



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 July 2011

13296/11

LIMITE

**SCH-EVAL 130
SCHENGEN 22
COMIX 498**

OUTCOME OF PROCEEDINGS

from: Working Party for Schengen Matters (Schengen evaluation) -
Mixed Committee (EU-Iceland / Norway / Switzerland / Liechtenstein)

on: 13 July 2011

Subject: Outcome of proceedings

1. Adoption of the agenda

The agenda (CM 3773/1/11 REV 1) was adopted.

Regarding the outcome of proceedings of the last meeting (doc 10991/11), it was announced that, in view of the comments of CZ, ES and EL, a REV-version would be issued.

2. Draft Calendar under PL Presidency (doc. 12031/11 SCHEVAL 109 COMIX 411)

The Chair introduced the document.

**3. Feedback from :- SIS/SIRENE
- SIS/TECH**

SIS/Tech (meeting on 21-22 June)

The Chair informed about the following items:

- existing contract for SIS-Net likely to be prolonged
- SIS II running according to timeline
- Tests for SIS 1+ renewal in MS

SIS/SIRENE (meeting on 15 June)

The Chair informed about the following items:

- Migration SIS II
- SIRENE training activities
- SIRENE Trainer's manual.

4. First Mandate Evaluations :

BULGARIA/ROMANIA

4.1. FOLLOW-UP

- Updated follow-up report RO
- Updated follow-up report BG (RD 1)

RO and BG briefly highlighted the main changes since the last meeting.

BG showed a video "Migration pressure at the BG-TK border" containing an overview of measures taken to prepare for a possible increase in migratory pressure at the southern border.

RO announced that it will provide information on the ongoing reform within the MoI at the next meeting.

Deadline for questions is 29/7 and 29/8 for answers.

4.2 Draft Council Decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania - state of play of the process of accession of Bulgaria and Romania to the Schengen area

(doc. 14142/1/10 REV 1 SCHEVAL 105 SIRIS 138 COMIX 614 + COR 1 (en))

The Chair informed the WP that the EP voted in favor of its opinion on 14-15 June 2011 and underlined that it was not the intention to discuss any dates but only to consider and possibly approve the (technical) text.

NL, FR, DE and FI entered a scrutiny reservation.

RO and BG agreed that a decision should be taken at political level, hopefully at the September JHA Council. RO sees no link between the CVM report and the draft decision and requested the CLS's written opinion thereon.

The Chair took note of the reservations and RO's request and will come back to this issue.

LIECHTENSTEIN

4.3. State of play

The Chair informed the WP that the *Council Decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Principality of Liechtenstein* was adopted on 9/6, providing for connection as from 19/7. The SIS-evaluation will take place 4-7/9.

The deadline for nomination of experts for the SIS-evaluation is extended until 30/7.

5. Second Mandate Evaluations

5.1. Presentation and discussion

- **Draft report AIR BORDERS Norway** (doc. 12356/11 SCHEVAL 110 FRONT 85 COMIX 419 RESTREINT)

The LE briefly presented the report and its main findings.
Deadline for questions is 29/7 and 29/8 for answers.

- **Draft report AIR BORDERS Finland** (doc. 12422/11 SCHEVAL 122 FRONT 86 COMIX 432 RESTREINT)

The LE briefly presented the report and its main findings.
Deadline for questions is 29/7 and 29/8 for answers.

- **Draft reports VISA Nordic Countries:**

a) BEIJING

doc. 12424/11 SCHEVAL 111 VISA 115 COMIX 421 RESTREINT (NO)
doc. 12426/11 SCHEVAL 112 VISA 116 COMIX 422 RESTREINT (FI)
doc. 12427/11 SCHEVAL 113 VISA 117 COMIX 423 RESTREINT (SE)
doc. 12428/11 SCHEVAL 114 VISA 118 COMIX 424 RESTREINT (DK)
doc. 12430/11 SCHEVAL 115 VISA 119 COMIX 425 RESTREINT (IS)

b) KIEV

doc. 12431/11 SCHEVAL 116 VISA 120 COMIX 426 RESTREINT (NO)
doc. 12432/11 SCHEVAL 117 VISA 121 COMIX 427 RESTREINT (FI)
doc. 12433/11 SCHEVAL 118 VISA 122 COMIX 428 RESTREINT (SE)
doc. 12434/11 SCHEVAL 119 VISA 123 COMIX 429 RESTREINT (DK)

The LE briefly presented the reports and their main findings. By way of preliminary remarks, he warned that the length of such an evaluation (2X2 weeks) and the number of MS involved (5) inevitably leads to difficulties in terms of consistency and availability of experts - to be avoided in future. He also noted that the Visa Code and the Handbooks give rise to different interpretations, which should be dealt with in the appropriate forum (i.e. Visa Committee).

Deadline for questions is 29/7 and 29/8 for answers.

- **Draft report SIS/SIRENE Greece** (doc. 12436/11 SCHEVAL 121 SIRIS 63 COMIX 431 RESTREINT)

The LE briefly presented the report and its main findings.
Deadline for questions is 29/7 and 29/8 for answers.

5.2. Discussion and poss. adoption

- **Draft reports VISA Spain**

doc. 8289/1/11 REV 1 SCHEVAL 51 VISA 57 COMIX 182 RESTREINT (Lima)

doc. 8290/1/11 REV 1 SCHEVAL 52 VISA 58 COMIX 183 RESTREINT (Havana)

CZ briefly introduced its (written) objections to the wording of FN #5 on pg. 11.

ES reiterated its position, underlining the political sensitivity involved and repeating that it did not consider their practice to be contrary to the Visa Code.

CION noted that measures must be taken to avoid applicants not fulfilling the entry conditions from obtaining a visa. In its view, the situation in Havana cannot be considered an exception and risks setting a precedent.

SI reminded the WP of the LE's remarks (under 5.1) regarding the diverging views on provisions of the Visa Code and suggested dealing therewith in a new update of the Schengen Catalogue. SI believes that the essence of a proper evaluation is to obtain a broad, comprehensive picture, not just to check the application of individual legal provisions (support from AT)

CION considered that the existence of the Visa Code and its Handbooks renders any additional explanatory text such as the Catalogue obsolete. Any questions on interpretation can/should be addressed in the Visa Committee after which they may be included in the HB and annexes. Cion reminded that the questions on security, raised in previous meetings of this WP, had lead to only 2 comments in the Visa Ctee despite the matter having been raised 3 times.

The Chair concluded that both reports were adopted on the basis that :

- in the Havana report (doc 8290/1/11), the last sentence of FN # 5 on pg. 11 is deleted ("Therefore, the Spanish Delegation cannot accept this recommendation")

- the subject matter contained in this footnote would be further discussed in the Visa Ctee.

- **Draft report SIS Austria**

doc. 10320/11 SCHEVAL 85 SIRIS 53 COMIX 338 RESTREINT + COR 1

The report was adopted.

- **Draft Council conclusions on the evaluation of Greece (RD 3)**

The Chair introduced the document noting that CZ and EL comments had been integrated and that a new paragraph will be added on the SIS-evaluation allowing for a reflection of the whole evaluation of Greece (next meeting).

Deadline for comments on the current version of the document is 29/7; a new proposed SIS paragraph will be forwarded asap.

5.3. FOLLOW-UP

- **Follow-up SIS France** (RD 2 - will be integrated in the consolidated version of the follow-up)

FR introduced the document.

Deadline for questions is 29/7 and 29/8 for answers.

▪ **Draft Council conclusions on the follow-up of NL/DE**

doc. 10327/1/11 REV 1 SCHEVAL 88 COMIX 341 RESTREINT (NL)

doc. 10328/1/11 REV 1 SCHEVAL 89 COMIX 342 RESTREINT (DE)

Doc. 10327/1/11 (NL) was adopted in the understanding that the 2nd last sentence under pt. 5 is deleted ("*The existing arrangements...no longer pursued*").

On doc. 10328/1/11 (DE), CZ and DE will bilaterally try to reach a compromise solution to the objections raised by CZ to the text under pt. 5. in time for the next meeting.

6. Overview of programmes, participants, technical details - Evaluations 2011

doc. 5031/6/11 REV 6 SCHEVAL 1 COMIX 1

The Chair introduced the document in the heading.

6.1. Draft program data protection and police cooperation Iceland and Draft program SIS/SIRENE Spain (RD 4 - will be integrated in the updated version of the SCH-EVAL 1 document)

The two programs in the heading were adopted in the understanding that ES will try to accommodate NL's request to move up the visit to the SIRENE bureaux.

7. Training of Schengen evaluators

The Chair informed the WP about the upcoming course organized by:

- CEPOL (Schengen evaluation Pilot Course 1-7/10 in Lyon; deadline for nominations 19/8)

- FRONTEX (lead expert course 7-8/10; basic evaluator course 10-14/10, both in Ljubljana; deadline for nominations 26/8)

Delegations were requested to nominate experts for these training sessions.

8. AOB

- **SK: Information on organizational measures at the Slovak MoI in relation to the Bureau of the Borders and Alien Police (RD 5)**

SK presented RD 5, stressing that these measures will not affect the fulfillment of its commitments under Schengen.

- **Schengen evaluation questionnaire (evaluations 2012-2013) (doc.12535/11 SCHEVAL 123 COMIX 441)**

The (5) MS to be evaluated in 2012/2013 are requested to send their replies to the updated questionnaire to the GSC by 10/10.

- **Revision of follow-up and mission reports**

In light of the general aim of reinforcing the Schengen mechanism, the Chair informed the WP of its intentions to embark on a possible revision exercise of the follow up- and the mission reports, asking delegations' opinion on a) whether they perceive a need to do so, and if so, b) how and what can or should be undertaken to improve the current format of these reports.

Deadline for comments / contributions is 29/7, after which the Chair will prepare a first draft proposal in time for the next meeting.