Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2020 evaluation of Austria on the application of the Schengen acquis in the field of management of the external borders

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2020 evaluation of Austria on the application of the Schengen acquis in the field of management of the external borders[1].

[1] Available in all official languages of the European Union on the Council public register, ST 10773/21

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2020 evaluation of Austria on the application of the Schengen acquis in the field of management of the external borders

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen[1], and in particular Article 15(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) A Schengen evaluation in the field of management of the external borders was carried out for Austria in November 2020. 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(2021) 1920.

[1] OJ L 295, 6.11.2013, p. 27.

(2) The integration of the results from the Schengen evaluation and monitoring mechanism, the vulnerability assessment and the national evaluation on-site visits in one national quality control mechanism, as well as the inclusion of Schengen Information System and police cooperation issues in the national evaluation on-site visits, are considered points of particular interest as they contribute to an inclusive national quality control mechanism.

(3) Recommendations should be made on remedial actions to be taken by Austria in order to address deficiencies identified as part of the evaluation. In light of the importance of complying with the Schengen *acquis*, priority should be given to implementing the recommendations related to risk analysis (2) and border checks and procedures (7).

(4) This Decision should be transmitted to the European Parliament and to the national parliaments of the Member States. Within three months of its adoption, Austria should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan setting out the measures intended to implement the recommendations issued and to provide that action plan to the Commission and the Council.

RECOMMENDS:

that Austria should:

Governance of the European Integrated Border Management

1. set up a dedicated contingency plan for any possible crisis in external border management; establish clear activation indicators, command and control functions, possible cooperation with Frontex, as well as test the plan;

Risk analysis and information exchange

2. align all risk analysis activities and products at the national, regional and local levels with the Common Integrated Risk Analysis Methodology 2.0, putting particular emphasis on the qualitative assessment of the data collected and presented, and ensure relevant regular training for risk analysts;

National and European situational awareness and early warning system – EUROSUR

3. ensure and maintain a complete, comprehensive and reliable national situational picture at the national coordination centre, by uploading information in the operational and analytical layers to allow for proper coordination, planning and implementation of national border control (Article 21(3)(c and e) of the European Border and Coast Guard Regulation);

Border check procedures

4. impose sanctions to the carriers for cases when Advance Passenger Information is not submitted or is submitted late;

5. ensure that at all airports with general aviation, the General Declaration, including the passenger list, is provided to the border police in advance in accordance with point 2.3.1 of the Annex VI of the Schengen Borders Code[1].

6. ensure that the stamps stating "REVOKED" are available at Vienna and Innsbruck airports and visa revocation process is done in accordance with Article 34(5) of the Visa Code;

7. ensure that the authenticity of chip data of passports containing a storage medium is checked in a proper and uniform way and in accordance with Article 8(2a) and Article 8(3)(a) of the Schengen Border Code;

[1] Regulation (EU) 2016/399 of the European Parliament and of the Council (Schengen Borders Code).

Infrastructure

8. ensure that all control booths located in the arrival area of Terminal 3 at Vienna airport and in Terminal 1 of Salzburg airport allow border guards to face the passengers directly and perform proper profiling, and prevent passengers from the unauthorised observation of computer screens in the control booths; rearrange the position of the booth dedicated for the EU/EEA/CH citizens at Innsbruck airport in a way that it can be easily seen by arriving passengers and ensure enough space in front of the booths for queuing passengers;

Salzburg Airport

9. set-up an office which is properly equipped for effectively performing a second-line interview;

10. ensure signposting at departures in Terminal 1 and in Terminal 2 in compliance with Article 10 and Annex III of the Schengen Borders Code.

Done at Brussels,

For the Council
The President