end-users interested. Tools were also developed to monitor the progress of the training audience and refresher courses were introduced. This led to an average good knowledge among the end-users of the Schengen Information System in terms of potentiality, functionalities and procedures to follow. [*Ireland, 2021*]

- A comprehensive handbook covering internal procedures for handling SIS alerts is available for SIRENE operators and most importantly can be accessed directly from the SIRENE case handling application. [*Norway, 2017*]

6. *Data protection*

- The data protection authority's (DPA) staff members working with issues related to Visa Information System (VIS) and Schengen Information System (SIS) receive appropriate training, which is customised for each person individually. [*Netherlands, 2021*]

- Wide-ranging training concept of the N.SIS controller and in particular, the provision of e-learning modules and the comprehensive training strategy for new staff members [*Netherlands, 2021*]

- Decentralised structure of personal data protection monitoring where contact persons for the issues regarding personal data protection are available in every unit of the police whilst two data protection officers (DPOs) are in charge of general supervision. [*Netherlands, 2021*]

- The Data Protection Officer of the N.SIS controller has established a comprehensive data breach notification policy, including procedures, tools and instructions to staff. [*Germany, 2020*]

- Replies to data subjects from the authority managing the N.SIS are available in different languages. [*Denmark, 2017*]

- The authorities managing the N.SIS and N.VIS accept requests made in languages other than the Member States' language. [*Lithuania, 2018*]

- The Ministry of European and International Affairs' multi-pronged (regular and comprehensive) approach to auditing the visa process in the framework of the Visa Information System. [*Austria, 2020*]

- There is well developed data protection training for expatriate staff at Consular Posts and data protection training, which is organised in cooperation with the Ministry of Foreign Affairs' Data Protection Officer and the Data Protection Authority. [*Czech Republic, 2019*]

- The Federal Data Protection Authority has developed tools for implementing regular supervision of the Federal Schengen Information System and Visa Information System authorities and carried out several supervisory activities. [*Germany 2020*].

- Extensive activities of the N.VIS controller in relation to the supervision of the consulates and of the external service provider, including on data security and data protection issues. In particular, a series of self-audits were performed in the last years by the N.VIS controller. [*Spain 2017*]