



Council of the  
European Union

Brussels, 28 February 2023  
(OR. en)

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LIMITE

SCH-EVAL 41  
MIGR 69  
COMIX 89

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Interinstitutional File:  
2022/0340(NLE)

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**NOTE**

From:	Swedish Delegation
To:	Working Party for Schengen Matters / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)
No. prev. doc.:	15831/22
Subject:	Schengen evaluation of Sweden - Action Plan to remedy the deficiencies identified in the 2022 evaluation of <b>Sweden</b> on the application of the Schengen <i>acquis</i> in the field of <b>return</b>

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (16.11.2023)**

Delegations will find annexed the Action Plan to remedy the deficiencies identified in the 2022 evaluation of Sweden on the application of the Schengen *acquis* in the field of return, provided by Sweden on 17 February 2023.

In conformity with Article 22(6) of Council Regulation (EU) No 922/2022 of 9 June 2022, Member States are invited to send comments, if any, by **Friday 3 March 2023 (cob)** to [schengen.evaluation@consilium.europa.eu](mailto:schengen.evaluation@consilium.europa.eu).

**ACTION PLAN incl. possible ASSESSMENT to follow up on the recommendations resulting from the 2022 evaluation of SE on the application of the  
Schengen acquis in the field of Return announced visit**

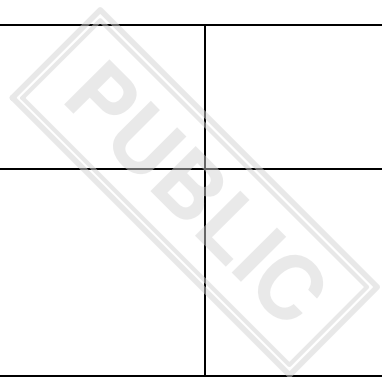
(Article 21 of Regulation 922/2022)

**19/February/2023**

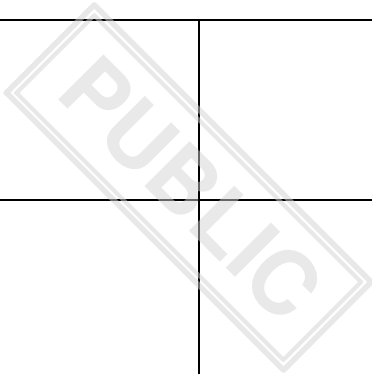
**I. Return**

- doc C(2022) 4780 final (evaluation report)
- doc... 15831/22 (Council recommendations)

RECOMMENDATION	PRIORITISED RECOM YES/NO <small>1</small>	PLANNED ACTION and/or POSSIBLE ASSESSMENT BY [MS] <sup>2</sup> REPORT ON THE PROGRESS	RESPONSIBLE AUTHORITY	FINANCING and USE OF FUNDS <sup>4</sup>	STATE OF PLAY and TIME-FRAME for implementation
1) State in all return decisions issued to illegally staying third-country nationals the obligation to leave the territory of all states of the Schengen area in order to reach a specific third country', in accordance with Articles 3(3) and 3(4) of Directive 2008/115/EC; take measures to ensure that, when the third country of return has not been specified in the return decision due to the	YES	<b>DELETED FROM THIS POINT UNTIL THE END OF THE TABLE</b>	<b>DELETED FROM THIS POINT UNTIL THE END OF THE TABLE</b>	<b>DELETED FROM THIS POINT UNTIL THE END OF THE TABLE</b>	<b>DELETED FROM THIS POINT UNTIL THE END OF THE TABLE</b>



impossibility to identify one in accordance with national law or national legal practice, the principle of <i>non-refoulement</i> is respected					
2) Take necessary measures to ensure that return decisions issued to illegally staying third-country nationals impose the obligation to leave the EU/Schengen area and go back to one of the third countries defined in Article 3(3) of the Directive 2008/115/EC;	YES				
3) Amend the implementation practice to ensure that the EU/Schengen wide effect is given to entry bans issued in relation with return decisions, according to the definition of entry ban set out in Article 3(6) of Directive 2008/115/EC;	YES				
4) Ensure that the validity of the return decisions is not temporally limited;	NO				
5) Enhance the interoperability of the case management systems used	NO				



by the authorities involved in the  
removal process;

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6) Take the necessary measures to ensure that all illegally staying third-country nationals are notified their return decisions, even in case of absconding, in order for the return decisions to enter into force without delay;	NO				
7) Amend the national legislation to ensure that the length of an entry ban is decided after an individual assessment of each case in accordance with Article 11(2) of the Directive 2008/115/EC;	YES				
8) Amend the implementation rules and the practice in order to ensure that detention pending removal, including in the cases of aggressive third-country nationals, takes place in specialised detention facilities as required by Article 16(1) of the Directive 2008/115/EC;	NO				

9) ensure the effectiveness of the forced-return monitoring system in accordance with Article 8(6) of Directive 2008/115/EC by guaranteeing the full independence of the monitoring body; increasing the forced returns monitoring intensity and setting-up an effective feedback mechanism.	YES				

- 1 Indication if the recommendation is one of the prioritised recommendations as indicated in the recitals of the Council recommendation.
- 2 Description of precise actions taken or to be taken in accordance with article 16(1) and/or an assessment of the implementation of suggested actions ("*possible* improvement") in accordance with article 16(8) of Regulation 1053/2013.
- 3 From the first progress report onwards, please introduce separate lines for updates and reactions to the Commission's assessment/ comments so that the changes could be clearly seen. Please do not delete actions that were already considered completed by the Commission (there is obviously no need to report on them).
- 4 Please indicate estimated amount needed to implement the recommendation as required as well as the part that will be covered by EU Funds (where relevant indicate the specific action in the national programme / union action project that will be used to implement the recommendation)