



Brussels, 28 October 2016
(OR. en)

13763/16

Interinstitutional File:
2016/0249 (NLE)

PARLNAT 310

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 2016 evaluation of Denmark on the application of the Schengen acquis in the field of the management of the external border

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 2016 evaluation of Denmark on the application of the Schengen acquis in the field of the management of the external border.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Denmark on the application of the Schengen acquis in the field of the management of the external border (Copenhagen Kastrup Airport)

THE COUNCIL 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 Schengen¹, and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this decision setting out a recommendation is to recommend to Denmark remedial action to address deficiencies identified during the Schengen evaluation in the field of external border management carried out in 2016. Following the evaluation, a report covering the findings and assessments and listing the best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2016)6005.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The Danish National Police regularly carries out both announced and unannounced visits to police districts to ensure that border checks are carried out in accordance with the requirements laid down both nationally and internationally. This kind of internal evaluation also allows training needs to be identified.

A monitoring system has been implemented by the Copenhagen Airport Company with the aim of managing passenger flows more effectively and minimising waiting times. The system is based on combined infra-red sensors and cameras placed above waiting areas, which provide shift leaders with a real-time picture of queuing passengers at control booths, to allow for improved resource management. The system allows shift leaders to take the necessary steps to limit waiting times, for example by opening additional control booths if necessary.

At Kastrup airport the control booth desks can be electronically moved into a lower or higher position depending on the needs of the officers, to allow them to adequately profile passengers.

- (3) In view of the importance of compliance with the Schengen acquis, in particular the implementation of Council Directive 2004/82/EC, and of entry checks, priority should be given to the implementation of recommendations 9, 10, 11, 12 and 13.
- (4) This decision setting out a recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16(3) of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and submit this to the Commission and the Council,

HEREBY RECOMMENDS:

Denmark should

1. establish an action plan for the implementation of the national strategy for border management;
2. prepare risk profiles related to border checks and the foreign fighter phenomenon with clear risk indicators, and transmit them to all border guards performing border checks; additionally, provide training on those risk profiles for all officers/civil staff responsible for first- and second-line checks;
3. increase the level of security of stamps by providing regular instructions to border guards on handling entry/exit stamps;
4. ensure that all document section personnel receive specialised training in identifying forged documents, and implement a continuous local training system in this field;
5. ensure better use of and training on the Schengen Handbook for Border Guards;
6. further increase control booth security to prevent unauthorised observation of computer screens;
7. improve the performance of supplementary checks to detect forged documents by using the facilities and specialised equipment in the second line; allocate facilities for document scrutiny next to the first-line control booth; review the existing system and clarify the different roles of first- and second-line activities and officers, to clearly separate first- and second-line document examination;
8. establish a training programme with regular training and briefing hours for officers during working time, and ensure that all border guards attend shift briefings or receive daily updated information on the newest trends in document fraud, the modus operandi of migrants, and risk analysis products;

9. ensure the practical implementation of Article 8(5) of the Schengen Borders Code, by instructing border guards to provide passengers with written information on the purpose of and procedure for supplementary checks;
10. request in advance (prior to arrival) general declarations comprising, inter alia, flight plans and information on passengers' identity for private flights from third countries;
11. urgently implement an API system at national level enabling the transfer of passenger data to the police and providing automatic pre-travel checks of the passenger data in SIS, to enhance situational awareness at all airports and further combat irregular migration as well as the foreign fighters phenomenon; until the electronic system will be available, the API data should be regularly collected in hard form (paper) from carriers and used in everyday border check procedures;
12. improve the practical implementation of border check procedures by verifying all entry conditions for third country nationals and using in all cases the equipment available for the detection of forged documents;
13. identify and solve the technical problem related to the poor performance of the fingerprint collection system in the first line, to ensure that checks on entry conditions for third country nationals required to have a visa are always performed.

Done at Brussels,

For the Council

The President
