



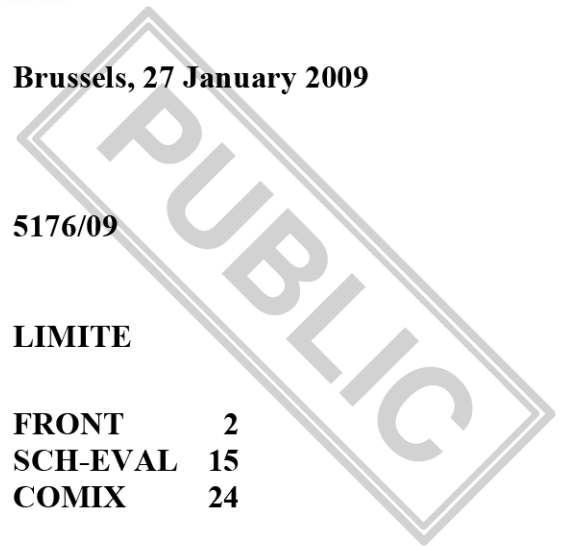
**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Presidency
to : Working Party on Frontiers/Mixed Committee
 (EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject : **Catalogue of recommendations and best practices for external borders,
 return and readmission**

Border control is not only in the interest of each single Schengen Member State, but of all Member States that have abolished or will abolish border control at their internal borders within the Schengen area. Therefore, in order to increase transparency and mutual trust, as well as to develop efficient border management systems and to improve their effectiveness, border management should be maintained at adequate level.

The implementation of the Schengen acquis is monitored by the Schengen evaluation mechanism, which consists of two separate tasks:

- verification whether all conditions for correct application of the Schengen acquis have been implemented by Schengen candidate countries,
- evaluation that the Schengen acquis is correctly applied by Member States which already fully apply the Schengen acquis.

In this context, Schengen catalogues give recommendations and highlight best practices for the correct implementation of the Schengen acquis and are also used as Handbooks by Schengen evaluations committees in the context of Schengen evaluation missions. Schengen Catalogues are not legally binding; nevertheless, according to the definitions contained in the catalogues, recommendations should be followed, whereas best practices are examples on how each recommendation could be implemented in the best possible way.

Previous Schengen Catalogues were drafted about five years ago having regard in particular to the need for evaluations of Schengen candidate countries which joined the Schengen area in 2007. In particular, the previous Schengen Catalogue for External borders control, removal and readmission was adopted in February 2002.

Since then, new legal instruments and documents were adopted in the field of border policy, e.g. the Schengen Borders Code, the Practical Handbook for Border Guards, FRONTEX regulation. Furthermore, the Integrated Border Management (IBM) concept was defined and the enlargement of the Schengen area took place in 2007. Therefore, the Schengen Evaluation Working Party (SCHEVAL) decided to update the existing five Catalogues (External borders control; return and readmission; Police cooperation; Data protection; SIS; VISA).

An expert group jointly chaired by Finland and Poland, which included participants from 14 Member States, Commission, Council's Secretariat and FRONTEX was consequently established with the aim to describe how to implement the current legislation and how to arrange border management as efficiently as possible, in accordance with the Integrated Border Management (IBM) concept. Key sources used by the expert group were the evaluation reports submitted during the last Schengen enlargement process.

Following the conclusion of the preparatory work carried out by the expert group, an updated version of the "Schengen Catalogue for External borders control, return and readmission; recommendations and best practices" was adopted by the Schengen Evaluation Working Party on 5 December 2008. The new Catalogue will be used as a reference tool in Schengen evaluation missions starting this year.

The new Catalogue consist of two parts; Part I (external borders control) and Part II (return and readmission), both parts divided in two sub parts; A and B. Part A is a general section, which describes the basic concepts underlying the policy and ongoing developments at EU level in the respective areas; Part B includes a table containing the actual recommendations and best practices.

At the meeting of the Working Party on Frontiers/Mixed Committee on 29 January 2009, a comprehensive presentation on the new Schengen Catalogue will be provided. With a view to have an exchange of views at that meeting, delegations are invited to consider and examine the updated Schengen Catalogue, as set out in doc. 15250/2/08 REV 2 SCH-EVAL 85 COMIX 786 of 2 December 2008.
