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 **Sweden** 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 Sweden 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. 6467/23.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Sweden 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) 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[2], and in particular Article 31(3) thereof,

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[3], and in particular Article 15(3) thereof,

Having regard to the proposal from the European Commission,

[2] *OJ L 160, 15.6.2022, p. 1–27*
[3] OJ L 295, 6.11.2013, p. 27.

Whereas:

(1) A Schengen evaluation in the field of management of the external borders was carried out in respect of Sweden between 13 and 19 March 2022. Following the evaluation, a report covering the findings and assessments, listing good practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2022) 4770.

(2) Article 31 (3) of 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 foresees that for evaluations carried out before 1 February 2023, the adoption of evaluation reports and recommendations shall be carried out in accordance with Regulation (EU) No 1053/2013 and in particular Article 15 thereof.

(3) Recommendations should be made on remedial actions to be taken by Sweden 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 (5), human resources (12, 32); training (17), the functioning of the border check system (19, 23, 26, 28, 29).

(4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within two months of its adoption, Sweden should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations to remedy the deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council.

RECOMMENDS:

Sweden should:

Strategic coordination of the European integrated border management

1. urgently increase the strategic coordination capacity of the National Border Policing Section in the Police Authority; ensure that this section has the legal and procedural powers to efficiently coordinate the activities of all national authorities involved in border control when it is 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;

Interagency cooperation

2. enhance the inter-agency cooperation 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 Sweden by ensuring:

   (a) regular and systematic information and intelligence exchange;

   (b) revise 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;

Contingency planning

3. develop and test a contingency plan at national level, which covers all border control authorities and different type of emergencies at the borders in accordance with Article 9(3) of Regulation (EU) 2019/1896;

National Quality Control Mechanism

4. 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 Police Authority and the regional police districts;

Risk analysis

5. implement the Common Integrated Risk Analysis Model for border control in accordance with Article 29(1) of Regulation (EU) 2019/1896 on European Border and Coast Guard by:

   (a) establish a national methodology for risk analysis to be applicable to all national authorities involved in border control;

   (b) 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;

   (c) establish a national capacity to deliver training on risk analysis in line with Common Integrated Risk Analysis Model (CIRAM) at the national level;

   (d) ensure sufficient number of trained staff for risk analysis at all organisational levels in accordance with Article 16 of the Schengen Borders Code;

(e) strengthen the connection between the regions intelligence divisions and the risk analysis structures for border management of the National Police to improve the quality of risk analysis, for example by giving the regional and local coordination centres access to the national intelligence system of the police ('SURFA');

(f) ensure automated collection of data and statistical information; e.g. by developing the Pär-system to provide easily accessible information concerning operational indicators;

(g) include in the action plan a clear deadline for the implementation of this recommendation;

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

National and European situational awareness and early warning system –EUROSUR

6. ensure permanent presence of the liaison officers from the Coast Guard and Customs in the National Coordination Centre;

7. systematically upload in the EUROSUR system all incidents detected at the sea and air borders to ensure a comprehensive national situational picture;

8. ensure that the National Coordination Centre has competences related to the operational coordination of border control functions, contributes to the planning of resources for border control, ensures and maintains coherent and systematic exchange of information with the search and rescue and migration agencies in accordance with Article 21(3)(b)(c) of Regulation (EU) 2019/1896 on European Border and Coast Guard;

9. establish and use the analysis layer of EUROSUR as requested by Article 24(1)(c) of Regulation (EU) 2019/1896 on European Border and Coast Guard;

10. ensure that the regional coordination centres have functions related to coordination of border control, planning of resources for border control and ensure efficient regional situational picture; ensure that all authorities involved in border control, when feasible and to an appropriate extent, contribute to the development of the regional coordination centres, in particular the Police Authority, the Coast Guard, the Customs and the Migration Agency;

11. use the support of Frontex to ensure efficient implementation of EUROSUR (see the offer in Frontex Catalogue of Services);

National capabilities for border management

12. 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 Swedish external borders; use the support of Frontex to establish the plan;

13. establish a long-term human resource plan for border control in the Police Authority and develop a system for monitoring the staffing needs at regional and local level;

14. provide specific equipment, increase the use of canine teams specialised in detection of hidden persons in the ports;

15. further increase the number of buses used for border checks to manage the increasing number of people crossing the border at various ports, in order to ensure effective border checks; ensure that all buses used for border checks are equipped with adequate and sufficient technical means for effective border checks, including expertise on documents;

16. improve the connection to the mobile equipment to perform efficient border check procedures;

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

18. establish regular specialised and refresher trainings with obligatory participation of border guards (including, but not limited to trainings on document expertise and second line checks), and Coast Guard officers (including, but not limited to trainings on pre-check procedures and document checks) in order to improve the necessary skills and ensure a uniform level of knowledge as required by Article 16 of the Schengen Borders Code; use the support of Frontex to implement the recommendation;

Border checks procedures

19. develop a user-friendly platform or further develop the existing Intranet/information technology platform solutions, to centralise all necessary information related to border checks (e.g. profiles, alerts, risk analysis, legislation, links to other relevant databases and guidelines for border checks), so that they can be easily accessed by all staff with border control tasks;

20. revise and ensure an efficient border check procedure at the sea borders between the Coast Guard and the Police Authority; and ensure that systematic and qualitative checks are performed on each type of traffic;

21. develop and provide an information technology solution to the Police Authority for automated queries of data related to crew and passenger lists in relevant databases;

22. increase the use of the equipment for document examination by the first line border guards at all airports;

23. ensure the use of proper mobile equipment to allow the checks of the authenticity of the chip data in the travel documents of persons enjoying the right of free movement are in accordance with Article 8(2) of the Schengen Borders Code;

24. ensure the procedure of visa verification is in compliance with Article 8(3)(b) of the Schengen Borders Code and Article 18 of the Regulation (EC) 2008/767 so that proper verification of the authenticity of the visa can be carried out;

25. bring the procedure of issuing visas at the border in compliance with Article 27 and Article 35 of the Visa Code and ensure that the standard application form is used in accordance with Annex I of the Visa Code;

26. bring the refusal of entry form and include contact points able to provide information on representatives competent to act on behalf of the third-country national in accordance with national law in compliance with Article 14(3) and Annex V Part B of the Schengen Borders Code;

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

28. ensure that the form for informing third country nationals who are subject to a thorough second line check on the purpose and procedures of the second line check is available in all the official languages of the Union in accordance with Article 8(5) of the Schengen Borders Code and that it is handed out to the respective third country national prior to the second line check to ensure coherent information on the type and purpose of the check;

29. bring the procedure of imposing sanctions on carriers in accordance with Article 26(2) of the Schengen Convention and Article 4 of the Council Directive 2001/51/EC of 28 June 2001. Take the necessary measures to impose sanctions on the carriers for cases when Advance Passenger Information is not submitted or is submitted late as well as when the data submitted is incomplete or false in accordance with Article 4 of the Council Directive 2004/82/EC of 29 April 2004;

30. 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 operating private flights to send the information in advance and use the general declaration form in accordance with Annex 2 to the Convention on International Civil Aviation;

SPECIFIC SITES VISITED

Malmö airport

31. 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 Sweden;

Stockholm airport

32. ensure the necessary equipment for document checks at the second line;

Gothenburg airport

33. ensure sufficient number of trained staff for border checks to ensure effective implementation of the procedures such as the procedure of checking the seamen in accordance with Article 11 and Article 19 in conjunction with Annex VI, point 3.1.1 of the Schengen Borders Code by ensuring that the exit checks of seamen are performed at the seaport at the moment of embarkation;

Done at Brussels,

For the Council
The President