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 2022 evaluation of **Norway** on 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 2022 evaluation of Norway on 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. 6466/23.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Norway 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[2], 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 **Norway** between 1 and 9 May 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) 140.

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

(2) All EUROSUR operators have received specialised training and one of them has become a trainer for the newly appointed operators to ensure permanent training capacity at the national level, which was considered a good practice. Due to its efficiency and operational relevance, the regional cooperation between Norway and Finland in border related matters is a point of particular interest.

(3) Recommendations should be made on remedial actions to be taken by Norway 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, 6), human resources (10); training (12), the functioning of the border check system (16, 17, 18, 20, 21, 23, 25).

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

(5) Council Regulation (EU) 2022/922[3] 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.

(6) Within two months of its adoption, Norway should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Norway should provide that action plan to the Commission and the Council.

3 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.

RECOMMENDS:

Norway should

Strategic coordination of the European integrated border management:

1. further develop the strategic coordination capacity at the national level to guarantee that the authority responsible for the coordination has clearly defined necessary powers and administrative capacity to efficiently coordinate the activities of all national authorities involved in border control related to the implementation of horizontal tasks (national integrated border management strategy, risk analysis, national quality control mechanism, national training system, strategic capability development in border control, uniform border control procedures, national situational picture and the implementation of new concepts and information systems) at strategic, regional and local level;

National Quality Control Mechanism

2. develop a national quality control mechanism to cover all the components of the integrated border management and all national authorities involved in border control; ensure sufficient dedicated national capacity to implement the national quality control; use EU funding support to establish the national quality control mechanism;

Cooperation with the European Border and Coast Guard Agency (Frontex):

3. increase the awareness of the Norwegian authorities, in particular the Coast Guard and Sor Varanger Battalion, and facilitate their access to various support services provided by Frontex, such as the fusion services, access to information on the use of state-of-the-art technologies, information systems, catalogues of good practices to improve the operational efficiency in border control;

Risk analysis

4. ensure that staff assigned risk analysis tasks receive basic and continuous training on risk analysis and ensure the national capability to deliver training for risk analysis in accordance with the Common Integrated Risk Analysis Model, in order to standardize the level of knowledge and application of the model to products and procedures;

5. increase the number of trained staff for risk analysis at strategic, regional and local level, and in the National Police Immigration Service;

6. create a national risk analysis network, consisting of specialists from national, regional and tactical level to improve the information exchange and facilitate the awareness on different border sections; including the production of specific risk analysis profiles and indicators at the sea borders;

National and European situational awareness and early warning system –EUROSUR

7. establish a direct connection to EUROSUR system between the strategic and regional level of the authorities involved in border control to allow coherent information exchange;

8. increase the number of analytical and risk analysis products uploaded in the analysis layer of EUROSUR;

National capabilities for border management

9. finalise the development of the national capability development plan and reflect the specific elements of all national authorities involved in border management;

10. establish a long-term human resource plan for the border control tasks of the National Police and develop a system for monitoring the staffing needs at the regional and local level; increase the number of staff according to the needs and based on coherent assessment;

11. align the basic training programmes for border guards to the Sectoral Qualifications Framework for Border Guarding designed by Frontex and assess the level of implementation of the Common Core Curricula with Interoperability Assessment Programme;

12. establish regular basic, specialised and refresher trainings with obligatory participation of police officers, border guards (including, but not limited to trainings on document expertise, second line checks and entry conditions such as the amount of money necessary for Norway), and Coast Guard officers (including, but not limited to trainings on pre-check procedures and document checks) in order to improve their knowledge and skills to ensure a uniform level of knowledge as required by Article 16 of the Schengen Borders Code; ensure that the evaluation of the acquired knowledge is carried out systematically to guarantee the required level of expertise; ensure that the training concept is aligned and structured in all police districts;

13. ensure that sufficient number of border guards at Trondheim airport and the first line in Sandefjord airport are trained to use the second line document checking equipment in order to increase the capacity to identify false or forged documents during every shift; ensure the availability of document experts during operating hours of Oslo airport;

14. increase the use of available technical equipment for the detection of forged and falsified documents at the air borders (e.g. magnifier lenses, manual UV light) during the first line checks;

15. provide Sandefjord airport with the equipment needed to capture biometric data, so that the process of visa issuing can be completed on the spot;

Border checks procedures

16. ensure that the procedure of checking the seamen and passengers is carried out in accordance with Articles 11 and 19 in conjunction with Annex VI, point 3.1.1. of the Schengen Borders Code[4], by performing the entry and exit checks of seamen and passengers at seaport, in the immediate vicinity of the vessel or on board of the ship in the territorial waters, when embarking and disembarking; re-assess the number of sea border crossing points and adequately staff them in order to be able to carry out border checks in accordance with Article 8 of the Schengen Borders Code;

17. bring the refusal of entry procedure in compliance with Article 14(4) of Regulation (EU) 2016/399 ('Schengen Borders Code') by ensuring that in all cases of refusal of entry, the third country national does not enter Norway; bring the refusal of entry form in compliance with Article 14(2) in conjunction with Annex V Part B of the Schengen Borders Code;

18. ensure effective and permanent implementation of Council Directive 2004/82/EC[5] and timely processing of advance passenger information data to support first line border checks at all airports, for example, by increasing staff to cover longer working hours on weekdays, weekends and holidays;

19. bring the procedures of checking the pleasure boats in accordance with Articles 8 and 19, in conjunction with Annex VI point 3.2.5 of the Schengen Borders Code;

20. bring the procedures of checking passengers and crew members of cruise ships in accordance with Articles 8 and 19 in conjunction with Annex VI, point 3.2.3 of the Schengen Borders Code;

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4 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.

5 Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data; OJ L 261/24, 6.8.2004.

21. ensure that the border guards do not affix entry or exit stamps to the travel documents of third country nationals who present the residence card provided for in Article 5 (3) of Directive 2004/38/EC, as set out in Article 11(3)(g) of the Schengen Borders Code; ensure the proper use and registration of the stamps in accordance with Article 8(7), Annex II(f) of the Schengen Borders Code;

22. bring the procedure of issuing visas at the border at Trondheim and Bergen airports in compliance with Article 6 of the Schengen Borders Code and Article 35 and 36 of the Visa Code[6]; ensure that the border guards have a sound knowledge of the relevant provisions of the Visa Code;

23. bring the procedures of checking private flights in compliance with Annex VI (2.3.1) in conjunction with Article 19 of the Schengen Borders Code;

24. limit the duration of first line checks at the air borders by, for example, using profiling, and use the second line for supplementary checks if needed;

25. ensure that border checks are carried out for all passengers from non-Schengen flights in accordance with Article 8 of the Schengen Borders Code;

Done at Brussels,

For the Council
The President

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6 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.