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From: General Secretariat of the Council

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To: Delegations

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Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of **the Netherlands** on the application of the Schengen *acquis* in the field of **management of the external border** (Border Crossing Points EUROPOORT, Hoek van Holland, Rotterdam the Hague Airport and the National Coordination Centre)

Delegations will find in the annex the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of the Netherlands on the application of the Schengen *acquis* in the field of management of the external border (Border Crossing Points EUROPOORT, Hoek van Holland, Rotterdam the Hague Airport and the National Coordination Centre), adopted by the Council at its meeting held on 20 December 2018.

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 2017 evaluation of the Netherlands on the application of the Schengen acquis in the field of management of the external border (Border Crossing Points EUROPOORT, Hoek van Holland, Rotterdam the Hague Airport and the National Coordination Centre)

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 Schengen¹, and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision is to recommend to the Netherlands remedial actions to address the deficiencies identified during the Schengen evaluation revisit in the field of management of the external border carried out in 2017. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2018) 2900.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) All border guards deployed by the Royal Netherlands Marechaussee (RNM) to carry out border control tasks were equipped with mobile devices to perform mobile border checks including searches in the relevant databases, which were considered a good practice. In Rotterdam the Hague Airport the RNM has implemented an efficient solution to ensure that travellers with complaints and/or needs are referred to the competent authority by the establishment of a front office shared with the representatives of the other relevant national authorities acting in this airport.
- (3) In light of the importance of complying with the Schengen acquis, in particular requirements related to the staffing level for border control, border check procedures of persons and vehicles, the infrastructure, the use of risk analysis to support border checks and the implementation of Eurosur, priority should be given to implementing recommendations: 1, 2, 4, 5, 6, 7, 9 and 13.
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the Netherlands should, pursuant to Article 16 (1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations and the steps to be taken to implement them and to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that the Netherlands should

1. Ensure there is a sufficient number of trained permanent staff in place to perform border control tasks in accordance with Articles 15 and 16 of the Schengen Borders Code; identify appropriate means to motivate the staff to avoid frequent turnover;

2. ensure that the refresher training system tailored to border checks and procedures to be consistent delivered to all staff involved in border control, including a specialised training for high ranking officers to guarantee they are kept up-to-date as regards the Schengen acquis and procedures;
3. adapt the national terminology (e.g. tactical and operational levels/analysis, indicators for data collection) used to compile risk analysis to the CIRAM 2.0 methodology;
4. task the intelligence officers deployed at the border crossing points to compile and disseminate specific risk profiles, risk indicators and specific modus operandi for each border crossing point;
5. provide sufficient specialised training in the Common Integrated Risk Analysis Model (CIRAM) 2.0 methodology to all the staff working in the field of risk analysis at national, regional and local level (including the intelligence officers) to support efficient border checks;
6. urgently ensure that the RNM staff tasked with border checks are regularly performing checks on the belongings of passengers as well as on the inside compartments of vehicles, including the visual check inside the cabins of the trucks; increase the number of random searches on means of transportation used by passengers in accordance with Point 3.2.9.g, Annex VI of the Schengen Borders Code;
7. bring the border checks procedures on EU citizens fully in line with Article 3(a) of the Schengen Borders Code and Directive 2004/38/EC, and Article 8(2) of the Schengen Borders Code as amended by Regulation (EU) 2017/458; increase the training of border guards to improve their knowledge on the type of border checks to be applied on EU citizens when crossing EU external borders;

8. ensure that entry and exit stamps are designed fully in line with the requirements of the Decision of the Executive Committee of 21 November 1994 on the acquisition of common entry and exit stamps (SCH/Com-ex (94) 16 rev; assign stamps individually to the border guards on duty in order to ensure it is possible to identify the border guard to whom a given stamp is assigned at any given time;
9. improve the infrastructure for performing border checks on passengers at Europort Border Crossing Point (BCP), for example by increasing the number of control booths and improving the queuing system; assess the feasibility of implementing Automated Border Control (ABC) systems especially because the composition of the passenger flows consists mainly of EU citizens;
10. provide for visible and adequate signposting for the car lanes outside the main terminal in Europort BCP;
11. reshape the configuration of the control booth at the car lanes area in Europort BCP and Hoek van Holland BCP to allow border guards to perform border checks on vehicles from inside the booth;
12. install control booths equipped with the required level of border check equipment in Europort BCP and Hoek van Holland BCP, in the area of border control for lorries to allow efficient border checks procedures in all weather conditions;

13. bring the Eurosur national concept in line with the Eurosur Regulation, in particular Articles 4, 5, 8 and 9 by setting up a fully-fledged National Coordination Centre (NCC) performing all the required functions; set the NCC in one location; conclude cooperation documents between all relevant national institutions involved in border surveillance to ensure the interface for cooperation and exchange of information in the framework and for the purpose of Eurosur; ensure and maintain a comprehensive and reliable national situational picture; establish and maintain a coherent exchange of information between all relevant stakeholders in the framework of Eurosur, including the cooperation with the neighbouring NCC established in other Member States; upload relevant and reliable information to all the three layers of Eurosur system (events, operational and analysis).

Done at Brussels,

For the Council

The President
