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From: General Secretariat of the Council

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To: Delegations

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

Delegations will find in the annex the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2018 evaluation of Switzerland on the application of the Schengen acquis in the field of management of the external border, adopted by the Council at its meeting held on 12 November 2018.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2018 evaluation of Switzerland on the application of the Schengen acquis in the field of management of the external border

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen¹, and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision is to recommend to Switzerland remedial actions to address the deficiencies identified during the Schengen evaluation in the field of management of the external border carried out in 2018. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2018) 6000.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The use by the cantonal police of the application "MACS" for mobile phones is considered a good practice as it allows their border guards to easily access relevant information on forged documents, to check persons in the national police database in a short time and to get information on border control legislation and practice. Also the number and the availability of the databases in the first and second line at Geneva Airport and the well-developed integrated border application "GREKO New Generation" with its single search interface for supporting the first line checks at Zurich Airport were considered to be good practices.
- (3) In light of the importance of complying with the Schengen acquis, priority should be given to implementing the recommendations related to the integrated border management strategy and inter-agency cooperation: 1, 3 and 34; human resources and training: 21, 33 and 39; checking procedures/infrastructure: 18, 29 and 36.
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Switzerland should, pursuant to Article 16 (1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that Switzerland should

Integrated border management strategy

1. establish the new national integrated border management strategy supported by a multi-annual action plan in line with Regulation (EU) 2016/1624 and Union standards; develop a national administrative capacity to establish, implement and monitor the implementation of the integrated border management strategy;

- strengthen the national coordination and steering mechanism for border management by updating and expanding the mandate of the Border Steering Group to cover the whole integrated border management concept;

Inter-agency cooperation

- further develop inter-agency cooperation by establishing permanent and more systematised cooperation structures; formalise the cooperation between the relevant authorities at all levels by written agreements to guarantee efficient and unified operational cooperation;
- enhance the coordinated participation of all Swiss border authorities to the European Border and Coast Guard Agency's led projects and make full use of its available training tools and expert groups to support the development of the Swiss border management concept in line with the European standards;

Training

- establish one national certified training curriculum on border control in line with the European Common Core Curriculum; consider establishing a common training course for all border guards;
- update the training programmes of both the Swiss Border Guard and the police in line with the European Common Core Curriculum (CCC) and ensure participation in the workshops organised by the European Border and Coast Guard Agency (the Agency) on the implementation of the CCC; make full use of the Interoperability Assessment Programme (IAP) of the Agency and ensure participation of all authorities involved in border control;

Risk Analysis

- include all components of integrated border management in the risk analysis system, including return and crime prevention;
- further develop the risk analysis system by systematically, at all levels, evaluating threat, vulnerability and impact as per the Common Integrated Risk Analysis Model 2.0;

9. include - at Zurich Airport - a periodic analysis of the efficiency of the risk analysis unit and the effectiveness of the risk analysis products, following the dissemination of risk analysis products, to be used to inform the tasking of risk analysis products and thus to close the intelligence cycle;
10. increase administrative capacity to conduct risk analysis fully in line with the Common Integrated Risk Analysis Model 2.0; train a sufficient number of analysts on the model with training provided by the European Border and Coast Guard Agency, followed by using the train the trainer system;

National quality control mechanism

11. further develop the national quality control system by establishing a multi-annual national evaluation plan covering all integrated border management functions and all authorities involved in border management; make full use of the Schengen evaluators' training programme of the European Border and Coast Guard Agency and of experienced Swiss Schengen evaluators when developing the national capacity to conduct the national quality control; establish national capacity to contribute to the vulnerability assessment in line with the vulnerability assessment methodology established by the European Border and Coast Guard Agency;

National Coordination Centre

12. consider uploading the relevant incidents identified at the air borders to the Eurosur system in order to establish a more comprehensive situational image;

Horizontal issues

13. improve the practical implementation of the border check procedures by verifying all entry conditions on third country nationals in line with Article 8(3) of Regulation (EU) No 2016/399 (Schengen Borders Code);

14. increase the use of the available equipment for the detection of forged documents to perform border checks accurately;
15. ensure that, when the Swiss Border Guard provide the cantonal police with information to be investigated, they systematically receive the results of those investigations;
16. ensure that a stamp stating “revoked” is available at the second line office at Geneva Airport and EuroAirport Basel Mulhouse; bring the stamping procedure at those airports fully in line with point 3 of Annex IV of the Schengen Borders Code;
17. ensure the use of the standard form for refusal of entry as set out in Annex V, Part B of the Schengen Borders Code from the moment the amended Swiss Federal Act on Foreigners has entered into force;
18. ensure that for all private flights from or to third countries the border guards at Geneva and Zurich Airport receive, prior to take-off, the General Declaration in accordance with point 2.3.1 of Annex VI of the Schengen Borders Code;
19. ensure that third-country nationals subject to a thorough second line check are always given written information on the purpose of, and the procedure for, such check; make the information available in all the official languages of the Union in accordance with Article 8(5) of the Schengen Borders Code;
20. ensure the awareness of border guards working at the airports of Geneva and Zurich of the risk analysis products by systematically testing their knowledge of those products;

Geneva Airport

21. take measures to increase the level of professionalism of the temporary first line border guards of the Swiss Border Guard by, e.g. providing additional training and structured updates to ensure a high and uniform level of border control;

22. ensure permanent manning of the second line office during opening hours to perform the necessary analyses such as the systematic assessment of the Advance Passenger Information data;
23. implement a structural and mandatory refresher training programme on a local level and improve the cooperation in the field of training between the Swiss Border Guard and the International Police Geneva, by e.g. organising joint training courses;
24. make better use of the well-developed e-learning tool by making it mandatory to follow for all border guards and by having them use it more frequently;
25. improve the English language skills of the first line border guards;
26. improve the performance of telecommunication infrastructure at the first line for the consultation by the border guards of the Schengen Information System and the Visa Information system;
27. update the intranet by providing the latest version of the relevant documents related to border control;
28. ensure that all cases handled by the second line are registered;
29. urgently revise the border check procedure in the first line and increase the training of the border guards to ensure that the persons enjoying the right of free movement under Union Law are subject to border checks in accordance with Article 3(a) and Article 8(2) of the Schengen Borders Code;
30. adapt the control booths at the B-pier (Trompette) to ensure that the border guards are in a higher position and adjust the position of the arrival control booths to facilitate profiling of the passengers;

31. ensure that the privacy of the passengers being checked at the control booths at the C-Pier is guaranteed by increasing the distance of the stop line to the control booths;
32. increase the situational awareness and reaction capability of the Swiss Border Guards by making better use of the CCTV (closed circuit television) system for border control purposes;

EuroAirport Basel Mulhouse

33. ensure that the border guards from the region coming to work at the airport during the summer period receive the needed refresher training before they take up their duties;
34. urgently improve the cooperation with the French border police at the airport by ensuring a coherent, formal, regular and systematic exchange of information, risk analysis products and risk profiles in order to increase the situational awareness, compile a reliable situational picture and manage the response capacity of both authorities, by also revising the cooperation agreement in force;
35. implement CIRAM 2.0 and create a specialised risk analysis unit performing operational risk analysis;
36. take the appropriate measures to physically separate the flow of passengers on intra-Schengen flights from the flow of passengers on extra-Schengen flights, even if France has temporarily reintroduced internal border controls, to perform border checks in line with the Schengen Borders Code;
37. adapt the departure control booths and the area in front of those booths and raise the position of the borders guards in the arrival control booths, to facilitate profiling of the passengers;
38. bring the colours of the signposting at arrivals and departures at Basel Airport in line with Annex III Part B2 of the Schengen Borders Code;

Zurich Airport

39. increase the number of staff to perform first line checks during peak season and second line checks, in particular the number of document experts, to provide effective border checks and to keep a good balance with the growth of the passenger flow at the airport;
40. train more first line border guards in advanced document examination; consider cooperation with other police departments or the Swiss Border Guards in the field of document training;
41. formalise the inter-agency cooperation for the exchange of information, in particular between the cantonal police and the customs administration;
42. take the necessary measures to prevent unauthorised reading of the computer screens at all the control booths at arrival and departure;
43. ensure access to all EU/EEA countries' certificates for the proper use of the Automated Border Control (ABC) system to assure that the biometric data is retrieved from the chip to be compared with the biometrics captured live from the traveller; implement a testing tool to be aware of the False Acceptance Rate and False Rejection Rate for the purpose of quality assurance and performance measurements of the ABC system; deploy trained personnel to assist the passengers using the ABC gates to have a smooth, uninterrupted flow of passengers and to avoid unnecessary delays;

Done at Brussels,

For the Council

The President
