Council of the European Union

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PARLNAT 202

NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of management of the external border

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 Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of management of the external border[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 12289/18

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2017 evaluation of Norway 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 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 Norway remedial actions to address the 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(2018) 2230.

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

(2) The international cooperation developed by Norway with third countries, in particular the bilateral operational cooperation with Russia, is well established and functional. The Police Operational Centre in Finnmark District Area provides for a well-established and useful platform for the decision making process in border control. The Border control group of Oslo Police District uses mobile devices for the execution of border checks directly on-site and enables the verification of identity and authenticity of the travel documents as well as the consultation of relevant databases.

(3) In light of the importance of complying with the Schengen acquis priority should be given to implementing the recommendations related to strategic coordination (2), human resources (4), training system (5, 7 and 8), inter-agency cooperation (9), risk analysis (12, 13 and 14), situational awareness (17) and border checks (22, 26, 29 and 30).

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

Integrated Border Management Concept

1. continue to further strengthening the administrative capacity and the commanding and control lines related to border management within the National Police;

2. strengthen the coordination of all border authorities and all Integrated Border Management functions to guarantee a comprehensive situational awareness of the functioning of border management system and the availability of all national resources; nominate and empower a national authority to enforce the overall coordination of the border management functions;

3. establish a national Integrated Border Management strategy and respective action plan in line with Article 3(3) of the EBCG Regulation No 1624/2016;

Human resources, Training, Professionalism

4. ensure a sufficient number of specially trained professionals to perform border checks in accordance with the provisions of the Schengen Borders Code, Regulation No 399/2016;

5. urgently develop the initial, refreshment and specialised national training system tailored made for border control on the basis of a coherent planning in accordance with Article 16 (1) of the Schengen Borders Code;

6. establish a national coordination and quality assurance mechanism to guarantee a unified training for all authorities involved in border control;

7. make use of the Interoperability Assessment Programme developed by European Border and Coast Guard Agency to evaluate the level of implementation of the Common Core Curricula;

8. enhance training of the Coast Guard on border control in general and border checks in particular to guarantee the level of professionalism necessary for border control;

Interagency cooperation

9. further developed a functional interagency cooperation in the Norwegian border management concept where other authorities from different ministries are assisting the responsible authority (the National Police) in conducting border control functions;

10. further develop the cooperation between the National Police and Coast Guard related to the functioning of the National Coordination Centre (NCC)/EUROSUR to guarantee a comprehensive and near-real time situational picture in line with the EUROSUR Regulation No 1052/2013;

11. establish formal cooperation agreements at the regional level between the Police and Customs administration to guarantee a unified and structured approach in the core fields of border control cooperation;

Risk analysis

12. develop the risk analysis system to comply with the Common Integrated Risk Analysis Model (CIRAM) 2.0 and cover the whole integrated border management concept; ensure that the risk analysis function is fully implemented at all organisational levels of the National Police;

13. ensure that the risk analysis function covers both components of the border control, namely the border surveillance and the border checks and reflects the activity of all national authorities involved in border control;

14. develop tactical risk analysis products for the National Police and the Coast Guard to cover the needs at local level on the basis of a formal risk assessment and profiling activities;

Quality control mechanism

15. develop a national quality control mechanism covering the whole Integrated Border Management and all relevant authorities and functions;

Border surveillance and situational awareness

16. further increase the level of situational awareness of the National Police as regards sea border surveillance by integrating or linking the different surveillance systems into a common platform to provide coordinated situational picture by implementing clearly defined responsibilities and unified procedures;

17. improve the coordination and integration of the border surveillance capacity present in the National Police and the Coast Guard to improve the overall situational awareness and the response capacity at the sea borders based on risk analysis; step up the border surveillance during the night time; enhance the surveillance activities performed by the national Police in the harbours and small ports;

18. enhance the cooperation in risk analysis between the Finnmark District Police and the Sor Varanger Battalion by sharing the risk analysis products designed by the European Border and Coast Guard Agency; extend this cooperation at national level; fully implement the CIRAM 2.0 at national level by integrating the land border surveillance component in the national risk analysis system for border management; provide the necessary training and increase the awareness of the military staff performing border surveillance on the provisions of CIRAM 2.0; involve the military staff performing risk analysis for land border surveillance in the activities organised by the European Border and Coast Guard Agency such as training, risk analysis, operational support and pilot projects;

National Coordination Centre/EUROSUR

19. upload the relevant incidents identified at air borders to create a comprehensive national situational picture in EUROSUR, which fully covers all border types; upload relevant information in the system, including the positioning of the available assets and link it with the risk analysis component in order to complete the operational, incident and analytical layers in EUROSUR;

Border checks – Horizontal issues

20. improve the allocation of human resources for border control at central, regional and local level on the basis of clear division of tasks and competencies; present a valid calculation of the staff responsible for border control at national, regional and local level; estimate the number of staff required to ensure a uniformed and high level of control at the external borders;

21. organise systematic briefings before the shifts for all border guards deployed in the first and second line of border control;

22. improve the quality and quantity of data collected as source for the risk analysis by providing the border guards with access to the full set of data on incidents, including the cases detected at the local level and handled by other structures;

23. increase the training and awareness of the staff involved in border checks on the systematic use of risk analysis products to improve their capacity to base the border checks on profiling;

24. improve the interoperability of the databases available for the border control and include the data in the risk analysis product to enhance the profiling and improve the quality of the border control procedures;

25. consider centralising the power to issue the decision of refusals of entry within the National Police as the main national authorities responsible for border checks and which issues reports related to cases for which this type of decision should be taken;

26. revise the procedures for issuing a refusal of entry decision so that a refusal of entry decision is applied to the third country nationals who do not fulfil the entry conditions to the Schengen Area and that they are refused entry to the territories of the Member States;

27. ensure that all persons for whom a decision of refusal of entry has been issued are provided with a form in accordance with the Annex V, Part B of the Schengen Borders Code as required by Article 14 (2) of the Schengen Borders Code;

28. identify a practical solution to provide facilities designated to the persons for whom a refusal of entry procedure has been issued in accordance with Article 14 (4) of the Schengen Borders Code and ensure that those persons are not granted access to the territory;

29. ensure that the National Police has the power to issue visas at the external border in accordance with Articles 35 and 36 of the Visa Code and, annul and revoke visa in accordance with Article 34 of the Visa Code and Annex V, Part A 1(c) of the Schengen Borders Code and provide the relevant staff with the necessary equipment and training; consider centralising the power to issue, annul and revoke the visa at the border in the National Police, in order to facilitate these processes, decrease the response time and enable the relevant data to be processed and included in the risk analysis for border control;

30. implement Council Directive 2004/82/EC in the national legislation and provide the necessary competence to the police to ensure comprehensive use of the Advance Passenger Information - data;

Oslo Gardermoen Airport

31. ensure a proper functioning of the relevant databases used for the verification of travel documents and fingerprints of visa holders, for example by identifying the source of the errors and taking correction measures;

32. ensure a clear distinction between first and second line functionality and systematic use of risk profiles and risk indicators to support the first line border checks; enhance the training of the border guards deployed in the first-line on the use of risk analysis and profiling, as well as on the border check procedures in the first-line;

33. consider increasing the number of ABC systems to boost the border control capacity to manage an increased number of passengers under the current staffing level;

34. abolish the practice of performing systematic checks on transiting passengers coming from outside and going to outside of the Schengen area and thus bring the procedure in line with Annex VI, Point 2.1.3 of the Schengen Borders Code;

35. enlarge the arrival area 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;

36. ensure that passengers arriving form non-Schengen destinations at the flexi-gates are not able to leave the airport before passing the border checks in accordance with article 8 of the Schengen Borders Code and take the necessary measures to ensure a proper separation of the non-Schengen and Schengen passenger flows in accordance with Annex VI, point 2.1.1 of the Schengen Borders Code;

Stavanger Sola Airport

37. enlarge the area in front of the booths at the departure zone; revise the signposting system of the gates to facilitate the travellers to reach the indicated gate and to prevent any security breaches (passengers from the non-Schengen area could reach the Schengen area circumventing the border checks) in order to ensure accurate border checks based on profiling and a smooth flow of passengers;

38. urgently provide for a sufficient number of trained staff to perform border checks at Stavanger Airport in accordance with the Article 15 of the Schengen Borders Code.

Bergen Airport

39. ensure that passengers who were already checked on exit at Bergen Airport are not allowed to access again the Schengen area without undertaking the required border checks in accordance with Article 8 of the Schengen Borders Code;

40. ensure that the fingerprint readers are fully functional and allow for reliable border checks;

Storskog Border Crossing Points

41. urgently provide sufficient training in the border check procedures for all the police staff deployed in Storskog BCP in accordance with the Article 16(1) of the Schengen Borders Code;

Border checks at the sea borders

42. increase the number of physical checks carried out on vessels;

43. provide the Coast Guard with more regular systematic training and refreshment courses on topics related to checks on documents;

44. equip the Coast Guard with mobile technical solutions that gives them access to all relevant systems as well as the proper equipment in order to perform border checks in accordance with Article 8 of the Schengen Borders Code;

Port of Oslo

45. provide for an adequately equipped mobile office which could also be used for second line checks;

46. increase the number of border guards for external sea border checks in the Port of Oslo in order to ensure that border checks are carried out adequately;

Port of Bergen

47. ensure that the risk analysis working group of the Western Police District takes into account also other Norwegian police districts and comparable Member States in the region in order to reach a more comprehensive and accurate analysis of threats that are less visible in the region;

48. include information from the Norwegian Customs and the Coast Guard in the risk analysis products of the Police District of the Western Region for the regional risk assessment;

49. ensure a dissemination policy for risk analysis products which guarantees that officers at all levels of the relevant authorities working in border management can gain access to the local risk assessment;

Sea border surveillance at the Port of Bergen

50. undertake the necessary measures to reach a higher level of situational awareness within the Western Police district, e.g. in the operational centre, especially in the field of border surveillance, taking into account the overall responsibility of the Norwegian police as regards border control;

Port and Airport of Kristiansand

51. ensure that the risk analysis report is in line with CIRAM 2.0 and contains a concrete operational or tactical risk analysis in support of the border guards and that the border controls are undertaken on the basis of the regional risk assessment;

52. increase the number of border guards for external sea border checks in the Agder Police District in order to ensure that border checks are carried out in line with Article 8, 15 and 16 of the Schengen Borders Code;

53. provide the police officers working as border guards with training that fulfils the requirements of the Common Core Curricula, especially with regard to the relevant articles on border checks on private flights and the requirement of random checks on pleasure boats irrespective of the assessment of the risks of illegal immigration;

54. provide regular refreshment courses on all topics concerning border control;

55. provide for an adequately equipped mobile office which could also be used for second line checks.

Done at Brussels,

For the Council
The President