



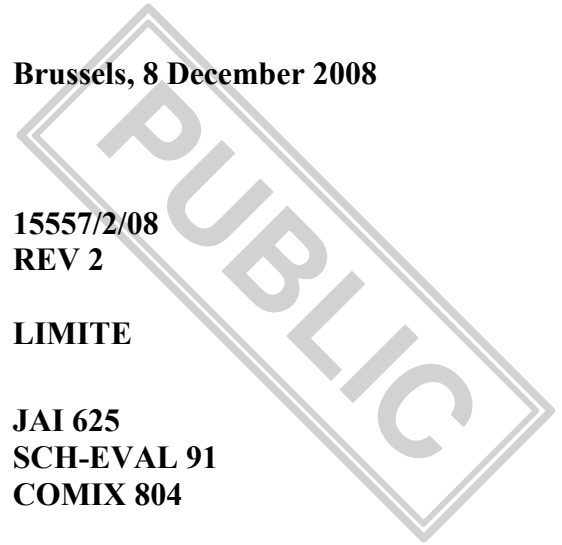
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NOTE

from : the trio-Presidency
to : Schengen Evaluation Working Party
Subject : Future of Schengen evaluation: practical guidelines

In line with the mandate of the SCH-EVAL WP (SCH/ex-COM (98) 26 def) and according to the Council Conclusions of 5 June 2008 regarding the future monitoring of the correct application of the Schengen acquis in participating states, this document recapitulates the work done by the Schengen Evaluation Working Party with the aim of refining the Schengen evaluation process in light of the challenges faced by Schengen area enlargement.

Along the lines set out in the Proposal for a Schengen Evaluation Programme 2008-2013 (doc. 6949/3/08), it outlines the principles and working methods for the organisation of evaluations verifying the correct application of the Schengen arrangements by the Member States and candidates countries, and proposes a framework for improving the preparedness of experts and the composition of expert teams.

These guidelines, which may be further refined and/or building on the extended experience gained during the trial period running until the end of 2009, can serve as a reference when implementing the Schengen Evaluation Programme 2008-2013.

These guidelines are without prejudice to the proposals to be presented by the Commission in 2009 supplementing the Schengen evaluation mechanism.

The document is made up of five main parts:

- **Part 1: Working methods for the organisation of Schengen country evaluations:**
this part specifies, in line with the need to rationalize and optimise the Schengen evaluation process, working methods for country-by-country evaluations of Member States and candidate countries;
- **Part 2: Thematic and/or regional evaluation methods:**
in line with the JHA Council conclusions on Schengen evaluation of June 2008 which specified a supplementary thematic and/or regional evaluation schedule supported by and reflecting analyses of relevant stakeholders, this part outlines a series of principles and methods to be implemented during a trial phase;
- **Part 3: Profile and role of the leading expert: functions, profile and tasks/duties**
this part describes the specific qualities required for leading experts and provides details on their functioning and tasks in preparing and conducting Schengen evaluation missions including their follow-up;
- **Part 4: Criteria for experts and for the composition of expert teams:**
this part provides, per type of Schengen evaluation, suggestions and proposals on the selection and nomination of experts participating in Schengen evaluation missions, the composition of expert teams and requirements in terms of skills, expertise, training, numbers etc.
- **Part 5: Organization of experts' training**
this part provides guidelines along which the training of experts taking part in Schengen evaluations should be set up and coordinated.

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PART 1
**WORKING METHODS FOR THE ORGANISATION
OF SCHENGEN COUNTRY EVALUATIONS**

The aim of this part of the document is to specify in more detail working methods for the organisation of evaluations checking the correct application of the Schengen arrangements by the Member States and of candidate states prior to their entry into the Schengen area (cf. the Schengen Evaluation working party mandate SCH/ex-COM (98) 26 def).

1. GENERAL PRINCIPLES FOR THE ORGANISATION OF EVALUATIONS

The evaluation of Member States fully applying the Schengen acquis should be prepared and organised in a way guaranteeing that:

- practical implementation of Schengen arrangements is properly checked,
- special attention is paid to recommendations and observations from previous evaluations as well as to implementation of new provisions of the Schengen acquis adopted in the meantime,
- the decision about the programme of the evaluation mission is taken on a case-by-case basis and reflects all relevant information submitted prior to such a decision by the evaluated country and other relevant stakeholders and
- the evaluation of Schengen arrangements of operational nature takes place as a general principle in situ.

The evaluation of candidate states should be prepared along the same general principles, in the understanding that the emphasis will be on their level of preparedness for the future practical implementation of Schengen arrangements.

2. WORKING METHODS

The evaluation needs to be based on a suitable working method which meets all requirements and needs arising from (future) Schengen membership as well as the obligation of maintaining the Schengen territory as an area of justice, liberty and security.

Therefore, the proposed working method consists of the following main components:

- programme of the evaluation mission targeting key issues pinpointed on the basis of a thorough analyses of all relevant information,
- strengthened role of the leading expert in enhancing the quality of both the evaluation and the follow up process,
- an evaluation committee composed of a mixture of experts of different types of know-how and background exercising its duty with full expertise and comprehensive background information,
- the evaluation mission and resulting report serves as an instrument which helps to detect loopholes in the national system and proposes solutions for applying the Schengen acquis in a satisfactory and most effective manner, as well as to identify best practices,
- thoroughly monitored follow up.

2.1. Programme of the evaluation mission

The **programme of the evaluation mission** shall be approved by the SCH-EVAL WP on the basis of a proposal submitted as a result of discussions held at a **preparatory meeting** by representatives of the evaluated country, involved Presidencies, leading expert, Commission and Council GS.

The programme of the evaluation mission should target in particular points of interest identified as a result of analyses of the following **documentation**:

- replies to the evaluation questionnaire, clearly distinguishing - in the case of evaluations of Member States already applying the Schengen acquis - what has changed since the last evaluation;
- in the case of evaluations of Member States already applying the Schengen acquis, the reports from the last evaluation including reports on follow up, pinpointing recommendations not entirely fulfilled at the time of submission of the follow up report;
- statistical, factual, analytical or other information provided by the evaluated country, enabling to identify e.g. consular posts issuing the largest number or an interesting variety of visas;
- special country-tailored (poss. region-tailored) reports elaborated by Frontex, Europol or other relevant stakeholders, enabling to identify locations to be visited as well as particular threats or problems faced by the country/region in question;
- possible other source of relevant information (e.g. OCTA report).

This documentation should be provided to and discussed by experts drafting the programme in order to facilitate the subsequent debate in the SCH-EVAL WP and help detect the main points of interest.

Based on the result of such a discussion, the proposed programme may be further modified. Nevertheless, the draft programme should be **approved by the SCH-EVAL WP** ideally two months before the evaluation mission takes place so that there is sufficient time for making all necessary organisational preparations.

As a general rule, the evaluation committee should carry out its **visits in situ**. However, the SCH-EVAL WP may, in the case of evaluations of Member States already applying the Schengen acquis, decide that – after having analysed and discussed all background information – an *in situ* visit is not needed and the evaluation may be sufficiently carried out in the form of presentations; such a decision should be reflected in the approved draft programme.

2.2. Strengthened role of the leading expert

The role of the **leading expert** should be strengthened and extended into the period before and after the evaluation mission takes place. The leading expert shall be involved in discussions about the draft programme of the evaluation, drawing up key issues of interest and composition of the evaluation committee. The leading expert – while representing the whole evaluation committee - guarantees the quality of the evaluation and is responsible for the content of the final report including the recommendations and observations of the evaluation committee ¹.

¹ Part 3 of this document sets out the criteria for leading experts and describes their tasks in preparing and carrying out evaluation missions.

Therefore, his/her opinion should be requested ¹ when discussing the follow up report in order to prevent discrepancies between the text of recommendations and measures applied by the evaluated country and to assess whether recommendations of the evaluation committee have been indeed fully met as declared.

In order to increase the expertise of leading experts with regard to the specifics of the evaluated country/countries, they could (unless deemed unnecessary) be brought together for a **presentation in Brussels** prior to the start of the practical phase of the evaluation process. They should be presented the general picture of the evaluated country/countries by representatives of the relevant organisations/authorities (for example Commission, Frontex, Europol or other relevant stakeholders), highlighting issues of which the experts should be aware.

These presentations will subsequently be provided to all members of the respective evaluation committees and will form another important source of information when preparing the visit.

2.3. The evaluation committee

The evaluation committee should be composed of a mixture of **experts** of different types of know-how and background, covering all aspects of the evaluated field of the Schengen acquis. A description of common criteria for experts and for the composition of expert teams participating in Schengen evaluation missions is provided in part 4 of this document.

In order to increase the expertise of the whole evaluation committee with regard to the evaluated country and to detect any further points worthy of attention during the evaluation mission, a **preliminary meeting** of the evaluation committee should take place **at the beginning of each country evaluation**. Its purpose would be to exchange complementary information, discuss already available findings about the evaluated country and to facilitate the switchover from facts about one country to facts about another one ².

The precise working method of the evaluation team is established – as is already the case - during such a discussion at the beginning of the evaluation mission.

2.4. The evaluation mission

Presentations should concentrate on topics identified in the evaluation programme and subsequently defined, by the leading expert representing the whole evaluation committee, as requiring further elaboration. ³

¹ Not necessarily in a form of his/her presence at the SCH-EVAL meeting discussing the follow up report – his/her position may be provided to the WP in writing or via delegation of his/her Member State.

² Recommended in light of the growing practice of carrying out "group evaluations" (i.e. of more than one country at a time) in order to make sure that experts are fully aware of the circumstances in each individual country.

³ E.g. check list drawn up by the leading expert targeting key issues.

In case of a Member State already (fully) applying the Schengen acquis, general information about the national situation in the evaluated country can be rather brief and should concentrate on relevant changes which have taken place since the last evaluation. In this case, a presentation of the fulfilment of recommendations and observations from a previous evaluation in that area will also be required.

On a general note, the evaluated country should inform the committee of problems encountered together with solutions found with a view to combating them. This approach would help the committee to:

- make proposals for combating encountered problems in a more effective way and in full compliance with the Schengen acquis on the one hand and to
- possibly identify best practices worth sharing with other Member States on the other hand.

Any recommendations agreed by the evaluation committee, incorporated in the final report and approved by the SCH-EVAL WP should, as a standard rule, be regarded as an indication for the correct application of the Schengen acquis and should be reflected/followed in subsequent evaluations.

2.5. A thoroughly monitored follow up

It is of utmost importance to increase the effectiveness of the follow up process and to ensure that follow up actions correspond to recommendations of the evaluation committee and that shortcomings mentioned in the final reports are accurately remedied.

Therefore, the role of the leading expert should be strengthened as mentioned above. In addition to the current practice of Member States asking additional questions, the GSC could assess, with the help of the leading expert, the **follow up report** from the point of view of compliance of announced measures with the content of the evaluation report and in particular with the individual recommendations. Sufficiency of these measures shall then be examined by the SCH-EVAL WP with the help of their respective experts.

If the recommendation has not been fully met by the time of submission of the follow up report to the SCH-EVAL WP, the evaluated country should indicate the **concrete date** at which the recommendation will be met. A clear timetable will enable to really follow up the state of play in implementing the recommendations and observations of the evaluation committee.

3. INDICATIVE TIMETABLE

<i>Timing</i>	<i>Activity</i>
M ¹ -5 months	- adoption of the evaluation questionnaire (SCH-EVAL WP) - submission of questionnaire to the evaluated country - request for elaboration of country-tailored report addressed to relevant authorities (PRES)
M-3 months	- evaluation documentation ready - first discussion about replies to the questionnaire - elaboration of draft programme
M-2 months	- presentation and approval of the evaluation programme (SCH-EVAL WP) - call for nomination of national experts - provision of all relevant evaluation/background information to experts
M-1 month	- presentation in Brussels for leading experts - list of experts
M	- start of the evaluation mission

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¹ M = Month of the beginning of visit

PART 2

THEMATIC AND/OR REGIONAL EVALUATION METHODS

The conclusions adopted by the JHA Council on 5 and 6 June 2008 concerning Schengen evaluation and future monitoring of the correct application of the Schengen *acquis* in participating States, supported the principle of thematic and/or regional evaluations supported by and reflecting analyses of relevant stakeholders, which can be adopted as part of the programme of each Presidency. These evaluations come in parallel to the evaluation of new Member States, the "classic" country by country evaluation of Schengen Member States, and the possible evaluation of Member states' public authorities which have recently undergone a fundamental reorganisation.

Their purpose is to supplement the country by country evaluations and to ultimately strengthen the area of freedom, security and justice; therefore they should be pursued by means of a global approach. They concern the practices followed by Member States already applying the Schengen *acquis* and which have already undergone initial or even further evaluation and monitoring visits. They are designed to examine the effectiveness of practices in the face of identified threats or risks and to ascertain best practices. These qualitative and effects-based evaluations may be carried out on a general, overall basis or aimed at a specific situation.

In order to pursue the process, the following principles and method, to be refined with experience, should be used to implement thematic and/or regional evaluations during a trial phase until the end of 2009.

1. GENERAL PRINCIPLES OF THEMATIC AND/OR REGIONAL EVALUATIONS IMPLEMENTATION PROCESS

Thematic and/or regional evaluations may be appropriate:

- in case of a new specific threat or risk situation at EU or regional level, when existing practices may be no longer or only partially suitable, or
- should evolution of the situation reveal specific shortcomings in the practical implementation of the Schengen *acquis* that would justify an evaluation addressing a theme of common concern, or
- where practices followed in a particular area prove well suited to a particular or general situation and could benefit other States.

The arrangements should be adaptable and enable some flexibility in their implementation in order to face various circumstances. This entails pragmatism and efficiency in the decision-making process, the identification and use of experts and the way the evaluation is conducted.

Any evaluation shall provide added value and enable to capitalise on experience. As a consequence, the thematic and/or regional evaluation process should be based on three interdependent, strict conditions:

- there must be a **clearly identified need and purpose**,
- **a suitable method** must be used and
- **efficient feedback** should be ensured.

The remainder of this part sets out in particular the requirements for meeting these conditions in the understanding that they can be adapted along the way in light of experience gained.

2. EVALUATIONS IMPLEMENTATION PROCESS

2.1. Identifying needs and purposes

Identifying a need and a purpose is the first step in the process. The need is to be assessed in light of the requirements of the Schengen *acquis*. Two main options emerge:

- addressing a new situation, an unprecedented situation or a situation of unusual proportions possibly affecting the EU at global or regional level to the detriment of tried and tested systems;
- identifying a best practice developed locally: new practices offering an efficient response to a specific shortcoming due to an evolution of the situation, which may be usefully shared and even provide new best practices if they address a common concern.

Considering the importance of an integrated and global approach, the regional/thematic visits may also evaluate how Member States are coordinating, fine-tuning and even gearing their actions and equipment towards one another.

A need may be identified and presented to the SCH-EVAL WP by the Presidency in various ways:

- upon proposal of the Member State(s) concerned,
- according to the results of a general or targeted threat assessment (by Europol, Frontex, or other relevant contributors),
- upon request of one or more Council working parties,
- upon proposal of other relevant official sources.

The SCH-EVAL WP should verify that the proposed theme is conform to the mandate before deciding upon the expediency of triggering such an evaluation.

These visits should be carried out and defined without prejudice to the prerogatives of other Council working parties, existing mechanisms or procedures.

Furthermore, they should not interfere with or duplicate country by country evaluations: they should be planned and their focus should be determined accordingly.

2.2. Establishing a suitable method

In case of either an unprecedented situation or a best practice, an overall method could be established, which may be adapted where required, on a case-by-case basis. The main stages would be as follows.

• Before the evaluation:

- compiling detailed documentation provided by risk assessments and by the States concerned, in close cooperation with the latter;

On the basis of that documentation:

- identifying the locations and structures to be evaluated, and/or
- identifying the authorities to be heard;
- designating a suitable team of experts (in terms of number and skills) for the mission and, where appropriate, making logistical arrangements for the evaluation;

- approval of a mission paper by the SCH-EVAL WP, describing the general purpose of the evaluation and listing in particular the main points to be evaluated and the tasks to be performed;
- as the conventional questionnaire and evaluation report do not meet the needs for this type of evaluation, drafting of new ones where necessary, drawing on the Schengen Catalogues of recommendations and best practices and also to be approved by the SCH-EVAL WP.

• During the evaluation:

Equipped with the mission paper, the team of experts will be able to carry out its mission (i.e. identifying the nature and scale of difficulties encountered, required adaptation of existing practices, particularly suitable innovative practices identified which are clearly transposable, and initial recommendations).

• After the evaluation:

The evaluation findings should mainly:

- bring out the "universal" or "local/specific" nature of the practices followed;
- identify best practices;
- possibly make new recommendations.

2.3. Making good use of feedback

Feedback is a way of ensuring that the previous stages do not remain fruitless. It involves a number of aspects:

- follow up;
- report to other relevant EU bodies;
- specific proposals (Council conclusions, evaluation committee recommendations etc.);
- identification or suggestion, where appropriate, of the extent of distribution/circulation of the evaluations' conclusions within the EU;
- improvement of existing organisational arrangements as work proceeds (evaluation committee, practical procedures for inspection visits etc.);
- possible suggestions for improvement of the Schengen acquis. The thematic/regional evaluations' conclusions may also be reflected, where appropriate, in future EU work dealing with the improvement of the current acquis.

When an evaluation identifies exceptional situations faced or burdens carried by one or more Member States on behalf of all members of the Schengen area, the provision of special support may be considered in the framework of solidarity; such information will be passed on to the relevant Council bodies.

3. Target timetable

This is an indicative timetable which can be adjusted depending on the urgency of the situation.

<i>Timing</i>	<i>Activity</i>
M (1 st Month)	- Identification of a given situation
M+1 to M+2 months	- Thematic and/or regional evaluation decision at a meeting, acting on a Presidency proposal - Formation of a team of experts, drafting of a questionnaire (possibly) and a mission paper
M+2 to M+3 months	- Submission of the draft final report to the SCHEVAL Working Party
M+3 to M+4 months	- Implementation (including planned visits)
M+4 to M+5 months	- Final report

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PART 3
PROFILE AND ROLE OF THE LEADING EXPERT

1. Function of the leading expert

The leading expert is the main representative of the SCHEVAL WP towards the evaluated country and other authorities involved in a Schengen evaluation mission and the spokesperson of the group towards all partners during such a mission.

The leading expert does not have a formal hierarchic position in the group; he/she is the functional leader of the group, co-responsible for the smooth realization of the mission in terms of the duties and competences of the group in accordance with the Decision of the Executive Committee of September 16th 1998 (SCH/Com-ex (98) 26 def.).

2. Profile of the leading expert

The leading expert's profile is less technical but more management orientated in a concept of leadership and good governance.

The leading expert should be able to meet the following requirements:

- experience in Schengen evaluation missions;
- a general knowledge of all the elements of Schengen evaluation according to the mandate (SCH/Com-ex (98) 26 def.);
- a good knowledge of the general context in which Schengen evaluation takes part (migration issues , free movement of persons, international cooperation, public security);
- good linguistic capacities, especially in English;
- good skills in communication;
- good skills in negotiation;
- good skills in reporting, orally and in writing.

The leading expert should furthermore be able to work in a constructive atmosphere of evaluation, with a feeling for diplomacy and compromise.

Finally the leading expert should have an immaculate professional reputation and integrity. His/her attitude and personality should be marked by a feeling for justice, impartiality and professionalism. He/she is the trustworthy agent in the group, internally and towards the other partners involved in the mission.

3. Tasks and duties of the leading expert

• Before the start of the mission

The leading expert takes part in the preparatory meeting discussing the draft program of the mission as described in part 1 of this document. In principle he/she participates, together with other leading experts evaluating the same country, in presentations held in Brussels prior to the start of the evaluation in order to increase their relevant expertise.

He/she communicates with the evaluated country/-ies in order to assure the smooth preparation of the mission and to anticipate possible logistic problems.

He/she takes care of the preliminary briefings of the experts before the start of the mission. These briefings do not only treat the program to be followed but all useful information on equipment, documents to read and to prepare and external conditions during the mission.

- During the mission

The leading expert guarantees the quality of the evaluation.

At the beginning of the mission, the leading expert organizes the tasks and duties in the group in consultation with all members of the group. He/she gives guidance to the group regarding the nature of the mission, specific problems to be confronted with, the attitude of the group during the missions, etc.

During the mission, the leading expert motivates and inspires the members of the group. He/she takes all necessary decisions to guarantee the efficient and effective functioning of the group. He/she checks permanently the good functioning of the mission and adjusts if necessary in consultation with the members of the group.

In the practical situation that the expert group has to be split in order to guarantee an efficient course of the evaluation, the leading expert delegates some responsibilities to a member of the group operating separately.

In case of differences, the leading expert mediates with the partners concerned in the general interest of the evaluation and the safety and well-being of all members of the group.

In the course of the evaluation mission the leading expert watches over the constructive spirit of the evaluation, which means that not only the shortcomings are noted but also possible solutions to remedy the problems.

- After the mission

The leading expert takes personal responsibility for drafting (together with the GSC representative, building on contributions from group-members) and reporting; he/she is responsible for the content of the final report.

The leading expert presents the report at the SCH-EVAL WP.

The leading expert takes the responsibility for introducing amendments to the report if requested by the SCH-EVAL WP.

In as far as possible, the leading expert stays involved in the follow-up of the evaluation.

3. Designation of the leading expert

The leading expert is designated by the Presidency in line with the required profile.

He/she is not necessarily a citizen of the country holding the Presidency; he/she can be a citizen of any Member State fully applying the Schengen acquis. If so, the Presidency and the country of origin of the leading expert will seek to make the necessary arrangements.

PART 4

CRITERIA FOR EXPERTS AND FOR THE COMPOSITION OF EXPERT TEAMS

In line with the need to define common criteria for the selection and nomination of experts and the composition of expert teams carrying out Schengen evaluation missions and the need to outline requirements in terms of skills, expertise, training, numbers etc. , this part of the document aims at providing some suggestions and proposals per type of Schengen evaluation. It also puts forward proposals on the optimal size of a mission i.e. the actual number of experts taking part in a mission as well as on ways to reach agreement thereon.

1. General requirements

An expert taking part in a "Scheval" mission should:

- be familiar with and have a clear understanding of the Schengen Evaluation mandate (SCH/ex-COM (98) 26 def.);
- have in-depth knowledge of the relevant EU/EC legislation and the relevant parts of the Schengen acquis (and the Schengen Catalogues of Recommendations and Best Practices and e.g. the Practical Handbook for Border Guards) as well as general knowledge of the functioning of the EU-organisation and its working methods;
- be familiar with any previous reports and all information made available prior to the actual visit (replies to questionnaires etc.) and with the structure of the "blank reports";
- be a team-player, have a clear understanding of the role of the leading expert and of the obligations resulting from participation in missions;
- have good drafting skills (input for reports and recommendations), a good knowledge of English and experience with e-communication tools.

Additionally it would be helpful to have experts with :

- practical experience from a previous evaluation of the country in question, allowing for an assessment of changes/progress made since the last evaluation, and/or
- practical experience from a previous evaluation of the same type and
- knowledge of the languages spoken in the evaluated country or neighbouring countries.

Finally the importance is underlined of ongoing training for prospective evaluation team members in the context of ensuring continuity and consistency.

2. Specific types of required expertise

The Evaluation Committee should be composed of a balanced mix of persons who have thorough knowledge of and extensive practical experience in one or several of the fields listed below per sub-type of evaluation:

2.1. Control of external borders

- Schengen acquis as regards border management, entry, and removal
- Principles and elements of integrated border management: border control, risk analysis, intelligence, investigation and cooperation;
- Familiarity with the Practical Handbook for Border Guards;

- Implementation of provisions of the Schengen Borders Code, relevant Council Directives and recommendations of the Schengen Catalogue in the field of border checks. Types of technical equipment for first and second line checks, basic specifications and principles of use of abovementioned equipment. Use of SIS and other databases for border checks;
- Strategy, principles and tactics of border surveillance, use of human and technical resources for border surveillance. Principles of technical surveillance of external land or sea borders, technical surveillance systems and command, control and communication systems used for border security. Practical experience in creation or familiarization with such systems in own country or other Schengen states. Means of transportation and communication for border surveillance;
- Risk analysis according to CIRAM and functioning of a risk analysis system at local, regional and national level at least in own country;
- Principles and practical implementation of intelligence and investigations in the framework of border management for combatting illegal immigration. System of intelligence and investigations at local, regional and national level;
- Requirements of the Common Core Curriculum on the border guard training;
- Principles and system of immigration control inland;
- Visa-issuance at the border. Visa Information System (once applicable). Technical equipment used for issuing of visas;
- Processing and subsequent handling of asylum ¹ applications at the border. Use of Eurodac;
- Practical procedure of readmission and expulsion;
- Practical experience with border checks and/or border surveillance at the managerial level of the border crossing point/border station and further experience at higher level is highly recommended as well as practical experience in units dealing with risk analysis and intelligence or combatting illegal immigration inland.

2.2. Police cooperation

- Practical knowledge of processing of requests for assistance and cooperation between central authorities (Article 39 of the Convention of 14/6/1985 implementing the Schengen Agreement);
- Principles and practical implementation of cross-border operations (Articles 40, 41 of the implementing Convention);
- Communication structures, use of radio communications in border areas; familiarization with the Action plan on the use of radio communications in border areas (Article 44 of the implementing Convention);
- Information exchange at regional, national and international level; use of SIS and other databases for ensuring security and public order;
- Secondment of liaison officers, cooperation and information flow at national and international level;
- Practical experience or familiarity with the work of joint police stations/police and customs cooperation centres;
- Risk analyses, principles and practical implementation of intelligence and investigations in the border regions for security purposes;
- Requirements for training of police officers, knowledge of CEPOL working methods and curricula.

¹ Although not Schengen acquis / Schengen related, some knowledge thereof could be useful.

Additional knowledge of legal and other instruments:

- Schengen Police Cooperation Handbook;
- Manual on information exchange (in progress);
- Manual on cross-border operations (in progress);
- Swedish Framework Decision (Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the European Union).

The Evaluation Committee should combine persons from the central authorities and persons knowledgeable about or working in or with local or regional cooperation forms.

2.3. Visa issuance and the evaluation of diplomatic missions / consular posts

- Principles and elements of the entire visa handling process;
- Theoretical and practical aspects (implementation) of the visa-issuing process;
- Thorough IT knowledge (functioning and use of networks, IT architecture, SIS, VIS (once applicable), FADO, security & control, management etc.);
- Technical equipment for verification of documents, basic specifications and principles of use of the equipment;
- Risk analysis, intelligence; methods and techniques for carrying out research and analysing visa relevant information;
- Principles and practical implementation of security measures concerning premises, handling/storage of visa stickers, protection of staff and applicants etc.;
- Rights of applicants, public awareness.

The evaluation committee should combine persons coming from the central authorities and persons with practical experience of handling visa at diplomatic missions/consular posts.

2.4. Data protection

- Rights of data subjects, the handling of complaints and processing of sensitive data;
- Supervisory role (inspections), main duties, powers and independence;
- Organisational structure, human resources, budget and public awareness;
- Co-operation with other data protection authorities;
- Data protection vis-à-vis visa issuance;
- IT knowledge (SIS, VIS - once applicable);
- Technical aspects including authentication, authorisation, audit logging, log analysis.

Additional knowledge of legal and other instruments:

- Council of Europe Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108 (28.01.1981)) and its Additional Protocol regarding Supervisory Authorities and Transborder Data Flows (CETS No. 181 (08.11.2001)), and
- Recommendation No. R (87) 15 of the Committee of Ministers to Member States regulating the use of personal data in the police sector.

2.5. Schengen Information System

- Thorough IT knowledge, communication infrastructure;
- Development experts;
- Network specialists;
- Security specialists (physical, logical, network and/or data security);
- SIRENE organisation and system, workflow;
- Practical experience from working as SIRENE operator;
- Thorough knowledge of data security rules;
- Practical knowledge of data handling rules, procedures in case of a hit;
- Requirements for training of SIS end users.

The team should combine persons coming from SIRENE bureaux, N.SIS offices and SIS end users; practical experience as a police or border guard officer would be an asset.

3. Number of experts in missions: how to nominate and decide

As a basic principle, any Member State (MS) is entitled to nominate an expert for an evaluation mission. The sole aim of this chapter is to propose ways of optimising the composition of expert teams carrying out these evaluation missions, including if necessary, ways to limit the number of experts on a voluntary basis.

The nomination of national experts for a particular evaluation mission should be submitted together with a specification of the expert's field of expertise. To enhance objectivity, it would in principle be desirable for two experts to cover one field of expertise. This would also enable to increase the expertise of those participating for the first time or coming from candidates states not yet fully integrated in the Schengen cooperation.

After drawing up, in close cooperation with the leading expert, a list of the required fields of expertise including key issues of interest per individual programme, the SCH-EVAL WP shall agree on the optimal number of national experts participating in a particular mission, after which MS can be invited to submit their nominations. When nominating an expert, the MS guarantees that he/she fulfils the general requirements defined in this part of the document, has the required specific expertise and will actively participate in the course of the whole evaluation mission including drafting the final report.

Should the number of nominees exceed the agreed optimal number or should an excessive number of experts have been nominated for one field of expertise, the GSC may -in close cooperation with the leading expert- request additional information and/or suggest to a MS to reassess, withdraw or postpone a nomination. Participation of the nominating MS in other evaluation missions and experience -if any- from experts' participation in previous missions should be taken into consideration. Should a situation arise where a field of expertise is not covered by any nominated experts, the Presidency and/or GSC is entitled to call on MSs for additional nominations.

Bearing in mind the requirements and criteria outlined in this part of the document as well as what was said above and depending on each individual situation, the optimal size of an evaluation team could e.g. be:

3.1. In the field of control of external borders: 10 + 2¹

- 1 legal expert
- 1 expert with knowledge of border management at national and regional level,
- 1 expert in the field of border checks and infrastructure of BCP,
- 1 expert on document examination and relevant equipment,
- 1 expert on border surveillance²,
- 1 expert on surveillance equipment and technical surveillance systems,
- 1-2 experts on risk analysis, intelligence and investigations,
- 1 expert on education and training and
- 1 expert on removal and asylum issues.

It is important to underline that the characteristics of (external) borders may vary considerably according to the size of the country and its geographical particularities etc., therefore the composition of expert teams and the number of experts will inevitably also (have to) vary considerably.

3.2. In the field of Police cooperation: 7 + 2¹

Ensuring a combination of persons from the central authorities and persons familiar with local / regional cooperation forms:

- 1 legal expert
- 2 representatives from the central authority knowledgeable about general cooperation such as cross-border operations, liaison officers and on information exchange
- 1-2 representatives from the local authority / PCCC member(s)
- 1 expert on communication structures (incl. on IT)
- 1 expert on education and training

3.3. In the field of visa issuance (diplomatic missions / consular posts): 7 + 2¹

Ensuring a combination of persons from the central authorities and persons with practical experience of handling visa at diplomatic missions/consular posts:

- 2 experts with a relevant legal background
- 2 experts on theoretical and practical implementation of visa handling and -issuing process
- 1-2 security specialists (physical and logical (risk analysis, intelligence))
- 1 technician (IT - networks)

3.4. In the field of data protection: 3 + 2¹

- 1 representative of the supervisory authority at managerial level
- 1-2 representatives of the police, preferably linked to SIS

3.5. In the field of SIS: 8 + 2¹

Ensuring a combination of persons from SIRENE bureaux, N.SIS offices and SIS end users; practical experience as a police or border guard officer would be an asset:

- 2 security specialists (physical and logical)
- 2 SIRENE officers
- 2 technicians
- 2 experts with a relevant legal background

¹ General Secretariat of the Council (GSC) and Commission

² Not an absolute necessity in air border missions, where the team could consist of 8+2.

PART 5

ORGANISATION OF SCHENGEN EVALUATION EXPERTS' TRAINING

A high level of competence as well as technical and communication skills are required for Schengen experts to carry out their duty, in addition to the prerequisites already described in parts 3 and 4 of these guidelines. A mechanism for the specific training of experts carrying out evaluations of the Schengen acquis should be set up to prepare these experts for their role in the evaluation committee and thus further improve the evaluation process.

This training system should be developed gradually, building on experience gained so far and taking into account possible further elements stemming from the Commission proposal supplementing the Schengen evaluation mechanism.

The overall (long-term) aim of establishing a training system is to reach a point where the Schengen evaluation of a constantly high number of Member States is carried out in a professional and efficient way by a sufficient number of experts and leading experts all of whom are fully aware of their role as Schengen evaluators.

The establishment of the training system is based on the prerequisite that its participants are/will be involved in the evaluation process, i.e. the aim is not training for the sole purpose of training, but to actually train experts designated as Schengen evaluators. The training should be preceded by a specific preparatory session before each evaluation focusing on the country/-ies to be evaluated, as described in parts 1 and 2 of these guidelines.

1. Nature, Purpose and Objectives of training

Training shall focus on the specificities of the evaluation methodology and process as well as on the evaluation team work. The training should target the evaluation work in the various Schengen *acquis* areas subject to evaluation. Depending on the evolution of the Schengen evaluation and the development of training, other training requirements may be identified in the future.

The Schengen evaluation training system should consist of several components/modules reflecting the different needs for training as well as the different expectations from individual participants :

- experts with little or no experience with/in Schengen evaluation missions,
- experts with extensive experience with/in Schengen evaluation missions,
- leading experts.

Its primary target should be the least experienced experts, especially newcomers prior to their first participation in an evaluation mission. It should also include experts from candidate countries preparing for implementation of the Schengen acquis, all of whom should receive a special course training them both in a theoretical and practical sense.

Experts with extensive evaluation experience are already familiar with the evaluation process and do not necessarily need to undergo any further *practical* training. Additional value could however be provided through the sharing of experiences of practices encountered and the resulting recommendations , all of which could enhance their skills as Schengen evaluators.

The need for a specific training requirement for future leading experts already benefiting from experience gained by participating in previous Schengen evaluations, should also be considered.

2. Principles for development and implementation of the training system

The development and implementation of the training concept should follow a step-by-step approach reflecting experience gained and should remain under the overall supervision of the SCH-EVAL WP, which should play a leading role in the process.

The SCH-EVAL WP should be the body responsible for assessing the training need, elaborating the training concept and coordinating the training calendar jointly with the training providers

Training curricula as well as training material should be developed with all relevant partners building on the extensive experience of experts having participated in Schengen evaluation missions. This work could be coordinated by a volunteer Member State, possibly with the support of a relevant partner (e.g. FRONTEX, CEPOL, Commission...).

The evaluation training itself should also be provided by experienced experts.

The relevance of the training should be assessed and, if required, enhanced based on the feed-back provided by trainees, on experience from actual participation in Schengen evaluation missions, on lessons learned during the process and on any future development in this area.

If possible, this training should be organised within a framework allowing for financial support from various EU bodies in order to ease the process by limiting the costs for trainers, participating experts, the volunteer Member States and possible partners .
