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ANNEX 1

ANNEX

to the

**Communication from the Commission to the European Parliament, the European
Council, the Council, the European Economic and Social Committee and the Committee
of the Regions**

State of Schengen Report 2024

ANNEX 1

The Schengen evaluation and monitoring mechanism: main developments and next steps

The Schengen evaluation and monitoring mechanism is the cornerstone of a well-functioning Schengen area, enabling the timely identification and remedying of shortcomings. Through this peer-to-peer mechanism, teams of Member State experts, coordinated by the Commission and supported by observers from EU agencies and bodies, comprehensively evaluate each Member State and Schengen associated country fully applying the Schengen acquis¹.

*In 2023, with the entry into operation of the new Schengen evaluation and monitoring mechanism (SEMM) Regulation², a new generation of Schengen evaluations kicked off. The third generation introduces a more **strategic and integrated Schengen evaluation concept** with a **single evaluation team** composed of experts in different policy areas. The shift to a **country-centred evaluation** provides a more comprehensive picture of a Member State's overall performance in implementing the Schengen acquis and contribution to the functioning of the Schengen area without controls at its internal borders (“Schengen area”).*

Building on the important progress achieved over the last years, the reinforcement of the mechanism aims to ensure an increased political and operational uptake of Schengen evaluation results to support the implementation of the Schengen rules and as such boost mutual trust.

*In line with the new concept, the Commission updated key tools underpinning the well-functioning of the Schengen evaluations. First, the new **Schengen Evaluation Guide** was adopted to reflect the principles of the new Regulation and to promote consistency throughout the process. The guide provides for increased transparency, in line with the requirements of the new Regulation³. Second, the standard **Schengen evaluations questionnaire**⁴ was revised to cover new legal and operational developments related to the implementation of the Schengen rules.*

2023 Schengen country evaluations

In 2023⁵, the Commission launched the third generation of Schengen evaluations with the periodic evaluations of Finland, Lithuania, Latvia, and Estonia. The new approach on Schengen evaluations, rooted in the renewed Schengen evaluation and monitoring mechanism (SEMM)

¹ It is also the framework used to verify if the necessary conditions for the application of the Schengen *acquis* have been met in Member States where it does not (fully) apply yet.

² 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*.

³ In accordance with Article 28 of the SEMM Regulation, the Guide establishes that the Commission will make public the executive summary and the recommendations of the new Country Reports. [Schengen evaluation and monitoring - European Commission \(europa.eu\)](https://european-commission.europa.eu/schengen-evaluation-and-monitoring)

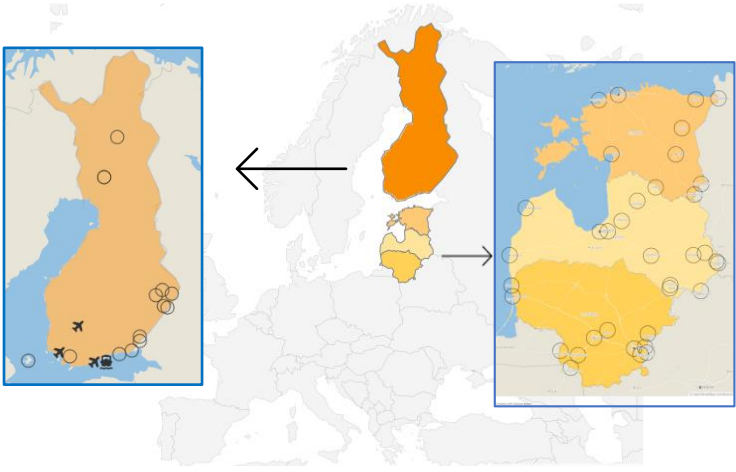
⁴ C(2023) 3000 final.

⁵ In addition, Spain (visa policy) and Portugal (visa policy and data protection) were evaluated. These periodic evaluations followed the second programming cycle of Schengen evaluations as they were initially planned to be carried out in 2020 and 2021 but were postponed due to the COVID-19 restrictions.

Regulation, allowed for the first integrated and strategic assessment on how the evaluated Member States are applying the Schengen *acquis* overall.

Visited sites

- ✓ **Central authorities:** National Coordination Centres, Police Headquarters, relevant Ministries and the SIRENE bureaus as well as the data protection authorities.
- ✓ **Land borders with Russia and Belarus:** border crossing points of Vaalimaa and Nuijamaa, Medininkai, Silene, Paternieki, Narva and Luhamaa.
- ✓ **Airports:** Helsinki, Tampere, Turku, Vilnius, Kaunas, Palanga, Tallinn, and Riga.
- ✓ **Ports:** Tallinn, Paldiski, Liepaja, Ventspils, Riga, Neringa, Klaipeda, Uostas.
- ✓ **Detention and reception centres:** Metsälä, Joutseno, Tallinn, Soodevahe, Foreigner Registration Centre Pabradė, Rukla Refugee Reception Center, Detained Foreigners' Accommodation centre (DFAC) Mucenieki, Daugavpils.



The image contains a map of Europe with several countries highlighted in orange and yellow. Small circles are placed on the map to indicate visited sites. Two inset maps are provided: one on the left showing a detailed view of the Baltic region (Finland, Estonia, Latvia, Lithuania) and one on the right showing a detailed view of the Balkans (Bulgaria, Greece, Romania, Hungary). Arrows point from the main map to these two insets.

During the evaluations, particular **focus** was paid to:

- Member States' **capabilities**, processes and tools to address migration and security risks at their external borders, while ensuring an adequate level of protection of fundamental rights, in particular in light of the instrumentalisation of migrants by Russia and Belarus.
- **Strategic governance** at national level as a pre-condition for an effective and integrated implementation of the Schengen *acquis*. This included national strategies, human resources and training (including on fundamental rights), risk analysis, contingency planning and implementation of EU tools.
- Effectiveness of **regional initiatives** to combat **cross-border crime** within the Schengen area.
- Implementation of the **large-scale IT systems** supporting the application of the Schengen *acquis* including the respect of the data protection requirements, notably the new functionalities of the Schengen Information System, and the level of preparedness for the entry into operation of the Entry-Exit System.

This strategic approach allowed the evaluation teams to establish a holistic understanding on the key issues affecting the good governance and management of the Schengen area in each of the evaluated Member States. The **Schengen Country Reports**, replacing the previous six

thematic reports per Member State, identified common issues across these four Member States, reflecting the fact that they are facing similar challenges:

At the **external borders**:

- The overall performance of **border control** and resilience during crisis situations in Finland, Lithuania, Latvia and Estonia is currently adequate. However, the number of staff is at the minimum level to ensure the effective implementation of border management and return activities, and any possible change in the current situation would put under pressure the reaction capacities for border and return tasks.
- The evaluated Member States encountered challenges to guarantee the respect of **fundamental rights**, especially the principle of *non-refoulement*, when applying border-policing measures.
- The quality of **land border surveillance** carried out is at an overall adequate level although there are still gaps related to lacking detection equipment and human resources.
- The quality of **border checks** is inconsistent.

Measures **within the Schengen area** to combat irregular migration and cross-border crime:

- While Finland, Lithuania, Latvia and Estonia have made important changes at strategic, legal and operational level to address the increased arrivals of irregular migrants, challenges still remain in the effective enforcement of **return decisions**. In particular, the lack of monitoring of returns in case of non-compliance with the voluntary departure period, and the issuance of multiple return decisions to the same person negatively impacts the possibilities to carry out returns. The increased use of the mutual recognition of return decisions by the Latvian authorities was considered a best practice and can support in addressing some of the identified issues
- The **national internal security strategies** in the four evaluated Member States are not consistently connected with the EU priorities and strategies for internal security⁶, which prevents an effective allocation of national resources, hindering the implementation of common European security instruments and functions.

As regards the **exchange of information** through the Schengen IT-systems and related data protection requirements:

- Not all the **functionalities of the renewed SIS** have been implemented, especially in Latvia where a verification visit will be organised. Furthermore, in the four evaluated Member States searches in the **SIS-AFIS** (Automated Fingerprint Identification System) are not rolled out to all end-users.
- There is an overall lack of resources and insufficient capacity building for the **SIRENE Bureaus**, leading to difficulties in efficiently managing timely information exchange.

⁶ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Security Strategy, COM(2020) 605 final.

- The authorities managing and using the Schengen Information System and the Visa Information System do not always respect the data protection requirements due to unclear assignments of responsibilities, inadequate access management and data security, incorrect retention periods of logs, lack of monitoring and insufficient staff training. In addition, the data protection authorities do not always supervise the lawfulness of processing of personal data in a timely and comprehensive manner due to a lack of financial and human resources.
- In some Member States, data subjects face issues in exercising their rights (e.g. rights of access to data) due to disproportionate requirements set for requests they wish to submit.

As regards the **external dimension** of Schengen:

- While the **examination of the visa** applications by the evaluated authorities in the visited consulates was overall solid, and decisions were well-founded, it is still necessary to streamline the cooperation with the external service providers in the four evaluated Member States as well as its monitoring.
- The ongoing issue of long waiting times for **Schengen visa appointments** persists, though to a lesser extent than in 2022.

Besides the 2023 periodic evaluations, , Cyprus underwent its **first-time Schengen evaluation** assessing their use of the Schengen Information System in October 2023 following its connection to the SIS in July 2023. The evaluation confirmed that this core IT-system is well integrated into the working procedures of the different competent authorities. Best practices were also identified related to the training of the competent authorities. Improvements should be made to provide sufficient human resources for the SIRENE Bureau and to make effective use of the SIS data.

Furthermore, in September 2023, the Commission also organised two **unannounced visits** to **Italy** and **France** in light of the risk analyses and vulnerability assessments carried out by Frontex.

France's vulnerabilities in the conduct of border control, in particular border checks was considered a serious deficiency. The French authorities are taking immediate measures to address the shortcomings. The Schengen Coordinator is closely following-up with the French authorities and the Commission services actively monitor the situation.

2023 thematic Schengen evaluation: combatting drug trafficking into the EU

Thematic Schengen evaluations provide a unique opportunity to assess the state of implementation of the Schengen *acquis* at a given time across Member States and across policy areas. The transversal nature of these evaluations gives an unparalleled view on how the Schengen area is doing in relation to particular issues of focus, presenting a rich basis to define and implement policy choices and for peer-to-peer learning between Member States.

In 2023, all Member States fully applying the Schengen *acquis*⁷ were evaluated in the thematic Schengen evaluation to identify best practices in their national capabilities to **fight against drug trafficking**, with a particular focus on trafficking into ports. All Member States were evaluated through a targeted questionnaire and on-site visits took place in the ports of Rotterdam, Antwerp, Marseille, and Hamburg.

The thematic evaluation found that the EU and Member States only have a partial threat picture on drug trafficking since only a small percentage of the drugs trafficked into the Schengen area is detected and seized. To address this vulnerability, best practices related to risk analysis, interagency cooperation, including with private stakeholders, and information exchange were identified.

One of the common challenges that affect all major ports is the need for **coordination** among all relevant actors involved in the operations of the ports. Coordination and cooperation among law enforcement, police, border guards, and customs services as well as private partners is fundamental to combat drug trafficking effectively at the national, European, and international levels. Several best practices were observed in this area, including on effective public-private partnerships and on measures to combat corruption along the drug supply chain.

Furthermore, the evaluation revealed that it is necessary to strengthen barriers to **intra-Schengen drug flows** through efficient cross-border operational cooperation. Some Member States have adopted bilateral or multilateral agreements with special provisions facilitating the cooperation for drug trafficking. Other best practices in this area relate to participation in EMPACT (the European Multidisciplinary Platform Against Criminal Threats) and the related Europol Operational Task Forces.

The findings of the thematic evaluation also underline the need for a close and extensive **international cooperation** with third countries. Several Member States have specific operational and strategic cooperation agreements in place with countries of origin or transit and the EU is working to enhance operational collaboration with key Central and South American countries impacted by drug trafficking.



On the basis of the thematic evaluation report, in March 2024 the Schengen Council adopted a Council Decision setting out a recommendation to implement the best practices identified⁸. All

⁷ The evaluation did not cover Bulgaria, Cyprus, Ireland and Romania.

⁸ Council Implementing Decision 7301/24 of 4 March 2024 setting out a recommendation on the implementation of the best practices identified in the 2023 thematic Schengen evaluation of Member States' capabilities in the areas of police cooperation, protection of the external borders, and management of IT systems to fight against drug trafficking into the Union.

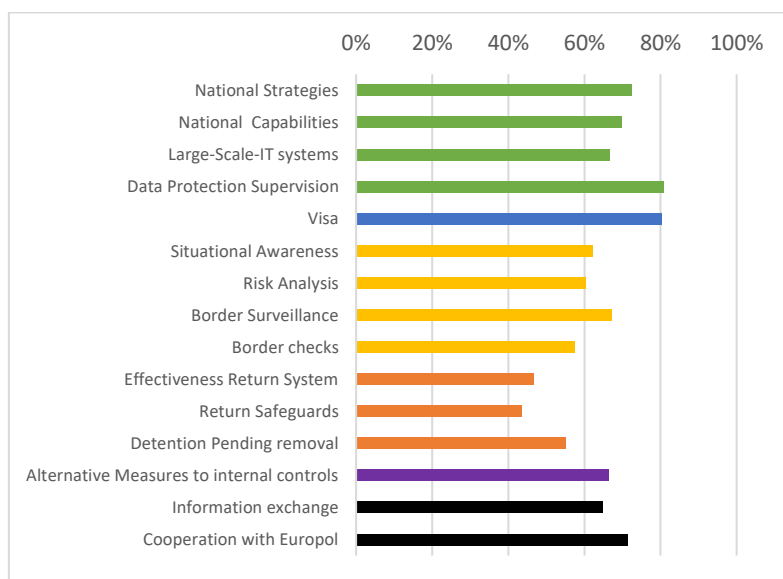
evaluated Member States are invited to submit their action plans detailing which best practices would be useful for their specific national situation to implement and how they will do so.

Leveraging the full potential of Schengen evaluations through effective implementation and monitoring

The monitoring phase is the crucial operational arm of the Schengen evaluation and monitoring mechanism, allowing the findings of the evaluation teams to be turned into a concrete response by the evaluated Member State towards a better application of the Schengen *acquis*. Much of the positive impact of the mechanism for the entire Schengen area depends on the effective implementation of the individual recommendations issued following the Schengen evaluation.

Since the launch of the first Schengen cycle in 2022, the Schengen Scoreboards, handed over to Ministers at the Schengen Council, give them a good overview of the key deficiencies in their national management of the Schengen area. The development of a common methodology for the **Schengen Scoreboard** in 2023 allows to better visualise the level of implementation of the Schengen evaluation recommendations and to identify areas requiring urgent attention at national and European level. The Scoreboard is essential in bridging the gap between the political and operational dimensions of Schengen by providing a clear understanding of the implications of non-application of Schengen rules. The increased visibility of the results of Schengen evaluations, notably for the responsible Ministers meeting in the Schengen Council, can support effective follow-up on Schengen evaluation activities.

The 2024 Schengen Scoreboard confirmed that the Schengen *acquis* is overall adequately applied although progress varies among Member States and across the different parts of the *acquis*. However, the monitoring activities under the Schengen evaluation and monitoring mechanism revealed that in many Member States, the implementation pace is slow, leading to widespread **persistent deficiencies**, including on core aspects of the Schengen architecture.



2024 Schengen Scoreboard per key indicator

The evaluation and monitoring activities carried out in the second Schengen cycle, as visualised in the 2024 Schengen Scoreboards, reveal that **priority remedial actions** are needed across

the Schengen area to improve the quality of border checks, step up the limited capacities for return, address challenges in identifying security threats through the Schengen Information System, and to remove obstacles to the cross-border exchange of information, particularly linked to ineffective and non-automated Single Points of Contact.

The Commission calls on all Member States and Schengen associated countries to ensure an effective follow-up to the results of the 2024 Schengen Scoreboards, including through active engagement with the Schengen Coordinator. In particular, there is an urgent need to address the persisting serious deficiencies in France and Greece as well as the grievances related to ongoing **infringement** processes⁹. The Commission will work closely with Member States to ensure the swift implementation of remedial measures. In cases of recommendations with financial implications for the Member States, the Commission invites Member States to prioritise their implementation within the national programmes of EU funds¹⁰.

During the second Schengen Cycle, the Commission has stepped up its efforts towards a more efficient monitoring of the implementation of recommendations. It has monitored the situation on the ground in several Member States where serious deficiencies were found, through revisits and verification visits in line with the new tools under the new SEMM Regulation.

2023 revisits

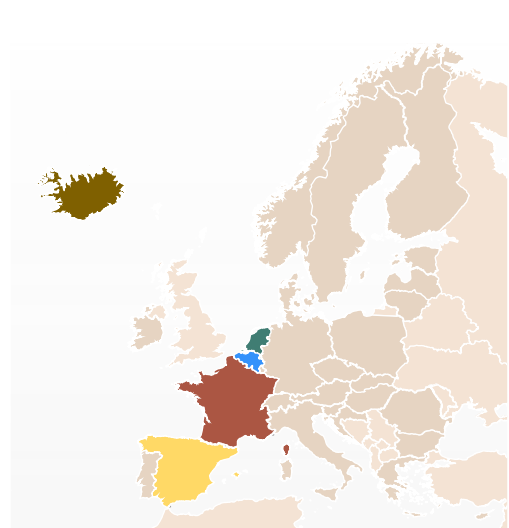
- ✓ **Netherlands** (June) in the field of visa policy
- ✓ **Spain** (July) in the field of management of the external borders
- ✓ **Iceland** (September) in the field of police cooperation

Given the good progress made by these Member States, the evaluation teams concluded that the serious deficiencies were adequately addressed.

2023 verification visits

- ✓ **Belgium** (January)
- ✓ **France** (November)

Both visits aimed at monitoring remedial actions related to the quality of border control. While some progress was observed in Belgium, there are still important deficiencies in both Member States, including on national governance, that need to be urgently addressed.

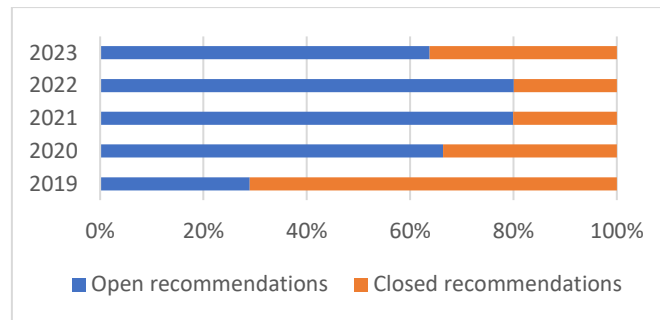


Furthermore, in many cases, Member States are not effectively **reporting** in line with the legal requirements and deadlines under the SEMM Regulation and in several instances action plans submitted to the Commission are inadequate and need to be revised. The effective implementation of recommendations stemming from Schengen evaluations is still inconsistent,

⁹ The Commission has launched infringement proceedings addressed to Belgium, Germany, Greece and Spain on their application of the return *acquis* on the basis of Schengen evaluation findings.

¹⁰ In accordance with Article 13 of the Regulation (EU) 2021/1148 (the ‘BMVI Regulation’), Article 16 of the Regulation (EU) 2021/1147 (the ‘AMIF Regulation’). Furthermore, Article 16 of the Regulation (EU) 2021/1149 (the ‘ISF Regulation’).

hampering the full potential of the mechanism to contribute to a strong and well-governed Schengen area.



Against this backdrop, the Commission has strengthened its monitoring capacities and facilitated Member States' efforts to comply with their reporting obligations through the digitalisation of the monitoring phase via the **KOEL-SCHEVAL application**, in place since May 2023. It has allowed a centralisation of all exchanges regarding the implementation of the recommendations in one platform, creating a better overview for both the Commission and the evaluated Member States on the state of implementation of recommendations. This platform has led to procedural simplifications and increased transparency, notably in relation to the development of the yearly individual Schengen Scoreboards.

Following the latest assessments of follow-up reports submitted by Member States, **the Commission hereby closes the action plans related to the 2015 evaluation of Belgium on data protection aspects of the Schengen *acquis*, the 2018 evaluation of Switzerland on return, the 2018 evaluation of Lithuania on police cooperation, the 2019 evaluations of Poland on the common visa policy and the management of the external borders, the 2019 evaluation of Hungary on the Schengen Information System and the 2022 evaluation of Malta on the common visa policy** following the full implementation of all recommendations, in line with Article 21(3) of the SEMM Regulation.

In addition, the Commission also technically closes the action plans related to the 2016 evaluations of Greece on its management of the external borders and data protection aspects of the Schengen *acquis*, the 2016 evaluation of Luxembourg on data protection aspects of the Schengen *acquis*, the 2017 evaluation of Denmark on its management of the external border and the Schengen Information System, the 2017 evaluation of Iceland on its management of the external borders and return, the 2017 evaluation of Norway on its management of the external borders, data protection aspects of the Schengen *acquis*, return and police cooperation, the 2017 evaluation of Portugal on its management of the external borders, return and the Schengen Information System and police cooperation, the 2017 evaluation of Spain on its management of the external borders, the Schengen Information System and return and police cooperation, the 2017 evaluation of Sweden on its management of the external borders and return, the 2018 evaluation of Switzerland on the Schengen Information System and the 2018 evaluation of Lithuania on police cooperation, data protection aspects of the Schengen *acquis* and the Schengen Information System. This closure is, however, technical since it relates to action plans that are not fully implemented. The outstanding recommendations need to be reported on in the

framework of the action plan submitted by the Member States after the new evaluation to prevent duplication of reporting obligations.

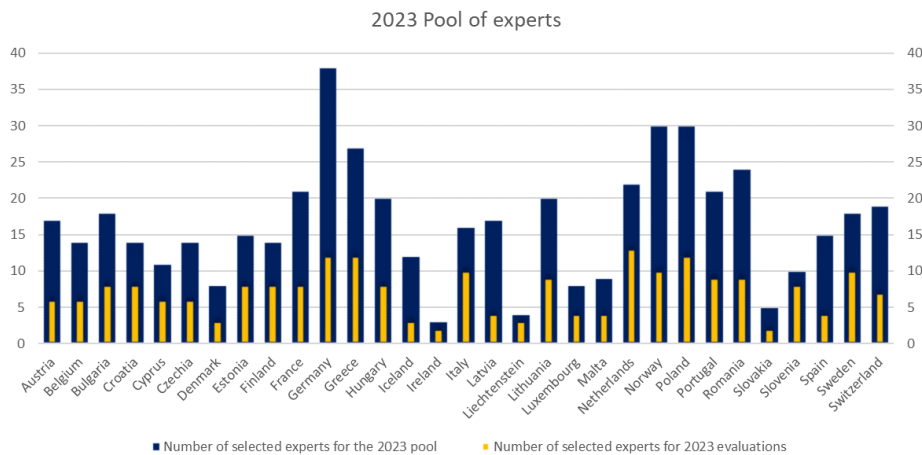
Tools supporting strategic Schengen evaluations

The new concept of Schengen evaluations implies an overhaul of the tools supporting them. In line with the new Regulation, in 2023, the Commission has worked to upgrade the pool of experts, the Schengen Evaluation Guide, the Schengen standard questionnaire and the training concept for Schengen evaluations.

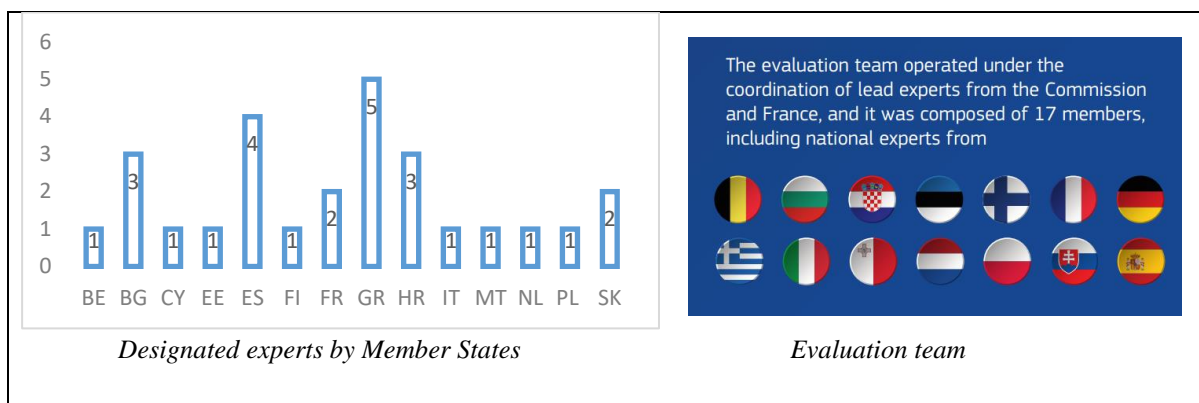
The first pool of experts in support of 2023 Schengen evaluations

The establishment of the **first pool of experts** for conducting Schengen evaluation and monitoring activities for the Schengen evaluations carried out in 2023 has proven beneficial in decreasing the administrative burden and simplifying the designation and selection of Member State experts. The single call for experts for all evaluations of the subsequent year, followed by a pre-selection of experts to the pool by the Commission, allowed for the necessary flexibility to easily select experts with the required expertise for unannounced evaluations and whenever selected experts were no longer available for a specific visit.

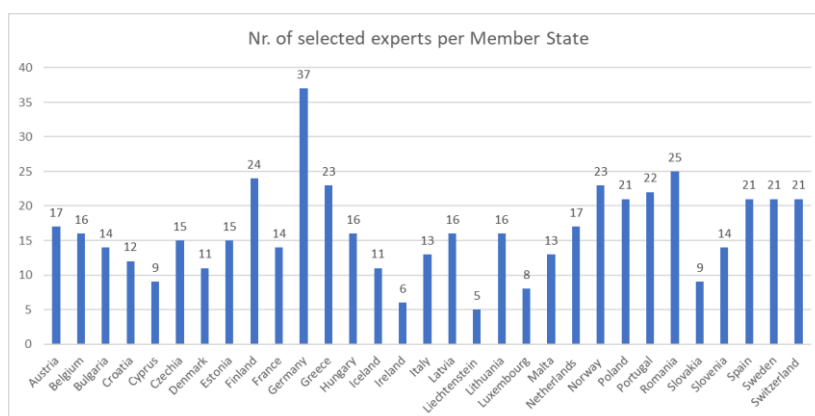
Following the establishment of the 2023 pool of experts, the teams to carry out the evaluations of Finland, Lithuania, Latvia, Estonia and Cyprus were established. Experts from 31 Member States and Schengen associated countries participated in the 2023 evaluations as follows:



With regards to the thematic evaluation on drug trafficking, a specific call was launched since specialised expertise and experience involving different policy areas with a special focus on drug trafficking was necessary.



In November 2023, the Commission established the **2024 pool of experts**. In line with the requirements of the Schengen evaluation and monitoring mechanism, nearly all Member States designated at least one expert per policy area. Only a few Member States refrained by invoking that the designation would substantially affect the discharge of national tasks¹¹, and therefore were not able to nominate at least one expert per policy area¹². In total, 526 national experts were designated out of which **505 national experts** were selected for the 2024 pool, taking into account the general and specific criteria defined in the Regulation and in the designation invitation to the Member States¹³.



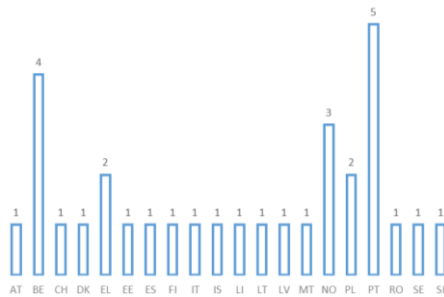
An additional call for experts was launched for the 2024 **thematic evaluation on return** to ensure the sustainable availability of experts throughout the year. Based on the 31 nominations submitted by 20 Member States, the team is composed of 15 experts. Frontex and the EU

¹¹ In accordance with Article 17(2) of the Regulation, ‘Member States shall not be required to designate experts in the areas in which, for objective reasons, they are not evaluated or, in exceptional situations, if the designation would substantially affect the discharge of national tasks. If a Member State invokes the latter, it shall provide in writing the reasons and information on the exceptional situation to the Commission’.

¹² France, Italy and Slovakia did not nominate an expert on data protection while Denmark did not nominate an expert on police cooperation.

¹³ Article 15(1) of the Regulation stipulates that the experts ‘shall have appropriate qualifications, including a solid theoretical knowledge and experience in the areas covered by the evaluation and monitoring mechanism, along with sound knowledge of evaluation principles, procedures and techniques, and shall be able to communicate effectively in a common language’. In accordance with Article 17(5), Member States must designate experts who fulfil these conditions.

Fundamental Rights Agency support the team as observers while the EUAA and eu-LISA provide support on an *ad-hoc* basis.



Designated experts by Member States



Evaluation team

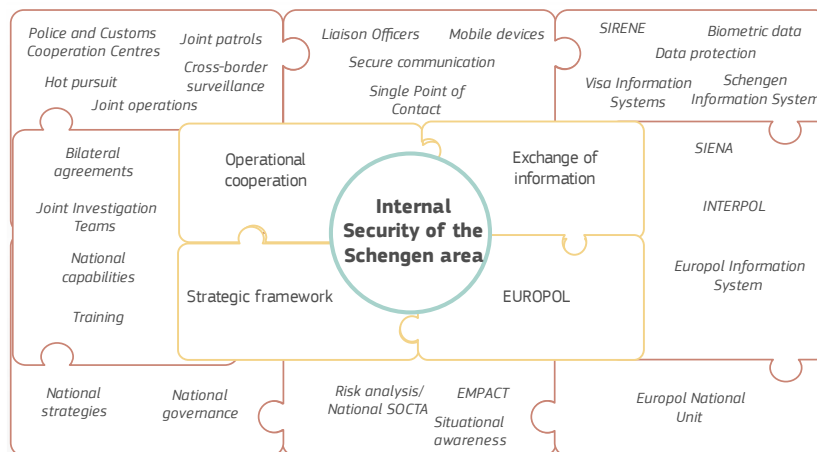
A critical component for the well-functioning of the pool of experts remains the national coordination of Schengen evaluations, in particular regarding the qualifications, commitment and availability of experts. On several occasions, pre-selected experts were no longer available at the time of the evaluation due to professional or personal reasons. These last-minute changes have complicated the timely organisation and adequate preparation of evaluation visits. The Commission calls on Member States to ensure the full commitment of their preselected experts to carry out Schengen evaluations, as a peer-to-peer mechanism equally to the benefit of the authorities sending experts.

At the same time, the continuity between training activities and evaluation activities should be strengthened to ensure that recently trained experts are invariably designated for the pool by their authorities, in line with the requirements of the SEMM Regulation¹⁴. The information sharing processes via the national contact points on the establishment of the pool, including feedback to designated experts on the outcome of the process, could be further improved.

The establishment of the 2024 pool of experts has followed the developments in the organisation of Schengen evaluations. Building on the innovations and the experience of establishing the first pool of experts, the Commission updated the composition of the evaluation teams by fostering the use of **mixed teams** with complementary profiles and competences. For the first time, the Commission established an **integrated pool of experts** and encouraged Member States to nominate experts with mixed profiles to support the establishment of these teams.

Against this backdrop, and in light of the high complementarity of profiles of police cooperation experts and large-scale information systems experts, the Commission, supported by Member State lead experts, merged both evaluation teams creating an **integrated Internal Security team**. This new concept, which involves a common planning, programming, and implementation of field visits, was successfully implemented in the 2023 evaluations.

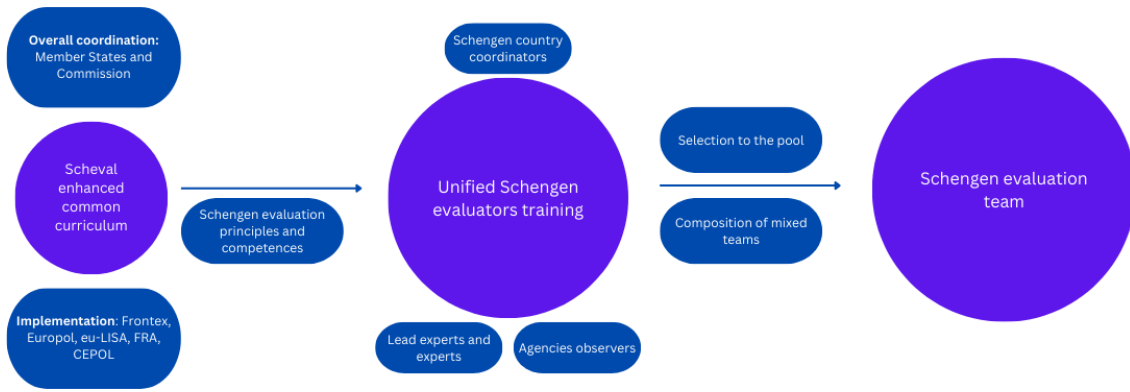
¹⁴ Article 17(6) SEMM Regulation.



The Commission will continue to work towards a more strategic and coordinated use of teams with mixed expertise, taking also into account the needs stemming from the adoption on the new Schengen legislation, such as the Screening Regulation, as well as the implementation of the new IT architecture. The Commission will ensure that the composition of the pool is adapted accordingly.

To ensure a high-quality pool of experts for evaluation and monitoring activities, a **common and integrated training framework** for Schengen evaluators was established in 2023. The aim is to complement a solid theoretical knowledge with a good understanding of evaluation principles, procedures and techniques to ensure a consistent approach throughout the evaluation activities. The cornerstone of this harmonisation process is the establishment of the first **Common Curriculum**, which has been agreed on by the Commission, Member States training experts and EU agencies. This single common curriculum reflects the principles of the new SEMM Regulation and is applied in all training activities irrespective of whether Member States, Agencies or the Commission are organising the training. Since its establishment, **215 experts were trained** in April, September and October 2023 under this common framework.

Furthermore, the second **Country Coordinator and Lead Expert workshop** took place in January 2024, bringing together the Member States' and Commission Country Coordinators, designated Lead Experts for the 2024 evaluations as well as a selected number of country coordinators and lead experts of the 2023 evaluations. The training allowed the experienced experts to share their insights on the comprehensive evaluation process and allowed further reflections for improvement. Member State Country Coordinators play a crucial role in the design, planning, implementation and follow-up of the peer to peer Schengen evaluations, as well as in the closing of the existing gaps between the technical/operational and the strategic/political levels.



Towards a single Schengen evaluation training framework, for a strong pool of Country Coordinators, Lead Experts and experts

The principles behind the new integrated Schengen evaluation and monitoring mechanism were consolidated in the revised **Schengen Evaluation Guide**, adopted in October 2023. It serves as a practical guideline for all actors involved in Schengen evaluations for all steps of the process, from the initial planning stage until the closure of the action plan.

The **Schengen standard questionnaire** was also updated in July 2023 to fully cover the scope of evaluations as defined in the SEMM Regulation and the legislative changes in the Schengen *acquis* in the last years. Since it should serve as the basis for Schengen evaluations in the years to come, it already includes questions related to tools and legislation that will enter into operation on short term, such as the Entry/Exit System.

Next steps: 2024 evaluation and monitoring activities

In line with the **multiannual evaluation programme 2023-2029**, and the **2024 annual evaluation programme** adopted in December 2023, the periodic evaluations of Croatia, Poland, Hungary, Slovakia and the Czech Republic take place in 2024. Following the Council Decision on the full application of the Schengen *acquis* in Bulgaria and Romania as from March 2024, and in line with Article 23(6) of the SEMM Regulation, the multiannual evaluation programme will be amended and both Member States will be evaluated in 2025.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Periodic evaluation*	HR**		PL		HU				SK		CZ	
Thematic evaluation	All the Member States fully applying the Schengen <i>acquis</i>											

* The periodic evaluations in the field of visa policy in Norway and Sweden will be carried out in January/February 2024 and in Denmark in December 2024, as they had been delayed by COVID-19 related travel restrictions.

** The periodic evaluation of Croatia will start in December 2023 in the field of visa policy and will continue in January and February 2024 for other policy areas.

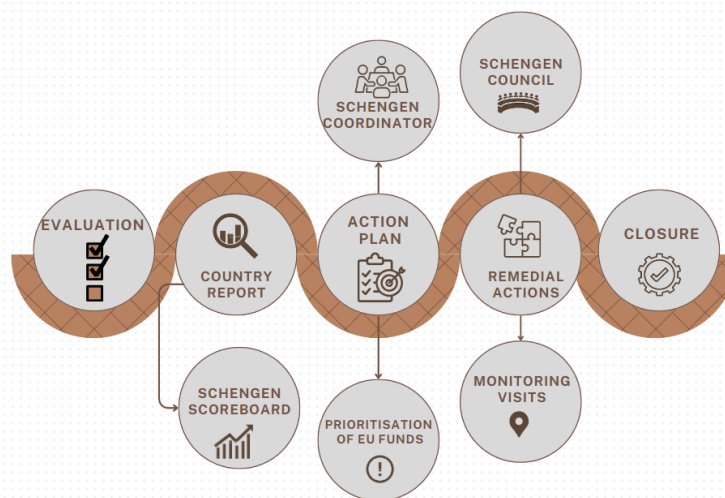
With regards to the **monitoring activities** to be carried out in 2024, the Commission is planning to carry out visits to Cyprus, France, Denmark, Ireland, Greece, Portugal and Spain. In the

cases of Cyprus and Ireland, these revisits will allow to verify progress in the implementation of the recommendations in view of advancing in the Schengen accession process.

In the framework of the 2023-2029 **multiannual evaluation programme**, the functioning of the national components of the European Border and Coast Guard remains a specific priority as well as the implementation of the Schengen Information System. Furthermore, the new evaluation activities will also cover new Schengen requirements stemming from the renewed legislative framework as well as the preparation and implementation of the Entry/Exit System and the European Travel Information and Authorisation System.

In line with the comprehensive approach of the new evaluations, which is now reflected in the revised structure of the Schengen Scoreboard, the Schengen evaluations in 2024 and onward will pay particular attention to the situation at the internal borders, the effective cooperation with third countries on border, immigration and security activities, as well as to the functioning of the authorities, including safeguards to prevent corruption.

The **Schengen Scoreboard** will continue to facilitate the implementation of the recommendations stemming from Schengen evaluations and will be used to further boost the work of the Schengen Council by better identifying and monitoring horizontal priorities. In this context, the Schengen Coordinator will play an active role by further engaging with the national Schengen Senior Officials to support the implementation of the Schengen rules, including by ensuring increased synergies with EU funds.



Schengen evaluations at the core of the Schengen cycle

2024 signals the launch of the **monitoring phase of the 2023 thematic evaluation on drug trafficking**. Since the primary aim of the evaluation was to focus on the identification of best practices, Member States were invited to consider the added value and feasibility of implementing the best practices in their national frameworks. The Commission will monitor the implementation of this Recommendation¹⁵ through national action plans to be submitted by June 2024.

¹⁵ Council document 7301/24 of 5 March 2024.

At the same time, the Commission together with Member State experts has launched the **2024 thematic evaluation** to bridge national gaps towards an effective EU return system through common solutions and innovative practices. Following the establishment of the evaluation team and the agreement on the questionnaire, all evaluated Member States have to submit their replies by June 2024. On-site visits will follow in autumn 2024.

Looking ahead to 2025 and following a consultation process with Member States, the Commission puts forward three proposals for a **thematic evaluation** in 2025 in the 2024 State of Schengen report . These proposals aim to address priority areas and common challenges, including situational awareness, identification of security threats and effective capabilities to address risks associated with irregular migration.

Concerning training activities, the implementation of the **common curriculum** in the initial trainings in 2023 provided for a solid foundation on which the future trainings can be designed. Against this background, in 2024, the initial trainings will be further refined to achieve the goals of the common curriculum, which will contribute to the high-quality of Schengen Evaluators. The next initial trainings are scheduled in spring and autumn 2024.



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ANNEX 2

ANNEX

to the

**Communication from the Commission to the European Parliament, the European
Council, the Council, the European Economic and Social Committee and the Committee
of the Regions**

State of Schengen Report 2024

ANNEX 2

Compendium of best practices identified in the framework of the Schengen evaluation and monitoring mechanism

The well-functioning of the Schengen area relies on Member States' effective and efficient application of the Schengen rules. The Schengen Evaluation and Monitoring Mechanism (SEMM) is a key safeguard to ensure the adequate implementation of the Schengen acquis, which allows not only for the timely detection of vulnerabilities, but also allows for the identification of best practices and innovative solutions put in place by Member States.

The compendium of best practices accompanying the 2024 State of Schengen Report marks its second edition since the new SEMM Regulation came into force. As a living document, it encompasses both the best practices identified in the previous iteration of the compendium, as well as new and innovative measures identified in the evaluations that took place in 2023.

The compendium of best practices brings together a wide range of best practices covering several aspects of the Schengen acquis, including national Schengen governance, management of the external borders, visa policy, returns, as well as measures within the Schengen area, such as internal borders and internal security. The aim is to provide insights into innovative strategies, tools, and measures that can support Member State authorities in the implementation of the Schengen acquis and to facilitate peer-to-peer knowledge sharing. Further exchange of knowledge and experience should be fostered within the relevant Council bodies to reinforce this collaborative effort. The compendium serves to complement existing best practices outlined in applicable Commission or Council Recommendations or handbooks with new insights.

This compendium is explanatory and has no legally binding status. It is intended as a valuable resource for policymakers, law enforcement officials, and other stakeholders involved in ensuring the smooth and efficient functioning of the Schengen area but also to support possible solutions for remedial actions addressing future recommendations proposed by evaluation teams. It is part of the annual report referred to in Article 25 of Council Regulation (EU) 2022/922.

NATIONAL SCHENGEN GOVERNANCE

1. National strategies

Implementation of European Integrated Border Management (EIBM)
<p>Governance of national IBM</p> <ul style="list-style-type: none">- A centre bringing together seven authorities, including the police, the migration office and the customs administration is created at national level. Its main aim is to develop counter-strategies, provide early warnings and develop recommendations. It is a permanent structure, organised around the work of temporary units, and has a wide range of analytical products that serve both tactical decision-making at local level and strategic decision-making at ministerial level. Its analyses are distributed to all border police units through the police web platform. [<i>Germany, 2015</i>]- The contingency plan includes detailed procedures for a variety of potential crisis scenarios, defines clear roles and responsibilities for all relevant national authorities (including police, customs, armed forces and immigration services), as well as local stakeholders (such as municipalities and non-governmental organisations). Such plans are further complemented with procedures for requesting and integrating European support. Several tests of the contingency planning framework were performed involving all national authorities with responsibilities in crises. [<i>Finland, 2023</i>]
<p>Quality control mechanism</p> <ul style="list-style-type: none">- The Ministry of the Interior has established a national evaluation mechanism for external borders, built on the European and national quality control mechanisms. It brings together the recommendations from the Schengen evaluation mechanism, Frontex vulnerability assessment and national evaluation visits. The latter includes an evaluation of the Schengen Information System/SIRENE and police cooperation issues. [<i>Austria, 2020</i>]- Border management at national and EU level should be systematically subject to the application of the European quality control mechanism covering the entire scope of the EIBM. The permanent national quality control mechanism includes a national evaluators' pool, which is trained in Frontex Schengen Evaluators' courses. [<i>Thematic Evaluation of national IBM strategies, 2020</i>]
Interagency cooperation
<ul style="list-style-type: none">- Close and effective formalised inter-agency coordination and cooperation between the different national authorities at central, regional and local level are considered essential for the effective functioning of integrated border management systems. Border guard units are deployed in the territorial waters and on land of the third countries concerned, ensuring constant joint patrolling by sea and air on board vessels and airplanes of the Member State, supported by electronic means such as the integrated external surveillance system (SIVE). [<i>Thematic Evaluation of national IBM strategies, 2020</i>]- The interagency sharing of intelligence information through the same platform, contributes to build a common structured picture that improves the quality of information sharing and supports the main stakeholders in the accomplishment of their institutional mission, avoiding the duplication of efforts. [<i>Estonia, 2023</i>]- Joint investigation cell established involving other national law enforcement authorities and five other EU members States affected by the migration flow, as well as Europol and Frontex. This allowed an effective and high-speed exchange of information, thus fast reaction, and effective

measures to be taken to slow down the migration flow and carry out actions against the facilitators. Criminal intelligence and open-source information collection and concentration in this cell, cross checking of persons made the joint investigation cell an operational hub at the external border supporting the overall management of the phenomenon. [Lithuania, 2023]

2. National capabilities

Training

Cooperation with CEPOL

- Coordinated and active participation to European law enforcement training is an integral part of the inter-agency cooperation within the Police, Customs and Border Guard permanent governance structure. The training needs are regularly discussed not only by the Police University College, but also in constant cooperation with Border Guard's and Custom's training institutions. The participation in CEPOL courses is high and the access to the CEPOL e-learning platform LEED is granted to a wide number of law enforcement officers. CEPOL trainings are included in the national Police, Customs and Border Guard annual training plans and under the coordination of the Police University College, available CEPOL training seats are shared between the law enforcement authorities based on their needs and competencies. Moreover, the information concerning the possibilities of the CEPOL trainings are easily accessible at the police, Customs and Border Guard intranet. [Finland, 2023]

Returns

- An extensive training programme conducted by highly qualified trainers, along with an established framework for escorting, supported by a well-developed network of trainers, guarantees high standards of performing escorts in line with Frontex standards. The training consists of both theoretical and practical parts. The theoretical part focuses on return operations procedure, fundamental rights, - legal framework, communication and cultural awareness as well as medical aspects. During the practical part, officers get familiar with Intervention Techniques and Restraints Situation Training (First Contact, Briefing PIC, Boarding, Seating, Movement on Board, Unauthorised Movement, Catering, Lavatory Procedure and Handover). The practical exercises are done in an airplane mock-up, which makes it possible to train in realistic situations. [Portugal, 2022]
- Agreement with an airline company to use aircrafts and simulators in regular basis to train the pool of escorts on return operations, not only from an operational perspective, but also to simulate emergency situations that could take place during the return operations such as fires. [Finland, 2023]

SIRENE Bureau

- The national police service has strongly supported the development of well-designed e-learning modules that turned out to be particularly efficient in the pandemic context, to reach almost all end-users interested. Tools were also developed to monitor the progress of the training audience and refresher courses were introduced. This led to an average good knowledge among the end users of the Schengen Information System in terms of potentiality, functionalities and procedures to follow. [Ireland, 2021]
- The SIRENE Bureau of the National Bureau of Investigation has created a national online training course focusing on the new Schengen Information System Regulation. The course contains theoretical material and knowledge checks. The online training package is mandatory for Police

officers, Border Guards and Customs officers and completion of the course is monitored and followed-up. [*Finland, 2023*]

- **Establishment of a state-of-the-art Training centre within the premises of the SIRENE Bureau, which provides a comprehensive practical training opportunities for all the end users of all national Law Enforcement Agencies. The educational activities include practical sessions in computer labs and the availability of e-learning platforms, including the Police intranet and CEPOL courses, related to SIS distance learning. The Police Academy regularly cooperates with the relevant departments in the Police, local Universities and NGOs to ensure that regular updates are included in the training programme, also in the field of international police cooperation and Schengen matters. A full set of Manuals containing with all relevant information on Schengen Information System, Automated Fingerprint Identification System and SIRENE matters for each competent national authorities and Police Services is available via e-libraries on the Police intranet.** [*Cyprus, 2023*]
- **The national IT system records information and documents about third-country nationals subject to return, thus giving a complete picture of their situation. The SIRENE Bureau is in charge of converting directly in the Migration authorities' systems the national alerts on return to alerts on refusal of entry and stay upon receiving R-A SIRENE forms from other Member States on national alerts. The same procedure can be performed by the border guards when the person, subject to a return alert is located at exit out of EU territory.** [*Estonia, 2023*]

Joint training with other Member States

- The Member State has embraced the concept of joint training with the police services of its neighbouring countries as a way to improve cooperation in the border areas. Joint trainings and other law enforcement agencies with foreign counterparts stem for instance from the work of the Bilateral Cooperation Committee. Joint trainings are also organised by the Police and Customs Cooperation Centre. [*Germany, 2020; Spain 2022*]

Data protection

- There is well developed data protection training for expatriate staff at Consular Posts and data protection training, which is organised in cooperation with the Ministry of Foreign Affairs' Data Protection Officer and the Data Protection Authority. [*Czech Republic, 2019*]
- Wide-ranging training concept of the National Schengen Information System controller and in particular, the provision of e-learning modules and the comprehensive training strategy for new staff members [*The Netherlands, 2021*]
- The data protection authority's (DPA) staff members working with issues related to Visa Information System (VIS) and Schengen Information System (SIS) receive appropriate training, which is customised for each person individually. [*The Netherlands, 2021*]
- **The comprehensive training on data protection requirements related to the Schengen Information System organised by the Data Protection Officer and provided for the National SIS and SIRENE Bureau staff members and end users, especially regarding awareness raising efforts.**[*Italy, 2021*].
- **The Ministry of Foreign Affairs training and awareness raising of staff on data protection requirements in relation to visa issuing procedure and to the Visa Information System, including the active involvement of the DPO Office, for end users, in particular for consular staff before posting to embassies/consulates.** [*Greece, 2021*]

Equipment

- The use of modern, tailor-made technical equipment like tablets, smartphones and other portable items, with dedicated software programmed to facilitate the work of the police in identifying third-country nationals, to swiftly verify whether the third-country nationals subject to police checks are entitled to stay in the Member State. [*Switzerland, 2018*]

Mobile devices

- The important roll-out of mobile devices has increased the overall number of searches and hits in SIS. [*Czechia, 2019*]
- Use of a mobile device that checks the readable zone of the travel documents, shows and stores the data from documents, and searches national databases and the SIS. In case of a breakdown of the query systems, mobile devices with document readers can be used to check the SIS for passenger traffic control. [*Hungary, 2019*]
- Mobile devices have been deployed to provide patrol officers with access to relevant databases via a mobile application. Both user-friendly and powerful, mobile devices can read vehicle licence plates as well as the Machine-Readable Zone (MRZ) of identity documents. They are also equipped with facial recognition capabilities (i.e. send photographs for facial recognition purposes to a central database). [*Hungary, 2019*]
- The distribution of mobile devices equipped to query in the Schengen Information System ensures that all police officers can easily and swiftly query the system by themselves no matter where they are. [*Belgium, 2021*]
- All police officers with the relevant profile have been equipped with smartphones with direct access to (inter)national databases and with a secure communication application. The national police forces use a mobile solution for working outside the office. Via mobile devices (tablets, smartphones and laptops), every operational police officer can query (inter)national databases (such as identity documents, license plates and biometrics). Objects, such as license plates, which are scanned with the smartphone, are immediately checked against the central database. [*The Netherlands, 2021*]

3. Large-scale IT systems

National applications

Alerts and queries

- If the SIRENE Bureau creates, updates or deletes an alert using the national application, the issuing/requesting authority is automatically notified using an automatic email notification. This simplifies the procedure, reduces the workload and improves the exchange of information between the different authorities involved. [*Hungary, 2019*]
- The Member State receives passenger data from all flights coming from third countries, the Targeting Centre Borders compiles it and the data is processed automatically through the national Advance Passenger Information (API) System. The API System consists of national databases, 'watch lists', profiles based on risk analysis, the SIS and the Stolen and Lost Travel Documents (SLTD) database. In case of a match, the operators have access to several databases and use the national application to verify the match and get more information about the alert (photographs, fingerprints, more details about the 'action to be taken', etc.). The hit result displays identifiers, 'reason for request' and 'action to be taken'.

The suspect's data and flight details are sent to the relevant airport or seaport which is responsible for apprehending the suspect. [*The Netherlands, 2021*]

- All SIS query applications provide an easy possibility (a small red button right under the name of the end-user) to see the information on data quality warnings on SIS alerts created per office (by office code), which can be an easy way to rectify errors in the national SIS alerts. [*Italy, 2021*]
- **Besides the owners of firearms, all imported firearms also have to be registered by the importers and dealers in the police register with the same automated queries being made. Since August 2022, it has become mandatory to upload photos of the firearms indicating all available markings and serial numbers. This ensures that the photographs are available for attachment to alerts if a weapon is being entered in the Schengen Information System.** [*Lithuania, 2023*]
- **The centralised search application used for querying the Schengen Information System by police officers and other end users is very straightforward and user friendly, with a clearly visible display of the linked alerts. The application provides for seamless transition to the linked alert.** [*Finland, 2023*]

Hit reporting

- Several practices are in place to ensure the automatic notification of a hit to the SIRENE Bureau. In particular:
 - Displaying of information on second line officer's screens on a hit as soon as it is registered in the first line. The border guards in the SIRENE Bureau also receive information on hits via the border guard application. [*Poland, 2015*]
 - When the National Road Vehicle Agency achieves a hit, the SIRENE Bureau receives an automatic e-mail notification. This allows the SIRENE operator to verify the hit and contact the Agency in case the latter has not taken the initiative. [*Luxembourg, 2016*]
 - The border application has a direct 'chat' functionality with the case handler in the SIRENE Bureau, which allows immediate direct contact with the SIRENE Bureau if an internal hit reporting form is sent off. [*Croatia, 2018*]
 - The national application allows the end user to send instant messages (i.e. from first to second line) to provide further details about the hit. [*Finland, 2018*]
- A standardised hit reporting form is available to all end users. End users can access this form directly via the applications used to query SIS at the state level or by the file-handling system of the Federal Police. The hit form is interactive and can be easily completed using the values provided in the drop-down menu. It also identifies erroneous information entered in the free-text fields. [*Germany, 2020*]
- At the airport, border guards have set up an effective follow-up procedure for hits on discreet check alerts in cooperation with customs officers. When border guards notice that a passenger is subject to an SIS request for a discreet check, they will discreetly signal this to customs officers. [*France, 2021*]
- **The national application provides the Schengen Information System alerts hit reporting form for the end users, with a pre-filled template which retrieves from the alert all the available data. The end users fill out the hit relevant fields and send it directly to the SIRENE Bureau, a received email message includes HTML format, which can be directly converted into a SIRENE form. Inquiry check questions are prefilled in the hit-reporting form. This ensures a very good level of data quality and hit reporting in real time.** [*Lithuania, 2023*]

- **Effective procedure to report that a person who is subject to a return decision and return alert has left the Schengen area. In such cases, the border guard authority which had the hit records the departure directly into the application used by the Migration Service. The SIRENE Bureau deletes the return alert and introduces the refusal of entry alert outside office hours when the information of the departure is received from other Schengen Member State or the national Embassies or Consulates. In cases of forced return, the local police units which executed the forced return also record it directly in the system. Such procedure ensures an effective management of the return policy at national level and also ensures that the refusal of entry alert is introduced to the Schengen Information System without delay when the return decision is accompanied by an entry ban. [Finland, 2023]**

Alert creation

- In the SIRENE workflow, a warning message was created to remind the authorities of the necessity to insert biometrics if available when creating an alert in SIS. [The Netherlands, 2021]
- When creating SIS alerts via the national application, data from previous records are automatically added. Photographs are attached and identity details can be automatically inserted into the new alert. [France, 2021]
- **High level of data quality and automation in two processes in the Register of Wanted Persons. First, when an alert on a national is created, the register automatically checks whether there is a vehicle, or a firearm registered in the national databases to the name of the person and automatically offers to the end-user the possibility to include the object as an extension to the alert, which needs to be confirmed by the end-user. Second, when entering an alert on a resident, the register pre-fills and imports the alphanumeric data (including the ID document information) in the alert from the national registers (the photograph of the ID document is not uploaded automatically, but added manually, when available). In addition, when creating a return alert in the national application on a person whose personal information is in the national registers, the national application imports the alphanumeric and biometric data in the alert as well (including the copy of the ID document, when available). [Lithuania, 2023]**

National SIS, National VIS and IT systems

- An alert system is available to signal anomalies immediately. The monitoring tool sends emails to system administrators in the event of an anomaly. [Italy, 2016]
- The Security operation centre monitors the security at user's level of the entire police network, detecting anomalies that might indicate possible attacks. When the Security operation centre detects a suspicious use, the Operation centre has to intervene to verify the possible anomaly. The active monitoring of 'atypical behaviour' from the end users performing queries allows them to identify signs of improper use of the Schengen Information System and to prevent possible data security risks. [The Netherlands, 2021]
- In the national IT visa system, urgent applications (e.g. in a case when an applicant needs to travel very shortly following the submission of the application, such as hospitalisation of a close family member) are permanently flagged. Therefore, urgent applications are easy to identify and their examination can be easily prioritised. [Malta, 2022]

- **The monthly data quality reports produced by eu-LISA are received at the National Schengen Information System Office and are then, prefiltered to include only the alerts that the SIRENE Bureau needs to check and/or forward to the end users who have created the specific alert. The two-tier verification of possible errors ensures to a high degree the good quality of the data entered in the Schengen Information System by the authorities. [Lithuania, 2023]**
- **The National SIS application displays in a prominent manner “Immediate reporting” and “Misused identity”, by placing the text at the top of the alert, highlighted in red letters. Such a display allows the end user to be instantly aware of the situation in terms of urgency, complexity and sensitivity of the alert. [Cyprus, 2023]**
- **The visa processing IT infrastructure significantly facilitates the submission and examination of visa applications in a secure manner, limiting the dependency on the external service provider concerning the management and control of the systems. First, an online visa application form available at the Foreign Ministry’s website and used approximately in 80% of the visa applications, including a “Guide” with useful explanation in many languages regarding the data to be inserted into the different fields. At the end of the process it is possible to generate a checklist for the necessary supporting documents depending on the place of submission of the application and the purpose of the journey. Second, data entry system developed for the external service provider for registering applications and combining them with biometrics and scanned supporting document and fully managed by the national authorities. Finally, the “core” application processing system for the examination of applications and decision-making has an intuitive, user-friendly interface, allowing the decision-makers to easily contact the consulates, external service providers, border guards, and the police in relation to a particular application. The VIS Mail is integrated into the system in a user-friendly manner and the system has various analytical and statistical tools. The log management and control functionality of the system notifies the Ministry’s support team of any unusual activities of users processing data. [Finland, 2023]**

Data Protection requirements in relation to the National Schengen Information System (N.SIS)

- Replies to data subjects from the authority managing the N.SIS are available in different languages. [Denmark, 2017]
- The authorities managing the N.SIS accept data subject’s rights requests made in languages other than the Member States’ language. [Lithuania, 2018]
- The Data Protection Officer of the N.SIS controller has established a comprehensive data breach notification policy, including procedures, tools and instructions to staff. [Germany, 2020]
- Decentralised structure of personal data protection monitoring where contact persons for the issues regarding personal data protection are available in every unit of the police whilst two data protection officers (DPOs) are in charge of general supervision. [The Netherlands, 2021]
- The Data Protection Office of the Central Directorate of the Criminal Police made extensive efforts to enhance data protection and data security, as well as for the N.SIS, including by the design of policies on data protection and information/cyber security issues, the definition and the auditing of information security and data protection management system and the accountability on awareness and training on data protection. The Data Protection Officer is in charge of performing vulnerability management, coordinating the vulnerability assessment activity and performing risk assessment and auditing; he/she cooperates with the data controller in a proactive and collaborative manner, e.g. regarding the project

for the realisation of a Cyber Security Operation Centre that allows a prompt and effective incident management [Italy, 2021].

- The Police has established comprehensive information security and data breach notification policies, including procedures, tools, and instructions to staff, as well as business continuity documents. [Norway, 2022]
- **The user authorisation management of the National Police Board prevents unauthorised access to personal data. In addition to the situation where the post or tasks change, the superior of the user controls and assesses annually that the subordinates' user authorisations are appropriate and, if necessary, launches an internal procedure to update them. The responsible system coordinator must annually check that the user rights given to stakeholder groups and external persons are appropriate and updated.** [Finland, 2023]

Data Protection requirements in relation to the visa issuing procedure / Visa Information System

- The authorities managing the N.VIS accept requests made in languages other than the Member States' language. [Lithuania, 2018]
- The Ministry of European and International Affairs' multi-pronged (regular and comprehensive) approach to auditing the visa process in the framework of the Visa Information System. [Austria, 2020]
- Extensive activities of the N.VIS controller in relation to the supervision of the consulates and of the external service provider, including on data security and data protection issues. In particular, a series of self-audits were performed in the last years by the N.VIS controller. [Spain, 2017; Italy, 2021]
- **The Data Protection Officer of the Ministry of Foreign Affairs, European Union and Cooperation is involved in the Ministry's inspections of the visa issuing procedure and is also in general strongly involved in many data protection aspects of the visa issuing procedure.** [Spain, 2022]
- Extensive log control carried out by an automated software tool to detect incidents in the log files. [Denmark, 2022]
- **The SIEM solution implemented in the IT system of the Ministry for Foreign Affairs is designed with numerous predefined rules triggering alarm and notifying by email the Ministry VISA support team in case of any unusual activity of users processing data in C-VIS. As the VISA system logs all processing of data in the VISA and C-VIS by all end-user authorities with access rights, the log control covers all those authorities, as well. The Ministry's Data Protection team has a well-established procedure for assessing data breaches and what additional steps need to be taken, including the timeframe for notifying the Data Protection Authority.** [Finland, 2023]

SIRENE Bureau

SIRENE procedures

- The Prosecutor's Office has a duty desk that is available 24/7 for referrals from the SIRENE Bureau. [Denmark, 2017]
- Involvement of SIRENE staff in on-spot activities during large-scale police operations. [Switzerland, 2018]

- A certificate is issued to the victims of misused identities in accordance with national procedures. [Denmark, 2022]
- There is a facility to submit fingerprints from the Schengen Information System to the national Automated Fingerprint Identification System through the SIRENE workflow system and get hit/no-hit responses automatically. This process is only initiated when a case file is created in the SIRENE workflow system. In accordance with the legislation, the process does not entail the storage of the SIS fingerprints in the national AFIS. [Ireland, 2021]
- **All relevant authorities related to the police internal secured network have their official dedicated mail accounts, used to exchange information. All police reports of incidents are visible to all offices with dedicated mail accounts, including the SIRENE officers who proactively search against the available databases, including the SIS, all EU and third-country nationals involved in the reported incidents. As a result of these queries, in case a positive match is produced, the SIRENE Bureau contacts immediately the Police station in charge of the case (that has reported the incident) and requests further action to be taken regarding the subject of the alert. The proactive approach developed by the SIRENE Bureau ensures that no hits are missed during the queries performed against the SIS.** [Cyprus, 2023]

SIRENE workflow system

- In the case-management applications, when there is a hit in an alert that contains aliases, misused identities and/or links, a window pops up highlighting the presence of this relevant information. This notification effectively addresses one of the most common problems among the query solutions in the different Member States: the difficulty of making this information visible to the end user. [Hungary, 2019]
- The SIRENE workflow system automatically checks all incoming messages from all international channels (including also SIRENE forms), against pre-defined keywords. Personal data included in the forms is automatically checked against the connected databases. Positive results from such screening are marked as 'hot hits' to indicate that those forms should be handled as a priority. Thanks to this solution, the SIRENE Bureau can effectively manage incoming requests without any backlog. [Liechtenstein, 2021]
- The workflow system contains many useful functionalities, including the possibility of direct messaging with the end users and vice-versa, shortcuts buttons for the most-used functions. [Ireland, 2021]
- Incoming A and M forms (used to exchange information on European arrest warrants and extradition requests, and on miscellaneous supplementary information when no procedure is laid down, respectively) on persons are processed automatically in the SIRENE case management system, which automatically transfers the incoming forms on alerts related to terrorism to the Danish Security and Intelligence Service. [Denmark, 2022]
- *The SIRENE forms created by officers are pre-filled with alert data and have predefined texts available that can be added just with one click. The predefined texts are tailored for each form and type of alert.* [Slovakia, 2019]
- **The SIRENE case management system is a single IT application that handles all messages in a highly automated way: incoming SIRENE forms are registered automatically to existing cases and assigned to the competent case officer; incoming A forms are processed automatically and checked against the national databases based on keywords. This process allows for all incoming A forms relate to these key words to be automatically sent once per day in a batch to the relevant**

departments and units. The A forms are assigned to an operator for manual handling only in case of a match. The dedicated national hit-forms are automatically sent from a preview window in the Schengen Information System alert by the end-users from the Police browser/registers and received in the ILO's incoming messages mailbox, and then converted into SIRENE hit-reporting forms. These processes significantly facilitate the performance of the tasks of the SIRENE Bureau and support the timely effectiveness of the exchange of supplementary information and forms. [Lithuania, 2023]

4. Fundamental Rights aspects

Forced-return monitoring

- Adequate monitoring is ensured by the full independence of the National Guarantor, the scope of its action, the trainings provided to the return escorts on fundamental rights (including on the rights of vulnerable groups of persons) and the principle of *non-refoulement*, as well as the regional network of trained forced return monitors operating on the whole territory. [Italy, 2021]
- The regular online publication of the forced-return monitoring reports by the Public Defender of Rights, including in English as part of the annual general report of the Ombudsman ensures an additional layer of scrutiny over the removal process, enhancing its transparency, and further supports the effectiveness of the forced-return monitoring mechanism. [Czechia, 2019]

5. Data protection supervision

- The Federal Data Protection Authority has developed tools for implementing regular supervision of the Federal Schengen Information System and Visa Information System authorities and carried out many supervisory activities, including yearly inspections at the Federal Schengen Information System end-user authorities. [Germany, 2020].
- **The Data State Inspectorate organises SIS and VIS supervision within the Business Process Model and Notation - a graphical representation for defining business processes in a business process model. Business Process Model and Notation allows employees to understand their responsibilities at each stage, as well as the entire process of supervision.** [Latvia, 2023]

EXTERNAL DIMENSION

Cooperation with third countries

Liaison officers

- In the framework of their trilateral police agreement, the Member State has agreed to share all their Liaison Officers based in third countries and to target specific geographical target areas. [*Belgium, 2015*]
- Under the Nordic police cooperation agreement national law enforcement authorities (Police, Customs and Border Guards) can use the entire network of Nordic Liaison Officers around the world. It is also possible for Member States to use Liaison Officers of other Member States. Furthermore, the cooperation between the Member State's police is enhanced by the deployment within the police department of one Member State. [*Finland, 2018*]
- **There is a direct access from the International Liaison Office intranet to the Database of dactyloscopy data that allows the officers to query the national AFIS with a NIST file attached to an alert, allowing to retrieve any matches in a matter of minutes. When the automatic search results in a match, this match is also subject to a fingerprint expert verification. This functionality allows not only to query the national databases with alphanumeric parameters but also with biometrics, which increases the accuracy of the identification of the person.** [*Lithuania, 2023*]

International cooperation

- The establishment of multilateral cooperation and bilateral agreements with several third countries allows data exchange in real time on maritime surveillance and in the border crossing points for the checks on ferries, and other border-related information. The authorities actively support the development of national capabilities for border control in third countries by donating assets. [*Italy, 2021*]
- The national authorities manage the migration flows and tackle cross-border crime from outside the Schengen area through the implementation of a regional concept of border surveillance. It includes the deployment of liaison officers from third countries to the regional coordination centres of the Member State and vice versa, which aims to facilitate direct cooperation and exchange of information. Border guard units are deployed in the territorial waters and on land of the third countries, ensuring constant joint patrolling by sea and air. A search and rescue mechanism complements the regional border surveillance system with vessels coordinated by the national search and rescue agency. [*Spain, 2022*]

Visa Policy

External Service Provider

- **Imposing financial sanctions on external service providers** in case of non-compliance with the contract, combined with reinforced monitoring of their work, is an effective way to bring the external service provider in conformity with the provisions of the contract and improve its performance. [*Austria, 2022*]

MANAGEMENT OF THE EXTERNAL BORDERS

National and European situational awareness and early warning system

Cooperation (situational awareness)

- The gendarmerie of two neighbouring Member States developed very good bilateral cooperation under a memorandum of cooperation. Based on this memorandum it is possible to conduct joint patrols at sea and land and exchange operational staff, among others. The authorities of these Member States also agreed to integrate their maritime surveillance systems and to share information on the maritime situational picture. [*Portugal/Spain, 2017*]
- The coordination between the National Coordination Centres of two neighbouring Member States allows for a common situational picture, efficient information exchange, improved situational awareness at the common borders and an increased response capacity, as the positioning of the assets is also shared between the two countries. [*Portugal/Spain, 2017*]
- **The direct access to national databases (beyond those just used for border control) enables the National Coordination Centre to maintain a comprehensive national situational picture and ensure an enhanced situational awareness for its stakeholders at national and European level.** [*Finland, 2023*]
- **The National Coordination Centre established a procedure for reviewing requests for activation of EUROSUR Fusion Services at the district and local levels. Such procedure verifies the legality and relevance of each request of EUROSUR Fusion Services, before they are submitted to Frontex, ensuring that only relevant and cost-effective requests for EUROSUR Fusion Services are sent to Frontex and then used in the operational activities.** [*Finland, 2023*]

Risk Analysis

Land borders

- **The national risk analysis system of the border control institution is efficient and supported by functional inter-agency cooperation. Twice per year, the border control institution issues common risk analysis products with the Customs and the National Police. The regular and systematic exchange of information between relevant national authorities involved in the implementation of the European Integrated Border Management resulting in joint risk analysis products ensures comprehensive national situational awareness and supports adequate reaction capabilities. In addition, common trainings, joint operations, and tailored actions are organised between the relevant authorities involved in border management.** [*Lithuania, 2023*]

Border checks

Land borders

- The shift leader delivers operational briefings to the officers assigned to first-line border checks before they carry out border checks on an incoming passenger high-speed train from a non-Schengen country. These briefings count on the participation of the customs representatives to ensure coherent information sharing on updated risk profiles as well as other relevant operational data. One team member of the border guard patrol was specifically trained for intelligence management. Effective border checks are carried out based on a strategic distribution of staff and adequate use of languages reflecting the

composition of the passengers. Advanced Passenger Information is required for all trains and for passengers and crew members on these trains. Nominated border guards process advanced passenger information included in the passenger list, pre-checked against pre-selected registers, assessing the flagged risks. Travel documents are examined and verified visually and utilising appropriate technical devices. [*Finland, 2018*]

Air borders

- A dedicated unit of six border guards monitors private transport and recreational aviation, including light aircrafts and helicopters, as it has access to real-time route tracking and flight data from the military radar. The unit receives all the flight plans which are then analysed. When the airport of departure or arrival is not a border crossing point, an alert is given to a police unit to intervene. In case of unauthorised landings at aerodromes not dedicated to border crossings, the authorities impose fines. Risk assessment of deviating flight routes is carried out regularly. [*Belgium, 2020*]
- **The communication between the first and the second lines at border crossing points at the airport via the national application is very highly automated and user-friendly. In case of a hit, the first-line officer has the possibility to type in comments in a dedicated field and the hit information together with the comments message is sent through the national application from the first line to the second line. When it comes to the e-gates, in case of a hit on a discreet check alert, the e-gate operator can also add a comment to the hit which is then immediately forwarded to the second line which collects additional available information and sends the hit form to SIRENE. This allows the check to be completed without any contact with the subject of the alert, while collecting the information needed.** [*Lithuania, 2023*]
- **Passenger Information Unit responsible for the collection and processing of passengers' data on all flights currently operating in the country. Its role is to inform (24/7) competent law enforcement authorities of the need to further examine incoming and outgoing passengers, after the automated comparison of their data with relevant databases (such as SIS, I24/7), or against abstract profiles modelled in cooperation and/or upon request of such authorities. As they receive queries from all law enforcement agencies, the unit is in a unique position to notice overlapping investigations and objects of interests and to inform respective agencies. Well-developed case management system for handling communications with competent authorities and Passenger Information Units of other Member States, established following international best practices, is at the heart of successful fulfilment Unit's tasks and information exchange. The operations take due account of data protection and procedural requirements established by the relevant EU and national law. The Unit proactively runs awareness raising campaigns on the capabilities it offers. It is equipped with high quality technical and human capabilities.** [*Latvia, 2023*]

Border surveillance

- The border guards are supported by an operational system that allows direct mobile consultation of the relevant databases and operational coordination in border surveillance. The system is also used for the coordination of patrols, situational awareness, positioning of patrols and efficient reaction capability. It further allows the Regional Coordination Centre to have a general operational picture, offering the possibility to select the proper means of intervention and the channel of communication in due time. The interactive interface allows the border guard and police patrols, the shift leaders and the Regional Coordination Centre to select and send the geo-location of a place of interest directly to the monitors installed in each patrol car and vessel. It provides a constant and comprehensive situational awareness

to the border guards responsible for border surveillance, facilitates communication and improves the reaction capabilities. [*Estonia, 2018*]

- The border guard uses Unmanned Aerial Vehicles (UAV) for surveillance and intervention tasks. Each of the regional units responsible for the external land borders is connected to the system. It consists of three platforms (unmanned mini motor gliders), a ground station (with remote control, screens and antenna) and other supporting equipment. The platforms are equipped with daylight and night-vision cameras, and one platform can be used at any given time. High-quality images from the cameras are delivered in real-time either to the ground station or other connected recipients. This UAV system can enhance the border surveillance capacity, improve situational awareness and facilitate reaction capacities. Once a flying object is detected, the Regional Coordination Centre is swiftly informed for specific intervention measures to be conducted. [*Poland, 2019*]

National database for border surveillance:

- **The national border surveillance concept is based on a comprehensive and efficient national database, combining all the relevant functionalities to support operational and tactical tasks. This system follows all elements of the operational cycle of border surveillance: providing support for information collection, reporting on the tactical and operational outcome of activities, planning of shifts, management and coordination of patrols and designing efficient reaction response in the field and providing coherent situational awareness. The software provides for a single service platform for all law enforcement thus ensures effective utilisation of resources in case of emergency and benefits of compilation of the situational picture in designated areas of responsibility. The software is linked with functions of the mobile IT environment of the patrol deployed at the field. Based on its comprehensive and coherent design, the system can be operated on local, regional and national level.** [*Estonia, 2023*]

RETURN

Effectiveness of the national return system

Return procedures

- The practice of taking return, removal and entry ban decisions in one step reduces the administrative burden while the procedural rights of the returnees are fully respected. [*Austria, 2015*]
- The procedure of notifying the ‘intention of issuing an entry ban’ when an irregular stay is detected during exit checks, giving the third-country national the opportunity to raise objections, allows the authorities to issue an entry ban without interrupting the departure of the third-country national while respecting the third-country national’s rights. [*The Netherlands, 2021*]
- The procedure established for systematically controlling the compliance of a third-country national with the obligation to return within the period for voluntary departure includes:
 - If the above checks do not yield results, the State Border Guard Service visits the last known address of the third country national in the Member State;
 - The Migration Department is informed of the results and takes appropriate measures. [*Lithuania, 2018*]

Forced-return procedure

- Procedures are in place enabling authorities to take a fast decision on a subsequent asylum application lodged during the removal process to avoid postponing or delaying the removal of a third-country national while ensuring effective implementation of the principle of *non-refoulement*. [*The Netherlands, 2015*]

Voluntary return

- The promotion of assisted voluntary return programmes at every stage of the asylum and return procedures ensures that third-country nationals are fully informed about the possibility to return voluntarily from the earliest contact with national authorities. This practice contributes to the high rate of voluntary return, which promotes a more dignified, safer and cost-effective manner to return irregularly staying third-country nationals. [*Luxembourg, 2016*]
- Throughout the entire return process, voluntary return is a priority for the national authorities. There is a proactive approach to motivate third-country nationals for voluntary departure during all stages of the procedure, particularly at detention centres. The detention centres are considered conducive to promote voluntary return, with case managers and authorities actively motivating third-country nationals to leave the country voluntarily, while providing adequate accommodation and support. [*The Netherlands, 2021*]
- The early engagement with returnees when promoting voluntary return/departure and the possibility for a returnee to participate in a voluntary return scheme at any point of the return process, promotes and increases the use of voluntary return and reintegration as an integral part of a common EU system for return in line with the EU strategy on voluntary return and reintegration. [*Denmark, 2022*]

IT system

- The use of high-end technology, mobile devices and comprehensive databases for easy access and exchange of information favours the effective return of third-country nationals with no right to stay. [*The Netherlands, 2021*]
- The national IT return case management system, which was developed in line with the Frontex model (RECAMAS), provides return-related authorities with an efficient and integrated tool, favouring the effective management of return cases. [*Italy, 2021; Estonia 2023*]
- The connection of the national migration case management system to the Frontex Application for Return (FAR) charter flights module allows national authorities to reach directly all charter operations organised with the support of Frontex, and help them to organise and participate in return operations more efficiently. [*Austria, 2020*]

Detention for the purpose of removal

Detention centres

- A children's room in registration facilities for foreigners provides appropriate and stimulating surroundings for children. The long opening hours and accessibility without restrictions, the presence of a social worker and the large amount of games and activities available make it attractive for children to use. [*Lithuania, 2018*]
- Family centres and targeted psychiatric facilities can cater to the particular needs of vulnerable persons in detention. The family centre's layout, activities and staff commitment allow for family life as close as possible to normal and provide appropriate and stimulating surroundings for families and

unaccompanied minors. The psychiatric facility provides for close cooperation between the relevant partners to address the needs of vulnerable persons with psychological problems in the return process while increasing the efficiency of return procedures. [*The Netherlands, 2021*]

- The developed protocols and training of the personnel, combined with the design and the regime contribute to mitigating the stress and trauma for minors in the return process and are in line with the best interests of the child principle. [*Norway, 2022*]
- **The facilities for foreigners have mental healthcare offices, offering third-country nationals assistance with mental health issues such as post-traumatic stress disorder and prevention of suicide as well as supporting their adaptation. The psychologists carry out an initial appraisal with all new arrivals and inform them about the possibilities of seeking psychological support within the facility. This allows for the early identification of psychological issues, which can guarantee an effective approach and handling of such cases. The mental healthcare offices can be accessed during office hours from Monday to Friday after an appointment by phone or with an application form. This helps create an open and safe environment, especially when dealing with victims of trafficking and other vulnerable persons.** [*Lithuania, 2023*]

INTERNAL BORDERS

Cross-border cooperation in internal border areas

Operational cooperation with neighbouring Member States

- Joint trilateral patrols on trains with its neighbours. [*Austria, 2015*]
- A bi-annual joint crime analysis report and an operational crime analysis report are prepared between Member States on a fortnightly basis. Further, a daily briefing with information on crimes committed in one Member State is prepared and shared with the partner Member States. [*Liechtenstein, 2015*]
- Within a border region police district, there is a joint analysis team. This consists of several agencies comprising police, customs, and border and criminal offices. The analyses are used to inform decisions regarding border controls, policing and customs matters. It was noted that analysis reports were used to brief officers in advance of joint patrols, including the determination of the days, times and locations where such patrols would take place. For the ports authorised for non-Schengen arrivals, monthly risk analysis reports are compiled. These are used to inform the operational as well as the administrative aspects of the border controls. [*Denmark, 2017*]
- To ensure effective cross-border cooperation and mutualisation of resources, neighbouring Member States signed an agreement on the Common use of Covert Human Intelligence Sources to carry out undercover intelligence operations through a common pool of police officers. [*Lithuania, 2018*]
- The bilateral agreements on police cooperation concluded with two neighbouring Member States enable the exchange of information on administrative offences, provide for the transfer and transit of persons through the territory of the other state by officers of the other contracting party, contain provisions extending the traditional scope for cross-border hot pursuit and surveillance and grant the same police powers as a national police officer when the other Member State police officers carry out their activities on their respective territory. These agreements also organise a wealth of cross-border joint police cooperation initiatives. [*Czechia, 2019*]
- The national data system delivers screen flashes when an operation starts thus immediately alerting operators for necessary follow-up. It also provides live feed. The geolocation of the patrolling cars is

also visible in the system. Both the Police Cooperation and Customs Centres and the SPOC have direct access to it. [*Czechia, 2019*]

- Bilateral agreements in force with neighbouring Schengen countries allow cross-border hot pursuits in the respective territories without any time and territorial restrictions, as well as give permission for hot pursuit beyond offences mentioned in Article 2 of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, for example, if someone avoids police or border checks. The bilateral agreements go also beyond the Schengen Convention provisions by allowing hot pursuit on water as well by allowing the apprehension of the pursued person by the foreign police officer carrying out the hot pursuit. According to the agreement, hot pursuits can be carried out through more than one Schengen internal border. [*Slovakia, 2019; Hungary, 2019*]
- The Member States cooperate successfully in cross-border surveillance with the neighbouring countries in cases of tracking GPS devices upon international requests. All neighbouring countries have technically compatible devices, which ensure the successful tracking of vehicles without physical surveillance. The central office coordinates the execution of such cases and keeps comprehensive statistics. [*Hungary, 2019*]
- Joint bi-national brigades to combat illegal immigration and smugglers are integrated and permanent international cooperation mechanisms enabling two neighbouring countries to organise controls based on shared analysis of migration risks. Composed of an equal number of officers from both countries selected for their technical and linguistic skills, these "brigades" (or "joint units") set up at the Franco-German and Franco-Italian borders are either governed by the Prüm agreements or by a bilateral agreement. In addition to the organisation of joint patrols, the joint brigades (or joint units) provide joint training. This joint brigade system facilitates the exchange of information between two neighbouring countries and the coordination of control operations and should therefore be encouraged and extended to other borders in particular the French-Spanish border. [*France, 2021*]
- **At the regional level, cross border cooperation is based on administrative protocols with competent authorities of the neighbouring Member States, which are further implemented through annual action plans. This practical cooperation covers joint risk analysis, joint operations and patrols, managing of specific events and joint trainings. Joint patrols are planned on a regular basis. This cooperation concept creates good basis for a joint operational response at the regional level, common use of limited resources and more comprehensive crime situational picture.** [*Estonia, 2023; Latvia, 2023*]

INTERNAL SECURITY

National Strategies on Law Enforcement

- Every four years, the Minister of Justice and Security sets the National Security Agenda with national policy objectives for police duties. On a regional level, the local government translates the national priorities into regional policy objectives for the police in the Regional Security Agenda. Law enforcement agencies exchange intelligence and information to gather appropriate information and intelligence to contribute to the National Security Agenda, the Regional Security Agendas and Europol's Serious and Organised Crime Threat Assessment (SOCTA). Steering Committees from the Research Department are tasked with the coordination and monitoring of the whole procedure. A daily operational briefing allows the different police teams to be informed about the specific points of attention in their working field. The briefing is based on a national model and provides all relevant information and intelligence available on local, regional, national and international level. Various threat assessments are

also elaborated. They are used for instance as a starting point for policymaking in the fight against organised crime and estimating threat levels that indicate the likelihood of a terrorist attack. Additionally, the Research and Analysis desks of all Regional Intelligence Services make their own threat and security assessments. [*The Netherlands, 2021*]

- **The Office of the Prosecutor General appointed a liaison prosecutor to the SPOC who is frequently consulted on flagging of alerts and international arrest warrants, complexed international criminal investigations and any other cases, where the prosecutorial input is needed.** [*Portugal, 2022*]
- **Very close cooperation between the Foreign Liaison officers and the central authority for international judicial cooperation who can advise and assist in writing European Investigation orders or Mutual legal assistance requests addressed to the Member State.** [*Portugal, 2022*]
- **Use of an analysis tool by the Police in its criminal analysis units, allowing for the establishment of ‘profiles’ of crime phenomena, based on operational data, which show the user an interactive visualization of said phenomenon, its trends, modi operandi and evolutions. Since starting the roll out of this application in 2019, the Police has significantly extended the number of analysed crime phenomena and of users.** [*Lithuania, 2023*]

Organisation of the Single Point of Contact (SPOC) for international law enforcement information exchange

Organisation, information exchange

- For better coordination of international police cooperation, the Police created a network of contact officers for international police cooperation. They are located in all Regional Police headquarters and the capital’s Metropolitan Police headquarter. The contact officers function as a link between local police officers and the SPOC in National Police headquarter when performing the following tasks: advising on the choice of channel for police cooperation, assisting in drafting the information exchange requests, translating, and transferring the replies to the local police, raising the awareness of local police officers of different international information exchange possibilities. The contact officers help to improve the quality and facilitate the coordination of information exchange requests. [*Poland, 2019*]
- There is a well-established daily flow of criminal incidents reporting from the local to the regional and state levels. In practice, an e-report on the events of the last 24 hours is regularly available to the local station management team, the regional level and the State Central Criminal Police Office. It allows all levels to take informed decisions. [*Germany, 2020*]
- The system for the coordination of counter-terrorist operations gathers all the intelligence from the different police organisations and institutions responsible for preventing and countering terrorism, violent radicalism, organised and serious crime. The system presents an adequate alternative, combining information management with operational coordination in a situation where the relevant national authorities do not have access to each other’s databases. [*Spain, 2022*]
- **Deployment of international case officers at regional level in different Police Departments. These officers are part of the Single Point of Contact and have four weeks training on large-scale IT systems, exchange of supplementary information through the SIRENE channel, management of biometrics and field visits to Europol and Eurojust. They have full access to the case management systems of the Single Point of Contact, Interpol’s I-24/7 secure global police communications system and have rights to introduce Schengen Information System alerts and Interpol notices.**

They also have access to the relevant systems and permissions equivalent to a case officer attached to the national SIRENE Bureau and the International Communications Centre. This has resulted in having expertise on the Schengen Information System available in each local division. Furthermore, the international case officers verify both quality and legal relevance of the requested information, draft SIENA messages to be sent to Liaison Officers at Europol and provide training, on international police cooperation within the local Police Department. [Finland 2023]

Organisation

- The permanent Police, Customs and Border Guard Crime Intelligence and Analysis Centre is a form of effective cooperation and coordination between the law enforcement authorities producing, among others, common analytical and threat assessment products. As such the PCB can be seen as a linchpin supporting both the policy level in taking evidence-based decisions based on a common situation picture as well as the regional and local services in their investigation and intelligence efforts. [Finland, 2018]
- Comprehensive and intensive cooperation between law enforcement agencies and the National Tax and Customs Administration both at national and regional levels. Joint investigations and operations as well as exchanges of information and data are common practices. [Hungary, 2019]
- Police Cooperation Centres have their own new state-of-the-art Case Management System module, which is integrated into the national CMS police system and has built-in functionality for generating comprehensive automated statistics on cross-border activities. [Hungary, 2019]
- The creation of Central Offices, pooling resources from different administrations and focusing on one type of crime, leads to very effective operational results. [France, 2021]
- Effective structure to produce not only the national threat assessment but also dedicated threat and risk assessments. It combines centrally organised quality control with requirement analysis at regional level. The multi-disciplinary strategic analysis unit is responsible for strategic crime analysis. The unit consists of a team working at the national level and field teams in several regions. Quality control is maintained at the central level which also ensures coherence between the different analytical products. The unit produces the annual national threat assessment which focuses on organised crime groups. [France, 2021]
- **Memorandum of understanding between the police and customs enables extensive cooperation between both administrations, which foresees for the exchange and sharing of relevant information and strategic, tactical and operational intelligence, in particular by facilitating mutual access to databases, with due regard for individual rights and data protection rules, development and promotion of best practices, procedures for operational matters with respect to joint actions, joint mobile patrol squads, joint investigation teams, joint intelligence teams, sharing of equipment between services and cooperation on the development, purchasing, deployment and use of technology. [Cyprus, 2021]**
- **The SPOC has a risk analysis group responsible for deeper analysis of national and international requests, received in SPOC, gathering additional information in available databases, and providing analysis reports on discovered crime trends, modus operandi. The reports are then forwarded to prosecutors and/or respective police agencies for supporting relevant investigations. [Portugal, 2022]**
- The International Cooperation Division combines operational information exchange with strategic decision-making at international level. This Division hosts the national Single Point of Contact for law enforcement international information exchanges. It benefits from representation from both national

police forces, regional police forces as well as customs. Both relevant authorities have a network of experts on international police cooperation, which assist and advise the criminal intelligence units at regional level on the use of the instruments of international police cooperation. The main law enforcement authorities train experts on international police cooperation regularly. These experts form part of their unit at regional level and perform this function in addition to their daily work. Knowledge is transmitted to the network at an annual meeting, where for example national Liaison Officers at Europol are invited as speakers. In between these meetings, knowledge about new procedures is transmitted to the network either via newsletters or *ad hoc* meetings. In addition, the experts of the authority's network receive a one week capability training before joining the network. These expert networks are a low-threshold way for the dissemination of knowledge on international police cooperation at the regional level. [*Spain, 2022*]

Use of Europol tools for cross-border cooperation and information exchange

- Data from the national system for police investigations is automatically uploaded into Europol's Information System. The database of ongoing investigations is connected to an automated data loader in Europol's Information System. New information is inserted, existing information is enhanced and old information is removed daily. This process is completely automated. The Europol National Unit handles hits occurring between national investigations and foreign investigations, already available within Europol's Information System. [*The Netherlands, 2021*]



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ANNEX 3

ANNEX

to the

**Communication from the Commission to the European Parliament, the European
Council, the Council, the European Economic and Social Committee and the Committee
of the Regions**

State of Schengen Report 2024

ANNEX 3

Follow-up Report on the situation at the internal borders

October 2023 – March 2024

Introduction

On 23 November 2023, the Commission adopted Recommendation (EU) 2024/268 on cooperation between the Member States with regard to serious threats to internal security and public policy in the area without internal border controls¹. The Recommendation was accompanied by a staff working document containing a Report on the consultation by the Schengen Coordinator of the Member States concerned by the reintroduction of internal border controls between May and November 2023². In the Recommendation, the Commission re-examined recommendations adopted in the previous years, complemented by the lessons learnt since their adoption that can help Member States in combatting serious threats to public policy or internal security, within the Schengen area³. The Recommendation committed to continuing the dialogue between the Schengen Coordinator and the Member States, to support them in the implementation of this Recommendation, as well as to regularly reporting in the Schengen Council on the state of play and progress made. There was a strong expression of support for the Recommendation by Member States, who showed a readiness to adopt the measures contained within the Recommendation.

Since the adoption of the Recommendation, the Commission services have held several meetings with the Member States concerned by the reintroductions of internal border controls to discuss the implementation of the measures set out in the Recommendation. The meetings were organised within the framework of the ongoing dialogue on internal border controls initiated in Autumn 2022 and built on the best practices learnt during the consultation process on the notifications submitted by Denmark, Germany, France, Austria, Norway and Sweden for the period May-November 2023, as summarised in the Report of 23 November 2023⁴.

In addition, since October 2023, Member States have, in response to increasing migratory pressure at the EU's external borders and the rise in terrorist threats across the Schengen area, reintroduced controls at new sections of the internal borders. These are the Austrian-Czech and Austrian-Slovak land borders, the German-Polish, German-Czech and German-Swiss land borders, the Polish-Slovak land border, the Czech-Slovak land border, the Slovak-Hungarian land border, the Slovenian-Croatian and the Slovenian-Hungarian land border, and the Italian-Slovenian land border. These reintroductions have since been subject to the ongoing dialogue and are therefore included in this report.

¹ OJ L, 17.1.2024, p.1

² Report from the consultation with the Member States as regards the internal borders controls reintroduced by Denmark, Germany, France, Austria, Norway and Sweden between May and November 2023, Brussels, 23 November 2023, SWD(2023) 388 final.

³ Commission Recommendation (EU) 2023/682 of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council, OJ L 86, 24.3.2023, p. 58, Council Recommendation (EU) 2022/915 of 9 June 2022 on operational law enforcement cooperation, OJ L 158, 13.6.2022, p. 53, Commission Recommendation (EU) 2017/820 of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area, OJ L 122, 13.5.2017, p. 79; Commission Recommendation (EU) 2017/432 of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC, OJ L 66, 11.3.2017, p. 15.

⁴ Brussels, 23.11.2023 SWD(2023) 388 final.

This follow-up report has the following objectives:

- 1) It provides an update, since 23 November 2023, on the state of play at the border sections that were subject to the consultation process: the Austrian-Hungarian and the Austrian-Slovenian land border, the German-Austrian land border, the Danish-German land border, as well as all French, Swedish and Norwegian internal borders.
- 2) It presents an overview of the situation at the border sections subject to the reintroduction of internal border controls by Austria, Italy, Germany, Poland, Czechia, Slovakia and Slovenia since October 2023.
- 3) It provides an overview of the various regional cooperation initiatives developed by Member States with a view to counter secondary movements within the Schengen area and fight cross-border crime.

The Commission recognises Member States' constructive participation in the dialogue and their efforts to mitigate the effects of controls at the internal borders on travellers and businesses. It welcomes the various regional initiatives and the reinforced cooperation on alternative measures, such as joint patrols, and within the framework of bilateral readmission agreements among Member States. The Commission also welcomes the decision of Slovakia, Czechia, and Poland to lift the controls at their internal borders as of January, February and March 2024 respectively.

The Commission is conscious of the fact that in light of the relatively short period that has passed since the publication of Recommendation (EU) 2024/268, many initiatives remain under development and may yet have to come to full fruition, whilst other initiatives based on the Recommendation are still in the planning phase.

Moreover, the Commission has observed diverging practices in the application of the judgment of the Court of Justice of the European Union (CJEU) in Case C-143/225 which confirmed that the temporary reintroduction of controls at internal borders does not dispense Member States from the obligation to apply the rules and safeguards laid down in the Return Directive. First discussions on this matter have taken place with the Member States, including in the Return Directive Contact Committee Group and the Frontiers Working Party.

This Report is based on the notifications of reintroduction of internal border controls sent by Member States and the additional input received in the context of the ongoing dialogue with the Schengen Coordinator. It does not present an assessment of the Member States' notifications received by the Commission, and it is without prejudice to any future action that the Commission may take in its role as the guardian of the Treaties.

⁵ Judgment of the Court of Justice of 21 September 2023, ADDE and others, C-143/22, ECLI:EU:C:2023:689 which confirms to a large extent a judgment of the Court of Justice of 19 March 2019, Arib and Others, C-444/17, ECLI:EU:C:2019:220.

1. State of play at the internal borders subject to the consultation process: update since the Report of 23 November 2023

1.1 Austrian internal border controls at the land borders with Hungary and Slovenia

• Situation at the borders

Austria has maintained border controls at its land borders with Hungary and Slovenia, citing the threat resulting from Russia's invasion of Ukraine, posing risks of arms trafficking and criminal networks. In addition, the migratory pressure and strain on the asylum reception system and secondary movements remain high. The current notification expires on 11 May 2024.

Controls take place at fixed check points at border crossing points that serve international and regional traffic and are open to all types of traffic. The controls are adapted based on situational pictures and threat assessments. The impact on cross border flows has been limited to minor congestion at peak hours.

In the period 4 October 2023 – 8 February 2024, 6 375 irregular migrants and 88 smugglers were intercepted, and 40 refusals of entry were issued at the Austrian-Hungarian land border. In the same period, 909 irregular migrants and 58 smugglers were intercepted, and 105 refusals of entry were issued at the Austrian-Slovenian land border.

The Austrian authorities have observed a change in the behaviour of migrants apprehended at the border, following the CJEU judgment in Case C-143/22. Previously, irregular migrants that would be issued with a refusal of entry at the internal border, would normally lodge a request for international protection, presumably to avoid being directly returned to neighbouring Member States and to gain access to Austrian territory. Since the judgment, direct returns of irregular migrants have only been carried out in limited cases.

• Cooperation

Cooperation between Austria and Hungary

Since 2021, there has been close cooperation between the Hungarian and Austrian police authorities in priority operations, taking place on Hungarian territory near the Austrian border. The Austrian and Hungarian police carry out joint patrol services on the basis of the 2023 Cooperation Agreement between the Hungarian National Police Headquarters and the Directorate General for Public Security of the Austrian Ministry of the Interior. Since October 2023, the units of the Austrian Federal Police Directorate FOX have been in charge of these operations.

In addition, Focal Point operations (mixed patrols) have been conducted on average 12-16 times per month with the participation of the Austrian police on the Hungarian territory near the Austrian border. Since June 2022, the Slovak police has also participated in these operations. The Hungarian Police and Customs Cooperation Centre (PCCC) at Hegyeshalom plays an important role in the organisation and management of the Focal Point operations. Since December 2023, the operational situation at the internal border has allowed for a reduced frequency of Focal Point operations and FOX joint operations.

Based on the information provided by the Austrian authorities, the 1998 bilateral readmission agreement between Hungary and Austria has been effectively suspended and Hungary does not accept

any requests for readmissions. Hungary has declared that it only accepts to take responsibility for migrants who first entered the Schengen area through Hungary.

Austria and Germany have expressed their intention to broaden the trilateral agreement between the German and Austrian Interior Ministries and the Hungarian National Police Headquarters on a joint rail patrol service to include also international bus connections. The agreement is currently under review.

Cooperation between Austria and Slovenia

Since Slovenia's opinion of 25 April 2023 based on Article 27(4) of the Schengen Borders Code⁶, the situation at the border between Austria and Slovenia remains a regular point on the agenda of meetings at political level, most recently during an informal bilateral meeting at Ministerial level on 23 January 2024 in Schladming.

As a result of the strengthened dialogue between Austria and Slovenia, the police authorities of both Member States have reinforced joint activities since March 2023 in the form of enhanced mixed patrols and joint targeted police activities. On a monthly basis, the Slovenian police conduct 14 joint patrols with the Austrian police, of which five on Austrian territory, near the Slovenian border, and nine on Slovenian territory, near the Austrian border. No irregular border crossings were reported during joint patrolling as of October 2023. Operational cooperation at the local level also takes the form of regular direct contacts, information exchange on the measures taken and on procedures of operational interest.

The 1998 bilateral readmission agreement between Austria and Slovenia generally works well, but Austria has reported practical difficulties in carrying out the handover at the border, since Austria does not readmit people that have lodged a request for international protection on the Slovenian territory, as this situation would be covered by the Dublin Regulation. Between 4 October 2023 and 8 February 2024, only one readmission to Slovenia was recorded. The Slovenian authorities highlighted the need for an adaptation in the practical application of the existing agreements, following the CJEU judgment in Case C-143/22.

1.2 German internal border controls at the land border with Austria

• Situation at the border

Germany has maintained border controls at its land borders with Austria, citing migratory pressure and an increase in human smuggling, pressure on the asylum reception system, the situation in relevant countries of origin and the security situation especially due to the turmoil in the Middle East. The current notification expires on 11 May 2024⁷.

In the period 16 October 2023 – 31 December 2023, 23 078 people were checked, 6 149 irregular migrants were intercepted, and 262 smugglers apprehended. In addition, 2 517 refusals of entry were issued.

The controls focus on cross-border highways and international railway connections and are partly static and partly mobile. They are carried out in a targeted manner, using a flexible deployment

⁶ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016.

⁷ On 11 April 2024, the German authorities sent a notification of reintroduction of internal border controls for the period 12 May 2024 – 11 November 2024.

concept, with variable intensity, bearing in mind cross-border traffic flows. Where necessary, the route infrastructure on the German side has been adapted, allowing for opening extra control lanes. Nonetheless, traffic congestions have been reported on the Walsberg motorway (A1/BAB8) and the Kiefersfelden motorway (A12/A93), particularly on weekends. According to the Austrian authorities, border controls on the Kiefersfelden motorway have been continuous since 2017. According to the Austrian authorities, an unfavourable choice of control locations on the Kiefersfelden motorway has led to traffic jams in the past, but this has now been resolved.

• **Cooperation between Germany and Austria**

In general, police cooperation between Austria and Germany continues to function well. There are regular exchanges at Ministerial level (every four weeks) between the German Federal Ministry of the Interior and Community, the Austrian Ministry of the Interior, the Federal States of Bavaria and Baden-Württemberg involving also the Swiss authorities and the German Federal Police.

In addition, the German Federal Police in Munich and the Austrian Provincial Police Directorates (Tyrol, Upper Austria, Salzburg and Vorarlberg) hold monthly meetings to assess the situation at the border, with a focus on human smuggling and trafficking, stolen vehicles, drug trafficking, and other new developments. There is also a frequent exchange of information on document security and fraud. The German authorities underlined that the Passau, Rosenheim, Freilassing and Kempten Federal Police Inspectorates are in close contact with neighbouring Austrian police stations and coordinate cross-border procedures with the close involvement of the responsible police headquarters in Lower Bavaria, Upper Bavaria (South) and Swabia (South/West).

In accordance with the existing bilateral treaty on police cooperation between Germany and Austria, joint police checks are carried out on an ad-hoc basis, as well as exchanges of specially trained police officers (e.g. specialists on investigating vehicle smuggling and document advisors). Joint patrols of German police forces and the Austrian Provincial Police Directorates continue to take place monthly in the Bavaria-Tyrol border region. These include joint security patrols on trains between Germany and Austria and joint police patrols, on both Austrian and German territory, focussing on cross-border crime, including human smuggling.

In addition, Germany continues to participate in bilateral and trilateral joint border patrols with Austria, Italy and Switzerland on the railway line between Rosenheim and Bolzano and Bolzano and Rosenheim. Based on the data shared by the Austrian authorities, around 300 law enforcement officers from the four countries were deployed in those patrols since October 2023.

The 1997 bilateral readmission agreement between Germany and Austria distinguishes between formal readmissions to other Member States, processed centrally via the Federal Police Headquarters at the request of the responsible immigration authority with a centrally responsible office in the other state, and non-formal readmissions to another Member State directly connected to irregular border crossings, decided and carried out at the regional level between the respective police authorities. Based on the limited statistical data available to the German authorities, in the period 1 October 2023 – 31 December 2023, six persons were returned to Austria and seven to Germany under the formal readmission procedure, 1 331 persons were returned to Austria under the non-formal readmission procedure. The authorities have reported operational challenges in the implementation of the CJEU judgment in Case C-143/22 and a lack of coordination on direct returns from Germany to Austria. According to the Austrian authorities this raises genuine internal security concerns. Exchanges at operational and political level between the Austrian and German authorities are taking place. The issue is also discussed in meetings with the Schengen Coordinator.

1.3 Danish internal border controls at the land border with Germany and ports with ferry connections to Germany

- **Situation at the border**

Denmark has maintained border controls at its internal borders citing a serious threat to public policy and internal security by terrorists and organised crime and espionage from foreign state intelligence, as well as following an increase in irregular migration. While the border controls may extend to all internal borders, including land, sea and air borders, the specific border sections and border crossing points are determined by the Danish National Police. In practice, the controls are focused on the Danish-German land border and the Danish ports with ferry connections to Germany. The current notification expires on 11 May 2024⁸.

Between 11 February 2023 and 18 August 2023, a total of 168 weapons have been confiscated and 801 persons have been refused entry in the context of the border controls carried out by Denmark at the border with Germany.

The border controls are carried out as spot-checks and their intensity, quantity and location is adapted to the expected number of travellers as well as the current intelligence picture, the local conditions and the traffic patterns at the individual border crossing points. According to the Danish authorities, the internal border controls are thus substantially different from the systematic controls performed by Denmark at its external borders. As such, the Danish National Police have found that the internal border controls carried out by Denmark in the previous notification period (May-November 2023) have not had a distinctive negative impact on the movement across the internal border.

Denmark has also started restructuring police efforts at the border to strengthen the use of alternative measures in border regions, notably the intelligent monitoring of border areas and the number police patrols and crime fighting activities, while deescalating the intensity of internal border controls.

- **Cooperation**

The 1954 bilateral readmission agreement between Germany and Denmark distinguishes between formal readmission procedures and non-formal/accelerated procedures connected directly with a border crossing. In the context of formal readmission procedures to other Member States, between 1 October and 31 December 2023, Denmark carried out 1 readmission to Germany and Germany performed 1 readmission to Denmark. In the same period, Germany carried out 24 non-formal/accelerated readmissions to Denmark.

1.4 French internal border controls

France has maintained border controls at all its internal borders citing (Islamist and Jihadist) terrorist threats, threats connected with the security situation in Ukraine, in particular the risk arms trafficking, as well as the security situation in the Middle East and the Sahel. The current notification is set to expire on 30 April 2024⁹.

⁸ On 12 April 2024, the Danish authorities sent a notification of reintroduction of internal border controls for the period 12 May 2024 – 11 November 2024.

⁹ On 3 April 2024, the French authorities sent a notification of reintroduction of internal border controls for the period 1 May 2024 – 31 October 2024.

In the period 21 October 2023 – 31 January 2024, Italy reported 6 228 refusals entry issued by France at their shared internal land border. In 2023, Spain reported that 7 653 refusals of entry were issued by France at their shared internal land border.

The border controls are performed by the French Border Police (Police de la Frontière, PAF) in a non-systematic manner and the intensity is adapted based on the type of border (air, maritime, land) and relevant risk analysis carried out by the competent local authorities. In addition, in order to ensure that controls remain proportionate and correspond to the actual level of threats, they are based on a risk assessment using the tools developed by Frontex (CIRAM 2.0) and taking into account police information and experience. According to the French authorities, the flexible adaptation of controls at the various border crossing points allows them to limit the impact on cross-border movement, including traffic congestion at border crossing points.

While the Spanish authorities confirm the fact that the French border controls are carried out in a flexible manner at selected border crossing points, the temporary limitation of open border crossing points and the more thorough nature of controls, notably at the Irun Hendaya border crossing point, did result in considerably longer travel times and delays at the border. In March 2024, France informed the Commission about its decision to re-open all border crossing points on the Spanish-French land border, with a view to facilitating the crossing of the internal border.

The Belgian, Italian, Luxemburgish and Swiss authorities have also confirmed the non-systematic nature of the French border controls and their limited impact on cross-border movement. Notably, the Belgian authorities reported that the checks at the French-Belgian border are characterised by one-off operations set up for a few hours and including both static and mobile arrangements on major roads with minor effect on cross-border flows. The Belgian authorities are informed about such operations through various channels (direct contact between operational units, PCCC, structural concertation platforms) and are sometimes asked to set up ‘mirror operations’ on Belgian territory.

- **Cooperation**

All neighbouring Member States affected by the reintroduction of internal border controls by France highlighted the long-lasting nature of this measure. However, they expressed their overall satisfaction with the level of cooperation with the French authorities, which varies in intensity and type depending on the risks identified at each border section. As reported by the French authorities, the cooperation is being further improved through dialogue with the neighbouring Member States, as evidenced by the recent development of new forms of cross-border operational cooperation (notably, the French-Italian joint brigades and the French-German joint patrols). Building on these good practices, France expressed willingness to develop and deepen joint French-Spanish and French-Swiss patrols.

Cooperation between France and Spain

The Spanish and French authorities continue the work at technical level to reach an agreement on a working agreement to set up the basis for cross-border cooperation, including different modalities for collaboration. Both countries have appointed contact points for public and internal security and PCCCs, which are frequently used for bilateral communication.

At operational level, the Spanish authorities reported intense cooperation over 2022-2023. In the first half of 2023, 128 patrols took place at the land borders, 106 at the air borders and six at the maritime patrols within the PCCC framework. The Response Brigade against Illegal Immigration (BRIC) operates at different points along the Spanish-French border, agreeing with French officials on the

number of patrols. It also carries out controls in coordination with the staff of Spanish municipalities at train stations, buses and roads.

Within the framework of the program for mixed patrols during the holiday season, 14 missions were carried out, with 34 Spanish police officers being deployed in French cities, and 22 French police officers in Spanish cities. The Guardia Civil sets up similar mixed patrols, especially along the “Camino de Santiago”.

The bilateral readmission agreement between France and Spain dates from 2002 (“Málaga Agreement”), with a technical agreement for air transfers, dated 25 May 2013 (“Salamanca Agreement”). Based on the data shared by the Spanish authorities, in 2023 Spain requested 868 readmissions by land and none by air to France, while France requested 2 256 readmissions by land and 166 by air to Spain.

In the reporting period, Spain did not observe a change in practice by the French authorities at the shared internal land border following the CJEU judgment in Case C-143/22, meaning that refusals of entry continued to be accompanied by direct returns without a take back request.

Cooperation between France and Belgium

There is close cooperation at three levels: a strategic committee (administrative authorities, judicial authorities, police and customs), an operational working group (GTO), and seven ‘local’ platforms covering the entire border area. Cooperation at the two long-standing PCCCs - the bilateral PCCC in Tournai (Belgium) and the quadrilateral PCCC in Luxemburg (with Germany and Luxemburg) - is well established. Their main task is to facilitate the exchange of information that is linked to the border region as defined in the French-Belgian bilateral police and customs cooperation agreement (Treaty of Tournai II). The strategic committee has recently launched a reflection on a possible revision of the treaty to further improve the legal framework for cross-border cooperation.

The cooperation between Belgium and France mainly consists in “mirror operations” or joint task forces at local level, as well as occasional joint patrols at the initiative of the units in the border region. However, Belgian and French authorities are stepping up efforts to enhance their cross-border cooperation. Notably, the Belgian Federal Police developed a specific training course for cross-operations. In addition, the Belgian, French and Dutch police carried out a three-year project funded by the Internal Security Fund (ISF) to examine and promote alternatives for systematic controls at the internal borders. The willingness to improve information exchange in the border region is, however, hampered by technical, legal or security reasons.

Cooperation between France and Italy

The Italian authorities reported a stable bilateral communication at all levels with the French authorities. More recently, as of October 2023, the French and Italian authorities have started discussions about the creation of a Unité de Renseignement Opérationnelle (URO) at the Ventimiglia border, for information and investigation liaison to counter migrant smuggling towards France.

Based on the data provided by Italy, for the period 23 October 2023 – 4 February 2024, 10 joint patrols were carried out by the border police on the Italian side of the French-Italian land border area, resulting in 68 persons and 12 vehicles being checked, while no persons were arrested or reported. Within the same period, the French-Italian mixed brigade carried out 240 patrols, resulting in 1 894 persons and 656 vehicles being checked and 11 persons arrested.

The 1997 French-Italian bilateral readmission agreement (Chambery Agreement) provides for bilateral readmissions between the two Member States with respect to irregular third-country nationals apprehended in cross-border areas. Within this framework, in the period 21 October 2023 – 31 January 2024, Italy carried out 205 readmissions to France and France performed 51 readmissions to Italy. The Italian authorities are currently assessing the impact of the CJEU judgment in Case C-143/22 to implement the relevant adjustments.

Cooperation between France and Luxembourg

While no joint risk assessment has been carried out, consultations between the French and Luxemburgish authorities took place prior to France's decision to reintroduce internal border controls.

As reported by Luxembourg, cross-border cooperation between Luxembourg and France is mainly based on joint controls and patrols, cross-border pursuits and observations. To complement such operations, France and Luxembourg signed in 2021 a 'border alert plan' to improve coordination between their security forces in the event of high intensity events. Patrols based this arrangement started on 1 March 2024. In addition, on 25 January 2024, France and Luxembourg signed administrative arrangements on the implementation of mixed patrols on road axes and cross-border routes respectively on cross-border rail routes, leading to the establishment of bilateral contact points.

Cooperation between France and Switzerland

As reported by the Swiss authorities, Switzerland was not consulted prior to or after France's decision to reintroduce internal border controls and no joint risk assessment has been carried out.

Nonetheless, the cooperation between the French and Swiss authorities continues to be well established within the framework of the existing police cooperation agreement and the Action Plan from October 2022. In addition, France and Switzerland have been participating in trilateral joint patrols with Germany in the Basel area since March 2023. The joint border police liaison office in Basel and the Trinat Süd represents a regular exchange forum between Germany, France and Switzerland at various administrative levels.

1.5 Swedish internal border controls (with focus on Swedish-Danish land border)

• Situation at the border

Sweden has maintained border controls at all its internal borders citing a serious threat to public policy and national security from threat of (Islamist) terrorism. The current notification is set to expire on 11 May 2024¹⁰.

Sweden has performed controls at all of types of borders (land, sea and air), but the exact location and intensity of the checks are determined by the Police Authority, based on the available intelligence. In practice, the controls are mostly carried out at the Öresund Bridge at the border with Denmark, and in some of the ports in the Southern region of Sweden, having ferry connections with the Schengen States and are based on access to advanced passenger information.

Since October 2023, 347 37 persons have been checked at air borders and 127 977 persons at the land and sea borders, 279 persons have been refused entry, and six have been apprehended in connection

¹⁰ On 9 April 2024, the Swedish authorities sent a notification of reintroduction of internal border controls for the period 12 May 2024 – 11 November 2024.

with human smuggling. At all borders, the Swedish Police Authority continues to work as much as possible based on intelligence and risk assessment, to ensure that checks remain effective and proportionate and mitigate their impact on cross-border flows.

The border checks, primarily in the vicinity of and on the bridge connection with Denmark over the strait of Öresund at the train station at Hyllie in Malmö and the toll station at Lernacken, are performed at fixed locations, normally as spot-checks. Their frequency and intensity depend on the traffic flows, available intelligence and resources. The impact of controls has been limited thanks to their location at the toll station. On the Öresund Bridge and in ferry ports only a limited number of vehicles is subject to border checks. Similarly, the impact on the railway system has been minimised by making minor adjustments to the train timetables and by checking passengers at the first scheduled stop on Swedish territory. As a result, there are practically no delays on trains between Denmark and Sweden caused by the reintroduction of border controls. For this reason and given that the waiting times for passengers are kept to a minimum, the Swedish authorities explained that the Swedish-Danish agreement allowing for checks to be performed on moving trains over the Öresund bridge has not been put in effect.

Checks at airports (notably Stockholm Arlanda and Västerås) are based solely on intelligence and performed only as mobile checks.

- **Cooperation between Sweden and Denmark**

The dialogue between Sweden and Denmark is ongoing at all levels, between the respective authorities of the two countries, between ministries and on a political level. Sweden reported that the Swedish Police and Custom Authorities are in contact with their Danish counterparts on a daily basis. In addition, Sweden expressed satisfaction with the implementation of the various agreements with Denmark on cross border law enforcement are working very well allowing for a successful cooperation to combat cross border crime and gang violence. Such cooperation encompasses intelligence sharing as well as operational cooperation and support regarding all forms of crime, including migrant smuggling.

Since the new Swedish legislation enabling police checks in border areas entered into force on 1 August 2023, the Swedish Police Authority have been implementing it and developing methods and strategies that have so far yielded good results. It is, however, in the view of the Swedish authorities, still too early to draw any strong conclusions from the experiences and results before a proper evaluation has been carried out.

1.6 Norwegian internal border controls at ports with ferry connections to the Schengen area

- **Situation at the border**

Norway has maintained border controls citing the threat to critical on-shore and off-shore infrastructure and the threat of foreign intelligence services. The controls are limited to ports with ferry connections to the Schengen area, that is to Denmark, Germany, and Sweden. The current notification is set to expire on 11 May 2024.

The controls are targeted, non-systematic and based on risk assessment and the vetting of passenger lists. Based on the data provided by Norway, in 2023, out of 2 765 000 passengers, 34 257 passengers were physically checked, 31 were denied boarding at the place of departure, 78 were denied entry and 25 were apprehended. Overall, the reported effect of these controls on passenger flows is negligible.

As explained by the Norwegian authorities, Norwegian law requires the formal reintroduction of internal border controls to allow authorities to require ferries to transmit passenger lists to the Police. The Ministry of Justice and Public Security is currently examining whether a new national legal framework can be established that would allow for the collection of maritime passenger data information, based on a first assessment of the Norwegian Police Directorate, without the need to resort to the reintroduction of internal border controls.

- **Cooperation**

All Nordic countries participate in a format called the Nordic Police Cooperation. Within the subgroup Nordic Situational Picture, operational information is shared. Cooperation is very close, especially in border regions. A joint police station on the Norwegian-Swedish border is under construction and expected to become operational in 2025. Information on migrants smuggling is shared with other Nordic countries and Europol and Norway participates in Europol's European Multidisciplinary Platform Against Criminal Threats (EMPACT). Norway exchanges information on their reintroduction of internal border controls with neighbouring Schengen States and the measures taken by Schengen States countries are taken into account when assessing the national security situation. Cooperation on return takes place at European level and with Frontex.

Since 2013, Norway has put in place an online platform, SafeSeaNet Norway, facilitating the reporting obligations of maritime transport operators planning to enter or leave a port situated in the Norwegian territory. In this regard, the Norwegian authorities showed interest in contributing to the Commission's study on the feasibility of harmonising at EU level reporting obligations on maritime operators for law enforcement purposes.

2. Internal border controls introduced since October 2023

2.1 Austrian internal border at the land border with Czechia

- **Situation at the border**

On 18 October 2023, Austria first notified the reintroduction of internal border controls at the land border with Czechia on grounds of persistent high migratory pressure, secondary migration and migrant smuggling along the Western-Balkan route, and the security risk of terrorist entering via smuggling routes, exacerbated by the turmoil in the Middle East. The current notification is set to expire on 16 April 2024.

The Austrian authorities have submitted a list of 59 border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Czechia.

Controls take place at border crossing points that serve international and regional traffic and are open to all types of traffic. Controls carried out by the Austrian authorities at the Czech border have been random and performed by mobile patrols. Occasional congestion has been reported upon entry into Austria, mainly at the border crossing points Kleinhaugsdorf and Drasenhofen.

In the period 4 October 2023 - 8 February 2024, 1 471 irregular migrants were intercepted at the Austrian-Czech border, as well as one smuggler. Four refusals of entry were issued, and one person was readmitted under the 2004 bilateral readmission agreement between Austria and Czechia.

- **Cooperation between Austria and Czechia**

Cooperation between Austria and Czechia takes place both at Ministerial and operational level. Czechia participates in the organisation of quarterly meetings in Vienna. At regional level, there are regular contacts between the Visegrad+ countries¹¹. In addition, both Czechia and Austria participate in the Salzburg Forum.

Eight joint security police patrols (two per border district) and one joint traffic police patrol occur on a monthly basis. These are uniformed and civilian and alternate between Czechia and Austria. The well-established and frequent cooperation continued also during the reintroduction of internal border controls, where the migratory pressure was not such as to increase the intensity of cooperation between Austria and Czechia.

2.2 Austrian internal border controls at the land border with Slovakia

- **Situation at the border**

On 4 October 2023, Austria reintroduced internal border controls at the land border with Slovakia on grounds of increased migratory pressure and related secondary movements. The current notification is set to expire on 2 April 2024. In its decision to reintroduce internal border controls, Austria took into consideration the impact that the reintroduction of border controls by Poland and Czechia at the borders with Slovakia could have had on migratory routes and their possible shift towards Hungary to Austria.

Austria has submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Slovakia pointing at 11 locations. Controls have generally taken the form of spot checks and the effect on cross-border travel has been negligible.

In the period 4 October 2023 – 8 February 2024, 303 irregular migrants and 11 smugglers were intercepted, and ten refusals of entry were issued at the Austrian-Slovak border.

- **Cooperation between Austria and Slovakia**

The 2005 agreement on police cooperation between Austria and Slovakia allows for transit operations on their respective territories after notification. The Austrian and Slovak authorities work together in joint common police and customs cooperation sites. At regional level, there are regular contacts between the Visegrad+ countries. In addition, both Slovakia and Austria participate in the Salzburg Forum.

The effective implementation of the 2012 Austrian-Slovak bilateral readmission agreement has been affected by diverging interpretations. While regular expert meetings continue to take place, they have so far not been able to resolve these differences. Following the CJEU judgment in Case 143/22, the Austrian authorities reported that the Slovak authorities have refused readmission requests on the basis that entry through Slovakia was not sufficiently demonstrated. By means of example, the Slovak authorities refused readmission of ten irregular migrants from Austria in November and December 2023.

2.3 German internal border controls at the land border with Poland

¹¹ Czechia, Germany, Hungary, Austria, Poland, Slovakia and Serbia.

- **Situation at the border**

On 16 October 2023, the German authorities first reintroduced internal border controls at the land border with Poland on grounds of increased irregular migration along the Eastern-Mediterranean route and Balkan route leading to an increase in smuggling. The reintroduction was renewed based on the continuing presence on the asylum reception capacity and concerns over human smuggling, as well as the deteriorating security situation as a result of the turmoil in the Middle East. The current reintroduction is set to expire on 15 June 2024.

Germany did not submit a list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code and therefore the border can be crossed at any point. Poland has reported that this has led to a shift in smuggling routes from main road to smaller crossings. The German Federal Police take possible evasive movements of criminal smugglers into account as part of their duties.

In the period 16 October 2023 – 31 December 2023, 141 697 persons were checked, 4 249 irregular border crossings were reported, 52 smugglers apprehended, and 1 686 refusals of entry issued at the border between Germany and Poland.

Controls are based on risk-assessment, police information and experience. They are flexible in terms of time, location and personnel and their intensity varies depending on the location and the need to mitigate the impact on cross-border flows. The German police can resort to so-called ‘processing lanes’ at times of increased irregular migration to ensure the fluidity of traffic. Intensified police measures in border areas (so-called ‘Schleierfahndung’) complement the border controls.

The Polish authorities reported some inconvenience for cross-border movements, especially for the inhabitants of twin cities on the Polish-German border, leading to critical public opinion. Germany stresses that the German Federal Police endeavour to avoid or reduce disruptions to cross-border traffic as far as possible.

- **Cooperation between Germany and Poland**

At the beginning of October 2023, prior to the decision to reintroduce internal border controls, the German authorities stepped up cross-border police cooperation with Poland and Czechia to address the challenges identified by alternative measures to internal border controls. Although this ultimately did not prevent the reintroduction of internal border controls, it allowed for new cooperation channels and practices to be established. For example, a working group for the strategic dialogue on bilateral cooperation between the German and Polish border control authorities was reestablished.

The reintroduction of internal border controls is accompanied by intensive cross-border police cooperation between Germany, Poland, and Czechia. There has been an increase in joint patrols in the German-Polish border area, based on a bilateral cooperation agreement on joint operations, under which German Federal Police and Polish border guards target human smuggling and unauthorised entries. There are also three joint German-Polish police stations in Ludwigsdorf, Świecko and Pomellen. To address the issue of smuggling, Germany, Poland and Czechia have set up a dedicated taskforce under the EMPACT umbrella.

Joint police patrols take place on both sides of the border along the entire length of the common border section. In 2023, 307 patrols were organised (232 on the Polish side and 75 on the German side). The time and place of patrols are determined based on current risk analysis and operational information. Joint activities, in combination with close cooperation between Member States along the migratory route, have translated into a decrease in irregular migration since November 2023, motivating both

countries to expand the number of joint patrols. Germany has also proposed to carry out trilateral patrols between Germany, Poland and Czechia.

Poland and Germany have a bilateral readmission agreement in place. Currently, Germany and Poland are in the process of updating the forms for requests and decisions on readmission requests under the agreement. Based on the limited statistical data available to the Member States' authorities, in the period 1 October 2023 – 31 December 2023, 72 people were returned to Poland and five to Germany under the formal readmission procedure, 122 persons were returned to Poland under the non-formal readmission procedure.

2.4 German internal border controls at the land border with Czechia

- **Situation at the border**

In the same notification of reintroduction of internal border controls with Poland of 16 October 2023, Germany also reintroduced internal border controls at the land border with Czechia on the same grounds (notably, increased irregular migration along the Eastern-Mediterranean route and Balkan route leading to an increase in smuggling). The current reintroduction is set to expire on 15 June 2024.

The controls are carried out in a flexible manner and based on risk assessment, experience and information. The impact on traffic flows has been limited.

In the period 16 October 2023 - 31 December 2023, 310 718 persons were checked, 3 265 irregular border crossings were reported, 84 smugglers apprehended, and 521 refusals of entry issued at the border between Germany and Czechia.

- **Cooperation between Germany and Czechia**

Bilateral contacts between Germany and Czechia are well-established and frequent, both at ministerial and operational level. The reintroduction of internal border controls is accompanied by intensive cross-border police cooperation with Poland and Czechia.

The German and Czech authorities have also stepped-up joint patrols based on the German-Czech bilateral cooperation agreement on joint operations, under which the Federal Police and the Czech Police together target human smuggling and unauthorised entries. A joint service centre has been established in Hrádek n. Nisou, where German and Czech law enforcement authorities are represented. The participation of Poland is under discussion. In the South Bohemian Region, the German and Czech authorities perform about 50 joint patrols per year (3-5 patrols per month), both at fixed locations and in the form of so-called 'Schengen searches'.

In addition, the German and Czech authorities perform about 72 joint patrols in the Pilsen Region (5-6 patrols per month), 5 to 6 joint patrols in the Ústí nad Labem Region and 3 to 5 joint patrols in the Karlovy Vary region, which primarily perform immigration related controls, but also road safety enforcement and public order-related tasks.

The German-Czech bilateral readmission agreement distinguishes between the formal readmission procedure and informal readmission procedure. Based on the limited statistical data available to the German authorities, in the period 1 October 2023 – 31 December 2023 three persons were returned to Czechia under the formal readmission procedure; 170 persons were returned to Czechia under the informal readmission procedure.

2.5 German internal border controls at the land border with Switzerland

- **Situation at the border**

In the same notification of reintroduction of internal border controls with Poland and Czechia of 16 October 2023, Germany also reintroduced internal border controls at the land border with Switzerland on the same grounds (notably, increased irregular migration along the Eastern-Mediterranean route and Balkan route leading to an increase in smuggling). The current reintroduction is set to expire on 15 June 2024.

Prior to the reintroduction of internal border controls, at the beginning of October 2023, Germany had already intensified controls in the border area with Switzerland. With the reintroduction of internal border controls, these activities have intensified, particularly at border crossing points and on international trains.

So far, there has been occasional congestion at the border, but – in view of the Swiss authorities – this cannot be entirely attributed to the reintroduction of controls as this is generally a busy region with significant cross-border traffic. The German Federal Police endeavour to avoid or reduce disruptions to cross-border traffic as far as possible.

In the period 16 October 2023 – 31 December 2023, 6 463 persons were checked, 5 222 irregular border crossings were reported, 42 smugglers apprehended, and 4 043 refusals of entry issued at the land border between Germany and Switzerland.

- **Cooperation between Germany and Switzerland**

As reported by the Swiss authorities, Switzerland was not consulted on the reintroduction of internal border controls or the subsequent renewals and no joint risk assessments have been carried out. The German authorities point out that prior information was provided. Nonetheless, contacts at all levels are frequent. Regular bilateral meetings have taken place in the framework of the 2022 Action Plan between Germany and Switzerland. In view of the Swiss authorities, reviving the Action Plan could allow for a way forward on lifting internal border controls.

At the German-Swiss internal border, the German Federal Police also operates on Swiss territory, in close cooperation with the Swiss authorities, under a bilateral agreement on joint processing in conjunction applicable ‘zone agreements’, which allows the German authorities to detect and prevent unauthorised entry already on the Swiss territory.

Especially in the Basel area, the German Federal Police and the Swiss Federal Office for Customs and Border Protection (FOCBS) work closely together. The mixed patrols of the existing Joint Operational Service Groups (oD) Basel and Lake Constance are deployed daily. Since March 2023, there have also been trilateral patrols, coordinated between Germany, France and Switzerland, in the Basel area. Information is exchanged between the authorities via the joint border police liaison office in Basel and the Trinat Süd¹². A reinforced police cooperation agreement, concluded between Germany and Switzerland in 2022, allows also for cross-border policing operations, including joint patrols and mixed brigades.

The German-Swiss bilateral readmission agreement distinguishes between the formal readmission procedure and the non-formal readmission procedure. Based on the limited statistical data at the

¹² Forum for the regular exchange of information between Germany, France and Switzerland.

disposal of the Member States' authorities, in the period 1 October 2023 – 31 December 2023, one person was returned to Switzerland and 22 persons were returned to Germany under the formal readmission procedure; one person was returned to Switzerland under the non-formal readmission procedure.

Switzerland raised the issue of Germany's practice of issuing refusals of entry following the CJEU judgment in Case C-143/22, this has however not resulted in a common approach. The German authorities informed the Commission that the issue will soon be taken up bilaterally at ministerial level.

At the Swiss-German internal border, the German Federal Police also operates on Swiss territory, in close cooperation with the Swiss authorities, under a bilateral agreement on joint processing in conjunction with applicable 'zone agreements', which allows German authorities to detect and prevent unauthorised entry already on the Swiss territory. In this context, a pragmatic approach is adopted at the Basel train station on Swiss territory, where irregular migrants are directly registered and handed over to the Swiss authorities. Specific safeguards are in place for minors.

2.6 Czech internal border controls at the land border with Slovakia

- **Situation at the border**

On 4 October 2023, Czechia reintroduced internal border controls with Slovakia referring to increased secondary migration and activity of organised groups of smugglers linked to the deterioration of the migration and security situation at the EU's external borders. The Czech authorities lifted the internal border controls on 2 February 2024, following the improved migratory situation at the Czech-Slovak border. No list of authorised border crossing points was submitted and the right to cross the internal borders at any time and place was not suspended. Border controls were carried out by the Czech Police through a combination of targeted and random checks, in a non-systematic manner at 27 former border crossing locations and at selected points of the green border. In the period of 4 October 2023 – 2 February 2024, 875 914 people were checked, 1 185 irregular migrants were intercepted, and 58 smugglers apprehended. A total of 1 148 refusals of entry were issued.

The frequency and intensity of controls depended on the situational picture. They were carried out in a flexible and proportionate manner to minimise inconvenience for cross-border travellers. As such, account was taken of the high population density, cultural cross-border links and cross-border tourism. The initial number of 133 police officers that were deployed, was reduced to 88 in early December 2023.

- **Cooperation between Czechia and Slovakia**

There are frequent contacts at political and technical level between Czechia and Slovakia, and the two Member States have a police cooperation agreement which include provisions on border management. The reintroduction of internal border controls has led to new ways of cooperation, including the establishment of joint patrols on Slovak territory. In addition, the initiative for a new agreement on police cooperation has been taken in order to streamline and strengthen cooperation on alternative measures. Czech-Slovak cross-border police cooperation was facilitated by the PCCC in Hodonín-Holíč.

Czech-Slovak joint patrols not only perform border management tasks but are also an important deterrent in the fight against cross-border crime. Given the mountainous terrain, patrols focus on railway stations, cross-border train connections and connecting roads. The frequency of joint patrols

differs per region, with 114 joint patrols (9-10 patrols per month), including 10 patrols on international train connections having been carried out in the Zlín region in 2023, and one joint patrol per month on the territory of each Member States in the South Moravian region. Until 12 December 2023, joint patrols were carried out on trains serving high risk cross-border connections at the Čadca railway station.

Cooperation has also been established between border and aliens' police officers, the Slovak National Unit for Combating Illegal Migration, the liaison officer of the German police in Prague, and Hungarian counterparts, primarily through colleagues from Slovakia. This includes the exchange of operational information, which several times per months results in the successful interception of human smugglers.

Czechia has a specific bilateral readmission agreement with Slovakia for readmission at the border. There have been no particular issues reported on the application of this agreement, although the exact numbers of readmissions to Czechia that have been reported by the Czech and Slovak authorities range between 162 and 63.

2.7 Slovak internal border controls at the land border with Hungary

- **Situation at the border**

On 5 October 2023, Slovakia reintroduced internal border controls with Hungary citing intensified migration pressure along the Balkan route to the Schengen area, as well as a serious threat to the internal security and public order. According to the Slovak authorities, the increased pressure was, in part, the result of the introduction of internal border controls at the Austrian-Hungarian border and the increase in joint patrols in that border area.

The Slovak authorities lifted the internal border controls on 22 January 2024, following the improved migratory situation and the successful regional cooperation between Slovakia, Austria and Serbia.

Controls were carried out in a flexible manner, based on constant risk analyses and monitoring of the situational picture. Systemic controls (24/7) only to place at or in the vicinity of major entry roads, while smaller border crossing points and the green border were subject to non-systematic checks. There were no negative effects of the controls on cross-border flows reported.

- **Cooperation between Slovakia and Hungary**

2023 saw a reinforced cross-border cooperation between Hungary and Slovakia in the form of a greater number of joint patrols, daily information sharing and bilateral meetings at political and operational level.

On 31 August 2023, the heads of police of the two Member States signed an agreement amending the rules governing joint patrols along the Schengen external border, allowing Hungarian and Slovak police officers to carry out joint patrol duties throughout the whole Hungarian territory. Since June 2022, the Slovak police have participated in Focal Point Operations, together with their Austrian counterpart. There are also three common PCCC between Austria and Hungary.

In the view of the Slovak authorities, although the close cooperation did not prevent the reintroduction of internal border controls, the established channels of communication and cooperation allowed for the internal controls to be carried out in close coordination with the Hungarian authorities and contributed to their temporary nature.

Although Hungary describes the bilateral readmission agreement in force with Slovakia as adequate and reports 11 readmissions from Slovakia to Hungary, Slovakia is of the opinion that the agreement is ineffective and points out Hungary's position that it will only readmit persons who have first entered Schengen territory irregularly through Hungary, establishing a standard of proof on the Slovak authorities that is very difficult to meet.

2.8 Polish internal border controls at the land border with Slovakia

- **Situation at the border**

On 4 October 2023, the Polish authorities reintroduced internal border controls at the land border with Slovakia citing intensified migration pressure along the Balkan route to the Schengen area. The Polish authorities lifted the internal border controls on 2 March 2024, following the important reduction in irregular crossings and the earlier decision to lift controls by Slovakia and Czechia.

The Polish authorities submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Slovakia indicating 21 locations, including three rail connections.

Border controls were carried out in a non-systemic manner, based on risk-analyses targeting incoming traffic only. There were no indications of traffic congestion because of the controls.

In the period 4 October 2023 - 11 February 2024, 1 516 378 persons and 665 194 vehicles were checked, 36 people were apprehended, and 53 refusals of entry were issued. In addition, 559 unauthorised border-crossings were recorded, whilst 1 758 people were turned back.

- **Cooperation between Poland and Slovakia**

The Polish and Slovak (police and border) authorities exchange information on a regular basis both at central and local level through the established contact points and cooperation centres at the internal borders. Information between the PCCCs on Poland's southern borders are exchanged in the secure Trans European Services for Telematics between Administrations network (s-Testa). A possible transition to Secure Information Exchange Network Application (SIENA) will be coordinated by the police authorities.

Joint patrols along the entire Polish-Slovak border are carried out on the basis of a bilateral agreement between Poland and Slovakia under the responsibility of the Polish and Slovak Police and Customs Cooperation Centres. They aim to tackle cross-border crime, irregular migration and human smuggling. In 2023, 74 patrols were organized, of which 37 on Polish territory and 37 on Slovak. These patrols' modus operandi is determined by risk analyses and operational information from the PCCC and carried out by jointly trained officers. Poland and Slovakia share two PCCCs.

A bilateral readmission agreement between Poland and Slovakia has been in place since 1993 but information as to its effective implementation is contradictory. Whereas Poland reports that all readmission requests in the period 1 October to 31 January 2024 (147 in total), were rejected by Slovakia for a lack of evidence of transit through its territory, Slovakia indicates a total of 150 readmissions from Poland to Slovakia. The issue remains subject of regular discussion and negotiations at both ministerial and operational level.

2.9 Italian reintroduction of internal border controls at the land border with Slovenia

- **Situation at the border**

On 21 October 2023, the Italian authorities reintroduced internal border controls at the land border with Slovenia on grounds of an increased threat of violence within the European Union, further exacerbated by constant migratory pressure by sea and land. The current notification is set to expire on 18 June 2024.

The Italian authorities have submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Slovenia pointing at 57 locations (one international rail traffic location, three international highway traffic locations, and 53 international road traffic locations) at which controls take place.

In the period 21 October 2023 – 31 January 2024, 203 836 persons and 120 279 vehicles were checked upon entry. There were 1 885 irregular non-EU nationals detected, and 55 smugglers arrested. 1 090 refusals were issued.

Readmissions are possible based on an agreement between Slovenia and Italy from 1996, but the Italian authorities reported that the low acceptance rate of simplified readmissions by the Slovenian authorities has contributed to the decision to reintroduce border controls. In this regard, the Slovenian authorities clarified that Slovenia readmits all persons for which the conditions for the simplified readmission are met in accordance with the bilateral readmission agreement with Italy.

Italian authorities have taken measures to limit the impact on cross-border flows, especially for border residents. Checks have been targeted and based on risk analyses. Fixed controls have been limited to major border crossings (12 out of 57). They are carried out by the Italian border police, with the support of other law enforcement authorities.

- **Cooperation between Italy and Slovenia**

At central level, a bi-weekly exchange of migration-related data takes place with the Slovenian Liaison Officer in Italy. At the local level, there are frequent meetings and exchanges of a more informal nature. The creation of a more permanent structure for information exchange is currently under discussion, with periodic meetings taking place in person and remotely and involving also Croatia¹³.

Joint patrols aimed at addressing secondary movement and cross-border criminal activities are based on the 2019 implementing protocol of the 2007 Police Cooperation Agreement of 2007. After a suspension due to the pandemic, these controls have now been resumed both on road and railways connections.

Between 23 October 2023 and 4 February 2024, the Italian border police was involved in 29 controls, during which 108 persons were checked. Each month, on average 22 joint patrols are carried out by the Italian and Slovenian police: four on Italian territory and 18 on Slovenian territory. Since the temporary reintroduction of internal border controls by Italy, 252 irregular border crossings have been registered by joint patrols at the Slovenian-Italian border.

The Italian Police, Carabinieri, Guardia di Finanza, and the Slovenian Police also cooperate with the Austrian and German Federal Police in the PCCC of Törl-Maglern. Since November 2023, new

¹³ For more information concerning the trilateral cooperation between Croatia, Italy and Slovenia, see Section 3 of this report.

initiatives to strengthen operational cooperation have been under development within the trilateral framework between Italy, Slovenia and Croatia.

2.10 Slovenian internal border controls with Croatia and Hungary

- **Situation at the border**

On 21 October 2023, the Slovenian authorities reintroduced internal border controls at the land border with Croatia and Hungary on the basis of threats to public order and internal security in the EU emanating from the situation in the Middle East and Ukraine, recent terrorist attacks and the risk of terrorists infiltrating migrant flows, organised crime in the Western Balkans, including human smuggling. The current reintroduction is set to expire on 21 June 2024.

The Slovenian authorities have submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Croatia pointing at 33 locations and at the border with Hungary pointing at nine locations. In parallel with the implementation of border checks at border crossing points, the Slovenian authorities reported that the regime of border surveillance between border crossing points, that had been suspended following the full application of the Schengen *acquis* to Croatia, has been re-established, with mobile patrols and various technical (stationary and mobile) means for the surveillance of the state border.

Slovenia does not gather statistics on the number of persons checked but has indicated that, between 21 October 2023 and 31 January 2024, approximately 600 000 checks were made in the Schengen Information System (SIS) in relation to checks at its land borders. In the same period, a total of 15 243 irregular migrants and 252 smugglers were apprehended in relation to the reintroduction of controls at the internal borders of both the Croatia and Hungary. Between 19 October 2023 and 21 December 2023, 9 851 unauthorised border crossings were detected (59 411 for the whole of 2023). Croatia has nonetheless questioned whether resources for border controls at the internal border crossing points could not be better spent on the surveillance of the green border.

At 13 border crossing points, corresponding to the main traffic corridors, police presence has been continuous (24/7), carrying out selective checks from fixed locations. Here, two separate lanes, one for persons benefiting from the right of free movement and one for all other persons, can be occasionally operating to ensure better traffic flow. In addition, depending on the category, some of these border crossing points allow for the crossing of international passenger and freight traffic, while others enable the crossing exclusively of persons enjoying the right of free movement under EU law. At all other border crossing points, controls have been carried out by mobile patrols, as targeted and selective checks based on risk analyses. Special attention was paid to facilitate cross-border traffic of residents of the border area.

Croatia reported traffic congestion at two border crossing points with Croatia, Macelj/Gruškovje and Bregana/Obrežje, as well as during peak hours and public holidays. To improve fluidity of traffic at the Macelj/Gruškovje border crossing, the Slovenian police changed the location for the sale of road vignettes from the passenger to the cargo terminal. The Slovenian authorities recorded 13 reports on waiting time, at three of the authorised border crossing points, with an average waiting time of about 20 minutes recorded between 14:00 and 20:00. According to Slovenia, the main cause for the delays was heavy traffic during the holidays period. It indicated that additional staff and lines were made available to mitigate waiting times.

- **Cooperation**

There are close contacts between Slovenia and Croatia, as well as Slovenia and Hungary, at both political and operation level. Information exchange takes place through established channels, both bilaterally and in the context of regional initiatives. The preparation of first joint risk assessment of irregular migration at the common border between Croatian and Slovenia is currently ongoing. No joint risk assessments have been carried out with Hungary prior to the reinstatement of internal border controls.

Since the reintroduction of internal border controls, 68 joint patrols have been performed between Slovenia and Croatia each month: 41 on Croatian territory and 27 on Slovenian territory. During these joint patrols, a total of 144 irregular border crossings was registered at the Slovenian-Croatian border. On average, 25 mixed patrols have been held weekly at railway stations and on trains.

Four joint patrols take place each month between the Slovenian authorities and the Hungarian Police: two on Hungarian territory and two on Slovenian territory. No irregular border crossings were reported during joint patrolling at the Slovenian-Hungarian border. At the Dolga Vas Police Cooperation Centre at the Slovenian-Hungarian border, the Slovenian and Hungarian border police work together with their Austrian and Croatian counterparts.

Slovenia has a bilateral readmission agreement in place with both Croatia and Hungary, which all parties deem to be satisfactory. Nonetheless, the number of readmissions that have been reported is low. Slovenia readmitted two persons from Hungary in October and November 2023, but no persons were readmitted to Hungary. Croatia accepted two requests for readmission since October 2023. It did not, however, accept any of the 2 628 requests for readmission under the informal procedure, since Croatia does not readmit people that have already lodged a request for international protection in Slovenia.

The text of a new bilateral agreement with Croatia on police cooperation was first discussed in 2018 but is still under negotiation at political level. In the context of facilitation of cross-border police operations, Slovenia is awaiting the Croatian declaration pursuant to Article 41 of the Convention Implementing the Schengen Agreement (CISA) to define the procedures for carrying out a hot pursuit in the Croatian territory.

Since November 2023, new initiatives to strengthen operational cooperation have been under development within the trilateral framework between Italy, Slovenia and Croatia¹⁴.

3. Existing frameworks for regional cooperation

In addition to the increase in bilateral cooperation between neighbouring Member States, the trend towards more regional cooperation is steadily increasing. This cooperation takes shape both at a political and operational level, and increasingly includes third countries under a “whole-of-route approach”. Such initiatives serve as important venues for discussing reinforced cooperation and information exchange and include the Visegrad+ process, the Salzburg Forum, the Brdo-process, the Joint Coordination Platform, the joint trilateral cooperation between Italy, Slovenia and Croatia, the Border Security Taskforce between Hungary, Austria and Serbia as well as the Operational Taskforces (OTF) Vistula and Zebra.

¹⁴ For more information concerning the trilateral cooperation between Croatia, Italy and Slovenia, see Section 3 of this report.

The **Visegrad+ process** was initiated by Germany in November 2023 and aims at collecting information and regularly producing a situational report per participating country (Austria, Germany, Hungary, Poland, Czechia, Slovakia and Serbia) in a joint format. A first expert group meeting on the Western Balkans took place in Hungary on 19 December 2023, with the participation of Serbia. A second meeting took place in Czechia on 14 and 15 February 2024. The resulting new regional information-sharing mechanism started producing outputs in March 2024.

The **Salzburg Forum** is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior, in which Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia participate. Slovenia and Austria co-organised a ministerial conference on 11 and 12 December 2023 for the members of the Salzburg Forum in Brdo pri Kranju, to discuss closer regional cooperation, the future of the Schengen area and the fight against migrant smuggling was discussed. The Schengen Coordinator took also part in the conference. As of 1 January 2024, Austria has taken over the chairmanship of the Salzburg Forum for the first half of 2024. The next ministerial conference will take place on 25 and 26 June 2024 in Austria with a special focus on preventing migrant smuggling and trafficking of human beings.

The **Brdo Process** was initiated in 2013 by Slovenia and Croatia, bringing together candidates and potential candidate countries from the Western Balkans as well as other Member States. At the twelfth informal meeting on 21 and 22 March 2024, Ministers of the Interior of the Brdo Process, including Italy, took stock of the implementation of earlier agreements to manage migration and combat migrant smuggling along the Western-Balkan route.

The **Joint Coordination Platform**, involving different Member States and EU agencies, continues to offer support in capacity building in the field of migration and border management, with a focus on the Western Balkan and with the aim to respond quickly to shifting routes through the coordinated and close exchange of information.

Since November 2023, the **Italian, Croatian and Slovenian authorities** have joint efforts to step up their trilateral cross-border cooperation. On 14 November 2023, the Police Chiefs of Italy, Slovenia and Croatia agreed to further formalise operational police cooperation. At the end of February 2024, the Chiefs of Police signed a Letter of Intent to strengthen trilateral police cooperation, including joint patrols and information exchange. Technical discussions to implement the measures laid down in the letter started in March 2024. The Ministers of the Interior met for a third time on 21 March 2024, in the margins of the informal meeting of the Brdo process. Such meeting led to a further reinforcement of the cooperation initiatives, including the strengthening of joint Italian-Slovenian and Slovenian-Croatian patrol activities, Italy's decision to join the Operational Taskforce Zebra (OTF Zebra), and the agreement to organise trilateral patrols involving Croatian, Slovenian and Italian border and police authorities at the Croatian border with Bosnia-Herzegovina.

Hungary and Austria have initiated discussions on the establishment of a **Border Security Task Force (BSTF)**, which would be based on a trilateral agreement between Hungary, Serbia and Austria and would allow for a higher level of cooperation between the parties concerned. The aim of the Border Security Task Force is to support national authorities in the fight against cross-border crime and border protection.

In February 2024, the Polish authorities have taken the initiative for the establishment of the **Operational Taskforce Vistula (OTF Vistula)**. OTF Vistula brings together law enforcement authorities from Poland, Germany, Czechia, Slovakia, Lithuania, Hungary and Ukraine and aims at

apprehending high value targets engaged in human smuggling in Eastern Europe and through the Western Balkan Route.

In March 2024, the **Operational Task Force Zebra** (OTF Zebra) was operationalised, bringing together Bosnia and Herzegovina, Croatia, Germany and Slovenia, Europol, and, since the end of March 2024, Italy. OTF Zebra is targeting organised crime groups involved in active migrant smuggling along the Western-Balkan route from Bosnia and Herzegovina with the purpose to enhance the information exchange among the law enforcement authorities and increase the efficiency of investigative actions.

4. Main observations and way forward

While a number of Member States continue to have reintroduced internal border controls, the ongoing dialogue initiated by the Schengen Coordinator in autumn 2022 has established a framework for the sharing of information and practices between Member States. This has allowed for a more targeted and flexible reintroduction of internal border controls, where checks – although varying in intensity and scope depending on the location – are often non-systematic, based on risk assessment and accompanied by mitigating measures to ensure the fluidity of cross-border traffic.

As noted in the Report of 23 November 2023, Member States continue their efforts to step up cross-border cooperation in various areas and at various levels. In particular, in line with Commission Recommendation (EU) 2024/268, bilateral law enforcement cooperation has increased as Member States are more and more engaged in joint activities, such as joint police patrols in common border areas and cooperation on return. Day-to-day contacts and information exchange at joint service centres and Police and Customs Cooperation Centres (PCCCs) remain of vital importance to ensure situational awareness and to tackle cross-border crime, including human smuggling in border areas.

The progress made in this regard, as well as the overall decrease in secondary movements, have led to an improvement of the situation at several border sections (notably the Polish-Slovak border, the Czech-Slovak border, the Slovak-Hungarian border) allowing for the lifting of internal border controls by Czechia, as of January 2024, Slovakia, as of February 2024, and Poland, as of March 2024.

Similar progress can be noted at the Italian-Slovenian and Slovenian-Croatian land borders, where the enhanced trilateral cooperation between Croatia, Italy and Slovenia has already taken the shape of concrete actions. It can be expected that such intense cooperation will lead to the lifting of the Italian and Slovenian border controls in the coming months.

In line with the trend observed in the Report of 23 November 2023 and the EU Action Plan on the Western Balkans, Member States are increasingly engaging in regional forms of cooperation, at times involving also neighbouring third countries, under a ‘whole-of-route-approach’. Initiatives such as the Visegrad+ process, the Salzburg Forum and the Brdo process, as well as the recurring and successful implementation missions of the EU Action Plan on the Western Balkans¹⁵, serve as important venues for discussing reinforced cooperation and information exchange.

¹⁵ Since the launching of the EU Action Plan on the Western Balkan in December 2022, DG HOME services have organised a series of implementation missions to the Western Balkan countries, which were

Readmissions at the border will be facilitated with the introduction of the new transfer procedure under the revised Schengen Borders Code. This procedure will allow Member States to effectively address secondary movements at their internal borders without the need to resort to internal border controls.

Importantly, the recently agreed revision of Schengen Borders Code responds to the call from Member States to reinforce the tools necessary to effectively address security threats without resorting to internal border controls. Against this backdrop, the Commission calls on all Member States to phase out existing internal borders controls towards a more sustainable joint management of common challenges. The Member States are encouraged to evaluate all the relevant elements under the new legal framework when assessing the need to reintroduce internal border controls beyond the current notification period.

In this regard, Member States are encouraged to consolidate and further develop their bilateral and multilateral cross border cooperation initiatives in border areas, making full use of the alternative measures at their disposal, in line with Recommendation (EU) 2024/268.

The Schengen Coordinator will engage in a new phase of the dialogue with Member States in light of the new rules provided in the recently agreed Schengen Borders Code, to notably discuss the obligations on Member States at the internal borders where controls have been reintroduced. In this context, and in view of the different practices observed by the Commission in relation to the implementation of the CJEU judgment in Case C-143/22, the Schengen Coordinator will engage in discussions with the Member States and actively support them in ensuring coherent application and compliance with the judgment. The Commission will also continue to assist Member States in their efforts to step up regional cooperation in the spirit of the new ‘whole-of-route approach’. The Schengen Coordinator will continue regularly reporting in the Schengen Council on the state of play and progress made in this regard.

attended by representatives of the relevant Member States in the region as well as EU Agencies and DG NEAR.