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 2021 evaluation of **Cyprus** on fulfilling the conditions necessary for 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 2021 evaluation of Cyprus on fulfilling the conditions necessary for 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, doc. 12639/21

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Cyprus on fulfilling the conditions necessary for 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 in respect of Cyprus in February 2021. Following the evaluation, a report covering the findings and assessments, and listing deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2021) 3600.

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

(2) Recommendations should be made on remedial actions to be taken by Cyprus in order to address deficiencies identified as part of the evaluation. In light of the importance of complying with the Schengen *acquis*, in particular having the necessary human resources, priority should be given to implementing recommendation 7.

(3) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within three months of its adoption, Cyprus 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 Cyprus should:

Integrated Border Management

1. strengthen the national integrated border management by:

- establishing a permanent governance structure;
- setting clear and targeted strategic goals;
- establishing an action plan including a timetable and needed resources and, establishing a monitoring and follow-up mechanism for the implementation of the national integrated border management strategy;
- revising the national integrated border management strategy by following the process and timetable established by the Commission for the implementation of the multiannual strategic policy cycle for European integrated border management;

2. establish adequate national administrative capacity and dedicate sufficient budget to guarantee full participation in core Frontex trainings, networks and planning meetings related to the implementation of Regulation (EU) 2019/1896[1] on the European Border and Coast Guard and the national integrated border management strategy;

3. update the contingency plans and national decision-making procedures to be able to make full use of Frontex' rapid border intervention;

Risk analysis and information exchange

4. ensure the reporting of correct data for the purpose of risk analysis; ensure a continuous update of risk indicators (e.g. flagging state list) used for the threat assessment of ships calling at Cypriot ports;

National quality control mechanism

5. improve the national quality control mechanism by covering all the components of the European integrated border management, including a proper follow-up and monitoring process;

National and European situational awareness and early warning system – EUROSUR

6. establish and make available an automatic on-line positioning system for the land patrols of the Cyprus Police used for sea border surveillance and integrate relevant information from the airports in the national situational picture; ensure specialised training for all EUROSUR operators by using the support of Frontex and the 'train the trainer's' system;

[1] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Human resources

7. establish a long-term planning of human resources for border management; increase the number of staff performing border checks at the airports of Larnaca and Paphos in compliance with Article 15 of Regulation (EU) 2016/399 of the European Parliament and of the Council ('the Schengen Borders Code')[1]; and ensure an efficient allocation of staff to perform risk analysis;

Education and training

8. develop a coherent planning system for training and deliver systematic and regular refresher training on relevant legislation; ensure that all border guards tasked to carry out second-line checks have received the necessary training to perform their second-line tasks effectively;

9. increase the national capabilities to detect document fraud by ensuring a sufficient number of trained staff and establish national capacity to train border guards in advanced level document in compliance with Articles 15 and 16 of the Schengen Borders Code;

Border checks and procedures

10. bring the procedure of processing and issuing visas to Russian citizens in compliance with the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation, and ensure visa stickers are affixed in compliance with Council Regulation (EC) No 1683/95 laying down a uniform format for visas[2];

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1 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).
(OJ L 77, 23.3.2016, p. 1).

2 Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas
(OJ L 164, 14.7.1995, p. 1).

11. bring the procedure of checking the advance passenger information data in compliance with Council Directive 2004/82/EC[1] on Advance Passenger Data by ensuring that all passenger information received for passengers coming from third countries is checked automatically and systematically; integrate and use advance passenger information data in the risk analysis for border control;

12. bring the procedures of checking private flights in compliance with Annex VI point 2.3.1. of the Schengen Borders Code by requesting the staff manning private flights to include information concerning the crew and passengers' identity in the general declaration;

13. establish direct contact points with the border control authorities at airports located in third countries from which direct flights are operated to both international airports in Cyprus;

14. refurbish all the control booths at the airports of Paphos and Larnaca to prevent unauthorised observation of information displayed on the computer screens and to allow border guards to face the passenger flow for efficient profiling;

Border surveillance

15. upgrade the current radar system by upgrading the current back-up solution in case of a malfunctioning of one or more of the radars; replace the out-dated coastal patrol boats; ensure a sufficient number of staff to operate the coastal patrol vessels on a continuous basis;

Paphos Airport

16. bring the procedure of registration of stamps in compliance with Article 8(7) and Annex II (f) of the Schengen Borders Code by ensuring that the distribution of entry and exit stamps is duly registered to avoid the possibility of misuse;

[1] Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24).

Larnaca Airport

17. ensure easier and faster access to the second line at departures, e.g. by using the already existing side lane behind the control booths;

Limassol Port

18. provide mobile checking devices for first-line checks and adequate equipment in the second-line for document examination.

Done at Brussels,

For the Council
The President