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From:	General Secretariat of the Council
On:	21 February 2023
To:	Delegations
No. prev. doc.:	5944/23
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **Iceland** on the application of the Schengen *acquis* in the field of **management of the external borders**

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2022 evaluation of Iceland on the application of the Schengen acquis in the field of management of the external borders, adopted by the Council at its meeting held on 21 February 2023.

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 deficiencies identified in the 2022 evaluation of Iceland 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 in respect of Iceland between 12 and 18 June 2022. Following the evaluation, a report covering the findings and assessments, listing deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2023) 220.

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

(2) Recommendations should be made on remedial actions to be taken by Iceland in order to address deficiencies identified as part of evaluation. In light of the importance of complying with the Schengen acquis and the deficiency identified, priority should be given to implementing recommendations related to strategic coordination of border management (1), risk analysis (4,5,7), human resources (12, 13); training (18), the functioning of the border check system (20, 21, 22, 23, 24, 27).

(3) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.

(4) Council Regulation (EU) 2022/922[1] applies as of 1 October 2022. In accordance with Article 31(3) of that Regulation, the follow-up and monitoring activities of evaluation reports and recommendations, starting with the submission of the action plans, should be carried out in accordance with Regulation (EU) 2022/922.

(5) Within two months of its adoption, Iceland should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish and submit to the Commission and the Council its action plan listing all recommendations to remedy the deficiencies identified in the evaluation report.

RECOMMENDS:

Iceland should:

Strategic coordination of the European integrated border management

1. increase strategic and operational coordination by the National Commissioner of the Icelandic Police over the police districts to ensure efficient implementation of the horizontal tasks of border management and ensure a high level of border control; in particular in Keflavik International Airport, part of Sudurnes Police District;

[1] Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) N° 1053/2013, OJ L160 of 15.6.2022, p. 1.

Interagency cooperation

2. enhance the inter-agency cooperation in particular related to strategic capability planning, systematic and regular exchange of information and risk analysis based on concrete action plans and operational arrangements; between the Police Authority, the Coast Guard, the Migration Agency and the Customs at all levels (national, regional and local) to improve the overall situational awareness, and the coordination for operationalising the European integrated border management concept in Iceland by ensuring:

   (a) regular and systematic information and intelligence exchange;

   (b) revisit and update the provisions of the cooperation agreements established between the above mentioned authorities (with a clear deadline to be included in the follow-up action plan), and, where relevant, conclude action plans to support and improve the operationalisation of inter-agency cooperation at all levels in the field of border management; comprising of clear actions, responsible bodies, deadlines, monitoring mechanism, evaluation and remedial actions to improve the implementation of all components of the integrated border management and the strategic horizontal tasks for border management;

   (c) establish regular formal cooperation between the National Commissioner of the Icelandic Police, the Icelandic Coast Guard and Customs, for systematic reporting of incidents and information sharing in Eurosur, in particular events related to cross-border crime;

National Quality Control Mechanism

3. further develop the national quality control mechanism to cover all the components of the integrated border management and all national authorities involved in border control; increase the number of annual evaluation visits in the National Commissioner of Icelandic Police, the regional police districts and the Icelandic Coast Guard;

Risk analysis

4. establish a national methodology to align the implementation of the Common Integrated Risk Analysis Model at the national and regional levels, include in the action plan a clear deadline for the implementation of this recommendation;

5. produce and disseminate risk analysis products (strategic, operational and tactical analysis, indicators and profiles) comprising of contributions from all competent national authorities for border control; enhance the implementation of the Common Integrated Risk Analysis Model for border control in Sudurnes Police District and at Keflavik airport; establish clear guidance on how first- and second-line border guards are informed of new or updated risk analysis products and how to use and where to consult them, during their daily tasks;

6. establish a national capacity to deliver training on risk analysis in line with Common Integrated Risk Analysis Model (CIRAM) at the national level in accordance with Article 16 of the Schengen Borders Code[1];

7. ensure sufficient number of trained staff for risk analysis at all organisational levels in accordance with Article 15 of the Schengen Borders Code;

[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) (codification); OJ L 77, 23.3.2016**.**

8. strengthen the connection between the region's intelligence divisions and the risk analysis structures for border management of the Icelandic Police to improve the quality of risk analysis;

9. use the support of Frontex to establish a comprehensive risk analysis system (see the offer in Frontex Catalogue of Services);

10. improve the quality of the briefings delivered before each shift in Keflavik airport by including relevant information on the operational situation, modus operandi, new cases and deliver the briefings systematically;

National capabilities for border management

11. revise the National Capability Development Plan to address the medium- to long-term evolution of the national capabilities for border management, based on scenarios derived from risk analysis reflecting the situation at the Icelandic external borders; compile regional capability development plans in the Police Districts;

12. ensure sufficient number of trained staff for border control at national, regional and local level in accordance with Article 15 of the Schengen Borders Code to meet the current and forecasted passenger flow and efficiently implement the border control procedures;

13. urgently increase the number of staff in the Border Control Department to ensure the efficient implementation of the horizontal and coordination tasks in accordance with Article 15 of the Schengen Borders Code;

14. ensure sufficient staff for 24/7 incident reporting in the Eurosur layer at Keflavik International Airport;

15. make use of the European Border Guard Team – Standing Corps to support the allocation of staff in relevant functions related to border control;

16. ensure sufficient mobile equipment (e.g. additional fully equipped van for mobile border control) for efficient border checks at the sea and air borders in the Metropolitan Police and in the North-East District Police;

17. ensure that the programme of national basic training for border guards is compliant with the Frontex Sectoral Qualifications Framework for Border Guarding and assess the level of implementation of Common Core Curricula with Interoperability Assessment Programme;

18. establish regular specialised and refresher trainings with obligatory participation of police and Coast Guard officers in order to improve the necessary skills and ensure a uniform level of knowledge as required by Article 16 of the Schengen Borders Code;

19. ensure constant situational awareness at the Icelandic sea borders e.g. by increasing the number of patrolling days of current assets and/or by increasing the number of patrolling equipement. Explore the possibility of the use of EU funds to purchase these equipment and enrol it in the technical equipment pool established by Frontex;

Border checks procedures

20. improve the quality of border checks and bring these in compliance with Article 8(3) of the Schengen Borders Code, for example by providing border guards with the necessary training on the Schengen Borders Code and make use of standing corps,

21. bring the practice of imposing fines to air carriers in compliance with Council Directive 2001/51/EC[1] of 28 June 2001;

22. bring the procedures of checking private flights in compliance with Annex VI point 2.3.1 in conjunction with Article 19 of the Schengen Borders Code by requesting the staff manning private flights to use the general declaration form in accordance with Annex 2 to the Convention on International Civil Aviation and to systematically include information concerning the crew and passengers in the general declaration;

23. bring the practice on second-line check in compliance with Article 8(5) of the Schengen Borders Code by ensuring that third-country nationals subject to a thorough second-line check are systematically provided with written information prior to those checks in order to inform them about the purpose of those checks; ensure that this form is available in all the official languages of the Union;

24. bring the procedure of issuing visas at the border in compliance with Article 35 of the Visa Code[2]; ensure that the standard application form is used in accordance with Article 11 and Annex I of the Visa Code; bring the practice of annulling and revoking visas in compliance with Article 34(5) of the Visa Code; ensure that for third country nationals who are family members of an EU citizen visas are issued free of charge in accordance with Article 5(2) of the Directive 2004/38/EC[3]; simplify the visa issuance procedures, for instance by giving more decision making powers to the police shift leaders or middle managers;

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1 Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985; OJ L 187, 10.7.2001.

2 Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code); OJ L 243, 15.9.2009.

3 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance); OJ L 158, 30.4.2004.

25. ensure that passengers are properly monitored by allocating personnel in front of the ABC-gates;

26. ensure that expanded passenger data is not obstructing the data from the other passengers;

27. integrate the technical solution on advance passenger data with the passenger flow to ensure the full and effective implementation and application of Council Directive 2004/82/EC of 29 April 2004.

Done at Brussels,

For the Council
The President