

Brussels, 29 January 2018
(OR. en)

5741/18

Interinstitutional File:
2017/0303 (NLE)

SCH-EVAL 23
FRONT 18
COMIX 36

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	29 January 2018
To:	Delegations
No. prev. doc.:	5204/18
Subject:	COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the serious deficiencies identified in the 2017 evaluation of Iceland 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 addressing the serious deficiencies identified in the 2017 evaluation of Iceland 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 29 January 2018.

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

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the serious deficiencies identified in the 2017 evaluation of Iceland 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 Iceland remedial actions to address the serious deficiencies identified during the Schengen evaluation in the field of management of the external border carried out in 2017. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2017)5134.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) To increase the operational efficiency in border management, the Icelandic Police via the International Department, makes extensive use of the well-functioning network of police and customs liaison officers shared by the Nordic countries enabling effective inter-institutional cooperation at national and international level. The Police Unit in Keflavik Airport upholds an active information exchange for the prevention and countering of cross-border crime through the Nordic Airport Police Information Exchange (NAPIX) network. The Document Centre in Keflavik Airport is an effective tool for thorough scrutiny of travel documents and for providing forensic support to the regional police units nationwide.
- (3) Notwithstanding these points of particular interest, the on-site visit revealed serious deficiencies in the carrying out of external border control by Iceland, in particular due to the lack of a strategic approach to border management and an insufficient staffing and training level. Under the current circumstances where Iceland is facing a sharp increase in the number of passengers and risks related to irregular migration, Iceland is seriously neglecting its obligations in the carrying out of external border controls and ensuring an efficient, high and uniform level of border checks.
- (4) Therefore it is important to remedy each of the deficiencies identified with the least possible delay. In light of the importance complying with the Schengen acquis, priority should be given to implement recommendations, as regards: integrated border management: 1 and 3; human resources and professionalism: 4, 5, 6, 7, 26, 34, 35 and 36; risk analysis: 15 and 16; sea border surveillance: 21; information exchange: 29; advance passenger information 32.
- (5) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within one month of its adoption, Iceland 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 Iceland should:

General

A) Integrated Border Management (IBM)

1. strengthen the strategic planning, capacity building and coordination capacity on integrated border management within the Icelandic Police at the national level; establish functional and specific border control management structures within the Icelandic Police to guarantee a comprehensive and unified approach to border control at the national and regional level;
2. supplement the notification based on Article 39(1.d) of the Schengen Borders Code (SBC) by adding the Icelandic Coast Guard and possibly the Directorate of Immigration to the list of national services responsible for border control;
3. establish a national IBM strategy in line with the requirements stipulated in the Article 3.3.1 (first sentence) of the European Border and Coast Guard Regulation (EBCG Regulation); the national IBM strategy should be supported by a multiannual action plan to guarantee effective implementation; make full use of the IBM training programme provided by the European Border and Coast Guard Agency (the Agency) when developing the national IBM strategy and the action plan;

B) Human resources and professionalism

4. take immediate actions to increase the number of appropriately trained staff appointed to conduct border checks, in particular at Keflavik Airport, but also in the Metropolitan Police and the Est Police District;
5. reconsider the concept of civilian "special border guards" recruited to support the police officers in Keflavik Airport to conduct first line border checks and provide them with an appropriate level of training in accordance with the Common Core Curriculum (CCC);

6. establish a multiannual human resources development plan for border control based on long term assessment of the national situation;
7. establish a national training system on border management covering all services involved in border management such as the Coast Guard and the Directorate of Immigration;
8. ensure that the national training curriculum for border management is in line with the CCC; consider using the Interoperability Assessment instrument provided by the Agency to make a comprehensive assessment of the implementation of the CCC; ensure that all border guards in different border services have received basic training in line with the CCC; make full use of available training tools prepared by the Agency and actively participate in national training coordinators meetings organised by the Training Unit of the Agency;
9. establish a basic national capacity and readiness to receive support from the Agency in case of operational need; make use of the focal point concept designed by the Agency by establishing a focal point at Keflavik Airport to be first tested and then activated if operational need arises; establish a clear national selection and recruiting process related to the deployment of staff to different joint operations and projects coordinated by the Agency;

C) National evaluation mechanism

10. establish a national quality control system in accordance to Article 4(j) of the EBCG Regulation 1624/2016 covering all national authorities involved in the implementation of the integrated border management; include in the system regular and systematic evaluation of the integrated border management concept based on an annual evaluation plan, clear reporting and follow-up mechanism and combine it with the setting up of a national vulnerability assessment function to guarantee a comprehensive and integrated approach and to contribute to the one to be developed by the Agency; train the experts in charge of the national evaluation in the European Schengen evaluator's course led by the Agency;

D) Risk Analysis

11. establish one single responsible body on the strategic level for conducting risk analysis on illegal migration and border-related matters, as well as a central database on risk indicators including data from all police and coast guard districts;
12. establish concrete risk indicators and risk profiles to support the border control activities and a coherent reporting system at local, regional and strategic level, including for Keflavik Airport, Metropolitan Police and Est Police District; establish a dissemination plan and a regularly updated electronic platform on border-related issues on the intranet to ensure a structured distribution of risk analysis reports to the relevant counterparts in the police and other national authorities involved in border management;
13. ensure sufficient number of specialised staff to carry out risk analysis functions at strategic, regional and local levels and provide them with appropriate training (including Keflavik Airport, Metropolitan Police and Est District);
14. establish a national system of inter-agency cooperation for the exchange of information on risk analysis conducted in the field of border control involving in particular the Icelandic Police, the Customs and the Coast Guard but also the Directorate for Immigration;
15. develop a risk analysis system in accordance with the IBM concept fully in line with the EBCG Regulation 1624/2016 and the Common Integrated Risk Analysis Model (CIRAM) 2.0 to link the risk analysis process and the border management at tactical, operational, and strategic level and to involve all authorities responsible for border control; produce risk analysis products in accordance with CIRAM 2.0, describing threat, vulnerability and impact at strategic, operational and tactical level; use the risk analysis for command and control functions, planning and resource allocation;
16. establish a risk analysis function in accordance with CIRAM 2.0 in the Icelandic Coast Guard to ensure an efficient formal cooperation with the main national authorities involved in border management, notably the Icelandic Police and the Directorate for Immigration;

E) International cooperation

17. conclude cooperation agreements with USA and Canada on border related issues such as exchange of information, risk analysis products and training to ensure a coherent pre-frontier picture as well as to improve the risk analysis functions;

F) Sea border surveillance

18. establish a clear strategic and operational plan for the sea border surveillance in the area of border control;
19. increase the patrolling hours for border management purposes by means of maritime and air capabilities and ensure the necessary financial, human and technical resources;
20. establish an information system to collect and analyse the maritime information for border management purposes and grant access to other relevant national authorities involved, in particular the Icelandic Police;
21. take immediate action to include relevant topics for border control in the initial, refreshment and specialised curricula for the staff of the Icelandic Coast Guard according to the CCC and in line with Article 16(1) of the Schengen Borders Code (SBC);

G) National Coordination Centre (NCC)/Eurosur

22. further develop the NCC to be fully in line with the Schengen requirements; consider merging it with the existing ICG Operational Centre in order to ensure an integrated national situational picture in line with the Eurosur Regulation 1052/2013. Consider contributing to the event and analysis layers in Eurosur;
23. ensure the NCC capacity to operate 24/7 by providing for a sufficient number of trained staff;
24. ensure the implementation of the capacity building project financed by Internal Security Fund - Borders to support the operationalisation of Eurosur in Iceland;

H) Recommendations on individual sites visited

Horizontal issues

25. consider centralising the power to issue the decisions of refusal of entry in the Icelandic Police that is the main national authority responsible for border checks and issuing threat assessments in relation to internal security and public order;
26. ensure the right level of professionalism and training for the staff applying the refusal of entry procedure;
27. ensure connection with the Visa Information System at the regional border crossing points and a sufficient level of training for the police staff to be able to perform the border checks procedure regarding the authenticity and validity of the visa in accordance with Article 8(3.b) SBC;
28. consider centralising the power to issue visas at the border in the Icelandic Police; ensure the right level of professionalism and training for the police staff in visa matters;
29. consider providing for electronic support to improve the communication between the Icelandic Police and the Directorate of Immigration to manage the migration related procedures in a timely manner;
30. ensure training for the Icelandic Police in the management of vulnerable groups (use available training tools as VEGA Children issued by the Agency);
31. ensure that national legislation and procedures in the case of refusal of entry are in line with Article 14(4) SBC and provide for appropriate reception facilities for the persons to be refused entry while waiting for the decision to be taken;

32. establish a coherent system for the check and analysis of Advance Passenger Information (API) according to Council Directive 82/2004. Extend the collection of data on passengers to support the risk analysis by implementing the Passengers Name Record Directive; ensure a sufficient number of trained staff to efficiently implement the API project;
33. adapt and implement the relevant legal provisions in respect to maximum and minimum applicable financial penalties to the carriers in order to bring it in line with Article 4 (1) of Directive 2001/51/EC;

Keflavik Airport

34. urgently take action to increase the number of staff to carry out border control in Keflavik Airport in accordance with Article 15 SBC. Ensure a specific border control function in the airport detached from the normal police tasks;
35. increase the number of briefings with the relevant staff to raise awareness and further develop their skills in line with Article 15 SBC;
36. increase training and awareness on the operational situation at the borders of the police and civilian staff to ensure that they are aware of the entry conditions for third country nationals laid down in Article 6(1) SBC and conduct border checks in line with Article 8(2) and 8(3.a) SBC as amended by Regulation (EU) 2017/458 of 15 March 2017;
37. ensure the availability of risk indicators for Foreign Terrorist Fighters in the first line and provide the border guards with relevant training on how to use them during the border checks;
38. provide persons who are subject to second line checks with written information in line with Article 8(5) SBC;
39. collect statistical data on second line checks to support the risk analysis process;

40. ensure that the conduct of border checks is in line with Article 8(3.a) SBC related to the calculation of stay and the other requirements, as well as with the Article 8(3.b) SBC;
41. ensure that first and second line border guards receive more training on the use of VIS to be able to retrieve relevant information on the applicant and visa by querying the VIS database;
42. ensure that the border check procedure on private flights is in line with Article 8(3) SBC and point 2.3.1 and 2.3.2 of Annex VI of the Schengen Borders Code;
43. effectively share the expertise of the Document Centre with other officers tasked with border control functions in other Police Districts, for example through the courses given by the training institutions;
44. disseminate regular reports with risk profiles, alerts, trends and modus operandi to border control staff; make the risk analysis products accessible during the daily border control work, including risk profiles on important issues including trafficking in human beings people smuggling;
45. provide training for border control staff to increase awareness on risk indicators and migration related threats;
46. ensure an appropriate coverage of the booths' glass in order to prevent unauthorised observation of the computer screens;
47. ensure appropriate space for inadmissible persons in the airport taking into account the future developments of the passenger flow;

The port of Sundahöfn/Reykjavik

48. provide mobile checking equipment to the police performing border check procedures in the ports to ensure that all passengers holding a visa are checked against the VIS according to Article 8 (3.b) SBC;
49. ensure an area in the immediate vicinity of the vessels for the Icelandic Police to perform border checks in the harbour in accordance with point 3.1.1 of Annex VI SBC;
50. consider the use of temporary facilities (e.g. container or special bus) to perform border checks in the harbours in accordance with Article 8 SBC;
51. ensure that border checks are carried out on the basis of risk indicators and risk profiles. Ensure compilation and dissemination of risk profiles for police staff performing border checks in ports;

Police District East

General issues

52. ensure that relevant risk profiles are developed, updated and communicated at local level to all officers involved in border checks in written format using an effective distribution channel (e.g. LOKE);
53. provide specific training in risk analysis for district liaison officers;
54. take immediate measures to establish a separate border control function at Egilsstaðir Station and increase the number of police officers that are assigned to perform border control to ensure the required level of border checks and support the business continuity;
55. consider the possibility to establish a police unit in Seyðisfjörður Port in order to cope with border management related tasks independently of weather conditions or additional work load. Provide more initial, refreshment and specialised training on border management related issues to police staff performing border control in accordance with the CCC and Article 16 SBC;

Seyðisfjörður Port

- 56. ensure that border checks are in line with Article 8 (3.b) SBC related to entry and exit of third country nationals;
- 57. ensure one second line functionality close to the place where first line checks are carried out;
- 58. ensure the practical implementation of Article 11 (4) and **Annex IV (4.b)** SBC by assigning the stamps indicating the security code to a border guard whose identity should be mentioned;
- 59. provide a specific working space for border checks at the port according to Article 19 and point 3.1.1 of Annex VI SBC;

Egilsstaðir Airport

- 60. provide a sufficient number of mobile boxes and working stations for border checks in order to ensure smooth border control at Egilsstaðir Airport during the summer time.

Done at Brussels,

For the Council

The President
