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On:	12 April 2022
To:	Delegations
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Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of **Italy** 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 2021 evaluation of Italy 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 12 April 2022.

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 2021 evaluation of Italy 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 Italy between 27 June and 4 July 2021. Following the evaluation, a report covering the findings and assessments, listing deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2022) 920.

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

(2) Points of particular interest were identified in Italy with regard to international and inter-agency cooperation. The multilateral and bilateral cooperation that Italy has established with third countries, including for the sea border surveillance, actively contributes to the security of the Schengen Area by tackling different challenges such as irregular migration, cross-border crime, and public order threats, and supports saving lives by avoiding distress at sea. In addition, inter-agency investigation teams set up by different law enforcement authorities (the State Police, the Financial Guard, the *Carabinieri* and the Coast Guard) support the fight against irregular migration and cross-border crime. These teams facilitate the investigation of incidents, including human trafficking and migrant smuggling, constituting an important tool of the Italian judicial police system.

(3) Recommendations should be made on remedial actions to be taken by Italy in order to address deficiencies identified as part of evaluation. In light of the importance of complying with the Schengen *acquis*, in particular the risk analysis, operational situational awareness and border check procedures, training and human resources, priority should be given to implementing recommendation: 3, 5, 9, 17 and 20.

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

National Quality Control Mechanism

1. establish a comprehensive national quality control mechanism covering all European integrated border management components and border control authorities, providing for systematic and well-planned evaluations at the national level and conclude evaluation reports mentioning the responsible authorities for the implementation of the recommendations, the financing sources and the timeline;

2. improve the quality and consistency of data collection for Frontex' vulnerability assessment;

Risk analysis

3. improve the implementation of the Common Integrated Risk Analysis Model (CIRAM 2.0) at national, regional and local level by:

   - developing and implementing a national methodology for risk analysis and a specific national training program covering all national authorities involved in border control to ensure a common level of risk analysis;

   - including in the risk analysis the results of vulnerability assessment and impact;

   - improving the operational inter-agency cooperation in risk analysis between the Financial Guard, Customs and the Coast Guard;

National and European situational awareness and border surveillance

4. ensure near to real-time situational awareness in the National Coordination Centre by including information from all authorities involved in border control 24 hours a day;

5. improve the operational situational picture, response capacity and coherent planning of border surveillance at sea by ensuring interoperability based on need to know principle between the three operational systems operated by the Financial Guard, the Coast Guard and the Navy and increase the number of operators in the operational rooms of the Financial Guard at regional and local level;

National capabilities for border control

(a) human and technical resources

6. appoint a sufficient number of dedicated officers to carry out risk analysis tasks and ensure adequate training in risk analysis methodology according to CIRAM 2.0 at Fiumicino and Linate airports in accordance with Articles 15 and 16 of the Schengen Borders Code;

7. ensure that the Border Police has appropriate equipment for the detection of persons hiding in vehicles like, for instance, heartbeat detectors and carbon dioxide detectors, and use canine units for detection of hidden persons at all ports;

(b) education and training

8. improve the overall level of knowledge of border guards performing first-line border checks at the air borders to ensure a permanent and uniform quality of border checks by providing thorough training, including refresher training;

9. ensure that border guards receive sufficient continuous and refresher training before deployment at border crossing points by, for example, increasing the frequency of basic border guard training courses at the Cesena Academy;

10. ensure that all operational border guards performing border checks have received adequate training in English and consider using the on-line platform ‘English for border guards’ for that purpose; ensure sufficient training in Arabic and French for performing border checks at Palermo port;

Border check procedures

11. terminate the practice of registering persons enjoying the right of free movement (i.e. EU/CH/EEA citizens and their family members) into the national database (Cope);

12. ensure a proper profiling of the passenger flow by the border guards at the Automated Border Control gates;

13. bring the procedures of imposing sanctions on air carriers in compliance with Article 26(2) of the Schengen Convention and Article 4 of the Council Directive 2001/51/EC;

14. bring the procedure of issuing visas at the border in compliance with Article 34 and 35 of the Visa Code; ensure that all standard forms are updated in accordance with annex I of the Visa Code and with the Commission Implementing Act C(2020)64 Final of 15/01/2020;

Specific sites

(a) Lampedusa hotspot

15. adapt the reception capacity and improve the reception conditions and the available support services at the Lampedusa hotspot to meet the needs of arriving migrants including vulnerable persons as required by Regulation (EU) 2016/399 of the European Parliament and the Council (Schengen Borders Code) and the Charter of Fundamental Rights of the European Union;

16. ensure that the law enforcement activities at the hotspot are carried out efficiently to allow for screening, debriefing and profiling; and provide tailored psychological support to border guards working under increased pressure due to specific local circumstances;

17. urgently increase the permanent number of coordination officers of the Financial Guard at the Naval Section of Lampedusa;

(b) Port of Bari and Port of Brindisi

18. ensure that border guards working at the Ports of Bari and Brindisi are aware of and follow the procedures in case discreet checks are applied;

19. adapt the infrastructure at Bari and Brindisi ports to ensure a sufficient separation of the traffic flow between Schengen and non-Schengen areas to prevent unauthorised border crossings;

(c) Port of Palermo

20. ensure an adequate number of staff for border checks;

21. ensure that the first-line officers in the booths are visible by adjusting the windows of the booth in order to enable the face to face check and better communication between first-line officers and passengers;

(d) Milan Malpensa Airport

22. ensure the availability of document experts during operating hours of the airport;

(e) Venice Airport

23. ensure that the number of staff is adapted to the developing situation, taking into consideration the future increase of passenger flows and the new tasks deriving from the upcoming developments in border control;

24. identify the reasons for high staff turnover at Venice Airport and establish tools to prevent frequent staff turnover, for example by introducing a minimum period of stay at the place of assignment.

Done at Brussels,

For the Council
The President