Council of the European Union

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**NOTE**

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| From: | General Secretariat of the Council |
| To: | National Parliaments |
| Subject: | Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border (Milan Bergamo Airport) |

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 2017 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border (Milan Bergamo Airport)[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 11183/18

**ANNEX**

Council Implementing Decision setting out a

**RECOMMENDATION**

**on addressing the deficiencies identified in the 2017 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border (Milan Bergamo Airport)**

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[2], 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 Italy remedial actions to address the deficiencies identified during the Schengen evaluation in the field of management of the external border (Milan Bergamo Airport) 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(2018)810.

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

(2) It is important to remedy each of the deficiencies identified with the least possible delay. Therefore no indication of priority for implementation of the recommendations should be given.

(3) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Italy 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 Italy should

1. conclude cooperation agreements at regional and local level between the National Police, the Financial Guard and Customs to establish a clear division of tasks between the national authorities, and to avoid overlapping of responsibilities in border management processes and activities;

2. further develop the inter-agency cooperation in the airport by establishing regular exchange of information and risk analysis products between the main three national authorities (the National Police, the Financial Guard and Customs) involved in countering cross-border crime to guarantee a full situational awareness and an efficient response capacity;

3. ensure a systematic exchange of relevant risk profiles between the three authorities to support the border control functions; integrate relevant information from the National Police and Customs in the risk analysis products generated in the airport in the regional border guard station; establish a regular exchange of information and risk analysis between the National Police, the Financial Guard and Customs;

4. conclude written contingency plans to support the timely reinforcement of staff and technical equipment in the Bergamo Airport to guarantee a clear distribution of tasks and support the efficient allocation of resources in crisis situations;

5. increase the number of officers designated to risk analysis to guarantee permanent coverage of risk analysis tasks in respect of the growing number of passengers and risks at Bergamo Airport;

6. provide regular training on cross border phenomena such as trafficking in human beings, foreign fighters, detection of criminal networks, as well as the identification and referral of vulnerable people;

7. establish a daily briefing system based on frequently issued tailored risk analysis products to the officers in first and second line;

8. establish a better intra-service flow of information between the risk analysis office and the investigation unit;

9. ensure that staff levels increase at the same rate as the increase of passenger flows;

10. ensure that staff levels are sufficiently high to make full use of the available infrastructure, as well as ensure a sufficient number of staff in support functions such as the second line;

11. improve the content of the training programme to include more border check-specific trainings, in particular on the provisions of the Schengen Borders Code, but also on other topics linked to border management; reorganise the training system in such a way that training is continuously provided based on identified needs at the local level, not only on available training places at central level;

12. improve the practical implementation of border checks procedures by verifying all entry conditions on third country nationals to be fully in line with Article 8(3)(a) of the Schengen Borders Code;

13. equip all first line booths with the necessary devices for detection of forged documents in order to perform border checks properly in accordance with the Schengen Catalogue, by increasing the number of manual checks on documents performed by the border guards in the first line;

14. improve the stability of IT infrastructure serving first line officers for the consultation of national databases, SIS, and VIS;

15. improve the accuracy of the border checks by replacing the stamps which cannot be affixed in a proper way and where it is difficult to certify the type of the border, the date or code digits;

16. stamp the travel documents of passengers being referred to the second line only once the second line interview results in the passenger being allowed to enter the Schengen area;

17. fully apply Directive 2004/82 by requesting Advance Passenger Information (API) data from all the flights from non-Schengen destinations;

18. ensure the development of infrastructure and a sufficient number of trained staff, and align the working procedures for border guards to bring border checks regarding the systematic checks of persons with the right of free movement against relevant databases in line with Article 8(2)(a) of the Schengen Borders Code;

19. enlarge and re-organise border control in the arrival and departure areas in order to optimise the management of the passenger flow in front of the booths and ensure an efficient border check procedure in the first line;

20. separate the lanes for “EU/EEA/CH Citizens” and “All passports” at the departure area already at the start of the queue and indicate the lanes with clear signposting;

21. increase the security of the control booths in order to prevent unauthorised observation, for instance by applying a foil on the side of the booth, as well as prevent access to the booths when they are not being used;

22. ensure proper waiting facilities at the airport for the inadmissible persons waiting to be returned;

23. ensure that on the apron, passengers arriving from non-Schengen flights cannot enter the terminal via the entrance for Schengen passengers;

24. ensure the signs in front of the booths at the arrival area bear indications that are in accordance with the provisions of Article 10 and Annex III of the Schengen Borders Code.

Done at Brussels,

*For the Council*
*The President*