



POLITIHØGSKOLEN

STEIN ULRICH - MARTIN NØKLEBERG - HELENE O. I. GUNDHUS

SCHENGEN EVALUATION

- AN EDUCATIONAL EXPERIENCE
THE EXAMPLE OF NORWAY

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PHS Forskning 2020: 1

ISBN 978-82-7808-150-1 (trykt utgave)

ISBN 978-82-7808-151-8 (elektronisk utgave)

ISSN 0807-1721

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Illustrasjon omslag: Shutterstock / Andvord Grafisk

Grafisk produksjon: Andvord Grafisk

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FOREWORD

In March 2017, the Norwegian Police University College (NPUC) Department of Research decided to undertake a comprehensive study of Schengen evaluation as an educational experience. The aim was for the study to be published in the NPUC research series ('PHS Forskning').

The immediate background to this initiative was the impending 2017 Schengen evaluation of Norway – evaluation visits were due to begin a few months later. This would provide substantial and easily accessible source material: new documentation and the recent experience of numerous participants.

By the start of the 2017 evaluation Norway had had more than 20 years' experience of Schengen cooperation. It was high time some assessments were made, especially of Schengen evaluation, one of its most important elements.

A project team was set up, consisting of Mr. Stein Ulrich (former Chief of Police and International Adviser to the National Police Commissioner (Retired)), Mr. Martin Nøkleberg (PhD Candidate, Department of Criminology and Sociology of Law, University of Oslo), Professor Helene Gundhus (Department of Criminology and Sociology of Law, University of Oslo – Professor II at the NPUC) and Senior Adviser Kirsti Helene Messel (Study Department, NPUC).

The team divided the work between them as follows: Mr. Ulrich was tasked with writing the major part of the text, using the available documentation on Schengen evaluation of Norway – that is, all four evaluations conducted since 2000. He was also responsible for 20 interviews with key actors in these evaluations. Mr. Nøkleberg played a central role in designing a survey of Norwegian police officers involved in Schengen evaluations and wrote the section about its findings. He also compiled all the statistics relating to them. Throughout the project Ms. Gundhus provided feedback on the

text and valuable inputs on how to proceed with the study. Ms. Messel provided liaison between the authors and the NPUC. The project team met approximately four times per year – from 2017 to the end of 2019.

The project received strong support from the National Police Directorate. The International Section in particular provided invaluable assistance, giving access to all relevant EU documents and to Norwegian archives. Such access was essential, enabling the project to keep tabs on all Schengen developments, especially the constant flow of documents from European Union authorities.

Close contact was maintained between the International Section and the project team throughout the 2017 evaluation. The International Section also played a vital role in the quality control of the manuscript and by providing help with some illustrations.

In November 2019, it was decided that the update of the 2017 evaluation should be completed by 31 December 2019. This date would also set the limit for the update on developments arising from the Schengen Evaluation and Monitoring Mechanism (SEMM) and other Schengen-relevant reform processes under way in the EU. There were therefore no updates to the text after 1 January 2020.

By 31 December 2019, the 2017 evaluation of Norway had still not been closed, as some remedies to deficiencies had not been implemented. However, enough of the follow-up procedure had been completed for conclusions to be drawn on the impact of the 2017 evaluation.

Our thanks are owed to the police officers throughout Norway who shared their experiences of Schengen evaluation by participating in interviews and the survey. Their constructive cooperation ensured the validity of the source material.

It is our hope that this study will add to the body of knowledge about the impact of Schengen evaluation on learning and professional growth within a police service (or border guard service) in the fields of border management and international police cooperation.

Norwegian Police University College
Department of Research, February 2020

Professor Morten Holmboe
Head of Department of Research

ABOUT THE AUTHORS

Stein Ulrich (1944) started his career in the Norwegian National Police in 1970. He has held several command positions, including chief of police. From 2006 until 2014 he worked as senior adviser on international relations in the National Police Directorate and was Norway's head of delegation in the Schengen Evaluation Working Party (SCH-EVAL). During this period, he was also Norway's member of the Frontex Management Board. Since retiring in 2014, he has worked with projects related to Schengen. He authored a report on the Norwegian Police in Schengen 1996-2016, published by the Directorate in 2016 (in Norwegian). Since 2017, he has worked on the project resulting in the current report, published by the Norwegian Police University College. Mr. Ulrich holds a law degree from the University of Oslo (1969) and a Master of Science degree in Criminal Justice from Michigan State University (1975).

Martin Nøkleberg (1990) is a Doctoral Research Fellow at the Department of Criminology and Sociology of Law, University of Oslo. His PhD project examines how security is governed in areas characterised by flows of persons and goods. The main issues addressed in the project are concerned with security, collaboration and network processes, and regulation. The sites of inquiry are the plural policing environments of airports and maritime ports in Norway. Mr. Nøkleberg holds a Master degree in Administration and organization theory from the University of Bergen (2014). He has published on topics including port and airport security, plural policing, governance and regulation, and social network analysis.

Helene O. I. Gundhus is a professor in criminology at Department of Criminology and Sociology of law at the Faculty of Law, University of Oslo. She obtained a PhD in criminology from the University of Oslo in 2006. From 2006 to 2016 she worked at the Norwegian Police University College (PHS), where she was appointed professor in police science in 2013. Gundhus was a project member of 'Crime Control at the Borderlands of

Europe', headed by professor Katja Franko, UiO. From 2015 to 2021 she is working on a study on digitalization of policing in Norway, addressing risk management and precautionary logics in the police. This project is part of the endeavour entitled 'New Trends in Modern Policing', funded by the Norwegian Research Council. She has published widely on issues to do with police methods, and technology, police education and professionalism, crime prevention and security, migration control and transnational policing.

EXECUTIVE SUMMARY

INTRODUCTION

Schengen evaluation is a European Union mechanism which monitors the application by EU Member States and Schengen Associated Countries of Schengen rules and regulations (the Schengen *acquis*). The mechanism uses a well-defined procedure enabling the Council to make recommendations to the evaluated country on how to remedy deficiencies found in the course of the evaluation process. The Commission plays an important role in the procedure, as its manager and through proposing the recommendations to be adopted by the Council. The Commission also has important functions regarding the follow-up of the recommendations by the evaluated country. The current EU Regulation on Schengen evaluation was adopted by the Council in 2013.

This study looks at Schengen evaluation as an educational experience for the public service responsible for the main areas evaluated: the management of Schengen external borders, police cooperation, the Schengen Information System and return (the forced return of persons illegally staying in a Schengen country). The focus is on professional development in the area of Schengen cooperation: the ability to correctly apply the Schengen *acquis*, efficiently use the Schengen-related information systems and perform Schengen cooperation duties following recognised Schengen good practice. The training of service personnel to achieve these ends is a crucial issue for the study.

The main hypothesis put forward was that Schengen evaluation has indeed had a considerable impact on professionalism in the Norwegian National Police in all the areas of Schengen cooperation which fall within its remit.

Sub-hypotheses were also proposed, some pertaining to positive effects, others to factors which might impede progress.

Norway is the only country considered in this study, which is limited to the police service. The Norwegian National Police is responsible for the evaluation areas mentioned. The police cooperate closely with other services, and with the armed forces in particular, but these fall outside the scope of the study.

METHODOLOGY

The methodology applied in this study draws on three types of sources: documentation of Schengen evaluation, interviews with key Norwegian police actors in Schengen evaluation and a survey of police officers involved in Schengen cooperation, especially those participating in the Schengen evaluation of Norway.

The documentation is of two types: documents issued by EU institutions that relate to Schengen evaluation in general, and documents concerning the Schengen evaluations of Norway which have so far taken place: those of 2000-2001, 2005, 2011-2012 and 2017. All such documents have been made available for the study.

The interviews are of 20 key actors in various positions in the National Police. Their experiences of Schengen evaluation and their assessment of its impact on professionalism were elicited in individual video interviews conducted by the authors.

The survey was based on a questionnaire developed by the authors. Responses were received from 129 participants in Norwegian Schengen cooperation activities: a 62% response. The authors analysed the responses using recognised scientific research methods and drew conclusions about prevailing views on the importance of Schengen evaluation.

THE ORIGIN AND FRAMEWORK OF SCHENGEN EVALUATION

The Schengen Agreement, designed to abolish internal border control between five EU Member States, was drawn up in 1985. The five states were France, Germany and the BENELUX countries. The Schengen Convention was adopted in 1990 and came into force in 1995. By then it was clear that several other EU Member States wanted to join Schengen.

The Convention set up comprehensive rules to regulate the conditions for abolishing border control within the Schengen area. These conditions were described as compensatory measures, which made up for a perceived loss of security when internal border control was lifted. First and foremost, the Convention laid down standard rules for border control on external Schengen borders. The Schengen Information System was also part of the Convention, as were police cooperation between Schengen countries and a common visa policy. Data protection rules were laid down for various forms of information storage and exchange. However, the Convention did not establish a monitoring and evaluation mechanism to ensure compliance with the Convention's rules and other rules based on or connected with them.

The first Schengen evaluation mechanism was set up in 1998, when Schengen cooperation was still multi-national and outside of the EU. The Treaty of Amsterdam made it part of the EU in 1997, and it was included in the *Third Pillar* – Justice and Home Affairs.

From the outset, the procedure was based on the principle of peer evaluation: Schengen countries evaluated each other under the leadership of a working group (SCH-EVAL) consisting of representatives from all participating states, chaired by the EU Presidency country and supported by a secretariat.

The first country to be evaluated was Greece, in 1999. The five Nordic countries then followed in 2000-2001. They joined Schengen as a group, even though two of them, Iceland and Norway, were not EU Member States. These two countries were admitted on special conditions, as Schengen Associated Countries (SACs).

In 2007, nine new EU Member States (members since 2004) also joined Schengen, following evaluation in 2006-2007. Switzerland joined in 2008 and Liechtenstein in 2011, both as SACs.

The process of Schengen evaluation continued to develop, especially after 2007. Evaluation teams became more professional and training programmes were introduced. Evaluation reports focused more on areas which needed improvement. There was also more scrutiny of follow-up.

The 2009 Lisbon Treaty brought about a major change in the mechanism because it gave the Commission the right to formally propose new legislation in the areas of Justice and Home Affairs. The Commission lost no time in launching a proposal to reform Schengen evaluation, mainly with the aim of strengthening the follow-up of Council recommendations. The Commission was to take the lead, but important aspects of the peer evaluation principle were retained. The Council kept its power to decide on the recommendations, assisted by the working group, as before.

After lengthy discussions, a Regulation reforming the evaluation process was adopted by the Council in 2013 and took effect from 2015. Schengen evaluation now follows a five-year cycle for each Schengen country. In addition, unannounced and thematic evaluations are conducted in order to monitor compliance with the Schengen *acquis* in critical areas.

SCHENGEN EVALUATION OF NORWAY

Norway has been evaluated four times. After the initial evaluation prior to joining Schengen, evaluations took place in 2005, 2011-2012 and 2017. Comprehensive preparations were made ahead of the 2011-2012 and 2017 evaluations. Plans to follow up on recommendations were made and reported on to the Schengen bodies after the last three evaluations. When this study came to an end – on 31 December 2019 – the follow-up to the 2017 evaluation was still in progress.

This study contains detailed descriptions of all four evaluations and their practical results, as demonstrated by documentation, in interviews and in the survey. It is evident that each of the last three evaluations has been more thorough and more professional than the one preceding it. Increased scrutiny is being felt, especially since the new mechanism that came into effect in 2015.

EVALUATION AS EDUCATIONAL EXPERIENCE

The findings of this study unequivocally show that Schengen evaluation has had a very positive effect on how the police in Norway carry out Schengen external border control, maintain police cooperation within the framework of the Schengen *acquis* and use Schengen-related information systems and other kinds of related technology.

The documentation studied shows that the Norwegian police have taken Schengen evaluation very seriously and followed up on recommendations with a clear intention to comply with them. The documents reveal that obstacles were sometimes encountered and progress on implementation was slower than desirable. Some remedial actions were not carried through because of budgetary limitations, others because of lack of manpower. Documents show that improving Schengen-related training on a national scale has been time-consuming and difficult. Prospects are looking brighter by the time of the 2017 evaluation, with training programmes in the Norwegian Police University College being developed.

The interviews show that key actors in Schengen evaluation of Norway regard it as a very useful means to improve border control and police cooperation with other countries and as well as cooperation with other national agencies.

The Schengen Information System is spoken highly of by interviewees as an important tool in all kinds of police work, and evaluation of its use is seen as an indispensable checking routine.

Conceptual developments related to Schengen are also highly valued, especially Integrated Border Management (IBM), which is now an important item for evaluation. Schengen evaluation is welcomed by all personnel involved in it. There is a strong sense among interviewees that the challenges involved in Schengen evaluation provide incentives to increase professionalism in many areas of police work, not just border management. General leadership, training and integrated risk analysis are given as examples.

The survey findings (from 129 respondents) were statistically analysed, using recognised scientific methods. They are set out in charts accompanied by analytical comments and explanations. The findings agree with the interviews in giving credit to Schengen evaluation as an impetus to training efforts in Schengen-related areas and to police professionalism in general. The survey also shows that knowledge of Schengen cooperation rules and regulations is regarded as very valuable and that evaluation is a welcome test. The questionnaire contained four open questions, which were answered by about 50 % of the respondents. A summary of these replies is presented in the report.

CONCLUSIONS OF THE STUDY

The study concludes that the main hypothesis has been confirmed. Schengen evaluation is regarded as a very useful educational experience, which has enhanced professionalism in all areas and places involved in the four evaluations. All the findings point in this direction. However, it has proved difficult to assess the benefits of evaluation outside the districts and places actually visited by evaluation teams. The site specific recommendations and follow-up action plans address only these places.

At the end of the report some ideas for future research are suggested, such as comparative studies.

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1 INTRODUCTION

1.1 Purpose and scope of the study

Schengen evaluation is a mechanism for assessing the compliance with EU law (so-called Schengen *acquis*) of all countries participating in Schengen cooperation.

Schengen evaluation takes place in several areas within the framework of the Schengen Convention: border control (air, land and sea), police cooperation, return and readmission of persons without legal stay, the Schengen Information System (SIS), common visa policy, judicial cooperation and data protection. This study is limited to areas where police or border guards are directly involved. Common visa policy and judicial cooperation are therefore not considered. Data protection will be dealt with briefly, insofar as the evaluation involves the police.

The study will describe and analyse the four Schengen evaluations which Norway has undergone: 2000-2001, 2005, 2011-2012 and 2017. The last evaluation will be thoroughly examined, and its impact assessed. It was going on in parallel to the work on the study. When the interviews and survey were conducted, the experience of it was fresh in the minds of all participants.

1.1.1 Purpose

The **purpose** of this study is to analyse the effectiveness of Schengen evaluation in raising the level of professionalism in the police or border guard services of a Schengen state and enhancing Schengen-relevant education and training. The study will look at the experience of Norway and present findings on Schengen evaluation as an educational experience for the country's police.

It is therefore necessary to define 'educational experience'. Schengen evaluation has a broad scope, including infrastructure, technical solutions, IT systems, equipment etc, as well as the knowledge and skills of personnel performing various Schengen duties.

In this study, '**educational experience**' will first of all refer to those aspects of Schengen evaluation which directly relate to police personnel's need for increased knowledge and skills. The question asked will be: To what extent has Schengen evaluation promoted and sustained the development of police training?

In addition, the study will look at evolving working methods, and analyse how far Schengen evaluation has helped to improve them. Thirdly, the study will look at inter-agency cooperation, with a view to identifying the effects of Schengen evaluation. The quality of inter-agency cooperation is closely linked to the professionalism of the personnel involved.

The study will not focus on the interaction between the Norwegian Data Protection Authority (DPA) and the police as a result of Schengen evaluation. Data protection is an area of evaluation, and the DPA is always involved, together with the police. Interchange and interaction with the police therefore follow directly from the Schengen *acquis*, and are strengthened through Schengen evaluation. Evaluation reports both on data protection as an area, and on SIS/SIRENE, quite often recommend improvements or changes to enhance such interaction. This topic merits a specialised study of inter-agency cooperation.

The **main hypothesis** of the study is that peer evaluation (each participating country being evaluated by the others) – within a sound legal framework and on the basis of trust – does indeed have a positive impact on the professionalism of government services like border control and police cooperation.

It is important to keep in mind that Schengen evaluation is a unique method of peer evaluation within the EU to ensure full compliance by Member States participating in Schengen (and by Schengen Associated Countries) with EU law, the so-called Schengen *acquis*, i.e. all the EU legislation relating

to Schengen cooperation. Peer evaluation stems naturally from the core principle of Schengen: Each country safeguards its external borders on behalf of all the Schengen countries, which presupposes a high degree of mutual trust and transparency. Each country must be able to show that it merits this trust.

This study will not make comparisons between Schengen countries. Nor will it aim to measure the impact of Schengen evaluation on countries other than Norway. However, hopefully, it will provide a basis for making comparisons in future studies.

1.1.2 Hypotheses

A number of sub-hypotheses may be derived from the main one. They form the basis for analysis of the findings of the study – especially those of the survey and of the interviews.

- Schengen evaluation creates good conditions for the transfer of knowledge between countries participating in Schengen cooperation. Focus: Striving for excellence and best/good practice.
- Schengen evaluation creates an atmosphere of healthy competition between participating countries and their agencies. Key words: Peer evaluation, peer pressure.
- Schengen evaluation has a positive effect on police training – directly, through implementation of recommendations, on knowledge and training and indirectly through the demand for increased knowledge within various fields of police work, because of recommendations concerning systems development, equipment, working methods and so forth.
- Schengen evaluation provides an important tool for the governance of agencies and services responsible for border control. It gives central authorities guidelines and priorities. Key word: Concrete quality requirements.
- Schengen evaluation provides a basis for comparison between various police or border districts and between the different phases of development

within police and border services. Key questions: Are we better now? Who is best?

- Schengen evaluation is a motivating factor for police and border service employees at all levels.
- Schengen evaluation promotes solidarity and cohesion among states facing common challenges regarding migration and criminality.
- Schengen evaluation enhances the controlled implementation of an international set of rules. It is a unique mechanism both in Europe and the wider world. Schengen evaluation is an example of penetrating thoroughness in international affairs.
- Schengen evaluation provides arguments for increased resources for police and border services, particularly to areas where deficiencies exist. It may also result in allocation change (abatement or increase) as regards different police or border districts.

A set of critical – or negative – sub-hypotheses are also tested in the study:

- Schengen evaluation creates superficial/artificial improvements.
- Schengen evaluation has limited effects due to the resistance or negative attitudes of those evaluated.
- Schengen evaluation leads to short-term efforts without lasting effects.
- Schengen evaluation is bound to have limited success in Norway due to the way the police is organised (as a unified body based on generalist principles).

Throughout the study these hypotheses will be looked at in the light of our findings, and conclusions will be drawn.

1.1.3 Sovereignty and SAC status

The issue of sovereignty is closely linked to Schengen evaluation: traditionally, police and border services have been regarded as areas closed to foreign elements. These services – especially the police - are at the heart of state authority and internal security. Schengen evaluation breaks radically with such a notion, as it gives foreign police officers and other officials

unlimited access to police and border facilities and insight into how the police and border services are organised and operate – even down to the most minute details at the operational level, as long as this is relevant to Schengen cooperation. Being subjected to inspection and criticism by police and border guard colleagues from other countries could be seen, by some, as intolerable. Yet in reality this hardly ever became an obstacle to Schengen evaluation. Norway’s approach has always been to provide the access desired by Schengen evaluators and to be as transparent as possible.¹ Thus one interviewee says: *‘In the case of Norway, we provide all types of access as a matter of course, and are as transparent and cooperative as we possibly can be’ (No 1)*.

Norway is a Schengen Associated Country (SAC), participating in Schengen as a non-EU Member State, on the basis of a special agreement with the European Union (1998). The agreement makes Norway subject to all of the Schengen *acquis* – without exception or reservation. However, no new Schengen *acquis* is automatically binding upon Norway. The EU has to notify Norway of new regulations that are passed, and Norway has to explicitly accept them. If it does not, there is only one way out: to leave Schengen. This is called ‘the guillotine clause’ of the agreement. So far, Norway has accepted all new Schengen *acquis*, without objection.

1.2 Focus reader groups

The primary focus reader groups for this study are Norwegian police officers and officials of ministries and directorates responsible for Norway’s Schengen participation. The study should also be of interest to officials of the European Council/Council Secretariat, the European Commission and the Member States of the EU and the Schengen Associated Countries (SACs), who deal with Schengen matters. The example of Norway could provide a basis for comparative studies.

¹ Interviews No 1 and 20.

This study could also be of interest to academics and other professionals whose fields of work include international mutual inspection, monitoring and evaluation mechanisms. It will focus on how these might enhance professionalism. Specifically, the study will attempt to examine Schengen evaluation as a successful mechanism for international cooperation within the field of public security. This topic could have a broad appeal.

The study could contribute to research-based education and training. Education research might find it of interest to consider Schengen evaluation as a way to construct a 'lessons learnt' process.

The study will not dwell on the functioning of the European Union in the area of Justice and Home Affairs, nor will it fully explain the status of the Schengen Associated Countries (SACs) within the framework of Schengen cooperation.²

1.3 The Norwegian Police – an overview

The object of study will be the Norwegian National Police (NP), the country's only police service. The NP are responsible for border control and immigration control, as there is no separate border guard service or immigration control service.³

All aspects of border control therefore come within the remit of the National Police. In the area of border surveillance, however, the police rely on military assets for both the land border and the sea border.

This situation results from the basic principle governing police organisation in Norway: that of a **unified police**. It has deep historic roots, and is equally important in Denmark, Iceland and Sweden. One might characterise this as 'the Nordic model of policing'.⁴

2 The Schengen Associated Countries – non-members of the EU – are Iceland, Liechtenstein, Norway and Switzerland.

3 The Norwegian Immigration Directorate is the civil public administration authority responsible for handling immigration cases. It relies on the police as its executive organ for the control and execution of decisions.

4 Cecilie Høigård, 'Policing the North', *Crime and Justice*, 40, no.1 (2011).

In practical terms, it means that there is a single national police service, which is responsible for all areas of law enforcement and other policing tasks – including border control. In addition, the police service is empowered to perform other public administration tasks, some of which fall within the Schengen *acquis* – including firearms licensing and control.

A unified police service facilitates communication and cooperation between different entities responsible for tasks emanating from the Schengen *acquis* – something that has been noted on many occasions during Schengen evaluations. On the other hand, it also has disadvantages. For example, a unified police service relies heavily on the generalist police officer, which leads to high turnover rates within the various areas of policing. Normally, a police officer has to alternate in the course of his/her career between uniformed patrol, criminal investigation and public administration duties, such as border control. Turnover impedes the training of specialists, and such training can be wasted when an officer has to move on to new positions and tasks. On several occasions, Schengen evaluations of Norway have revealed the shortcomings resulting from this practice.

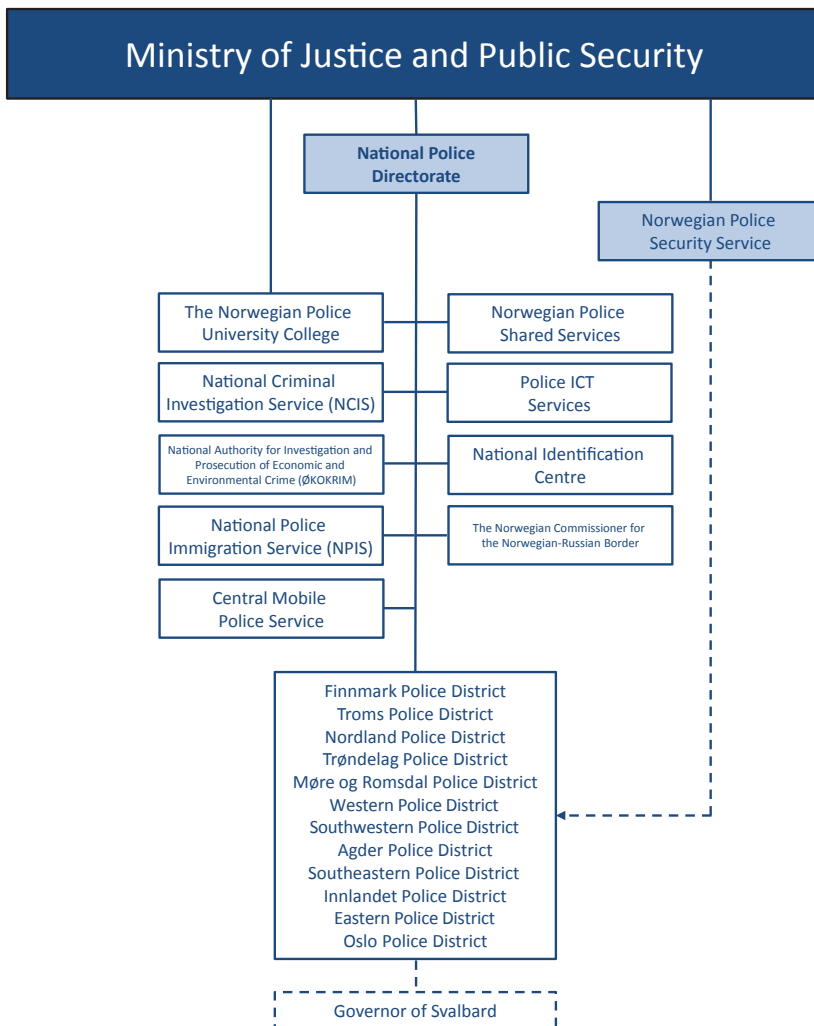
At some of the busiest border crossing points (BCPs) the police employ civilian border guards to perform first line border checks. They are called *border controllers*, to distinguish them from police officers. These employees do not have police training but receive specialised training to perform their duties. They always work under the supervision of police officers and do not go beyond their remit. In certain contexts they are referred to as ‘border guards’ – a term also used for police officers who work at BCPs.

In Norway, the term ‘border guard’ is thus ambiguous. In Schengen evaluation reports it is not always made clear which category of police employees the report is alluding to, when more training is recommended. This can cause confusion in the follow-up.

The country is divided into 12 police districts, each headed by a chief of police. Border and immigration control for each district is the responsibility of the chief of police. Instructions and guidelines are issued centrally – by

the National Police Directorate (NPD), headed by the National Police Commissioner (NPC). The NPD allocates resources (budgets and manpower) to all districts and also to the special agencies directly under its control. The main instrument of governance is the annual communication of budget, priorities and instructions (*Disponeringsskriv*) given to each police district and special agency.

1.1 The Norwegian Police – organisation diagram



The Ministry of Justice and Public Security draws up the framework regulations. It also prepares the overall budget and draft legislation when Parliament has to be involved.

Surveillance (on land and sea borders) is performed by military units, primarily the Garrison in South Varanger - Border Guard Battalion (infantry) for the land border and the Coast Guard for the sea border. They are supervised and instructed by the police if their work relates to border control. There is co-ordinated planning and joint exercises are carried out.

The police play an important role in training these military units for border control assignments. They have been involved in the Schengen evaluation every time Norway has been evaluated, and the cooperation between these units and the police has been scrutinised during evaluation visits. However, it does not come within the scope of this study to examine the direct effect of Schengen evaluation on military personnel, so they are not included in the survey.

The National Police Immigration Service (NPIS) – a special agency - is the executive arm of the Police Directorate carrying out certain immigration tasks, such as the reception, registration and identification of asylum seekers and irregular migrants. This service also executes return decisions. It is therefore involved in Schengen evaluations.

The National Criminal Investigation Service (NCIS, popularly known as Kripos) is another special agency, and the single national point of contact (SPOC) for SIS/SIRENE (SIRENE office). It is also responsible for national threat and risk analyses relating to border security and border control, in collaboration with the National Police Immigration Service. It is the EUROSUR National Coordination Centre and SPOC for Europol and Interpol. The Frontex national point of contact is with NPD, but NCIS provides a 24/7 service for all national contact points. It therefore always takes centre stage in Norway's Schengen cooperation, including evaluation.

The National Police ICT Services (PIT) is the special agency responsible for information and communication technology in the national police service.

This includes SIS and other IT systems within Schengen cooperation. This agency is always inspected during Schengen evaluation visits (in the SIS/SIRENE and Data Protection evaluation areas).

The Norwegian Police University College (NPUC) is the only national educational institution within the police service. It provides training at all levels – from basic training of recruits (three years, leading to a bachelor’s degree) to advanced courses for senior officers and specialists – some of which may lead to a master’s degree. Several courses – at various levels – include Schengen-related subjects. Many training tasks, however, have been delegated to the police districts and the special agencies. This also applies to elements of Schengen training: each police district and agency has one or more ‘Schengen instructors’. The Schengen evaluation scrutiny of training is a major object of interest in this study.

2 METHODOLOGY

The findings of the study – drawn from three categories of sources: **documentation**, **interviews** and **survey** – are presented in **5.2 Descriptions of findings**.

2.1 Documentation

The main source for this study is documentation connected with the four Schengen evaluations of Norway, which took place in 2000-2001, 2005, 2011-2012 and 2017. The recommendations resulting from evaluation reports and Council Conclusions/Council Implementing Decisions have been closely examined. Norwegian implementation reports to the Schengen Evaluation Working Party/the Commission, which addressed the recommendations, have been studied, as well as documents showing how the recommendations were implemented. Findings based on the documentation are presented in **5.2.1 Documentation findings**.

Documents pertaining to the four Schengen evaluations of Norway are referred to in footnotes. Most originate from the Council or Council Secretariat, while the rest are from the Norwegian authorities and some from the Commission.

Some documents, especially evaluation reports, contain information of a sensitive nature. In such cases, they were initially classified as RESTREINT/RESTRICTED EU documents. Most documents from the first three evaluations have since been declassified – some to the protection level LIMITE/LIMITED. Others have been made PUBLIC. Some documents were non-classified when issued. In the 2017 evaluation not classifying was normal practice for recommendations adopted by the Council (Council Implementing Decisions).

The Council Public Register contains reference to all Schengen evaluation documents, regardless of classification (RESTREINT/RESTRICTED, LIMITE/LIMITED or PUBLIC). The non-classified (PUBLIC) may be opened directly on the website, whereas classified documents may be requested from the Public Register, through the Access to Documents department.⁵

In connection with this project a concerted effort was made to ensure public access to as many documents as possible. The Council Secretariat, the National Police Directorate and the project team cooperated to achieve this. As a result, a number of classified documents were given the lower classification or were entirely declassified. Evaluation reports from the 2017 evaluation of Norway remain classified RESTREINT/RESTRICTED. The current status of each document is indicated in a footnote.

2.1.1 Documentation of follow-up to recommendations

Recommendations made in Council Conclusions/Council Implementing Decisions and in evaluation reports are presented in chapter **4 SCHENGEN EVALUATION OF NORWAY**.

The Norwegian response is presented in excerpts from the follow-up reports to the Council via SCH-EVAL. For the 2017 evaluation Norway's response is documented from its action plans, the Commission's assessments of these plans and the subsequent follow-up reports presented by Norway to the Commission and to SCH-EVAL, see under respective items for each evaluation in chapter **4 SCHENGEN EVALUATION OF NORWAY**.

The study looks closely at the impact of the evaluations – with a focus on elements relevant to learning and enhanced professionalism. A key

⁵ [The Public Register access: www.consilium.europa.eu](http://www.consilium.europa.eu): Documents & Publications – Public register of Council documents – Search for documents – Search in the register – Words in Subject: write 'Schengen evaluation of Norway', Subject Matter: select from list 'SCH-EVAL'. The complete list of Council documents concerning Schengen evaluation of Norway will appear. Or write the Document Number to quickly find a particular document. Click 'Search Now'. Concerning the 2000 – 2001 evaluation, Words in Subject should be: 'Schengen evaluation of the Nordic countries'. If the document is classified (RESTREINT/RESTRICTED or LIMITE/LIMITED), the following text will appear when clicking on the pdf icon: 'The content of this document is not accessible. Nevertheless, a request for access can be sent to the Access to Documents department'.

question was: To what extent did the follow-up measures actually result in the improvements which were intended and declared to the Council? Can the changes be traced and documented?

No comprehensive analysis to measure the impact of evaluation had been undertaken prior to this study. Nor had obstacles to progress been scrutinised. One key question is: Why has progress been so slow on the Schengen-relevant training system, so that similar recommendations emerged from each evaluation: 2005, 2011 and 2017?

In the follow-up to the 2017 evaluation, this question is being seriously addressed.

Hopefully, this study will contribute towards a better understanding of the impact of Schengen evaluation on a particular national police service.

The Nordic dimension should be mentioned. Of the five Nordic countries, four have the same type of policing system – a unified police service, where border control and immigration are but two concerns among many. Finland is the exception, in having a specialised border service separate from the police.

Ever since their preparations for joining Schengen in the late 1990s the Nordic countries have cooperated closely in Schengen matters. In the first three evaluation rounds (2000-2001, 2005 and 2011-2012), the five countries were evaluated as a group, by the same teams.

Since the implementation of the new evaluation mechanism in 2015, this is no longer the case. However, after their most recent evaluations (2016-2018), the five countries largely received similar recommendations on remedying deficiencies. Integrated Border Management (IBM) is a good example. Nordic cooperation was initiated for the purpose of constructing sustainable IBM systems, based on the recommendations. The Nordic countries consult each other informally *inter alia* in the Frontex High Level Working Group on IBM, which supports the Frontex Management Board on this issue. In 2019 this issue became urgent, as the thematic evaluation

of all Schengen States' IBM strategies was being prepared and will take place in 2019-2020.

2.1.2 Documentation of formal training programmes – Norwegian Police University College and guidelines for police districts and special agencies

The impact of Schengen evaluation may be documented by formal training programmes, developed at the national level by the Norwegian Police University College, or at police district level.

Over the 20 years in question a number of changes have taken place in training programmes relevant to border control and other Schengen topics. The study needed to look at Schengen evaluation as the possible driving force behind these changes. This is done in relation to each of the four evaluations.

2.1.3 Documentation of new/improved methods

Impact may be assessed through the introduction of new working methods, further development or improvement of old ones.

The study needed to look at this, keeping in mind that Schengen evaluation did not introduce these methods, but can be seen as a driving force behind their implementation, proliferation and correct use. The outstanding example is the Schengen Information System.

The impact of evaluation on working methods in border control and Schengen police cooperation will be dealt with in relation to each of the four evaluations.

2.2 Experience of participants

The study needed to look behind documents to accurately assess the impact of Schengen evaluation and gauge to what extent police officers and other police employees involved in or affected by Schengen evaluation were

satisfied with the remedies and improvements that were recommended. Did they consider them to agree with their professional standards? To answer this question, it was necessary to identify people who had had sufficiently close involvement to be able to give meaningful responses, and also necessary to explore methods for extracting their views.

2.2.1 Identification of relevant groups of participants

Participants in Schengen evaluation in the Norwegian National Police were divided into two groups: (1) key actors to be interviewed and (2) other police officers or police employees deemed to have sufficient familiarity with Schengen evaluation to be able to give meaningful responses in a survey.

The project, using these research methods, was reported to and approved by the Data Protection Official for Research at the Norwegian Centre for Research Data (NSD).

2.2.2 Interviews of key actors

Key actors were identified as officials at the national level: people in the National Police Directorate (NPD), the National Criminal Investigation Service (NCIS), the Norwegian Police University College (NPUC) and the National Police Immigration Service (NPIS) – who were responsible for essential parts of Norway’s Schengen participation. Officials at various levels in all these institutions were interviewed.

Key actors were also identified in some police districts – those responsible for the most important external border crossing points (BCPs) or Schengen internal borders. Some of these officials – those in leadership or supervisory positions – were interviewed.

In total, 19 key actors were interviewed by the author, Mr. Stein Ulrich, using a video camera. In interview No. 20, Mr. Ulrich himself was interviewed by Professor Helene Gundhus.

Each interview was divided into two parts: Part I contained a summary of the person's own experience of Schengen cooperation in general and Schengen evaluation in particular. Each Schengen evaluation of Norway was treated separately, if the interviewee had participated in more than one. Part II of the interview sums up the person's assessment of Schengen evaluation as a learning experience for the police.

The average length of interview was 41 minutes, the longest being 1hr 35 min and the shortest 15 min. The median length was 35 minutes. See **Annex II** for more information on the interviewees.

All interviews were conducted in Norwegian. A number of quotations from these interviews are used in the text. The quotations have been informally translated into English, with the explicit consent of the person interviewed. In addition, footnotes referring to interviews are used to indicate particular respondents as a source of information and/or assessments based on their experience.

Information was also extracted from a number of videotaped interviews (33) conducted by the author, Mr. Stein Ulrich, for a previous study: *Norsk politi i Schengen 1996-2016 (The Norwegian Police in Schengen 1996 – 2016)*. The report on this study was published by the National Police Directorate in December 2016, in Norwegian. Many of these interviews contain information also relevant to the present study. How interviewees were found and recruited is further explained in **Annex II**.

2.2.3 Survey

A survey of police officers and other police employees who had taken part in Schengen activities was conducted especially for this study. The results of the survey are presented in **5.2.3 Survey findings**. The participants in the survey were selected on the basis of defined criteria, as detailed in **Annex III**. The complete questionnaire is included in **ANNEX IV**, informally translated into English.

2.2.3.1 Questionnaire

The questionnaire was developed to be sent to everyone in the National Police Service listed in a register set up for the purposes of the study. Altogether 215 people were listed, from the National Police Directorate, the special police agencies NCIS, NPIS, NPUC and PIT, and all 12 police districts. A few people were not found. In total, 208 persons received the questionnaire.

All those who received the questionnaire had had – or still had in 2018 – a defined role in Schengen cooperation. The majority had been involved in Schengen evaluation somehow or other, but some had not, as they worked in police districts which had never been evaluated. The basic criterion was that all respondents should have some knowledge of Schengen evaluation, as part of their defined role in Schengen cooperation. All police districts could therefore be included in the survey, together with the following special agencies: NCIS, NPIS, NPUC and PIT. The survey did not include a control group. After two rounds of reminders, a total of 129 had responded to the questionnaire, which means the response rate was 62 %. As will be evident below (see 5.2.3.2), respondents from all four Schengen evaluations of Norway were included in the sample.

The questionnaire, in Norwegian, was in the format of an electronic Quest-back form, sent by e-mail. Along with the e-mail invitation, the respondent were given information about the background and aims of the study, and informed that the Norwegian Centre for Research Data had approved it.

The questionnaire consisted of four parts. First, respondents were asked questions about their professional background, including, their work experience of Schengen. The second part focused on respondents' relationship with Schengen activities, and especially on their involvement in Schengen evaluation of Norway. The question concerning involvement was formulated in such a way as to separate those respondents who had participated in one or more rounds of evaluation and those who had not taken part directly in the evaluation process, but only received information concerning the evaluation. If a respondent answered "no" to the question

about involvement, they were automatically moved on to the next part of the survey. Those respondents who had participated were asked a number of questions covering different aspects of their involvement in the evaluation.

Part three of the questionnaire, which is considered the main part, contained some scale questions aimed at measuring to what extent the Schengen evaluation had helped to provide an educational experience and to improve working methods within the police. In this study, educational experience was operationally defined as the learning output of participating in the Schengen evaluation. The focus was on increased knowledge and skills connected with the regulations and principles that govern Schengen cooperation. As regards working methods, the focus was on experiences of practical results and changes following from Schengen evaluation; service performance and consequences for the public were explored. Within each of the two areas, the questions were divided into two groups: the impact on the respondent and that on the unit. Scale questions aimed at examining various aspects of inter-agency cooperation were also included, particularly the question of how much Schengen evaluation affects cooperation and professionalism in the police. The respondents who had participated in Schengen training were also asked scale questions designed to gauge the significance the evaluation process had for training. In order to assess the significance or impact of Schengen evaluation, the items were formulated as statements and respondents answered using a scale ranging from 'very low' (1) to 'very high' (5).

The fourth part consisted of four open-ended questions, which gave respondents an opportunity to enlarge upon their views on what aspects of Schengen cooperation have had most influence on the level of professionalism in the police.

2.2.3.2 Analytical procedures

The responses from the questionnaire were analysed by using Excel and SPSS Statistics 25. When analysing the replies, to explore the main patterns of the data, both descriptive and statistical analyses were conducted. In the following, a short description of the methods of analysis is given.

In describing the sample in this study, the distribution of various background variables is shown as a percentage. As noted, the questionnaire included different scale questions, and to explore the distribution (central tendency and dispersion) of these items/questions, mean score and standard deviation were used.

As the study includes different groups reflecting attribute variables (e.g. position, organisation belonged to, involvement in evaluation), it is worthwhile to examine the connection between the groups and respondents' assessments of the scale questions. An observed difference in mean score can be due to random variations or chance. One-way analysis of variance (ANOVA) and Student's t-test were applied in order to investigate whether statistically significant differences existed between group mean scores. In other words, what is involved is hypothesis testing, in which the ANOVA tests the null hypothesis (H₀) that states all group means are equal. If, however, the results show a statistically significant difference, this suggests the null hypothesis should be rejected and supports the alternative hypothesis (H₁) the means of at least two groups are different. There are two main requirements that should be fulfilled when running an ANOVA: 1) normally distributed observations in each group, and 2) homogeneity of variances. In this study, both of these requirements were met. It is important to note that if the ANOVA shows an overall statistically significant difference, the analysis does not specify between which groups the difference has been observed. To solve this, *post hoc* tests are designed to investigate differences between pairs of means. A number of such tests were run using Tukey's honestly significant difference (HSD). In some of the analyses in this study, one-way analysis of covariance (ANCOVA) was used. ANCOVA can be

considered an extension of the ANOVA as it incorporates a covariate, which can help control for a third variable that is assumed to affect the results.

The one-way ANOVA is commonly used when there are three or more groups under investigation. However, in those cases where the means of only two groups are compared, it is advisable to make use of Student's t-test. The basic idea of the t-test is similar to ANOVA, in which one compares the means of two groups on the same variable. The t-test is based on the same assumptions as the ANOVA. The significance level was defined as $p < .05$, two-tailed.

Before running the different analyses, a number of index variables were computed, based on average scores of the scale questions. The aim of the questionnaire is to examine to what extent Schengen evaluation has affected the educational experiences and working methods of the police. It is important to note that such theoretical concepts as educational experiences or working methods may be challenging to observe or measure directly by using only a single indicator. This being so, a number of scale questions were used to operationalise the (theoretical) concepts. There are several reasons for using a set of questions to measure different social phenomena. Increasing the number of indicators, for instance, can help improve the validity of the concept under investigation.⁶ As a part of the analysis, therefore, several index variables were generated. The index variables were: 'Knowledge', 'Collaboration', 'Overall rating', and 'Schengen training'. So then, one of the items representing the construct of knowledge was: 'To what extent do you think Schengen evaluation has helped increase your understanding of knowledge-based policing?'. For all these variables, the respondents included were either those who had participated in one or more rounds of evaluation or those who had not undergone the evaluation process, but had received information.

Analyses of Cronbach's alpha were conducted to check the reliability of the newly computed index variables in this study. Cronbach's alpha is a

6 Kristen Ringdal, *Enhets og mangfold: Samfunnsvitenskapelig forskning og kvantitativ metode*. (Oslo: Fagbokforlaget, 2001).

measure of internal consistency, that is, how closely related a set of items are as a group. The assumption is that if one measures the same property of a construct, the items or questions should be highly correlated with each other. It is, therefore, considered to be a measure of scale reliability. Cronbach's alpha is expressed as a number between 0 and 1, and a high coefficient indicates good internal consistency. The usual cut off points for alpha is 0.6-0.7.⁷ All four index variables had good internal consistency with the following coefficient: knowledge $\alpha = 0.90$, collaboration $\alpha = 0.76$, overall rating $\alpha = 0.86$, and Schengen training $\alpha = 0.90$.

2.3 Participation in Schengen evaluation

One of the authors of this study, Mr. Stein Ulrich, has drawn extensively on his own experience as Norway's head of delegation to the Schengen Evaluation Working Party/ Council Working Party on Schengen Matters – Schengen Evaluation (SCH-EVAL). He served in this capacity from 2006 until the end of 2014, and also represented Norway on the Schengen Committee in 2014. As a delegate, he had access to all Schengen evaluation documents and developed an extensive network of Schengen colleagues throughout Europe. Mr. Ulrich was involved in all the Schengen evaluations of Norway (2000-2001, 2005, 2011-2012 and 2017). He was also a member for Norway of the Frontex Management Board 2007 – 2014.

In research methods literature, the issue of 'doing research on your peers' has been thoroughly discussed.⁸ Closeness to the empirical field of study raises the issue of finding the balance between such closeness and necessary research detachment. Relying on one's own experience may contribute to a kind of transparency which is desirable in social research, but a certain

7 Keith S. Taber, The Use of Cronbach's Alpha When Developing and Reporting Research Instruments in Science Education, *Research in Science Education*, 48, issue 6 (2018).

8 Asbjørn Rachlew, 'Å forske på sine egne: Metodiske og etiske utfordringer knyttet til forskning på egen profesjon', in Trond Myklebust and Gunnar Thomassen (eds), *Arbeidsmetoder og metodearbeid i politiet* (Oslo: PHS Forskning, 2010), pp 127-49.

distance has to be maintained for the sake of objectivity. While this study was being conducted, Mr. Ulrich was affiliated to the Norwegian Police University College Research Department, working on contract as a retired senior police official.

2.4 Literature

Literature on experiences of Schengen evaluation is scarce – almost non-existent. One interesting exception is a study of evaluators’ personal experiences and views, done by Joosep Kaasik of Estonia in 2017 for a master’s dissertation in the CEPOL European Joint Master Programme ‘Policing in Europe’.⁹ Kaasik’s report therefore contributes significant original findings to this field. The main findings of his study will be presented in **3.4.5 New procedures in practice – from 2015**.

2.5 Problems of methodology

The aim of the study is to examine the effects of Schengen evaluation as educational experience. A key methodological problem, therefore, is to isolate Schengen evaluation from other areas of Schengen cooperation.

In real life, different areas work together to enhance police professionalism. To take one example, Frontex is offering a number of training courses for various categories of border guards and for Schengen evaluators. Schengen states select participants for these courses in the hope of gaining several benefits: to get the job done better and bring new knowledge back home, but also to help with their Schengen evaluation.

If a Schengen state does not send course participants, that counts as a minus point in its Schengen evaluation, as does the failure to participate in Frontex operations, or to provide well-trained Schengen evaluators. Of

9 Joosep Kaasik, ‘The Schengen Evaluation Mechanism: Exploring the Views of Experts in the Field of Police Cooperation’ (Master’s thesis, CEPOL, 2017).

course, one cannot say that all this capacity building may be attributed to Schengen evaluation. But evaluation is a factor.

The same goes for the improvement of working methods and use of technology. To take one example, the introduction of SIS led to substantial improvements in police working methods because knowledge and skills were required simply to use the system. At the same time, Schengen evaluation focused on SIS and the ability of police officers to use it as a daily operational tool. Consequently, training in the use of SIS was encouraged by the wish to avoid the criticism which the lack of such training could provoke.

There is no single method by which one might isolate the Schengen evaluation effect. Instead, this study will apply quite a broad set of measurements to try to identify as accurately as possible the Schengen evaluation effect, – within reasonable limits of research. This is a more pragmatic approach.

A thorough examination of documents related to the Schengen evaluation of Norway, a number of in-depth interviews and a broadly-based survey help to underpin the conclusions.

Evaluation will always work in conjunction with other driving factors. Linkages are easier to detect than causal factors, and are often sufficiently reliable to make room for sound judgments. In the end, judgment must come into play to assess Schengen evaluation as an educational experience. This is what the study attempts to do.

2.6 Limitations

The methodology used will concentrate on police districts and special agencies which have undergone Schengen evaluation. In the follow-up procedures, the measures implemented will quite often be limited to places where evaluation actually took place, for instance the ports visited, whereas the effects of the evaluation on other ports may be slight or perhaps even non-existent. Follow-up reporting deals primarily with changes implemented or planned at the sites visited and to a lesser extent changes at the national

level (new directives, new national training programmes etc.) However, reporting on the follow-up does not assess possible similar improvements in places not visited (improved skills, working methods, local training etc.).¹⁰

The study seeks to assess the impact of Schengen evaluation at the national level, but admittedly cannot wholly achieve this. For the land border, this is not a problem, since there is only one BCP and only one police district involved. For air borders there is only a minor problem, because the three major international airports have been and will be involved in evaluation visits. For the sea border, however, the problem is substantial – due to the number of BCPs (80) along the second longest coast in the world (103,000 km including all the islands and fjords). The study cannot attempt to measure evaluation effects in ports which have never been visited. Some information on these ports may be obtained from Norway’s reply to the Schengen Questionnaire, but a full view of the situation would demand an investigation far beyond the scope of this study.

As a general rule, basic understanding of Schengen border control is considerably better among personnel in police districts which have had evaluation visits than in districts which have not.

The study has not elicited the experience and opinions of police officers and civilian employees working in the first line, carrying out tasks such as border checks/passport control. To include such personnel would require considerable work to set up representative samples, including control groups.

10 Certain follow-up measures will indirectly affect all police districts. One such example is the creation of a national forum for local heads of border control following the 2011-2012 evaluation.

3 THE ORIGIN AND FRAMEWORK OF SCHENGEN EVALUATION

3.1 Schengen cooperation – a brief overview

3.1.1 The Schengen Agreement 1985

In 1985 five European countries – all members of the European Communities – made an agreement to gradually abolish border checks on their common borders. The signing of the agreement took place on a river boat at the small village of Schengen in Luxembourg, on the Mosel/Moselle river, at the point where the borders of three countries meet: France, Germany and Luxembourg. The two other countries were Belgium and the Netherlands.¹¹

The purpose of the agreement was to facilitate movement across internal borders, and thus support and enhance European integration and the use of the four freedoms.¹²

The agreement was also an acknowledgement of the fact that border control between the five countries had become so superficial that its contribution to security and combating crime was minimal.¹³ A steep rise in the volume of traffic was the reason for this – a development that no government wanted to hamper.

To compensate for the perceived loss of security which this abolition might cause, compensatory measures were to be established, first of all strengthening of external border control on the perimeter of the Schengen area.

11 The Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks on their common borders.

12 The basic principles of the European Communities/Common Market: free movement of persons, goods, services and capital.

13 In Article 2 of the Schengen Agreement, the facts on the ground were summed up in the following rule: 'With regard to the movement of persons, from 15 June 1985 the police and the customs authorities shall as a general rule carry out simple visual surveillance of private vehicles crossing the common border at reduced speed, without requiring such vehicles to stop.' 15 June was the day after the signing of the Agreement.

3.1.2 The Schengen Implementing Convention 1990

It took five years from the signing of the Schengen Agreement to adopt a full-fledged inter-governmental convention regulating all the compensatory measures as well as the lifting of internal border control.¹⁴

The Convention is a comprehensive set of rules, which require all acceding countries to abide by detailed regulations on visas, the movement of aliens within the Schengen area, alerts on refusing entry, asylum¹⁵, police cooperation between participating states, mutual assistance on criminal matters, extradition, transfer of the enforcement of criminal judgments, narcotic drugs, firearms and ammunition, and not least, the Schengen Information System (SIS), –an indispensable tool for border control as well as police cooperation in general.¹⁶

It is no exaggeration to call SIS a revolution in European police and border cooperation – because of its comprehensive alert contents and the vast number of end users, in virtually every police and border station in the Schengen area. To put it bluntly: without SIS, no Schengen, and without Schengen, no SIS!

The Convention also contains wide-ranging rules on the protection and security of personal data in the SIS, or otherwise exchanged between the participating states.

Some rules laid down in the Schengen Convention have since been replaced by EU legal acts, enacted both before and after the Schengen cooperation was incorporated into the European Union by the Amsterdam Treaty – which came into force in 1999.

14 Convention Implementing the Schengen Agreement (CISA) 19 June 1990.

15 Later replaced by the Dublin Convention and subsequent EU Regulations.

16 The original version of SIS enabled border guard services, police, judicial authorities and visa authorities in Schengen countries to issue alerts through the SIS on persons wanted for arrest for extradition, aliens for whom an alert had been issued for the purposes of refusing entry into the Schengen area, missing persons and similar categories, witnesses and persons summoned to appear before judicial authorities in criminal proceedings, or to be served with a criminal judgment etc., persons and vehicles for the purposes of discreet surveillance or specific checks, and objects of specified categories sought for the purposes of seizure or use as evidence in criminal proceedings.

The Convention came into force in March 1995, after the SIS had been successfully rolled out and tested.

3.1.3 Schengen *acquis* and Schengen 'soft law'

Initially **Schengen** *acquis* – binding rules adopted on the legal basis of the Convention – dealt mainly with visa issuance and travel documents – fields where common binding rules were urgently needed. However, developing common rules for border checks and police cooperation (the use of compensatory measures) proved to be a lengthy process. An interim period of 'soft law' preceded formal legislation in several key areas. 'Soft law' in this context could be recommendations issued by the Council or the Commission, or best practice emerging from Schengen evaluation and condensed into user manuals or catalogues.

The slow emergence of binding regulations allowed for consensus building and gradual harmonisation of the different border regimes existing in individual countries or in a group of countries like the Nordics. The main instrument for achieving this was Schengen evaluation.

Schengen *acquis* leaves no room for national exemptions – it is the same for everyone. The Schengen states must adhere to the same rules, regardless of geographical position or other national characteristics. Some rules allow for temporary adjustments justified by traffic volume, risk analysis or similar criteria. Certain rules also allow for permanent national legislation to accommodate particular policies or circumstances – but only within the defined framework of the *acquis*.

Today Schengen 'soft law' consists of best practice standards, consolidated for instance into Schengen Catalogues or Commission recommendations.

It is worth noting that Council Conclusions directed at each Schengen state and containing recommendations, are also considered to be 'soft law'.

3.1.4 The Amsterdam Treaty 1997/99 – Schengen becomes EU

When negotiations started for the new EU treaty to replace the Maastricht Treaty of 1991 (it came into force 1993), it had become clear that the majority of EU Member States wished to belong to the passport-free travel zone of ‘Schengen’. Cooperation in the area of justice and home affairs – the ‘third pillar’ of the Maastricht Treaty – had also advanced in a number of areas. The time was ripe for borders to be included as well. The division between inter-governmental Schengen cooperation, and ‘third pillar’ cooperation – an EU project – had become obsolete. The outcome was simple: the entire Schengen *acquis* became EU law at a stroke, and came into force in 1999. However, none of it was binding upon those EU Member States who had remained outside the Schengen area (UK, Ireland).

3.1.5 Evolution of the Schengen Area

Starting with only five countries in 1985-1990, the idea of ‘Schengen’ quickly caught on. Spain and Portugal soon declared that they wanted to join, and they did so even before the entry into force of the Schengen Convention in 1995. Italy and Austria followed their lead.

The Nordic countries had initially shown little interest, since they had their own free travel zone – the Nordic Passport Union, established in 1957 – and since only Denmark was an EU member. This changed radically in 1994, when Sweden and Finland decided to join too. Norway and Iceland, however, decided against joining.¹⁷

The overriding concern for all the Nordic countries was to preserve their passport-free travel zone. A meeting of Nordic prime ministers in Reykjavik, Iceland in February 1995 agreed to launch a joint Nordic initiative vis à vis the Schengen Member States. Negotiations began shortly afterwards and ultimately resulted in the entry of all the Nordic countries into the Schengen free travel zone. All five Nordic countries were admitted, albeit

17 The Norwegian referendum in November 1994 resulted in a (narrow) majority NO to membership.

with special agreements set up for Norway and Iceland, since they could not accede to the Schengen Convention, being non-members of the EU. Denmark, Sweden and Finland did accede to the Convention.

In December 1996 the way was formally cleared for joint Nordic entry into Schengen. In the event, it did not happen operationally until March 2001, due to a delay caused by the incorporation of Schengen into the EU – the Amsterdam Treaty. A new agreement had to be negotiated for Norway and Iceland, with the EU now the other contracting party. It was signed in May 1999. Norway and Iceland became so-called Schengen Associated Countries (SAC). By then preparations to join Schengen were well under way in all Nordic countries.

To cope formally with the problem of having non-EU members participating in Schengen, a new body was established: the Mixed Committee (COMIX) – a consultative forum at ministerial and Coreper level, where Schengen matters are discussed with the participation of all associated countries, before the issues on the agenda go on to the Council for the formal decision. A COMIX setting is also used when Council working groups are dealing with Schengen issues. SACs participate as if they were EU members, except in the rare instances when a vote has to be taken.

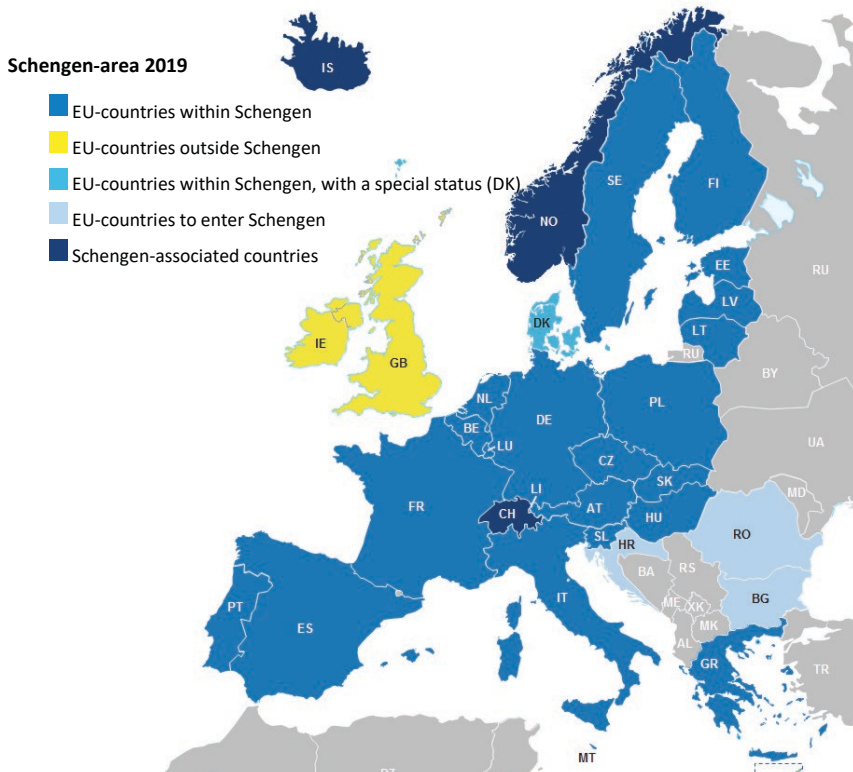
It is important to note that the Nordic Passport Union did not rely on any sort of mutual inspection or evaluation. It was a regional agreement based solely on trust between the participating states. In principle, there was a common external border regime, but without transparency; each state had only coincidental insight into how the others were applying the common rules. Joining Schengen was a rude awakening, since, for the first time, these states had to submit to inspection by officials of other countries.

Greece joined Schengen in 2000. There was then a period of consolidation, before nine new EU Member States decided in 2004 that they wanted to be part of Schengen as well: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. They joined the Schengen area in 2007, after a huge evaluation effort, by the countries themselves

and by the Schengen fora in Brussels and the Council Secretariat. In 2008 Switzerland joined, under the same type of agreement as Norway and Iceland. Liechtenstein followed in 2011.

The next in line are Bulgaria and Romania – formally approved as fulfilling the necessary conditions, but the final political decision has been postponed. In 2019 Croatia was in the process of being evaluated. By the deadline for updating this study – 31 December 2019 – 26 European countries were part of the Schengen area. Of these 22 were EU Member States and four were Schengen Associated Countries (SAC).

3.1 Map of the Schengen area 2019



Some EU Member States participate only in parts of Schengen, notably SIS and police cooperation, but not in the free travel area without border controls: these are Cyprus, Ireland and the UK. To be eligible for such participation they first had to be evaluated in the relevant areas and also in data protection.

3.2 Schengen evaluation – a brief history

3.2.1 Origin and legal basis

The Schengen Implementing Convention of 1990 does not include any provisions on the evaluation of Schengen countries, or of candidate countries. However, the article setting up the Executive Committee (Article 131) states that it is the overall task of this committee to ‘ensure that this Convention is implemented correctly’. This clause constitutes the legal basis for establishing an evaluation mechanism.¹⁸

As regards the Schengen Information System (SIS), the Convention does set up a supervisory system, which obliges each contracting party to designate a national supervisory authority responsible for carrying out independent supervision of the data file of the national section of the SIS – for data protection purposes (Article 114). A joint SIS supervisory authority was also set up (Article 115), but it is mainly responsible for supervising the technical support function of the SIS. It was not intended as an evaluation mechanism in a broad sense.

In the Final Act, it was emphasised that the Convention should not be brought into force until the preconditions for its implementation had been fulfilled and checks at the external borders were effective. However, this would depend on a declaration by each state, and not on an evaluation mechanism. As regards airports, the role of the Executive Committee was specified as being to ‘examine’ the situation.

¹⁸ Article 132 states that each contracting party should be represented on the Committee by a Minister and that the Committee should take its decisions unanimously. The Committee was authorised to set up working parties to prepare decisions or to carry out other tasks.

3.2.1.1 Executive Committee Decision 1998

In 1998, while Schengen cooperation was still inter-governmental, the Executive Committee adopted a set of rules establishing an evaluation mechanism, both for countries already belonging to Schengen and for candidate countries.¹⁹ More than three years had passed since the entry into force of the Schengen Convention in March of 1995.

This decision set up a ‘Standing Committee on the evaluation and implementation of Schengen’ – later to be known as SCH-EVAL. Its mandate was two-fold: 1) to establish whether all preconditions for bringing the Convention into force in a candidate Schengen country had been fulfilled (‘first mandate’ evaluations) and 2) to ensure that the Schengen *acquis* was being properly applied by countries which had already implemented the Convention, by identifying shortcomings and proposing solutions (‘second mandate’ evaluations).

In 1998 nine EU Member States were already participating in Schengen. None of them had been evaluated. The evaluation mechanism was first applied to Greece, shortly after Schengen cooperation had been incorporated into the EU. Greece was admitted to Schengen in 2000.

3.2.1.2 Evolution of rules and regulations

3.2.1.2.1 Schengen Manual and Catalogues

As an initial basis for Schengen evaluation, the Schengen Manual (Common Manual on Checks at the External Borders) was adopted by the Schengen Executive Committee on 28 April 1999, and endorsed by Council Decision 1999/436/EC of 20 May 1999.

Some years later there followed the Schengen Catalogues on Recommendations and Best Practices (External border control, Removal and Readmission 2002; the Schengen Information System, SIRENE 2002; Police Cooperation 2003; Issuing of visas 2003.)

¹⁹ [Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen – SCH/Com-ex \(98\) 26 rev def.](#)

The formal decision to draw up these catalogues was made by the Council in 2001. SCH-EVAL was tasked with organising working groups to do the job. It was explicitly stated that the catalogues, while not legally binding, sought to develop best practice/common standards and to clarify and add detail to the Schengen *acquis*.

3.2.1.2.2 Schengen Borders Code 2006

A milestone was reached with the adoption by the Council of the Schengen Borders Code (SBC) in 2006. Through this, a number of recommendations, from the Schengen Manual and from the catalogues were made into EU law. In subsequent Schengen evaluations, this made things easier by eliminating the objection that the recommendations were not binding. The SBC was supplemented in 2006 by the Schengen Practical Handbook for Border Guards, issued by the Commission as a set of recommendations for the Schengen states applying the SBC.²⁰

3.2.2 Schengen Evaluation Working Party (SCH-EVAL)

3.2.2.1 Evaluation scope/areas and procedures

When Schengen cooperation was incorporated into the European Union in 1999, the former Standing Committee became a Council Working Party: the Schengen Evaluation Working Party or SCH-EVAL. However, all the rules and procedures previously governing Schengen evaluation remained in force.

The main task of SCH-EVAL was to prepare programmes for evaluations and then organise on-site visits to Schengen countries up for evaluation. Such visits were conducted by teams composed of experts from Schengen countries, accompanied by a representative of the General Secretariat of the Council and a Commission observer. A ‘Leading Expert’ was appointed from the experts. The areas for on-site evaluation were border control on

²⁰ The SBC was revised/codified in 2016: [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 \(Schengen Borders Code\)](#). The Practical Handbook has also been revised.

air, land and sea borders, police cooperation, the functioning of the SIS and SIRENE bureaus, visa issuance and data protection.

Compliance with the Schengen *acquis* was central in evaluation visits, but the teams also attempted to identify best/good practice, which could help develop common standards within the various fields covered by Schengen cooperation.

An extensive questionnaire drawn up by the Council Secretariat and SCH-EVAL was completed by the country being evaluated in advance of the on-site visit. These replies provided a broad factual basis for the inspections; they indicated where attention should be concentrated, to ensure contentious issues, critical areas and shortcomings were dealt with.

Draft reports by the evaluation teams were immediately sent to the country being evaluated – for initial comment and possible corrections, and so that any misunderstandings could be cleared up, or any supplementary information added. Sometimes meetings were held in Brussels, between team members and representatives of the country being evaluated. The finalised report would then be distributed to all Schengen states, in preparation for a discussion of each and every report in SCH-EVAL. This discussion could have various outcomes: suggestions for addendums to the report; more questions to the evaluated country; a revisit to scrutinise certain areas; or – as always happened in the end – adoption of the report and its recommendations for submission to the Council via Coreper, accompanied by draft Council Conclusions containing the main recommendations.

From the outset, evaluation visit procedures were based on the principle of full transparency: A country being evaluated could not deny access to any site or space, or to documents, or to personnel with whom the evaluators wanted to talk, in order to check on routines or test skills and knowledge. No superior officer could intervene to answer a question directed to a subordinate, nor could answers given be corrected afterwards. The answer given by the person directly addressed by the evaluators went into the report

unchanged. This obviously compelled everyone to prepare themselves properly for visits – and was thus a motivating factor for learning.

The evaluators could also demand access to personal information, such as passports, visas etc. in order to check if border control was being properly exercised. However, personal information or individual cases were never put on record, and evaluation reports never contained any personal information.

It took a while for unlimited access to be fully understood and accepted at all levels. In one case, the evaluators were initially even denied access to the border zone, because it was a ‘military area’ (Greece).²¹

3.2.2.2 Role of the Council – Conclusions/Recommendations

The role of the Council was to finally approve the recommendations, following a meeting in the Mixed Committee, where the draft Council Conclusions were presented and discussed when appropriate. Thus, the Schengen Associated Countries – Norway included – always had a say before the formal decision was taken.

In the case of a new Schengen state, the process would end with a Council Decision to lift internal border control between ‘old’ Schengen countries and the new country. For countries already in Schengen, the Council Conclusions would point out identified problem areas and shortcomings, and set a time limit for reporting on the follow-up measures taken to remedy or alleviate the problems.²²

3.2.2.3 Member States' responses/follow-up

The evaluated country would normally embark on corrective action immediately after receiving the draft evaluation report, and sometimes even before that. Normally the time limit for submitting a follow-up report was six months. The report would have to address every recommendation that

21 Interviews 2015/16 for the report "Norsk politi i Schengen" – 'Norwegian Police in Schengen'.

22 [Decision of the Executive Committee 1998.](#)

had been made, not only in the Council Conclusions themselves, but also in the individual evaluation reports.²³

Follow-up reports were presented and discussed in SCH-EVAL, and when considered adequate, forwarded to the Council with a proposal for Council Conclusions on the follow-up. Normally, this would end the evaluation process. However, it could be protracted, if revisits had to take place, or further follow-up reports were required, before the response was judged satisfactory.

3.3 Main trends in Schengen evaluation 1998 – 2013

Schengen evaluation was essentially evaluation by peers: police and border experts from all the Schengen countries inspected and reported on each other's countries, peer evaluation by SCH-EVAL guided the Council Conclusions, and finally the Council adopted these Conclusions. It was obviously always in everyone's mind that next time, it might be their turn to stand trial. There is a risk that such a system might lead to mutual leniency and insufficient scrutiny. On the plus side, involving all Schengen states at all levels promoted solidarity and joint efforts to make Schengen a workable system.²⁴

The concept was put to a serious test in 2005 – 2007, when nine new EU Member States were evaluated simultaneously before they joined Schengen. All were approved, after jumping through a number of hoops. Many lessons were learnt during this period, resulting in a thorough review of working methods to make the evaluation system more efficient, fair and transparent while ensuring equal treatment of all countries – both old and new Schengen members.²⁵

23 Routines based on [Decision of the Executive Committee 1998](#).

24 Interviews No 1 and 20.

25 [Council Conclusions on the legacy of Schengen evaluation within the Council and its future role and responsibilities under the new mechanism](#), Doc. No. 14374/1/14 REVI LIMITED.

In June 2008, the Council adopted Conclusions on ‘Future monitoring of the correct application of the Schengen *acquis* in participating States’, which endorsed some new principles.²⁶

In December 2008, under the French Presidency, the Council adopted Conclusions on ‘Implementing a new approach to Schengen evaluations’, approving several changes already set in motion, and explicitly inviting Member States to launch an initial thematic and/or regional evaluation.²⁷

The process of improvement was highlighted by the drawing up of ‘Practical guidelines outlining the principles and working methods for the organisation of evaluations and proposing a framework for improving the preparedness of experts and the composition of expert teams’.²⁸

As a next step, an initiative by the Czech Presidency was the very useful ‘Practical guide to Schengen evaluation – Recommendations for evaluated countries and experts’, which was adopted in 2009.

To develop the **best practice** concept, the Schengen Catalogues on Recommendations and Best Practices were updated (Schengen ‘soft law’). Revised catalogues covering all evaluation areas were approved by SCH-EVAL in 2009.

The legal context in which Schengen cooperation operated, developed considerably during the same period. A number of new EU legal acts were adopted, and others updated or recast. The criteria for assessing compliance with Schengen *acquis* gradually became more sharply defined.

Another significant change was the development of general principles governing border control, the first of which was the principle of Integrated

26 [Schengen evaluation - Draft Council Conclusions on future monitoring of the correct application of the Schengen *acquis* in participating States](#), Council Doc. 8460/2/08 REV 2 LIMITED.

27 [Draft Council conclusions on implementing a new approach to Schengen evaluation](#), Council Doc. 15801/2/08 REV 2 LIMITED.

28 [Future of Schengen evaluation: practical guidelines](#), Council Doc.15557/2/08 REV 2.

Border Management (IBM). Its genesis can be traced back to a Commission Communication of 2002.²⁹

Gradually IBM became a fundamental guiding principle for Schengen evaluation.³⁰

The 2009 Schengen Catalogue on Border Control contains a definition of IBM; its main elements at that time were: border control, including risk analysis; combating cross-border crime; a four-tier model of entry control, including cooperation with neighbouring and third countries; inter-agency and international cooperation; coordination of activities between Schengen countries and EU institutions; measures within the Schengen area relating to illegal immigration and the return of persons subject to a return decision.

Major benefits of IBM were increased cohesiveness in reporting from the various evaluation areas, the emphasis on holistic approaches to border and immigration control and improvements in inter-agency cooperation. In the new Schengen evaluation mechanism of 2013, IBM, broadly defined, plays a very important role. IBM is now more extensive than before and has eleven elements.³¹

3.3.1 Evaluation teams (Leading experts and evaluators)

The improvement process resulted in specific requirements for team members and a limitation on their number. In parallel, leading experts and team members were offered training courses tailored to their task as evaluators. Training started in 2008 – with close cooperation between SCH-EVAL, the Schengen states and Frontex.³²

29 [Communication from the Commission to the Council and the European Parliament: Towards Integrated Management of the External Borders of the Member States of the European Union](#), COM/2002/0233.

30 IBM was adopted by the Council in 2006 as a common European concept for border management – [Council Conclusions on Integrated Border Management](#).

31 IBM was formally written into EU law by the 2016 [Regulation on the European Border and Coast Guard, Articles 3 \(3\) and 4](#).

32 The European Agency for the Management of Operational Cooperation on the External Borders of the Member States of the European Union – established by [Council Regulation No 2007/2004](#) in 2004 and operative from 2005.

Frontex began to offer training in all border control areas. Later CEPOL (the European Police College) organised training on police cooperation and SIS/SIRENE, evaluation areas which were outside the remit of Frontex. It began to be recognised that the implementation of common rules requires a common culture, which can best grow from common training.³³

Team members, and especially leading experts, gained a great deal from growing experience. Many teams became close-knit units, performing evaluation visits to several countries over a number of years. A positive and constructive ‘evaluation culture’ evolved, based on common training, personal relationships and mutual trust.³⁴ *As one interviewee puts it: ‘It is quite evident that there is an “evaluation culture”’ (No 1). Others articulate similar positions: ‘A good effect (of participating in Schengen evaluations) is that the evaluators get to know evaluators from other countries. Personal contacts!’ (No 2). ‘Between 2005 and 2011, major changes took place in the way Schengen carried out evaluations (“internal control”) and in how evaluators were prepared (training). This provided more predictability. And the evaluators also get more out of it’ (No 12).*

3.3.2 Evaluation visits

Evaluation visits became ever more thorough and penetrating, especially on the front line of border control – the border crossing points. The questions asked became more sophisticated. Unannounced visits to sites were made quite frequently, especially to randomly selected police stations within the country. Regional thematic evaluations were also tried out. A pilot evaluation of the effort against trafficking in human beings (THB) was conducted in France and Belgium in 2009, as these two states had volunteered to host it.

33 Source: SCH-EVAL documents proposing and implementing training.

34 Interviews No 1, 2, 3, 6, 9, 11, 12, 16, and 17.

3.3.3 Reporting and follow-up

A revision of evaluation mission reports and follow-up reports was completed in 2011, under the Polish Presidency.

A standardised format for reporting was introduced. Reports became longer and more detailed. The follow-up procedure was better structured, using a standard format, to make the results of evaluation more transparent and lay clear obligations on the evaluated country.

3.3.4 Conclusions: Effects on professionalism and learning

Formal assessment of the improvements in Schengen evaluation was not required. However, the developments that took place during the period 2007 – 2013 support the view that Schengen evaluation became more professional, with high-quality reports containing firm recommendations. A wider area of border guard and police practice came to be scrutinised by the evaluators and covered in their reports. Follow-up to recommendations became more closely monitored by SCH-EVAL.³⁵

Most of these changes took place between 2007 and 2010, so that countries, such as Norway, preparing for evaluation in 2011-2012 were faced with a more sophisticated and far stricter evaluation regime than the one existing before the 2005 evaluation. It goes without saying that preparations had to be upgraded accordingly. The net was getting tighter.

The reform of Schengen evaluation was welcomed by Norway and given active support. Given its status as a destination country for many irregular migrants and asylum seekers, it was clearly in Norway's interest to tighten up the evaluation of Schengen external borders.³⁶

35 [Council Conclusions on the legacy of Schengen evaluation within the Council and its future role and responsibilities under the new mechanism](#), Doc. No. 14374/1/14 REV1. Interviews: General Secretariat of the Council, Brussels June 2015 and interview No 20

36 Norway's support is documented in various internal instructions and guidelines issued by the Ministry of Justice to Norway's Schengen delegates. Interview No 20.

3.4 Schengen Evaluation Regulation 2013 - new mechanism

In 2013, the Schengen evaluation regime underwent a major change, placing the Commission in a leading role, yet maintaining the close collaboration and participation of the Schengen states. The Lisbon Treaty, implemented in 2009, had given the Commission the right to take legislative initiatives in the area of Justice and Home Affairs. In the same year, the Commission presented its first proposal for a Regulation to formally replace the Executive Committee Decision of 1998.

Lengthy discussions followed, as the Schengen states were eager to preserve their influence throughout the evaluation process, to balance that of the Commission. There was a strong desire to maintain as much as possible of the peer evaluation concept.³⁷ *As one interviewee noted: ‘The Schengen states’ delegates to SCH-EVAL argued strongly in favour of preserving as much as possible of Member States’ authority at crucial points in the evaluation process. And they succeeded: The Council would still be the body competent to decide on recommendations, with SCH-EVAL as its advisory body’ (No 20).*

In a wider context, striking the balance of power between the Commission, the Union’s executive branch, and the Member States, represented in the Council and its subordinate bodies, is a continuous feature of the EU.

The Regulation was finally adopted by the Council in October 2013, and entered into force in 2014 as the new Schengen Evaluation and Monitoring Mechanism (SEMM).³⁸

The new mechanism was established notwithstanding the progress made during the preceding years, as described in **3.3 Main trends in Schengen Evaluation 1998 – 2013**. It was widely understood within the Schengen community that the monitoring of follow-up had to be strengthened, and that new rules and a new mandate were needed to accomplish this. There

37 Interviews No 1 and 20.

38 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013](#). The European Parliament (EP) was consulted, but the Regulation fell outside the remit of co-decision Council – EP.

had to be a solid legal basis for dealing with countries failing to secure their external borders, if this seriously affected the internal security of other member states. The short (six-month) tenure of each Presidency in SCH-EVAL had proved to be a problem for continuous operational tasks like Schengen evaluation.

Considering the importance of achieving an effective evaluation regime, given increasing irregular migratory pressure on Schengen's external borders, one might ask why it took so long to adopt much-needed legislation. Between 1998 and 2013 there was no change in the rules regulating Schengen evaluation. The areas of evaluation remained the same. The Return Directive was adopted in 2008. There was clearly an urgent need to evaluate the implementation of this directive, but this had to wait until the new mechanism of 2013. In the meantime, migratory pressure on external Schengen borders increased considerably, as did irregular movements of migrants across internal Schengen borders and illegal stays on Schengen territory.

One reason for the delay was the prolonged in-depth discussion leading up to the 2013 Regulation. But another might be the political priorities prevailing within the Commission.³⁹

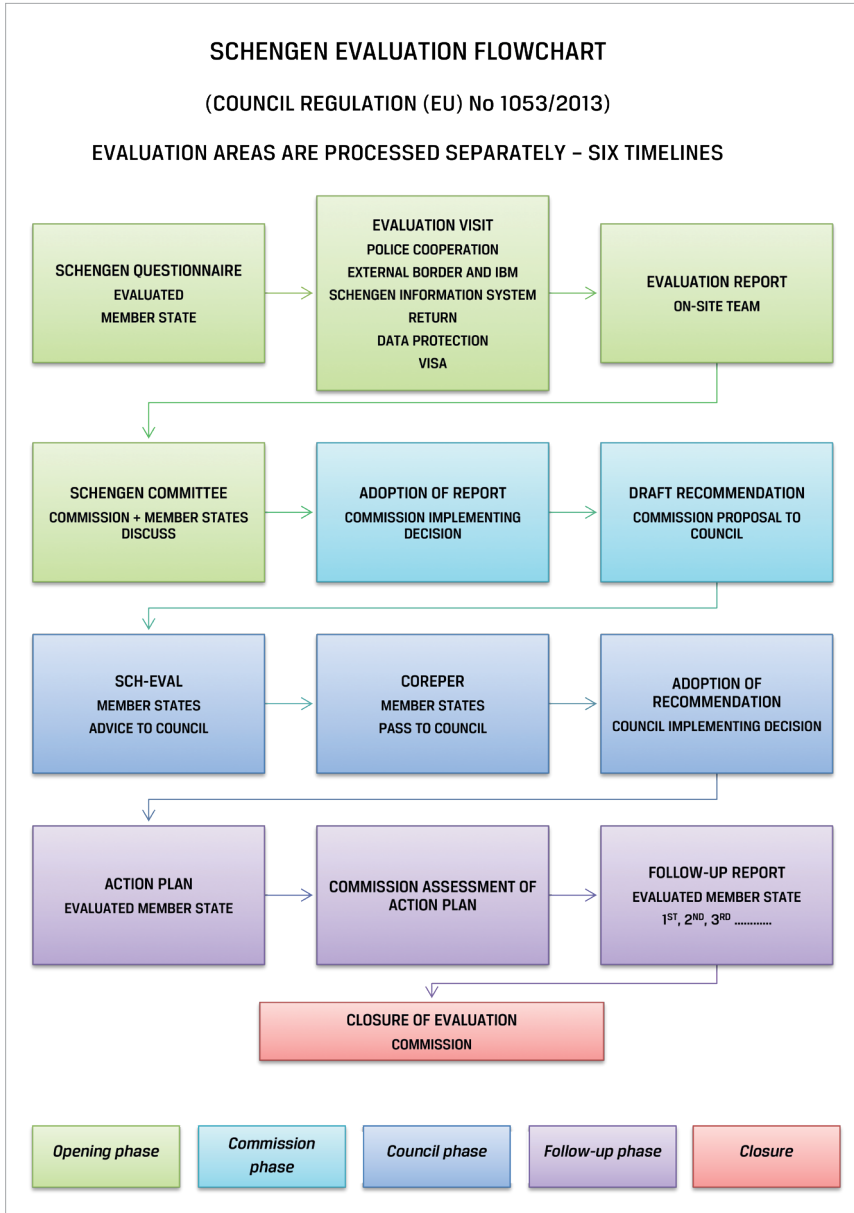
3.4.1 Main features of the Regulation

The Commission took over the leading role in planning, programming and composing evaluation teams. Hitherto, these tasks had been performed by SCH-EVAL, chaired by the Presidency country and supported by the Council Secretariat.

The new mechanism sets clearer rules for reports, recommendations and follow-up to identified deficiencies. Close monitoring of the implementation of recommendations is another key aspect. Evaluation findings are judged 'compliant', 'compliant but improvement necessary' or 'non-compliant' with

39 Barroso Commission with Cecilia Malmström of Sweden as Commissioner for Justice and Home Affairs. Her agenda was mainly migrants' rights, not border control and illegal stay. Reference: Internet websites, media.

3.2 Schengen evaluation flowchart



the provisions of the Schengen *acquis*. Good practice may be described and labelled ‘Points of particular interest’.

The influence and participation of the Schengen states continue in the new Schengen Committee, a consultative forum that assists the Commission in performing its role. The Schengen Committee follows the so-called Comitology procedure.⁴⁰

Norway and the other SACs participate in the Schengen Committee under the 2011 Comitology agreement with the EU on participation in Commission expert groups established within the framework of the Comitology Regulation. The SACs have observer status, enjoying full rights to speak and propose, but no voting rights.

Schengen evaluators continue to be nominated by the Schengen states, and each evaluation on-site team has two leading experts, one from the Commission and one from a Schengen state. Thus, parity in evaluation visits and reporting is ensured, and the concept of peer evaluation maintained at these stages of the evaluation process.

Two new areas of evaluation were added by the Regulation – return and readmission and the abolition of border control on internal borders. Furthermore, Integrated Border Management (IBM), as a governance model, itself became subject to evaluation – along with the three border evaluations. This area of evaluation (borders and IBM) is now called management of the external borders.

In all evaluations, the functioning of the authorities that apply the Schengen *acquis*, is now to be subjected to scrutiny.

Schengen evaluation is thus changing from being just a system to check compliance with the Schengen *acquis* and observe best practice – to being a system assessing the member states’ application of broadly-based principles pertaining to border control and border security strategy. This clearly poses

40 [Regulation \(EU\) No 182/2011 of 16 February 2011. The Comitology Regulation.](#)

a greater challenge to the professionalism of all personnel undergoing Schengen evaluation.

The role of unannounced evaluations has been strengthened with detailed rules.⁴¹ Such evaluations have already been carried out on a number of occasions, and their usefulness has been shown.⁴²

The growth of the Schengen area, the current number of Schengen states, migratory pressure and the increasing importance of risk analysis are factors which provide justification for unannounced evaluations.

Frontex (or, since 2016, more formally, the European Border and Coast Guard Agency) has been given an important role as a provider of risk analyses, to help determine where and when to perform evaluations. Frontex has also become an observer of evaluation on-site visits.

Frontex is also providing annual vulnerability assessments (VAs) of border control on Schengen external borders, on the basis of its own mandate, and formally outside the Schengen evaluation mechanism. A vulnerability assessment network (VAN) comprising all Schengen states has been established.⁴³

These assessments by Frontex, which include recommendations of measures to be taken, complement the Schengen evaluation mechanism, thus enhancing the overall quality of the Schengen control system. Recommendations from the two sources can be mutually reinforcing. Schengen states must coordinate their replies to the Schengen questionnaire with the assessments of their national vulnerability they provide to Frontex.⁴⁴

The European Border and Coast Guard Regulation of 2016 (EBCG Regulation) goes beyond extending the mandate of Frontex. It imposes obligations

41 Not to be confused with unannounced stops/surprise visits made during planned visits, which had for a long time been customary.

42 Interviews No 4, 6, 9, and 20.

43 [Regulation \(EU\) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard](#). A new Regulation on the European Border and Coast Guard was adopted in October 2019 ([Regulation \(EU\) 2019/1896](#)) and replaced the Regulation (EU) 2016/1624.

44 Interviews No 1 and 9.

directly on the EU Member States and SACs. Integrated Border Management (IBM) has been defined, and for the first time becomes a legal requirement: all Schengen states must have a national border management strategy based on IBM.⁴⁵

This has introduced a new dimension into Schengen cooperation and has significantly impacted Schengen evaluation. Assessing the implementation of IBM at the national level has become a major aspect of Schengen external border management evaluations.⁴⁶

Implementation of IBM was further enhanced by the adoption of Council Conclusions in June 2018. These Conclusions provide the framework and set the pace for the development of national IBM strategies in all Schengen states.⁴⁷ Meanwhile, Frontex has been charged with the establishment of a technical and operational IBM strategy at the European level.

The IBM implementation process was expected to be concluded in 2019, and the Council Conclusions explicitly state that the Commission should plan an evaluation of all the national IBM strategies in 2019 and 2020.

This thematic evaluation was planned throughout 2018 and 2019. A targeted questionnaire on the topic was drafted by the Commission and addressed to all Schengen states. A deadline was set for drawing up national IBM strategies. The evaluation of these strategies was launched in October 2019, and should be finished in March 2020. It is being conducted by a team of 15 experts from Schengen states plus from the Commission and Frontex. Evaluation visits are not planned, but video conferences might take place. The Commission's draft reports on all the national IBM strategies are foreseen for dissemination and comment by mid-January 2020. As usual, the findings will be classified as 'compliant', 'compliant but improvement necessary', 'non-compliant' and points of particular interest'.

45 [Regulation \(EU\) 2016/1624 on the European Border and Coast Guard](#) articles 3 (3) and 4 - 11 strategic components of a mandatory national IBM strategy.

46 Interview No 1.

47 [Council Doc. ST 9000/18 Council Conclusions on European Integrated Border Management \(EUIBM\)](#).

Alongside the preparations for the thematic evaluation, the new Regulation on the European Border and Coast Guard was finalised and adopted in October 2019.⁴⁸ Article 3 of the Regulation sets out the components of IBM (now called European Integrated Border Management (EIBM)). To ensure implementation, a multiannual (five-year) strategic policy cycle for EIBM has been designed at EU level. An overview of the policy cycle was presented in a Presidency note of 15 November 2019.⁴⁹

Comment by SU: Integrated Border Management stands out as the most constructive conceptual development since the inception of Schengen cooperation. It is having a profound impact on Schengen evaluation – an impact which will only increase in the future. It will challenge the Schengen states when they are being evaluated, and also Frontex and the Commission in their designated roles in the evaluation mechanism. Synergy effects will be put to the test, in particular those between Schengen evaluation and Frontex vulnerability assessments.

Rules have been included in the new mechanism to deal with extraordinary circumstances: the consequences of blatant non-compliance with Schengen *acquis* or with the recommendations following an evaluation. Shortcomings may be categorised as ‘serious deficiencies’ – and thus lead to a more stringent follow-up procedure.

There is an important new focus on fundamental rights (FR) in border control and other forms of Schengen cooperation. FR now pervade all areas of evaluation.⁵⁰

48 [Regulation \(EU\) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulations \(EU\) No 1052/2013 and \(EU\) 2016/1624.](#)

49 [Council Doc. 13776/19 LIMITED. Multiannual strategic policy for European Integrated Border Management and its implementation cycle.](#)

50 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013](#) and the Schengen Evaluation Questionnaire. The new Questionnaire was first introduced by [Commission Implementing Decision of 11 July 2014](#) establishing a standard questionnaire. The Questionnaire was revised in September 2019 by [Commission Implementing Decision of 30.9.2019 \(C\(2019\)6863 final\)](#) establishing a standard questionnaire in accordance with Article 9 of the Council Regulation (EU) No 1053/2013, and repealing [Commission Implementing Decision C\(2014\)4657](#). The Questionnaire now contains 414 questions, covering all evaluation areas plus the *Functioning of the authorities applying the Schengen acquis*.

The Fundamental Rights Agency (FRA) of the EU provides analyses for the Schengen Committee of the FR situation on the external borders. The SACs are exempt from this.

The transparency principle governing evaluation visits has been hammered out. The regulation explicitly states that the Member State to be evaluated ‘shall ensure that the on-site team is able to exercise its mandate to verify the activities in the areas to be evaluated. It shall, in particular, ensure that the on-site team can directly address relevant persons and has access to all areas, premises and documents required for the evaluation’.⁵¹

A new Schengen Evaluation Guide has been prepared to help evaluation experts perform their duties.⁵²

The Commission has revised the Practical Handbook for Border Guards, first issued in 2006 and amended several times. In October 2019 a new edition was issued, incorporating a number of new rules into the Schengen *acquis* which affect the daily work of border guards.⁵³

Whether or not the Handbook is available and in use is always an item for observation and questions during Schengen evaluation visits. Together with the Schengen Borders Code, the Handbook is the basis of harmonised border control practice throughout the Schengen area.

3.4.1.1 Focus on action plans and follow-up

The Regulation contains detailed rules about the follow-up procedure, which are far more stringent than the 1998 Decision. Follow-up reports have been replaced by **action plans** to ‘*remedy the deficiencies identified in the evaluation*’.⁵⁴ Strict rules have been introduced that set deadlines for

51 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013, Article 13.4.](#)

52 Practical Guide on Schengen Evaluations. Issued by the Commission 6 October 2015. The Guide is not legally binding. It was amended 18 July 2018 Schengen Evaluation Guide (REV1), following a discussion on how the term ‘*serious deficiencies*’ is to be defined for the purpose of assessing the findings of the evaluation reports.

53 [Council Doc. 13048/19 of 10 October 2019 Commission Recommendation establishing a common ‘Practical Handbook for Border Guards’.](#)

54 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013, Article 16 Follow-up and monitoring.](#)

action plans and reports on their implementation by each Schengen state. Each action plan has to be presented to the Commission and to the Council (Council Secretariat) within three months of the recommendation being adopted by the Council. Reporting has to take place within six months of the adoption and then every three months until the action plan has been fully implemented.⁵⁵ Depending on the seriousness of deficiencies, revisits may be organised.

3.4.2 Role of the Commission and the Schengen Committee

The Commission, assisted by the Schengen Committee, has drawn up the Schengen Questionnaire, which under the new mechanism is more extensive than ever, and certainly more challenging to reply to. In the 2016 version of the questionnaire, there were approximately 400 questions. In the case of Norway's response in 2016, this document – questions and answers, fills 265 pages.

The draft evaluation reports are prepared by the evaluation teams themselves and each draft is finalised by the Commission, following dialogue with the country evaluated. Before finalisation, inter-service consultations take place within the Commission, allowing for an inter-disciplinary approach to the report's contents.

Finalised draft reports are submitted to all Schengen and EU Member States. The finalised drafts are then presented by the Commission in meetings of the Schengen Committee and discussed there. All members of the Committee may comment on the reports. The Committee gives its '*opinion*' on the report, decided by a vote. Provided the opinion is '*positive*', the formal adoption by the Commission follows in a *Commission implementing act*.

The draft recommendations '*addressing the deficiencies identified*' are also drawn up by the evaluation teams and elaborated by the Commission, again in dialogue with the country in question. They are subsequently taken to

⁵⁵ [Council Regulation \(EU\) No 1053/2013 of 7 October 2013, Article 16.3.](#)

the Schengen Committee as information items, and then forwarded to the Council for adoption via the Council Working Party on Schengen Matters (Schengen evaluation) (SCH-EVAL). Here, they may be amended, on the basis of interventions from Schengen and EU Member States, including the country evaluated. This is where peer evaluation comes into play in the Council part of the process. The recommendations, having been approved by SCH-EVAL, also pass through Coreper before adoption by the Council.

The first step in the follow-up procedure is the presentation by the evaluated country of action plans to remedy deficiencies – one action plan for each area of evaluation.

The Commission draws up a Communication to the Council with an assessment of each action plan. The assessment concludes with requirements for follow-up reports to be presented within fixed deadlines. A major requirement is that reports should be made until **every single area or topic** marked as a deficiency in the recommendations has been remedied. The Commission may also request the evaluated country to amend its action plans, in order to adequately address its deficiencies.⁵⁶

In addition to the formal procedure for action plans, assessments and follow-up reports, informal dialogue may take place between the Commission and the evaluated Member State.

When the Commission is fully satisfied that everything in the action plan for each evaluation area has been done, a formal announcement is made by the Commission on the closure of the evaluation in that area. The announcement is made verbally in a SCH-EVAL meeting and noted in the outcome of proceedings.⁵⁷

56 An assessment normally concludes like this: '*NN (the country) is requested to report and provide the necessary information to the Commission on ongoing actions and those where additional information or clarification is needed, in the first follow-up report to be provided after the adoption of this Communication and thereafter to continue to report (every 3 months) until the action plan is fully implemented.*'

57 An announcement on the closure normally concludes like this: '*The Commission considers all the actions to have been carried out.*'

3.4.3 Role of the Council Working Party and Member States

The Council Working Party on Schengen Matters (Schengen evaluation) (SCH-EVAL) discuss the Commission's draft recommendations, may amend the draft and then pass the proposal on to the Council for adoption, via Coreper.

The Working Party is also the Council forum where each evaluated country presents its action plan for comment by other Member States. This is another feature of peer evaluation. However, the Regulation does not require presentations and discussion in a meeting. In some cases – depending on the frequency of Working Party meetings – the Member States are invited to comment in writing within a set time.⁵⁸

Following the Commission's assessment of the action plan, the Working Party may discuss the plan at a meeting, taking the assessment into account. The assessment and subsequent discussion may lead to revision or improvement of the action plan by the evaluated country. The assessment and outcome of discussion may also be addressed in follow-up reports.⁵⁹

3.4.4 Role of the Council

The Council (Justice and Home Affairs Council of the EU) continues to bear full responsibility for the adoption of the recommendations for remedial action designed to address deficiencies. The most important element of peer evaluation originating from the old mechanism has thus been preserved. The Council's role is to strengthen mutual trust, ensure better coordination at the European level and reinforce peer pressure and solidarity.⁶⁰

The Council's role is also to take account of the politically sensitive nature of recommendations made by a European Union body to a Member State.

58 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013, Article 16.2](#) states that Member States shall be invited to comment on the evaluated country's action plan.

59 Conversations with NPD officials (No 1 and 4).

60 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013, recital 11](#).

3.4.5 New procedures in practice – from 2015

Evaluation visits and reporting have remained largely unchanged in their practical aspects. Unannounced evaluations, based on risk analysis, have become common. The Commission draws up an annual programme for such evaluations. This is, of course, not communicated to the Schengen states.

The new follow-up procedures have made this stage of evaluation much more important than before. Close monitoring of how recommendations are being dealt with by the evaluated country, has become the order of the day.

Report writing has been modified, in the sense that positive findings are not described in detail; the emphasis is on deficiencies – areas where improvements are necessary. The aim is to shorten reports, to make them more concise and facilitate follow-up.

Reports may appear to be one-sided, but this is merely a question of utility. The focus is more on improvement than on describing the total situation.

Schengen evaluation has long been linked to EU funding for the improvement of external border control – previously known as the External Borders Fund, now as the Internal Security Fund (ISF). Schengen states apply for funding, to remedy deficiencies revealed by evaluations, or to prepare for upcoming evaluations. In Norway's most recent national programme for funding under the ISF, this link is evident. It emphasises *inter alia* the need to improve education and training in border control, pointing to the Schengen evaluation of Norway in 2011-2012.⁶¹ The programme refers explicitly to the Norwegian follow-up reports describing the areas where improvements are needed.)

A general description of the new mechanism and its preliminary results has been provided by the Commission in its COMMUNICATION of 27 September 2017 to the European Parliament and the Council on preserving and strengthening Schengen.

61 [Norway: National Programme Internal Security Fund 2014 – 2020](#). Approved by the Commission on 27 September 2017.

The experience of Schengen evaluators under the new mechanism was the subject of a study by Joosep Kaasik of Estonia in 2017.⁶² In this study 18 evaluators in the field of police cooperation were interviewed. Their general assessment was that the new mechanism worked in a satisfactory way. The changes from the old mechanism were mostly seen as good – by those who could make a comparison. The new system was judged to be generally more effective than the old one. As important elements were emphasised a clearer structure of recommended actions and of reporting, a more neutral approach with the Commission in the lead, the involvement of EU agencies in the evaluation process and unannounced visits – all of which contribute to higher credibility of the results.

A number of practical steps to improve the mechanism were, however, suggested. These dealt with the implementation of the mechanism, not with its substance. Suggestions comprised *inter alia* improvements to the planning of the programmes and resources, exchange of information, training of evaluators, establishment of a pool of experts and better monitoring of follow-up actions in the evaluated Schengen country. No changes were proposed to the basic tenets of Schengen evaluation. One interesting idea was to create an Evaluators' Information Exchange Platform – to discuss and exchange experiences among evaluators. The need to shorten the bureaucratic procedure in the follow-up phase was also emphasised.

In Kaasik's study, evaluators he interviewed pointed to the internal preparations of the evaluated country as one of the most important outcomes of Schengen evaluation.

3.4.5.1 Expected effects on professionalism and learning

The procedures of the new evaluation mechanism will undoubtedly have an impact on police and border guard professionalism. The demands on the evaluated countries and their representatives – at all levels – have been considerably increased by the stricter measures adopted. It remains an

62 Joosep Kaasik, 'The Schengen Evaluation Mechanism: Exploring the Views of Experts in the Field of Police Cooperation' (Master's thesis, CEPOL, 2017).

interesting challenge to try to assess this impact, for while the intentions are clear, the results require investigation.

Schengen evaluation training has been expanded to include evaluators in the field of return, as of April 2017, in close cooperation with Frontex.

With the new mechanism implemented – and tested in practice on a number of countries in 2015 and 2016 – everything was in place for the evaluation of Norway in 2017.

3.4.6 Evaluation of the new mechanism

An evaluation of the new Schengen Evaluation and Monitoring Mechanism (SEMM) started in the second semester of 2019. It follows from the 2013 Regulation (Article 22) that the Commission is responsible for reviewing the operation of the Regulation by the end of the first multiannual evaluation programme – that is, by 31 December 2019. The deadline for the Commission's report to the Council is due within six months of the adoption of all evaluation reports regarding evaluations covered by this first programme.

Before taking over the Council Presidency on 1 July 2019, the incoming Finnish Presidency announced it would support the Commission in preparing an assessment of the functioning of the current SEMM – 'an evaluation of evaluation'.⁶³

The process of evaluating Schengen evaluation gained momentum during the second semester of 2019. The Finnish Presidency prepared a questionnaire to elicit Schengen States' views of their experience of the new mechanism. The deadline for replies was 18 September. Thereafter the Presidency prepared an analysis of the replies and other contributions from Member States and Schengen Associated Countries.⁶⁴

63 [Priorities of the incoming Finnish Presidency](#) – Council Doc. WK 7374/2019 LIMITE 14 June 2019, presented at the meeting of the Working Party for Schengen Matters (Schengen evaluation) on 12 June 2019.

64 [Council Doc. 13244/2/19 REV 2 LIMITED of 11 November 2019. Functioning of the Schengen evaluation mechanism.](#)

The Finnish Presidency also initiated Draft Council Conclusions on the subject, which were intended to support the Commission in its review of the 2013 Regulation, to raise awareness of the importance of a robust Schengen evaluation and monitoring mechanism. The draft was discussed at the SCH-EVAL meeting on 10 October and subsequently revised. There was further discussion in the meeting forum of Justice and Home Affairs Counsellors and in Coreper on 13 November. Consensus was not reached. Some Member States were in favour of extending the SEMM mandate to address secondary migrant and asylum seeker movements across Schengen internal borders, whereas others objected. As a result, the Presidency withdrew its proposal.⁶⁵

Comment by SU: This debate brings Schengen evaluation into the turmoil of European Union politics, caused by persistent irregular migration into the Schengen area. The so-called secondary movements across internal Schengen borders, by irregular migrants who were not registered on entering Schengen, constitute a serious challenge to the functioning of the Schengen area. Closely linked to this challenge is that of sharing the burden of asylum seekers between the Schengen front-line states and those exposed to secondary movements.

Internal movements by irregular migrants and also by EEA citizens posing a terrorist threat, have led to the reintroduction of internal border control on several internal borders, including Norwegian ones. Such controls chip away at the free travel area, which is central to Schengen cooperation, and is indeed its principal purpose. It is outside the frame of this study to delve further into this complex issue, but it will no doubt affect future Schengen evaluation legislation.

By the end of this study (31 December 2019) there had been no new developments in this delicate process. The Commission is expected to deliver its review report to the Council in the second semester of 2020, as there are still evaluation reports covered by the first programme, awaiting adoption.

⁶⁵ [Council Doc. 13873/19 LIMITED of 11 November 2019. Draft Council Conclusions on the functioning of the Schengen evaluation and monitoring mechanism.](#)

Functioning of the Schengen Evaluation mechanism⁶⁶ – Views of Member States on the first multiannual evaluation cycle – Analysis of replies to the Presidency questionnaire.⁶⁷

The analysis was approved by the Council in its meeting on 2 December 2019, with such conclusion: The Council invited the Commission to take due account of the views of the Member States on the functioning of the Schengen evaluation and monitoring mechanism.⁶⁸

Excerpt from the analysis:

The Schengen states responding to the Presidency questionnaire emphasised that the current SEMM is in general well established and has several strong elements – *inter alia* the dual leadership of the Commission and Member States and the spirit of peer review. The level of professionalism in the field work carried out by the specifically trained on-site teams is highly appreciated. Coordination of the evaluation process by the Commission is also functioning well.

However, it is also clear that Member States consider current procedures after the on-site visits too time-consuming to guarantee the efficiency needed for a strong follow-up procedure. This was considered a deficiency in the mechanism, and in need of strong improvement. It was also clear that one core aim of the mechanism – strong follow-up – has not been sufficiently achieved under the current mechanism. Finding of serious deficiencies should be addressed without delay. The procedure should be sped up.

Several ideas were put forward by the respondents to improve the evaluation mechanism, as demonstrated in the following excerpt from a presentation by the Finnish Presidency at the meeting of the Visa Working Party on 4 December 2019:⁶⁹

66 [Council Regulation \(EU\) No 1053/2013 of 7 October 2013](#).

67 [Council Doc. 13244/2/19 REV 2](#), LIMITED.

68 [Council Doc. 13244/2/19 REV 2](#), LIMITED.

69 Council Doc. WK 13985/2019 REV 1 LIMITED

Need for improvement of the implementation of the mechanism (within the current legal framework):

- Identified deficiencies (of the Schengen system) not sufficiently communicated to political level (the Council).
- The Commission's annual report describing the functioning of Schengen is lacking.
- Well functioning training system available only for external borders and return experts (e.g. for visa no EU-level training)
- Unannounced visits should be used in a more prompt and flexible way.
- Best practices identified in evaluations should be compiled in one document.
- Recommendations to be shared with evaluated MS immediately.

Need for possible changes to the current legal framework:

- Core parts of the evaluation process are too lengthy (adoption of reports, of recommendations, assessments of action plans etc.)
- Recommendations do not set clear deadlines for implementation.
- Content of the recommendations should be developed. More consistency across visits and policy fields.
- Follow-up does not guarantee effective implementation. (Action plans and follow-up reports are not prepared in a uniform way.)
- Assessment of the adequacy of the action plan should be submitted in a timely manner.
- Follow-up reports should be consolidated (compendium).
- SEMM should better reflect development of the Schengen acquis.
- Current planning system does not make it possible for MS to select/nominate experts well in advance. (Consider permanent pool of Member State experts etc. to prevent shortage of experts.)

3.5 Summing up: Nature of Schengen evaluation

To sum up how Schengen evaluation of a Schengen country works:

- 1) Elaborate preparatory stage, collecting answers to the wide-ranging Schengen Questionnaire, with broad inter-agency involvement.
- 2) Solid preparation for evaluation visits, refreshing knowledge, updating routines etc.
- 3) Scrutiny of the workplace during the visit, detailed questions to personnel, checking of knowledge of Schengen *acquis*, of the extent of compliance, and of skills to handle equipment and systems etc.
- 4) Reporting, detailed, and in blunt language, disclosing deficiencies.
- 5) Concrete demands for adequate follow-up, time limits etc. Schengen countries being evaluated must deliver comprehensive follow-up reports until all recommendations are carried out.
- 6) Continuous monitoring and action taken if deemed necessary, such as a revisit.
- 7) Evaluation cycle without gaps: a continuous process – circular rather than linear – Questionnaire – evaluation visits – evaluation reports – recommendations to remedy deficiencies – action plans – assessment – reporting on progress. And then: Prepare for the next round.
- 7) Increasing synergy effects due to the trend to integrate Schengen evaluation with other elements of EU policy regarding borders and internal security: Frontex, Europol, Internal Security Fund, Fundamental Rights Agency. Integrated risk analyses form an important guiding factor for Schengen evaluation.
- 8) A strong element of competition between the Schengen Countries. All countries want ‘good grades’, and strive to get them. There is thus peer pressure in addition to peer evaluation.

9) In Schengen evaluation the important decisions are taken at a high European Union level – the Council. In fact, however, the recommendations on remedying deficiencies and taking action are decided at a low level, by the joint expert evaluation teams of Commission and Member States representatives. The bodies operating between these levels, the Schengen Committee, the Commission (internal procedure), the SCH-EVAL Working Party and Coreper, only introduce slight modifications or carry out the last formal check (Coreper) before the proposed recommendations come before the Council.

Evaluation is also a tool for measuring the level of active participation in Schengen cooperation by each Schengen country being evaluated. The use of Schengen instruments (SIS etc.), for example, and the level of participation in Schengen training and in Frontex operations, are always recorded and reported on.

Schengen evaluation is a complex exercise involving mutual inspection and assessment, using a large number of common regulations and standards, supervised at the supra-national level of the European Union (the Commission and Council jointly), and backed up by non-penal sanctions and interventions.

Schengen evaluation is a continuous process. There is virtually no interval between the follow-up procedures and the start of preparations for the next evaluation. Formally, the evaluation process is closed once every item in the action plan has been carried out. This is announced to the Schengen state by the Commission in a SCH-EVAL meeting. In reality, however, it gives the state no time to sit back. Improvements have to continue in preparation for the next evaluation, due in only two or three years.

This study attempts to examine the effects of this system on professional standards in European border control and police cooperation, using Norway as an example. The whole time span will be looked at – from the introduction of the first evaluation mechanism in 1998 up to the present.

The development of Schengen evaluation, described above, underpins the main hypothesis of the study. However, evidence of its impact must be shown, by applying the methods designed for the study, in order to prove its effectiveness.

3.6 Norwegian Schengen evaluators

From the very start of their participation in Schengen, the Associated Countries (SACs) had the right to nominate police and border guards for evaluation visit duty. Even prior to that, Norwegian police officers took part in Schengen evaluation visits in order to gain an insight into Schengen requirements – as part of implementation preparations (in 2000).

The National Police Directorate of Norway soon realised that several benefits could be derived from such participation: increased learning and better skills from studying other countries; better preparation for Norway's evaluation and for training colleagues at the national level. In addition, it was important for Norway to demonstrate that, at the operational level, an associated Schengen country was on equal footing with the EU Member States.

Norway has participated regularly in Schengen evaluation visits since the early 2000s. A pool of Schengen evaluators was established, comprising experts in all areas of evaluation, including visa and data protection. Schengen evaluation training courses have been extensively utilised to build up and renew the pool.

The National Police Directorate, NCIS, the National Police ICT Services, the National Police Immigration Service and several police districts with important external borders have members that belong to this pool. The Data Protection Authority, the Ministry of Foreign Affairs and the Norwegian Directorate of Immigration cover their respective areas – data protection and visa.

The pool still continues to be widely used under the new evaluation mechanism. For example, in 2010, 13 evaluators took part. In 2015 – 2016 – under

the new mechanism – 18 evaluators took part. By the summer of 2018, the pool of evaluators consisted of 32 experts, including representatives of the Data Protection Authority, the Ministry of Foreign Affairs and the Directorate of Immigration. In 2019 the number was 31.

An evaluator often participates in two or more evaluations. Several evaluators have built up considerable personal experience and learning effect,⁷⁰ as is described by numerous interviewees: *‘Our evaluators are incredibly important! We try to get as many as possible on the training courses and participate in as many evaluations as our capacity allows’ (No 1)*. *‘I personally have learnt a lot from participating in evaluations. You get a clear understanding of what is required and expected – what standard to aim at. And you make many personal contacts. We learn about good solutions from each other. We also see that we are not alone in having deficiencies’ (No 3)*. *‘I have participated in land border evaluations. I learned an enormous amount’ (No 11)*. *‘Experience as a Schengen evaluator gives you more self-confidence when you attend international meetings as a Norwegian delegate’ (No 16)*.

3.7 Norwegian delegates to Schengen fora

As a Schengen Associated Country (SAC), Norway participates in all Schengen fora within the Council structure of the EU. The most important of these for this study is the Council Working Party for Schengen Matters, which appears in the format of Schengen Evaluation, SIS/SIRENE or Schengen *Acquis*. The Working Party on Frontiers is also very important, dealing with legislation concerning borders and also Frontex matters. Other Justice and Home Affairs Council working groups may sometimes deal with Schengen matters, and the SACs attend those parts of the meetings.⁷¹

Within the Commission structure, SACs participate in committees dealing with Schengen matters, under the comitology arrangements. Within

⁷⁰ Interviews No 1, 2, 3, 6, 9, 11, 12, and 16.

⁷¹ On the migration and visa side there are other Schengen-relevant working parties. They fall outside the scope of this study, as the police do not participate.

Frontex, SACs participate in expert working groups and in the Management Board, since Frontex is always regarded as part of Schengen cooperation.

Participation in Schengen fora has given the Norwegian police broad knowledge of how Schengen evaluation and other Schengen areas of cooperation work in practice.⁷² The accounts offered by these two interviewees are telling: *'We have brought home a lot from participating in Schengen fora' (No 1). 'In Schengen fora we could have informal discussions with Nordic colleagues whose countries had already been evaluated. This was very useful!' (No 4).*

72 Interviews No 1, 4, 6, and 20.

4 SCHENGEN EVALUATION OF NORWAY

This part of the study will deal with all four evaluations of Norway – starting with the accession evaluation in 2000, then the 2005 and 2011-2012 evaluations, and finally the 2017 evaluation.

In line with the purpose of the study, the focus will be mainly on the training and professional standards of police considered to have been influenced by the evaluations. Influence may have been direct or indirect: direct, when police training is improved as a consequence of the evaluation, indirect when, for instance, new working methods or new equipment are introduced, raising professional standards. It would, however, go beyond the scope of the study to fully examine the implications of better equipment and more sophisticated IT-systems. Schengen evaluation is only one element in such improvements.

Also beyond our scope is an analysis of the full effects of complex new systems, such as EUROSUR, or a full assessment of the importance of reliable statistics. EUROSUR and statistics are often topics for Schengen evaluation. Both are significant when answering the Schengen Questionnaire and evaluation teams always request EUROSUR statistics and other compiled information relevant to the particular area of evaluation, such as numbers of border crossings, detentions at the border, SIS statistics and recorded exchanges of information with other Schengen States. If statistics are missing or ambiguous or if gaps are found, the evaluation report will criticise this.

However, EUROSUR and statistics are not good indicators of improved professionalism resulting from the evaluation itself. This is mainly due to their complexity and the many technical aspects involved. EUROSUR and statistics are determined by many other factors than Schengen evaluation. The main ones for EUROSUR are the technical requirements involved in order to be connected to the system, while for statistics, the key factor is the sheer necessity of collecting and providing them. Schengen evaluation

plays a secondary role for both of them. On the other hand, proper use of EUROSUR for analytical or operational purposes could be a point of interest – or criticism – in an evaluation report. The same goes for the proper interpretation and use of statistics for operational planning.

4.1 Evaluation 2000 – 2001

4.1.1 Preparations

Passing this initial evaluation was a condition for accession to the Schengen area and Schengen cooperation in all its aspects. The five Nordic countries lined up to be tested together to make a simultaneous entry into Schengen possible. A high-level Nordic steering committee was set up in 1998 to oversee preparations in the five countries. Project managers and experts formed networks to make joint checks on progress. The same evaluation teams were to visit all five countries, and coordination was indispensable. There was certainly an element of competition present, although everyone knew that if one country failed the test in just one area, all the others would have to postpone their entry into Schengen too. The situation provided a favourable climate for the transfer of knowledge and best practice. In the area of SIS/SIRENE, where Schengen requirements were most stringent, it was especially vital to compare notes.⁷³

During the preparatory phase a comprehensive training programme had been launched to prepare for the implementation of the Schengen Information System (SIS) and other Schengen cooperation tools, in particular the SIRENE office. The Norwegian police knew full well they had to be seen to be capable of using all Schengen instruments. The impending evaluation was a powerful motivating factor.

Never before had so many police officers and other police employees received training in international police cooperation. An estimated 7,500 police employees, more than half the total number in the country, received

73 Interviews 1, 17, 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

Schengen training of some kind, mainly in the use of SIS and application of Schengen rules relevant to border control and cross-border police cooperation.

Another preparatory measure prior to the evaluation was the establishment of an important national network of key personnel (1999), which was divided into two functional categories:

- 1) Schengen **contact officers** – one for each of the 54 police districts.
- 2) Schengen **instructors** – at least one for each police district. The first three-week train-the-trainers course for them was conducted in March 2000.

A considerable improvement in the police's professional standards resulted from inter-agency cooperation during the preparatory stage before accession to Schengen (1999 – 2001). In 'the Schengen Implementation Project', all government agencies involved in border control and/or immigration, participated in 10 working groups – more than 80 people. This had a significant learning effect and facilitated future inter-agency cooperation.⁷⁴

In the history of the police there had never been such comprehensive inter-agency cooperation and it was triggered by the upcoming evaluation.

On the Norwegian side the evaluation itself was planned and administered by the Ministry of Justice and Police. The National Police Directorate had not yet been established. It was set up in 2001.

4.1.2 Scope and sites visited

The joint evaluation of the five Nordic countries began in spring 2000. For each evaluation area there was a team of experts (a survey group), who visited all five countries.

The first areas to be evaluated were data protection (March) and police cooperation (April).

74 Interviews 2015/16 for the report 'Norsk politi i Schengen'.

The police cooperation report⁷⁵ has a chapter on issues common to the Nordic countries and then a separate chapter for each country. Only one day was spent visiting each country, and this of course had an impact on the thoroughness of the inspection.

In Norway, a joint session was held in Oslo with Norwegian representatives, including the National Criminal Investigation Service (NCIS) and the Oslo Police District. Thereafter, the Halden Police District (and BCP on the border with Sweden) was visited to assess bilateral police cooperation.

In May 2000 the Council concluded that requirements in these two evaluation areas (data protection and police cooperation) had been fulfilled in all the Nordic countries. No measures needing to be taken were mentioned – it was simply stated that ‘the Nordic States were preparing adequately for full application of Schengen’. The Council confirmed the political objective of reaching, before the end of 2000, a decision on full implementation of the Schengen *acquis* in the Nordic States from March 25 2001.⁷⁶

The external border evaluations of the Nordic countries were scheduled for September 2000, under the French Presidency. A visiting commission supervised the process, employing three sub-commissions of experts – one for each type of border: sea, land and air. The evaluation visits – to 24 sites – took place between 10 and 24 September. Most lasted only one day, none more than two. The reports were collected into a single text.

The report on external borders⁷⁷ runs to 183 pages. It has a separate part for each Nordic country, with sub-sections for sea, land and air. A summary of recommendations concludes each part.

In Norway, the border sites visited by the sub-commissions were – in chronological order: Bergen Airport Flesland, Oslo Airport Gardermoen, the land border with Russia. The sea border sites visited were the ports of Stavanger and Bergen.

75 [Council Doc. ST 8111/1/00 REV 1 LIMITED. Schengen evaluation of the Nordic Countries – Police Cooperation.](#)

76 Mixed Committee Conclusions in Meeting of the Council 29 May 2000.

77 [Council Doc. ST 12059/00 LIMITED. Evaluation of control and surveillance at Nordic States' external borders.](#)

The SIS/SIRENE evaluation visit took place in January 2001, also under French chairmanship. The sites visited were the Norwegian Police Data Processing Service for the N.SIS, and the NCIS for the SIRENE Bureau. There were also visits to the users of SIS: Follo Police District, Troms Police District, Oslo Airport (in Romerike Police District) and a brief one to a police station in Oslo Police District.

The SIS/SIRENE evaluation report⁷⁸ was drafted as a separate report for Norway.

The recommendations contained in evaluation reports dealt primarily with airport and seaport infrastructure. It was deemed indispensable for these to be carried out before the lifting of internal border control.⁷⁹ This point is clearly articulated by one interviewee, who says: *'I served as liaison officer for the evaluation visits to the borders. Especially at airports, the physical separation of passenger flows – Schengen and non-Schengen was a big issue. The separation had to be water-tight to ensure documents could not be passed from one flow to the other. This required rebuilding of walls, doors etc.'* (No 20).

Time was of the essence. The sooner evaluation reports could be produced, the more time there would be for construction work on border crossing point infrastructure. Information technology issues were also crucial, especially checks on the functionality of SIS. As a result, there was not much focus on training and professionalism, which would have required more in-depth examination of police personnel at the sites visited and more detailed reporting.

In December 2000 the Council adopted a Decision declaring that all Nordic countries fulfilled the requirements for accession to the Schengen area, and that a date for lifting internal border controls could be set. Some infrastructure still needed to be improved. A major point was to ensure watertight separation of Schengen and non-Schengen passenger flows at

78 [Council Doc. ST 6133/01. Draft report on the SIS evaluation visit to Norway.](#)

79 Interview No 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

airports. Weaknesses in this regard had been observed and reported by the evaluation team in all the Nordic countries. However, construction plans were quickly prepared, and the Council trusted that the work would be carried out by the date set for the lifting of internal border control – 25 March 2001. The SIS/SIRENE evaluations remained to be conducted.⁸⁰ The Council left open the option of taking a decision to postpone the date, if the remaining evaluation visits/revisits revealed that all requirements had not been fulfilled in one or more Nordic countries. This option was never exercised.

4.1.3 Council Decision: Recommendations

The Council Decision of December 2000 did not divulge any details on the findings of the evaluation teams as endorsed by SCH-EVAL. The Decision aimed to set a date for the lifting of internal border controls – simultaneously for the five Nordic countries. Thus it was considered sufficient to state that ‘the conditions...had been fulfilled’, and – with regard to external borders – that evaluation visits had ‘revealed that a positive record of progress achieved could be drawn up.’ Given the fact that all Nordic countries were included in the Council Decision, it was probably not regarded as feasible to give detailed recommendations for each country.

The Decision did not contain recommendations for any of the five countries, but concluded that it was necessary to conduct further evaluation visits to ports and airports (infrastructure), and to carry out visits to all Nordic countries to evaluate the functioning of SIS, before controls at internal borders were lifted.

4.1.4 Follow-up

4.1.4.1 Procedures

The follow-up measures were primarily to prepare for the revisits to ports and airports to inspect infrastructure. These additional evaluation visits

⁸⁰ [Council Decision 2000/777 EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland, and Sweden, and in Iceland and Norway.](#)

took place in all Nordic countries in early February 2001. Two teams were dispatched – one for the seaports of Norway and Denmark and one for all the Nordic airports. Both teams were chaired by French experts, as before. A joint evaluation report was ready on 12 February, concluding that all sites visited had achieved an acceptable infrastructure standard or would meet Schengen standards and requirements by 25 March, provided there were no delays in the construction work.⁸¹

As for the upcoming SIS/SIRENE evaluation, user skills, technology, security, data protection, user interface and other functionality issues, together with user friendliness, were to be scrutinised. There was still room for a last effort to train and test the personnel involved, and it was well used. The Nordic countries cooperated closely to prepare for the SIS/SIRENE evaluation visits – learning from each other and finding best practice. They all passed the test without difficulty.

After the SIS/SIRENE evaluation of the Nordic countries and the revisits to ports and airports had been conducted to the satisfaction of Schengen evaluation authorities, the Council was invited to take note of the situation and thus keep 25 March as the date on which the Nordic countries would become part of the Schengen area – the date for the lifting of internal border control and full implementation of the Schengen *acquis*.⁸²

On 26 February 2001 the Council took note, which meant the Nordic countries were considered capable of fully implementing the Schengen *acquis*.

Follow-up reports after the date of entry were not required.

81 [Council Doc. ST 6178/01 LIMITED. Additional evaluation visits in the two Danish and the two Norwegian seaports and at the airports of the five Nordic States.](#)

82 [Council Doc. 6229/01 LIMITED Application of the Schengen acquis in the Nordic countries.](#)

4.1.4.2 Focus on changes in police training and methods

As regards training and professional standards, follow-up measures had to be determined on the exact basis of the evaluation reports and their adoption in SCH-EVAL.

However, the aim of the evaluation was to examine and evaluate the preparation undertaken by the Nordic countries to get ready to join Schengen – a so-called ‘first mandate’ evaluation. For this reason, the reports dealt mainly with organisation, infrastructure, equipment and technology, legal issues, formal agreements between national authorities and with foreign countries (Schengen and non-Schengen), readiness to formally implement the Schengen Convention, the system of liaison officers, and so forth. There is little attention to training, and few interviews with officers working on the ground.

The police cooperation report makes no reference to findings relating to training and professionalism. These areas were simply not on the agenda.

The external borders report has a sharp focus on infrastructure and equipment; in it deficiencies were recorded in all five countries. It is a thorough report, giving Norway a number of tasks to perform to improve conditions in these areas to meet Schengen requirements. Procedures for border checks were also scrutinised, together with relevant legislation, formal instructions to the police and so forth.

There was little attention to training and level of knowledge. The reason for this is given in the report itself – the *General conclusions and recommendations* say: ‘*The training of the personnel could not yet be evaluated, as it has just started.*’ The sea border and air border parts of the report describe in general terms the Schengen-related training programmes being conducted at the time of the inspection and refer to the appointment and training of Schengen instructors (See above **4.1.1 Preparations**).

One item is worth noticing: in the *General conclusions and recommendations for Norwegian external borders*, the report calls for a minimum standard

of training at national level for civilian passport controllers (non-police employees). This resulted from the finding that, at Oslo Airport Gardermoen, such employees were given a nine-week course, and the employment of civilians for passport control was being considered at other airports. This recommendation marks the first time in the history of Schengen evaluation of Norway that a specific kind of training was recommended. However, in its comments on the report, Norway did not address this issue. Subsequently the Gardermoen nine-week course was indeed offered to all civilian employees hired to carry out passport control, and this is still the case. The course is not compulsory, however.

The sea border section of the revisit report of 12 February 2001 contains a brief paragraph on training, noting the amount given to police personnel assigned to tasks related to immigration and Schengen regulations. No critical remarks were attached.

The SIS/SIRENE evaluation report presented an overview of training undertaken in preparation for the implementation of SIS, and future training planned (See above **4.1.1 Preparations**).

This report differed substantially from the other evaluation reports, in that a number of police officers and civilian employees performing basic SIS functions were interviewed by the survey group on the spot and their skills were tested. More time was available at each site than during the other evaluations. The evaluation went on for three days.

While inspecting the SIRENE office at NCIS, the survey group obtained information on the recruitment and training of SIRENE personnel. The survey group made no comment, evidently finding the amount of training sufficient.

No general assessment of the situation for users in the police districts could take place, as only three police districts out of 54 had been visited, in addition to Oslo International Airport.⁸³

83 Interviews at Kripos 4 November 2015 for the report 'Norsk politi | Schengen'.

The report said in its conclusions that ‘staff were well trained’. No further measures were recommended, with one important exception: in the final paragraph, the survey group summarised its impressions, *‘Throughout the visit, it appeared that the SIS is mainly considered as a tool to be used for border control and police checks made on foreigners.... Therefore, the survey group is of the opinion that this issue should be addressed in future training courses and could be solved by promoting a combined query of the national and SIS databases.’*

This was indeed prescient advice, pointing to something that remains a live issue. It has reappeared in every evaluation and follow-up: the need to ensure that the SIS is understood and utilised as an important, all-round tool in all kinds of police work.

The focus in the follow-up period was mainly on the use of the SIS in all fields of police work. The challenge was to make thousands of police officers familiar with this new tool in their daily work. The number of end users was estimated at 10,000, according to the SIS/SIRENE evaluation report. In this endeavour, compared with many other Schengen countries, Norway possessed a significant advantage: all end users belonged to the same organisation – the National Police Service. In most Schengen countries, police end users and border guards belong to different organisations.

Training was the responsibility of each police district, and was given by Schengen instructors who had received trainers’ training at the National Police University College during the implementation period. SIS was promoted as a highly effective tool, with multiple uses in the field, whether for patrol duty, investigation or control of aliens and borders. The importance of using SIS effectively was highlighted in the 2002 annual communication of budget, priorities and instructions by the NPD to each police district and special agency (*Disponeringskriv*).

However, there was some ambivalence: some police leaders tended to view the system more as an imposed duty rather than a new window of opportunity for enhanced professionalism.⁸⁴

For sea border checks on commercial shipping and cruise ships a system of administrative control was accepted as sufficient, given the low risk of illegal entry. Crews and passengers would be checked against SIS, using lists sent from the ship's captain to the police authorities. Physical checks of passports or people would rarely take place. This light-touch approach to border checks would continue for years to come. As a result, there was little development of knowledge, skills and methods in ports other than ferry ports.

4.1.5 Summary of the 2000-2001 evaluation and commentary

The impact of the 2000-2001 evaluation on professional development was felt primarily in the preparatory phase, which began in 1998. The Schengen Implementation Project was the major factor at the national level, while the sites selected for evaluation visits carried out intensive preparations to meet the challenge.

However, since no clear-cut recommendations resulted from the Council Decision, or from the evaluation reports, the follow-up measures were not backed up by a formal decision at the highest level.

Another weakening factor was the lack of follow-up procedures that were adopted and tested and which necessitated sustained reporting, with feedback sequences. Schengen evaluation was still in its infancy. Greece was the only precedent, and was a very different case. The Nordic countries were therefore not obliged to report on progress or follow-up to recommendations.

The only tangible feedback given to the Nordic countries was the evaluation reports themselves. The focus of these reports, however, was less

84 Interview No 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

on knowledge, skills and training, and more on infrastructure, technical issues, and above all the functionality of SIS/SIRENE. The main concern was to check the requirements for lifting border controls, not to provide encouragement for continued professional progress,⁸⁵ a view shared by this interviewee: *'What happened was: we were approved!' (No 1)*.

What did help professional development was that all the Nordic countries were in the same boat – 'all for one and one for all'. Their common situation with regard to Schengen required solidarity and discipline, which fostered effective cooperation and mutual learning throughout the preparatory phase. There was an element of healthy competition – no country wanted to be guilty of postponing the set entry date.

The follow-up period after March 2001 saw no structured planning to improve and enhance professional use of the Schengen instruments and to develop skills and working methods to abide by the Schengen *acquis*. However, in the area of SIS/SIRENE there were continued efforts in training and encouragement of its use, with the NCIS taking the lead.

In many areas of border control and border management 'soft law' still dominated, and the argument 'it is not binding' could be used to postpone or reduce efforts. The learning potential of evaluation was not fully exploited. The sigh of relief when the initial test was passed, was followed by a rather relaxed period. There was no dynamic approach to Schengen cooperation, although it is not correct to say that Schengen 'was left for dead'.⁸⁶

The change of government in October 2001 may have had a part in the slowdown. Schengen was not high on the agenda of the coalition government in office between 2001 and 2005.

During the months following entry into Schengen, the police administration in Norway was re-organised: the National Police Directorate was established and took over a number of tasks from the Ministry of Justice and Police. Efforts were concentrated on getting the new directorate up

85 Interview No 1, 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

86 Interviews No 1, 17, 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

and running. This may account for the lack of a solid plan to follow up on the Schengen evaluation.

Nonetheless, Norway did play a part in the preparation for entry into Schengen of the New Member States of 2004. The Norwegian Ministry of Foreign Affairs provided funding for ministry officials and police officers to inform representatives of New Member States (NMS) about Schengen requirements, and about what to expect during Schengen evaluation. Meetings were held in Norway and in the NMS (CZ, EE, HU, LT, LV, PL, SK, SI). The aim was to help the NMS with their preparations, by drawing on Norway's recent experience. It was important for Norway's foreign policy to act as a Schengen state – on an equal footing with EU Member States.

Similar preparatory meetings were subsequently held with representatives of Switzerland – another non-EU Member State aspiring to enter Schengen. The Swiss were keen to learn about the Nordic experience.

4.2 Evaluation 2005

4.2.1 Preparations

The 2005 evaluation was planned and administered by the International Section of the National Police Directorate (NPD), and was part of normal business. It revealed that Norway was not as prepared as it could and should have been. Time had been lost.

Preparations merely consisted of selecting sites for evaluation visits, setting up the schedule and organising the logistics. There was no concerted effort to identify weaknesses and correct them in a timely way. The deficiencies identified in the 2000-2001 evaluation had been corrected – as a pre-condition for joining Schengen. No further national assessment of the situation, measured against Schengen standards, took place. Local preparations and rehearsals were certainly carried out, once the sites for evaluation visits had been chosen, but by then time was short.

4.2.2 Scope and sites visited

The second evaluation of Norway took place exactly five years after the initial one – as part of the five-year cycle of evaluations adopted for Member States already in the Schengen area. It was another complete evaluation, meaning all relevant areas of Schengen cooperation were included. As before, the five Nordic countries were evaluated together.

The sites visited by evaluation teams differed somewhat from the previous ones. The land border with Russia was of course included, being Norway's only land border with a non-Schengen country. The only sea border site evaluated was the port of Kristiansand. A scheduled visit to the Coast Guard had to be cancelled, due to unforeseen circumstances. Norway's main international airport, Oslo Gardermoen, was evaluated for the second time, along with a new air border site, Sandefjord Torp Airport. The National Criminal Investigation Service (NCIS) was visited for SIS/SIRENE, together with the National Police Computing and Material Service (PCMS), a police station in Oslo and Gardermoen Police Station at Oslo Airport Gardermoen.

The police cooperation evaluation took place in the city of Tromsø in Northern Norway. Presentations were given by police in the districts of Troms and East Finnmark, by representatives of the National Police Directorate and by NCIS. As regards visas, the Norwegian consulate in St. Petersburg and the embassy in Ankara were evaluated.

In several ways, the 2005 evaluation was more thorough and stricter than that of 2000. Schengen evaluation had developed. Risk analysis and strategies on border security had emerged as key concerns. The teams had become more experienced. Furthermore, by 2005 it had become clear that the New EU Member States (NMS), which had joined the EU in 2004, were aspiring to join Schengen as well. The 2005 evaluation of the Nordic countries would thus be setting a precedent. For this reason, the teams were on the lookout for issues which might arise and become sensitive with the NMS.

It should be noted that the evaluation reports for air and land borders⁸⁷ have been declassified (2016), and are accessible on the Council website.

4.2.3 Council Conclusions: Recommendations

The Council Conclusions are a summary of the most important recommendations from the evaluation reports – digested and discussed in SCH-EVAL before being passed on as a draft to Coreper and then to the Council. The Conclusions for Norway after the 2005 evaluation were adopted in June 2006.⁸⁸

At this point our focus will be on the Council Conclusions which directly or indirectly dealt with the training and professional standards of the police, measured against the requirements of the Schengen *acquis*.

In the field of sea border surveillance, the Conclusions focused on supervision and instruction by the Ministry responsible for border management (i.e. the Ministry of Justice). Its supervisory functions needed to be strengthened and streamlined. The implementation of risk analysis and data flow management was also emphasised. The Conclusions pointed out the importance of guaranteeing that personnel responsible for these tasks had an appropriate level of professionalism and training, and said the police should assume a more active role in this field.

Comment by SU: These recommendations can be seen as reacting to a perceived lack of involvement by the Ministry and by the police in the activities of the Norwegian Coast Guard, which is responsible for carrying out sea border surveillance. Important border control tasks had been delegated to a service outside the border management structure, which lacked proper arrangements for close cooperation, supervision and guaranty of professional standards.

As regards air borders, the Conclusions mentioned the lack of a national border security plan.

87 [Council Doc. ST 13340/2005. Schengen evaluation of the Nordic countries - report on Air borders, Norway](#) and [Council Doc. ST 12185/2005. Schengen evaluation of the Nordic countries - report on Land borders, Norway.](#)

88 [Council Doc. ST 5016/4/2006 REV 4 Schengen evaluation of NORWAY - Council conclusions.](#)

Comment by SU: A national border security plan was not a Schengen requirement at the time but was regarded as best practice to ensure sufficient high-level planning and management of the entire border control field (Four-tier Access Control Model). There was thus a perceived lack of professionalism in the planning process for border security. The Norwegian authorities indicated that such a plan would be in place by September 2006.

The Conclusions on the land border evaluation were concerned with the fact that surveillance was solely carried out by military personnel, most of them conscripts. Norway was 'invited to continue developing its border control, by improving, inter alia, material and human resources, as well as the linguistic skills of the personnel, and by developing border surveillance in accordance with the Schengen standards for the control of external borders.' The last part of the sentence suggests that using military personnel was a deviation from Schengen standards.

Comment by SU: The issue of using military conscripts for border surveillance led to lengthy discussion in SCH-EVAL, as this certainly ran contrary to what was regarded as best practice. The wording in the Conclusions may be seen as a compromise. Norway defended its use of the military, including conscripts, but admitted that cooperation between the police and the military in the field of border management should be more structured and have a more solid legal basis. Once more, there was a perceived lack of professionalism at the inter-agency level.

As for police cooperation, the Conclusions called for the Schengen instruments to be better used, and for action taken to be recorded, to help carry out threat assessments and use resources in a more effective manner.

As for SIS/SIRENE, the Conclusions remarked that awareness and knowledge of these Schengen elements were not always found at the local level, so more consistent support for training efforts was recommended.

Comment by SU: This observation indicates that the good start on Schengen training in the late 1990s was somehow lost before the 2005 evaluation. However, this is difficult to verify or explore further. Random questioning

at a single police station was the basis for the finding. Nonetheless, among Schengen experts in the National Police Directorate, the opinion prevailed that there was plenty of room for improvement in knowledge of SIS at the local police level. The Schengen evaluation would give an impetus to step up training efforts. The findings of the evaluation team were probably further confirmation rather than a symptom of the general situation with regard to SIS knowledge and skills.

Taken as a whole, the Council recommendations revealed that preparations for the 2005 evaluation should have been better aligned with Schengen best practice, as set out in the Schengen catalogues.

4.2.4 Follow-up

4.2.4.1 Procedures

After the Council Conclusions had been adopted, the evaluated country had six months to prepare a follow-up report on measures taken to comply with recommendations, and on further plans to do so.

Norway presented a detailed follow-up report in May 2007. The authorities considered the recommendations on inter-agency cooperation (police – military) to be the crucial part of the evaluation.⁸⁹

Comment by SU: The main shortcomings seemed to exist in the upper echelons of government agencies and ministries, rather than at the inter-agency operational level or within the police service itself. It was accepted by Norway that traditional cooperation between government agencies and services, which was informal and based on mutual understanding, could not match the standards set for a modern bureaucratic state. As a result, several important measures were planned, especially concerning formal inter-agency relations between the civilian police and the military, and between their respective ministries.

Follow-up of main points:

⁸⁹ Council Doc. ST 9259/2007 INIT Schengen Evaluation of the Nordic countries – Follow-up report of Norway LIMITED.

The Ministry of Justice and Police – in its letter to the Council - pledged to make sure that a better procedure for the exchange of information between the police and the military border service will be found. The military in this context meant the Garrison of South Varanger, responsible for land border surveillance, and the Coast Guard, responsible for sea border surveillance.

Initiatives would also be taken to increase the responsibility of the police for risk analysis and their general involvement in border surveillance. Practical cooperation between the two services would be stepped up, to strengthen the role of the police, and to improve the training of military border guards, conducted by the police. To further develop the concept of border surveillance, a commission would be set up to propose new legislation regulating civil border surveillance.⁹⁰

The Norwegian follow-up report was discussed in SCH-EVAL in June 2007 and considered satisfactory. Draft Council Conclusions to this effect were agreed upon in the same meeting – so-called Council Conclusions on the follow-up. In November 2007 these Conclusions were adopted by the Council, which declared that the 2005 evaluation of Norway could be considered to be completed: *'The Council is satisfied with the efforts Norway is making in applying its recommendations for the correct application of the Schengen acquis.'*⁹¹

Comment by SU: In its follow-up report, Norway presented substantial challenges to its own governance capability at the national level. While some of them were dealt with during the following four or five years – for example, cooperation between the police and the military border services – others remained on the to-do list beyond the 2017 evaluation, including risk analysis and legislation regulating border surveillance and border management in general (IBM).

90 The Commission's mandate was presented to SCH-EVAL in April 2008: Mandate for the Commission Appointed to consider a new Legal Basis for Civil Border Surveillance. The Commission's report was issued in 2009 – 'A new Border Act' - [NOU 2009:20](#).

91 [Council Doc.ST 14081/1/2007 REV 1 Schengen evaluation of NORWAY - Draft Council Conclusions on the follow-up to the Schengen evaluation conducted in 2005](#), declassified to PUBLIC 04.03.2008.

4.2.4.2 Focus on changes in police training and methods

Recommendations contained in the evaluation reports that are relevant to the study will be referred to and explained. The main points arising from evaluation reports and responses to them are listed in the Norwegian follow-up report of May 2007:

Regarding the sea border, the evaluation revealed that cargo vessels and cruise ships were not controlled in the way prescribed in the Common Manual. Norway responded that the routines and methods would be changed accordingly. Insufficient staffing for border checks was also pointed out, and the need to train more personnel was stressed. Norway responded positively, and said that a National Training Plan for Schengen Border Control had been developed by the Norwegian Police University College and issued by the National Police Directorate in May 2006. The plan was based on the EU Common Core Curriculum (CCC). It established border control training for staff at three levels: 1) Civilian staff performing first line passport control. 2) Police officers controlling borders and aliens. 3) Police officers with command or instruction duties related to the control of borders and aliens. The Training Plan covered all three types of borders. It was also relevant to SIS training.

Regarding air borders, the evaluation recommended more refresher courses on, *inter alia*, new European legislation. In its response, Norway pointed to a number of measures already in place or under development and considered the recommendation to have been addressed. Norway also announced that police officers from both the airports visited would attend the Frontex Mid-level Course in 2007.

Regarding the land border, better integration of intelligence, data flow and use of resources between the police and the military border guard unit responsible for border surveillance was recommended. Norway's response was to start discussions between the police and the military to make a comprehensive cooperation agreement, following mid-level talks between the National Police Directorate and the Ministry of Defence.

Comment by SU: In retrospect, this agreement on the land border (or set of agreements, which covered various areas of cooperation, including training and joint exercises) was probably the most significant outcome of the 2005 evaluation. It boosted inter-agency cooperation between the police and the military in the border area and raised it to a higher level of professionalism. It was also a satisfactory response to the criticism about using military recruits for border guard tasks. One immediate result was a better structure for risk analysis, developed jointly by police and the military. This has contributed to raising professional standards in both services regarding risk analysis and its sharing.⁹²

The agreements were put into practice from 2008. At the next test, the Schengen evaluation of 2011-2012, the land border was much better prepared to receive the evaluation team.

The evaluation team deemed it advisable for the Russian speaking skills of the personnel at the border crossing point (BCP Storskog) to be improved.

The Norwegian response was to agree but point to practical difficulties.

Regarding police cooperation, it was recommended the use of Schengen cooperation tools should be increased, especially for the exchange of information (Schengen Convention Article 39) and discreet observation across internal borders (Schengen Convention Article 40). Norway's response was to point to the Nordic Agreement on Police Cooperation, which already provided for practices such as those prescribed in Articles 39 and 40.

Comment by SU: Limited use of Schengen tools was therefore not due to lack of knowledge, as the recommendation might imply.

The use of joint patrols with neighbouring Schengen countries was also recommended to improve cross-border police cooperation. Norway replied that a pilot project on joint patrolling with Sweden had been set up in 2005. It was to be evaluated in 2007.

⁹² Interviews No 8, 11, 12, 15 and Cooperation Agreements of 2008 between the East Finnmark Police District and the Garrison of South Varanger (GSV).

Comment by SU: Coordination of patrol activities in border areas has continued to be haphazard and informal, as it was before the Nordic countries joined Schengen. There has been a lack of planned development. As a result, the police in both Norway and Sweden (and also Finland) have failed to utilise an important Schengen tool, and have thus missed out on increasing their knowledge and experience in this field. However, in 2017-2019 this began to change.⁹³

Regarding SIS/SIRENE, the evaluation focused on search procedures and applications, with some detailed recommendations for changes. More importantly, training was raised as an issue of concern, both the training of police recruits and continuous training. Norway said that all recruits receive training in the use of SIS. As regards continuous training, reference was again made to the National Training Plan for Schengen Border Control, mentioned under sea borders.

Comment by SU: For the first time, training for end-users of SIS was identified as a major issue. It would reappear as an issue in the evaluation of 2017, with increased emphasis.

4.2.5 Summary of the 2005 evaluation and commentary

The 2005 evaluation was first and foremost a lesson on how to organise and formalise inter-agency cooperation from the ministerial level down to operational and local levels. The Norwegian authorities took note of this, and it was to have a lasting impact.

Secondly, the evaluation led to a better understanding of threat assessment and risk analysis related to borders and cross-border crime. The lesson learnt was that such activities require joint effort/close coordination between government agencies, and should be integrated with other kinds of police analysis, such as crime analysis.

⁹³ Changes were planned in preparation for the 2017 evaluation. Structured cross-border police cooperation was negotiated between two large police districts on either side of the NO-SE border - Innlandet in NO and Bergslagen in SE. Interviews 18, 19. See under item 4.4.4 Focus on changes in police training and methods – evaluation reports, recommendations, action plans, assessments and follow-up reports (Police cooperation).

Thirdly, the evaluation revealed certain gaps in police training. Police leaders became aware that Schengen training requires well-structured programmes at the national level.

In retrospect, the 2005 evaluation probably posed a greater challenge than the other three. It was revealed that Norway did not have an overall border security/border management model, or a clear strategy, or an adequate legal basis for border surveillance. Some unexpected issues also arose, such as the use of military forces in border surveillance. Norway had to acknowledge that, for a start, cooperation between the police and the military on border tasks had to be well structured and formalised. The role and tasks of the police regarding border surveillance had to be expanded to be compliant with police responsibilities. It was realised that this was a matter of professionalism.

It would seem that the Norwegian authorities had not paid sufficient attention to the gradual development of Schengen evaluation between 2001 and 2005. In the first place, it can be assumed that the Schengen catalogues on recommendations and best practice, issued in 2002 and 2003, had not been made good use of as guidelines for the improvement of border control and preparation for the upcoming evaluation. A number of evaluation findings were based on the Schengen catalogues, but seemed to take Norway by surprise.

It is a fair assumption that communication between the Norwegian delegates to the SCH-EVAL Working Party and the National Police Directorate (NPD) could have been better.⁹⁴

In the years that followed, starting in 2007, Schengen matters were included in some, but not all, of the annual NPD communications on budgets, priorities and guidelines to the police districts and special agencies (*Disponeringsskriv*). The communication for 2007 made a brief reference to a previous NPD letter concerning the follow-up to the 2005 evaluation.⁹⁵

94 Interview No 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

95 Disponeringsskriv for 2007 – Dok. 2006/01456-4 – 16.01.2007.

The communication for 2010 gave an alert on the upcoming Schengen evaluation of 2011: in 2010 the police would have to consider the extent to which the various parts of the Schengen Agreement had been complied with, including border control on external borders and the use of SIS.⁹⁶

The communication for 2011 reiterated the alert, gave more details about the evaluation and ordered the police districts to assess the need for adjustments and improvements. The NPD also announced an analysis of deficiencies detected in previous evaluations, with the aim of updating and improving compliance with Norway's Schengen obligations.⁹⁷

The follow-up to Schengen evaluation thus became somewhat more structured, being anchored to the police governance system. However, all these annual communications lacked reporting procedures concerned with Schengen evaluation. Reporting on progress became an issue only after the 2011-2012 evaluation.

4.3 Evaluation 2011 – 2012

4.3.1 Preparations

The next evaluation of Norway and the other Nordic countries followed in 2011-2012. The cycle was delayed by the implementation of the second-generation Schengen Information System (SIS II).

This time, the evaluation was organised as a project under the National Police Directorate, starting early in 2010. A thorough check was performed to ensure that recommendations from the previous evaluation had been properly followed up on the ground as well as at administrative levels. A detailed list of shortcomings and divergences from goals set by the recommendations of the 2005 evaluation, was drawn up for the sites designated

96 Disponeringskriv for 2010 – Dok. 2010/00390-1 – 03.02.2010.

97 Disponeringskriv for 2011 – Dok. 2010/03495-1 – 01.02.2011.

for visits. A plan to correct these shortcomings well before the evaluation was set out in 2010.

These were the most important measures implemented before the evaluation visits began:

A Border Control Directive – the first of its kind – was issued by the National Police Directorate in July 2010.⁹⁸

The Directive was explicitly based on the European concept of Integrated Border Management (IBM).⁹⁹

Threat assessment and risk analysis were highlighted, in accordance with the National Strategy for Intelligence and Analysis, issued by the National Police Directorate in 2007, partly as a follow-up to the 2005 evaluation.

For the land border, comprehensive agreements were in place between the police and the military authorities cooperating on controlling the border with Russia. These agreements had been concluded in 2008, and were implemented in good time before the evaluation.

In 2010 a formal cooperation agreement was set up between the National Police Directorate and the Norwegian Coastal Administration (NCA) to give police access to the vessel traffic monitoring and information system SafeSeaNet (SSN), operated by the NCA. This system would enable the police to conduct automated checks of passengers and crews against SIS. Cooperation with the NCA contributed significantly to police professionalism in the field of sea border control.

A formal cooperation agreement was set up between the police and the Coast Guard in May 2011, on border control (surveillance and checks) on Schengen's external sea borders.

98 Directive 2010/009 Instructions for planning and implementation by the police of border control and checks within the territory. [Border Control Directive – Circular 2016/009](#) updated 18 September 2017 from the National Police Commissioner to Chiefs of Police and Heads of Special Agencies.

99 IBM comprised at the time – in brief: border control + risk analysis + inter-agency cooperation + cooperation with third countries + measures within the Schengen area related to border control, illegal immigration and cross-border crime + return of persons subject to a return decision.

In 2011, a formal cooperation agreement was also set up between the National Police Directorate and the Directorate of Customs.

A national threat assessment was prepared for the Norwegian Schengen sea border. A threat assessment was also prepared for the land border with Russia – including the maritime border in the East Finnmark Police District.

The curriculum for the training of Schengen border control instructors was revised by the Norwegian Police University College in May 2010 – a measure of particular interest for this study, since it dealt specifically with training the trainers to raise professional standards countrywide.

Pre-inspections were conducted by project personnel once the sites to be visited by evaluation teams had been determined. Airports and seaports were inspected. The aim was to check all local preparations on-site, and test knowledge and skills.

A planned measure which did not materialise was the enactment of a new Border Act. Such an act would undoubtedly have increased the knowledge of all personnel involved in Schengen border control.

Comment by SU: The failure to adopt a Border Act regulating the relationships between ministries and government agencies involved in border control stands out as Norway's worst omission in the follow-up process after the 2005 evaluation – a failure continuing beyond the 2011-2012 evaluation until the fourth evaluation of Norway in 2017. It was not political disagreement which caused this delay, but merely bureaucratic procrastination over something that was a low priority.

A proposal to Parliament for a Border Act was finally issued in August 2017.¹⁰⁰ The act was adopted in March 2018 and is to enter into force in 2020, together with Border Act Regulations setting out detailed rules.

Important follow-up measures had, however, been carried through, especially with regard to inter-agency cooperation. Cooperation had greatly

100 Prop. 161 L (2016-2017) Lov om grensetilsyn og grensekontroll av personer (grenseloven).

improved between the police and the military (i.e. the Garrison of South Varanger on the Russian border and the Coast Guard) and between the police and the Coastal Administration (sea border surveillance and reporting on vessels).

4.3.2 Scope and sites visited

Since the previous evaluation 2005, Schengen evaluation had developed and there were new measures in place. See under **3.3 Main trends in Schengen Evaluation 1998 – 2013**.

Schengen cooperation had also developed conceptually, with further developments in concepts such as IBM (Integrated Border Management), CIRAM (Common Integrated Risk Analysis Model) and CCC (Common Core Curriculum – for border guard training). See under **3.3 Main trends in Schengen Evaluation 1998 – 2013**.

The main areas of evaluation were, however, the same as in 2005.

EUROSUR had not been implemented when the evaluation took place, but preparations, including training, were well under way. Norway connected to EUROSUR for the land border in October 2013, and for the sea border in October 2014.

SIS II had not been implemented when the evaluation took place, but preparations, including training, were ongoing. Norway connected to SIS II on 9 April 2013.

The sites visited in Norway were again the Norwegian-Russian land border and the Oslo Gardermoen Airport, together with another airport, Moss-Rygge, not far from Oslo. Sea border sites visited were the ports of Bergen and Stavanger, plus the Coastal Administration Division in Haugesund, which operates the SafeSeaNet (SSN) and maritime traffic surveillance systems. Briefings were given by the Coast Guard.

SIS/SIRENE evaluation visits went to NCIS Norway and to the Police Data and Material Service (PDMT). There were unannounced visits to

Lillestrøm Police Station, Grønland and Majorstua Police Stations in Oslo and Gardermoen Police Station (Oslo Airport BCP). Police cooperation evaluation again focused on NCIS Norway (Kripos), and on Østfold Police District, on the border with Sweden. There were also unannounced visits to Ski Police Station and Lillestrøm Police Station, both near Oslo. Visa visits went to Kiev and Beijing.

It should be noted that evaluation reports for air, land and sea borders¹⁰¹ have been declassified (2016), and are accessible on the Council website.

4.3.3 Council Conclusions: Recommendations

The Council Conclusions (7 June 2012) contain several items of interest for training and police professionalism.¹⁰² The Council acknowledged that considerable progress had been made since the previous evaluation. Positive note was taken of the knowledge-sharing online platform KO:DE, integration of Schengen *acquis* into general police training and adoption of the concept of Integrated Border Management. Recommendations for further improvement included better structuring of risk analysis and bringing border check procedures into line with the Schengen Borders Code (SBC). Low staffing levels were pointed out as a general problem, which affected the quality of performance on border checks as well as the time available for training and briefings. This was considered to hamper professional development.

Comment by SU: Risk analysis once again came up as a key issue, in spite of the improvements made. Norway was considered not being up to Schengen standards in this area – the standards set by the CIRAM model.

A new problem area surfaced; low staffing levels were noted at all border sites visited. This was no surprise, but a consequence of the well-known fact that control of the border and of aliens was not given high priority in some

101 [Council Doc. ST 12356/11 - report on air borders](#), [Council Doc. ST 16931/11 - report on land borders](#), and [Council Doc. 13812/11 - report on sea borders](#).

102 [Council Doc. ST 8579/2012 DCL 1 Declassified 23 May 2016, Schengen Evaluation of NORWAY – Draft Council Conclusions](#) on the evaluation of the correct application of the Schengen *acquis* (without SIS).

police districts, even those with the most vulnerable external borders. This has to be seen, however, in the context of generally low staffing levels in the Norwegian police service, set against tasks and expectations. Training often becomes a marginal activity – the first to be cut when manpower is lacking.¹⁰³ This point is raised by two interviewees, who note: *‘The 2011 evaluation led directly to staff increases (at Gardermoen Oslo Airport), but passenger numbers continued to grow, and once again there were acute staff shortages, especially after 2016. We then realised that the way forward is automated border control’ (No 5). ‘The follow-up to the 2011 evaluation never adopted the right focus. The reason was the terrorist attack on 22 July 2011. This attack concentrated national attention on contingency and preparedness. Our Schengen obligation was something different’ (No 10).*

The SIS/SIRENE evaluation was not conducted until October 2012 and the Council Conclusions were adopted in June 2013.¹⁰⁴

These Conclusions contain certain items of interest for training and police professionalism. They give a positive appraisal of SIS and SIRENE as applied by the Norwegian police, especially as regards the SIRENE bureau at NCIS. Police officers and other staff there seemed to be well trained and have excellent language skills. The 2005 recommendations had been implemented. The issue was raised of queries in SIS about Norwegian citizens. Norway was advised to take measures to ensure that, when being checked by the police, Norwegian citizens are always checked in SIS.

*Comment by SU: This is an important point. It is clearly not good practice to use only national databases for queries about Norwegian citizens. This was a long-standing practice, indicating a lack of uniform search procedures and perhaps a lack of knowledge about SIS. However, the 2012 SIS evaluation did not conduct a thorough assessment of the situation in the police districts.*¹⁰⁵

103 Interviews No 2, 5, 10, 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

104 [Council Doc. ST 7871/1/2013 REV 1 Schengen Evaluation of NORWAY – Draft Council Conclusions on SIS/SIRENE](#), RESTRICTED.

105 Interviews at NCIS/Kripos, 4 November 2015.

4.3.4 Follow-up

4.3.4.1 Procedures

The Norwegian follow-up report (without SIS) was presented to SCH-EVAL in December 2012.¹⁰⁶

Council Conclusions on the follow-up were adopted in June 2013 (without SIS).¹⁰⁷ Measures implemented or planned by Norway to remedy the weaknesses and deficiencies detected were listed in the Conclusions on the follow-up. Norway was given credit for improved training, especially the new national training modules already in place at the time of the follow-up Conclusions. The Council also approved of the standardised system for intelligence and analysis, upgraded in line with CIRAM, and the preparations for EUROSUR. The decision on increasing staffing levels was also regarded as a positive measure, as were the revised procedures for border checks.

In its summing up, the Council invited Norway to continue to keep SCH-EVAL informed in writing of progress made on points still outstanding in the follow-up reports. Importantly, the Conclusions did not declare the evaluation to be ‘completed’ – a new development since the evaluation of 2005.

The follow-up report on SIS/SIRENE was presented to SCH-EVAL in July 2013. Draft Council Conclusions on the follow-up were presented to SCH-EVAL in January 2014, following discussion with the Secretariat to clarify certain system improvements and user routines. Subsequently, the Conclusions were agreed by the Working Party and adopted by the Council in early March 2014. The Council concluded it was *‘satisfied with the efforts Norway has made in implementing its recommendations for the*

¹⁰⁶ Council Doc. ST 17262/12. Schengen Evaluation of NORWAY – Updated compendium (without SIS). RESTRICTED.

¹⁰⁷ Council Doc. ST 7874/1/13 REV.1. Schengen Evaluation of NORWAY – Draft Council Conclusions on the follow-up to the Schengen evaluation conducted between 2011 and 2012 (without SIS). RESTRICTED.

*correct application of the Schengen acquis*¹⁰⁸ With these Council Conclusions the formal part of the 2011-2012 evaluation of Norway was terminated.

4.3.4.2 Focus on changes in police training and methods

Below are the main points arising from the evaluation reports and the responses to them, as listed in the Norwegian follow-up reports:

Regarding air borders (a total of 41 points), the evaluation pointed out the need for more regular refresher courses on the Schengen Practical Handbook for Border Guards (the Schengen Handbook) and to develop regular, continuous training, based *inter alia* on recent updates of the Schengen *acquis*. Norway responded at once by updating all Schengen documentation available to police and border guards on police and other websites and by beginning to develop an upgraded training system, to be implemented in 2012.

The evaluation focused particularly on risk analysis and invited Norway to increase staff (analysts) at airports and to strengthen the role of the central level (NPD and NCIS). Norway's response was to start to develop a more standardised, upgraded system for information collection and sharing, and for threat assessment and risk analysis related to border control. The Common Integrated Risk Analysis Model (CIRAM) would guide the process, and implementation was set for 2012. The National Criminal Investigation Service (NCIS) and the National Police Immigration Service (NPIS) were to be involved, together with relevant police districts. The process was closely linked to the implementation of EUROSUR, and the training of personnel for that purpose.

Inter-agency cooperation was once again an issue. The evaluation considered that there was room for improvement via common situation reports and a common approach to threats and risks. Norway responded that enhanced inter-agency cooperation was indeed one of the aims of their efforts on

¹⁰⁸ [Council Doc. ST 5516/1/2014. Schengen Evaluation of NORWAY – Draft Council Conclusions](#) on the follow-up to the Schengen evaluation in the field of SIS/SIRENE. RESTRICTED.

threat assessment and risk analysis – in this case between the police, the Customs Service and the airport authorities.

Certain aspects of workflow (the division of tasks between first- and second-line border checks) were discussed in the evaluation report. The evaluation called for the various workflows to be reviewed, to improve quality and professionalism. Norway responded by upgrading the task management function of the police's electronic log system.

Details noted regarding the issuance of visas, checking of travel documents and verification of entry conditions were quickly corrected by the Norwegian police by revising operational instructions.

Criticism was made of the lack of a structured system of briefings and debriefings at the beginning and end of shifts. Norway responded in the follow-up report that staff shortages were the reason for this, and that, by summer 2012, additional staff would be in place to resume regular briefings.¹⁰⁹

For the land border (a total of 14 points) the evaluation raised the issue of the local police's system of rotating staff back and forth between the police station in the town of Kirkenes and the Border Crossing Point (BCP) of Storskog. The evaluation team considered it to be an obstacle to achieving the high level of performance necessary. Norway accepted this assessment and responded by starting the process of scrutinising managerial and operational capacity at the BCP, with conclusions due in summer 2012.

The evaluation found there was room for improvement in the areas of document checks and document expertise, recommending there should be an adequate number of properly trained personnel. As in the case of air borders, Norway responded by pointing to the ongoing development of a standardised and upgraded module-based training system, due to be implemented in 2012. It was also immediately decided to increase staff at the BCP in 2012.

109 Interview No 2 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

Russian language courses were recommended for personnel carrying out duties at the BCP. Norway responded by increasing Russian language training.

Staffing was raised as an urgent issue in relation to border guard duties such as checks fully in compliance with the SBC, outside surveillance of the entry and exit lanes, and proper checking of vehicles. Norway pointed to its decision to increase staff in 2012.

The evaluation pointed to some operational details concerning the stamping of passports and issuance of visas. This led to quick changes in the border guards' operational instructions and the purchase of new equipment.

The reaction capability of the police in the event of irregular border crossing or other serious border incidents was called into question. Norway responded by pointing to the scrutiny of managerial and operational capacity which started shortly after the evaluation visit (see above). It also pointed to the upgraded training on rapid intervention for all police field officers. This made intervention less dependent on the Rapid Intervention Team.

For the sea borders (a total of 27 points), training was again a major issue, duly taken note of by the evaluation team. Training on handling electronically available material was emphasised. Norway pointed to the decision to further develop a standardised module-based training system, work on which began early in 2012, to be completed in the summer of 2012 (see above, under air borders). The updating of Schengen regulations, catalogues and handbooks on police websites was also mentioned, and the improved access to future updates. This was done in 2011, just after the evaluation visits.

Of greater consequence, however, was the finding in both ports inspected that the current system for performing border checks was inadequate, and not in accordance with the Schengen Borders Code. Key items for improvement were enhanced profiling (albeit the absence of any reference in the report to guidelines), increased frequency of physical controls and the deployment of intelligence officers in main ports (such as Bergen and Stavanger).

It was stressed that more staff in all the places visited was urgently needed. Norway responded by pointing to the work in progress on scrutinising managerial and operational capacity. It would include upgrading control procedures, and revising the organisational structure of sea border control, to revitalize the whole regime, including inter-agency cooperation, before the end of 2012. The process was to be aligned with the implementation of EUROSUR. In 2012, additional staff were deployed to both police districts involved.

The lack of portable devices enabling relevant databases to be consulted on the spot was found to impede adequate border checks. Norway responded by purchasing and equipping two mobile units (police vans) in 2012, for deployment in 2013. This measure was expected to raise the professional standard of sea border checks considerably - and was found to be a better solution than constructing new premises or facilities.

Regarding risk analysis, the evaluation team recommended there should be a risk analysis unit in the Norwegian Coast Guard. Norway responded by pointing to the EUROSUR implementation project, which was under way in 2012. All relevant actors on the external borders would be involved, including the Coast Guard, the Coastal Administration and the Customs Service. Norway's EUROSUR was set to be operational for the land border in October 2013 and for the sea border in October 2014. Procedures for information gathering, intelligence-sharing and common risk analyses were part of EUROSUR.

Regarding risk analysis at the police district level, the evaluation called for *'enough human resources to create real risk analysis'*. Norway again pointed to the work on developing a more standardised system for risk analysis, in line with CIRAM. The integration of border-related issues with other police matters was the main aim of further development¹¹⁰ (See above under air borders).

110 The National Police Directorate released '[Intelligence Doctrine for the Police](#)' in 2014. Interviews 2015/16 for the report 'Norsk politi i Schengen'. However, implementing the doctrine would not fully meet the requirements of CIRAM.

Some points regarding visa issuance at the border were raised and immediately resulted in amended operational instructions and training, as well as the purchase of new equipment.

Other points, regarding passengers on cruise ships, were also addressed, to ensure that risk analysis of cruise ships is carried out, together with satisfactory physical checks. Norway responded by upgrading operational instructions.

For police cooperation (a total of 4 points) the evaluation recommended more systematic reporting on cross-border operations to the central police authority. Norway responded that the recommendation had promptly been put into practice at police district level. An updated version of the Border Control Directive was planned for 2012, relating to cross-border operations, intelligence and threat/risk assessment.

The issue of database searches was raised, with a recommendation for a more efficient and user-friendly single search function. Norway responded by immediately issuing search instructions.¹¹¹

A recommendation directly bearing upon training was that there should be common practical training with neighbouring countries, focusing on cross-border operations. Norway did not give a direct response, but pointed to the development of an upgraded, module-based training system, which included police cooperation with other Schengen countries.

Concerning the dissemination of relevant material, the use of the police information portal KO:DE was strongly recommended. Norway responded that, as for border control, police websites had promptly been upgraded with current Schengen-relevant documentation, with a focus on KO:DE.¹¹²

For SIS/SIRENE (total of 3 points) the only important point concerned queries in SIS, and which search engine should be used. The recommendation

111 Norway's follow-up report: [Council Doc.ST.17262/12. Schengen Evaluation of NORWAY – Updated compendium \(without SIS\)](#). RESTRICTED.

112 Norway's follow-up report: [Council Doc.ST.17262/12. Schengen Evaluation of NORWAY – Updated compendium \(without SIS\)](#). RESTRICTED.

was that it should be made obligatory to use a search engine which would also automatically check Norwegian citizens in SIS. Norway responded that the systems were being changed to have a single search for all systems and registers, and that, meanwhile, efforts were being made in training sessions to improve understanding of how to use SIS correctly. The Norwegian response was later clarified when the Council Conclusions on the follow-up were prepared in January 2014 – see above **4.3.4.1 Procedures**.

4.3.5 Summary of the 2011-2012 evaluation and commentary

The 2011-2012 evaluation was very thorough and executed with a high degree of professionalism. Norway did not dispute the findings or the follow-up measures. There was only minor disagreement on some small points regarding the best follow-up.

A recurrent topic in successive evaluations of border crossing points was the lack of enough staff to deal with the work load. This does not have a direct bearing on training, but evaluation teams found that staff shortages impeded training in several ways. Norway acknowledged that this was the case, and staffing levels were raised during the 2012 budget year in the police districts affected.

It was found that, in some cases, the lack of staff resulted in border checks not being performed in accordance with the provisions of the Schengen Borders Code and the recommendations of the Schengen Catalogues.

Low staffing levels thus acted as a brake on professional development. Raising staffing levels for border control became one of the major goals for the Norwegian police following the 2011-2012 evaluation and was largely achieved. In 2014, a budget increase made it possible to employ 30 additional (civilian) border controllers at airports, so that police personnel could be moved to other duties connected with immigration control.¹¹³

113 Disponeringskriv for 2014

It soon seemed doubtful, however, that this measure would be sufficient in the longer term. A new increase was triggered in 2018 to implement the new Article 8 of the Schengen Borders Code.

The overall strategy of the National Police is to increase the number of police personnel until 2020, but without specific reference to border control. The 2017 evaluation and its follow-up may provide the answer regarding adequate staffing.¹¹⁴

Integrated Border Management (IBM) was the backdrop to the 2011-2012 evaluation, though at that time no legal act in Schengen *acquis* demanded specific action by EU Member States and SACs to fulfill the requirements of IBM. In Norway's border management structure there were still gaps, which were pointed out by the evaluation teams. But this did not mean that Norway was not in line with the *acquis*. Thus criticism was mild and did not exert much pressure. In the 2017 evaluation, this was to change, due to the adoption in 2016 of the European Border and Coast Guard Regulation. In it, for the first time in EU/Schengen legislation, IBM was defined in terms of 11 strategic components and from then on participating states were legally obliged to apply its principles.

EUROSUR issues were very important in the sea border evaluation. By then, preparations for implementing EUROSUR were so far advanced that Norway could respond positively to critical questions regarding information collection, intelligence sharing and analysis, by pointing to its EUROSUR plans.

SafeSeaNet (SSN) was regarded as a very promising step in systems development: automated checking routines for the crew and passenger lists of all vessels crossing the sea border on the way to Norwegian ports. It was fully implemented in 2013, thus raising the professional standard of sea border checks. In this area Norway was a pioneer.

114 Interviews No 1, 2, 7, 11, 12 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

4.4 Evaluation 2017

The 2017 evaluation will be dealt with in greater detail than the previous ones. It is the most recent and the first to be conducted according to the new Schengen evaluation mechanism. Furthermore, this last evaluation is the background to the survey and interviews conducted for this study. Documentation of the whole 2017 evaluation process is therefore appropriate.

4.4.1 Preparations

The 2017 evaluation of Norway began with the country's replies to the Schengen Questionnaire, delivered in August 2016. The reply document sums up the progress made since the previous evaluation in all critical areas. Replying in full to 400 questions is a demanding task, requiring participation by experts in many areas of evaluation. Aside from being a basic evaluation requirement and starting point, it makes possible an in-depth analysis of what has actually been achieved in the preceding five years – it is an exercise in self-monitoring.

In its replies Norway emphasised that, since the 2011- 2012 evaluation, its focus had been on strengthening line management, developing integrated use of risk analysis, increasing staffing levels and developing technology. It was mentioned that return policy had become a high priority.

The main points stemming from the follow-up process and Norway's response to the recommendations are as follows:

General

In November 2014, The National Police Directorate issued 'Instructions for the development of border control and checks within the territory', to be applied in all police districts.¹¹⁵

It is a comprehensive document, dwelling heavily on the outcome of the 2011-2012 evaluation, and emphasising that evaluation reports had once again demonstrated the need to update and further develop the conceptual

115 2014/04063-1 720 Letter of 7 November 2014 from the NPD to the police districts.

basis of Norway's participation in Schengen cooperation. Follow-up was deemed necessary in four main areas:

- a) structure, capacity and implementation of analyses and intelligence
- b) training for border control
- c) organisation, infrastructure and control procedures.
- d) workers with adequate expertise

The instructions provided for regular progress reports from all police districts via the Police Reporting System (PSV - the main governance tool for the National Police). The police districts were instructed to report three times per year on progress in the four work areas mentioned, and also on the use of cooperation forums to improve inter-agency cooperation on border control. The two districts which had received mobile units (police vans) for sea border control, as a result of the 2011-2012 evaluation, were instructed to report on their use of them, including the number of physical border checks performed.

The goal was to enable all police districts to undergo the 2017 evaluation of Norway without (negative) remarks, and to make satisfactory responses to key parts of the Schengen questionnaire.

The 2014 Instructions may have had some positive effects, many of which were scrutinised and built on during the preparatory stage of the 2017 evaluation. However, an overall national assessment of progress made since 2012 was not undertaken before the start of the 2017 evaluation.¹¹⁶

Training

The Norwegian Police University College revised its Schengen-related training programmes in 2012. A new study plan was approved for the training course for border control instructors (so-called 'Schengen instructors', who carry out local training). Two more module-based Schengen-related courses also got their study plans approved in 2012. College credits are awarded for these courses.

¹¹⁶ Interviews No 1, 20 and interviews 2015/16 for the report 'Norsk politi i Schengen'.

Eastern Police District (Gardermoen Police Station) was designated the National Competence Centre for Border Control, offering courses and internships. The main course is the nine-week basic course for civilian border guards employed by the police to conduct first line border checks (passport control). An updated curriculum was prepared for this basic training of civilian border guards.

Norway makes full use of training opportunities offered by Frontex and CEPOL – courses for Schengen evaluators, among others. Participation in courses has increased steadily since the evaluation of 2011-2012.

The National Cooperation Forum for Heads of Large BCPs was established and meets twice a year. Its main objective is to share best practice. It also serves as a forum for discussing Schengen evaluation requirements.

Risk analysis

The National Police Directorate issued 'Intelligence Doctrine for the Police' in 2014. It provides guidelines for risk analysis in all areas of police work and replaced the 2007 National Strategy for Intelligence and Analysis.

The 2010 Border Control Directive was updated in 2016 and brought into line with new Schengen *acquis*. This directive outlines the standard system for risk analysis related to borders, both at police district and national levels.

The Directive was updated again in September 2017, just in time for the evaluation of the management of the external borders.¹¹⁷

Integrated Border Management (IBM)

This last revision of the Directive highlights and defines Integrated Border Management (IBM), on the basis of the European Border and Coast Guard Regulation of 2016. It is also in line with the most recent amendments to the Schengen *acquis*. The current Border Control Directive is a 33-page collection of instructions on checks inside the territory as well as all aspects

¹¹⁷ [Border Control Directive – Circular 2016/009](#) updated 18 September 2017 from the National Police Commissioner to Chiefs of Police and Heads of Special Agencies.

of border control – external and internal. The Directive also outlines mandatory cooperation and coordination within the police service and with other agencies, public and private – under the IBM principle of inter-agency cooperation.

EUROSUR Norway, as previously mentioned, became operational in October 2013 (land border) and October 2014 (sea border).

Sea border

Revision of the organisational structure of sea border control was planned, but it is hard to ascertain to what extent it actually took place. The NPD said, in its annual communication on budget, priorities and guidelines for 2015, that control on sea border ‘will be further developed’.¹¹⁸ No details and no reporting routines were decided. These instructions were probably implemented in different ways, depending on the situation and the resources available in each coastal police district.

Land border

Managerial and operational capacity at the BCP on the Norwegian-Russian border was examined. The 2011-2012 evaluation had clearly shown that the BCP lacked the infrastructure to cope with the traffic flow. However, the examination had limited consequences,¹¹⁹ as is described by this interviewee: *‘At the political level we have not been listened to regarding what infrastructure border checks require.’ (No 12).*

All these preparatory measures may be seen as steps towards a **new border control system**.

In the National Police Directorate, a new organisational unit was set up in 2015: the Border Control and Immigration Section. For the first time there was to be a dedicated unit to deal exclusively with matters pertaining to borders, immigration and Schengen. Although this was not a direct

¹¹⁸ Disponeringskriv for 2015.

¹¹⁹ Interviews 11 and 12.

consequence of Schengen evaluation, the preparation of and follow-up to evaluation were among the new unit's highest priorities. It thus became a key player in the 2017 evaluation. One of its main tasks was to implement Integrated Border Management (IBM) in Norway.

Pre-evaluations of Nordic sites to be visited were conducted in 2017. Swedish and Danish evaluators worked in Norway, and vice versa. Nordic cooperation during the preparatory phase included meetings, visits and exchange of officers.

Key actors interviewed for this study, who were involved in the 2017 evaluation, consider the pre-evaluations a very effective preparatory step. The pre-evaluations were conducted as if a real Schengen evaluation visit was being carried out,¹²⁰ as is described in these accounts: *'The pre-evaluation visits were very useful – the Nordic ones and also the national pre-evaluation visits' (No 1)*. *'Pre-evaluation is useful. Errors and faults which we have not seen ourselves are detected. Fresh eyes! The Nordic pre-evaluations enabled close Nordic networking. We ask our Nordic colleagues how they solve the problems and follow up on recommendations' (No 3)*. *'The pre-evaluation visits were modelled on real visits. Concrete feed-back was given – things which needed to be corrected before the real evaluation' (No 9)*.

The National Police Directorate aims to develop pre-evaluations as part of the regular police governance and reporting system, to cover all forms of Schengen cooperation. Possibly, integration into the police governing and reporting system could strengthen the learning effect of pre-evaluations, developed into a national evaluation system for border control and immigration.

4.4.2 Scope and sites visited

The police cooperation evaluation took place in June 2017 in the National Police Directorate, the NCIS, the Oslo Police District (the port police station and HQ as well as surprise visits to various units), Innlandet Police District

120 Interviews No 1, 3, 5, 9, and 11.

(Kongsvinger Police Station and the border to Sweden) and Eastern Police District (the border to Sweden and a surprise visit to Fredrikstad Police Station).

The management of the external border evaluation took place in October 2017. In line with the new evaluation mechanism procedures, external borders (sea, land and air) were evaluated by two on-site teams, whose reports were combined in a single final report, which also included an assessment of Norway's implementation of the Integrated Border Management concept (IBM).

Both on-site teams visited the National Police at the NCIS. One team, covering IBM and sea border, visited Oslo Police District (the port of Oslo), the Western Police District (the port of Bergen) and Agder Police District (the port of Kristiansand). The other team, covering air and land borders visited Oslo Airport, Stavanger Airport, Bergen Airport and, in Finnmark Police District, the (military) Garrison in South-Varanger and the Storskog Border Crossing Point (with Russia).

The Schengen Information System (SIS/SIRENE) evaluation took place in October 2017. Announced visits took place at the National Police Directorate, the National Police Information Technology Service (PIT - N.SIS Data Centre), the NCIS (including the SIRENE Bureau), the Directorate of Immigration, Oslo Police District HQ (with four unannounced visits to police stations in Oslo), Western Police District HQ in Bergen (with two announced and four unannounced visits to police stations/units in Bergen) and Eastern Police District (Oslo Gardermoen Airport and unannounced visits to two police stations/units).

The return evaluation took place in November 2017. It was conducted by a single on-site team which visited the National Police Immigration Service (NPIS) and its detention centre at Trandum, the Oslo Police District, Oslo Airport and a reception facility for unaccompanied minors. The team met representatives of a number of Norwegian authorities engaged in return activities and with the IOM.

The common visa policy and data protection evaluations took place in November 2017. The second of these included the Norwegian Data Protection Authority (DPA), the Norwegian Directorate of Immigration (UDI) and a visit to the NCIS, to evaluate the protection of personal data in SIS. The Grønland Police Station, located at Oslo Police District HQ, was also visited.

However, none of these two evaluations dealt with the level of competence or the need for training of police staff, and they therefore fall outside the scope of this study. Procedural issues will be briefly mentioned. It is also worth mentioning that the data protection report and recommendations list a number of improvements to be carried out by the NCIS in order to abide by the SIS II Regulation and the SIS II Council Decision.¹²¹

Many of the key actors interviewed for this study have commented on how the evaluation visits were conducted, on how much cooperation there was between the evaluation teams and their Norwegian hosts, on the professionalism of the teams and so forth.

There was general agreement that the visits went very well. The evaluation teams were applauded for their professionalism and impeccable conduct at all times and in all places. Some comments emphasise the improvement in evaluators' qualifications that had taken place since previous evaluations. Some point out that there could be a better balance in the teams between experienced and less experienced people. These key actors' appraisal of the visits could be made part of an 'evaluation of the evaluation'.¹²² The following descriptions provide a selection of views:

'Communication with the teams went well. But sometimes it was a bit difficult to understand what the team was looking for. Some technical issues were difficult to ask about and to explain' (No 4). 'The police cooperation team had people with lots of experience. They were easy going. More so than the SIS/SIRENE team, which was more diversified – people with different backgrounds, who also behaved differently – technical experts who were not police' (No 6).

¹²¹ [Doc. ST 14763/18 Council Implementing Decision 26 November 2018.](#)

¹²² Interviews No 3, 4, 5, 6, 9, 11, 16, 17, 18, and 19.

‘Evaluators’ professional knowledge was variable. Some tended to focus on “This is how we do it in my country” (No 9). ‘Communication with the team was very good’ (No 16). ‘The evaluators had widely varying professional competence’ (No 18).

Several comments express views on the Norwegian side about what it was like to be evaluated. The responses of staff members to the 2017 evaluation clearly show that, without exception, it was an enjoyable event:¹²³ *‘During the 2017 evaluation, people often said: “This is exciting! We get to show what we know and can do. Someone is giving us close attention.” Evaluation was not at all regarded as something negative’ (No 1). ‘The teams were very well received everywhere’ (No 4). ‘The border guards thought it was great fun to be evaluated’ (No 9). ‘Many of our people thought it was quite exciting to be evaluated – there was enthusiasm with a bit of nervousness. “We’re going to do this well!” (No 16). ‘Our attitude to the evaluation was: “We will be frank, open, honest – no pretence, no false show” (19).*

4.4.3 Evaluation procedures

Evaluation procedures were radically changed by the 2013 evaluation mechanism. Schengen evaluation, following evaluation visits, now consists of the following stages: (1) Evaluation reports, (2) Recommendations drafted by the Commission and presented to SCH-EVAL, then decided by the Council, (3) Action plans to address deficiencies, prepared by the evaluated country, (4) Commission assessments of action plans and (5) Follow-up reports by the evaluated country. In what follows, the process will be described in detail, as it appeared in the evaluation of Norway in 2017. Reference to the relevant documents throughout the process will enable the reader to check what actually occurred at each stage. The material content of the recommendations will be dealt with in the next part: **4.4.4 Focus on changes in police training and methods – evaluation reports, recommendations, action plans, assessments and follow-up reports.**

¹²³ Interviews No 1, 5, 9, 11, 16, and 19.

4.4.3.1 Evaluation reports

(Chronological order according to presentation in the Schengen Committee.)

In line with the new evaluation mechanism, the reports are divided into three categories, according to the seriousness of the findings, with the following headings: (1) Compliant and points of particular interest. (2) Compliant but improvement necessary. (3) Non-compliant. The reports make precise reference to particular rules of the Schengen *acquis* when the term ‘Non-compliant’ is used.

The draft evaluation reports were submitted to Norway for comment in November/December 2017. Thereafter there was discussion of each report between the Commission and the evaluation team on the one hand, and Norway on the other. The draft reports were then finalised by the Commission – one-by-one.

The final draft report on police cooperation¹²⁴ was presented in the Schengen Committee on 6 February 2018 and the draft reports on the Schengen Information System¹²⁵ and the common visa policy¹²⁶ in the meeting on 12 April. The Committee were unanimously positive about all three reports and they were subsequently adopted as Commission Implementing Decisions.

The draft reports on management of the external borders¹²⁷ and return¹²⁸ were presented in the Committee meeting of 30 May 2018 together with the draft report on data protection.¹²⁹

The reports on management of the external border and on data protection were viewed positively by the Committee and a Commission Implementing Decision followed, whereas the report on return was postponed until the next Schengen Committee meeting, which took place on 18 July.

124 Commission Implementing Dec. C(2018) 125.

125 Commission Implementing Dec. C(2018) 2200.

126 Commission Implementing Dec. C(2018) 1170.

127 Commission Doc. C(2018)2230.

128 Commission Doc. C(2018) 1570.

129 Commission Doc. C(2018) 4145.

There the report was favourably received and subsequently adopted by the Commission.

All evaluation reports are, at the time of publication of this study, classified as EU RESTREINT/RESTRICTED. They are thus not publicly available.

4.4.3.2 Adoption of recommendations to address deficiencies (Council Implementing Decisions)

(Chronological order according to adoption by the Council.)

The Commission's proposals for Council implementing decisions setting out recommendations to address deficiencies identified in the evaluations were communicated to all Schengen states during the first semester of 2018 and introduced to the Schengen Committee.

The proposed recommendation concerning the common visa policy¹³⁰ was presented to the Council Working Party for Schengen Matters (Schengen Evaluation) at the meeting of 19 June 2018. It was not adopted, but submitted to a silence procedure.¹³¹

The silence procedure was launched on 4 July – after a few amendments to the text – and the proposal was subsequently approved by the Working Party on 13 July.¹³²

The Council made the final decision in its meeting of 18 September.¹³³ The material content of this recommendation falls outside the scope of this study, so it will not be dealt with in this publication, nor will the follow-up action plan to remedy deficiencies.¹³⁴

130 [Council Doc. ST 11459/18](#). LIMITED.

131 The Chair concluded - after discussion - that the text required further discussion between the Commission and Norway – [Council Doc. ST 10366/1/18 REV 1 LIMITED of 2 July 2018 – Outcome of Proceedings](#).

132 [Council Doc. ST 10825/18. Note from the General Secretariat of the Council of 4 July 2018](#). LIMITED.

133 [Council Doc. ST 12291/18. Council Implementing Decision setting out Recommendations on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of the common visa policy](#).

134 Issuance of visa at the border falls within the management of the external border evaluation.

The Council Implementing Decision was transmitted to Member States' national Parliaments, as communicated by the General Secretariat of the Council (GSC) 15 October 2018.¹³⁵

The GSC, however, did not transmit the Decision to the Norwegian Parliament, as this is not the practice with Schengen Associated Countries. This goes for all evaluation areas.

The proposed recommendations concerning the Schengen Information System,¹³⁶ management of the external border¹³⁷ and police cooperation¹³⁸ were presented by the Commission to the Council Working Party for Schengen Matters (Schengen Evaluation) in the meeting of 3 September 2018.¹³⁹

These proposed recommendations were unanimously approved by the Working Party. No discussion took place. The Norwegian delegation said all three recommendations were accepted and would be followed up in the action plan.¹⁴⁰ They were then passed on to Coreper as drafts for Council Implementing Decisions.

The Council made the decisions regarding management of the external border¹⁴¹ and police cooperation¹⁴² in its meeting of 18 September 2018.

135 In accordance with Article 15 (3) of the [2013 Regulation](#). Any discussion or action based on the recommendation is left open to each Parliament – the Regulation has no provision.

136 [Council Doc.ST 11002/18. Proposal for a COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of the Schengen Information System](#). RESTRICTED. The document was slightly amended before being made public in view of its transmission to the EP and National Parliaments - [Council Doc. ST 12393/18](#). The proposed amendment was approved by silence procedure 26 September - [Council Doc. ST 12503/18 EU](#).

137 [Council Doc. ST 11620/1/18 REV1. Proposal for a COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of management of the external border](#). LIMITED

138 [Council Doc. ST 11680/18. Proposal for a COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of police cooperation](#). LIMITED.

139 [Council Doc. CM 3979/18. Notice of meeting and provisional agenda](#).

140 [Council Doc. ST 11883/18. Outcome of proceedings](#). LIMITED.

141 [Council Doc. ST 12289/18. Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in management of the external border](#).

142 [Council Doc. ST 12290/18. Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of the Kingdom of Norway on the application of the Schengen acquis in the field of police cooperation](#)

These Council Implementing Decisions were transmitted to Member States' national Parliaments, as communicated by the General Secretariat of the Council on 15 October 2018.¹⁴³

The final adoption of the Schengen Information System recommendation was delayed, due to the ongoing silence procedure concerning technical details in the text. The Council made the final decision in its meeting of 11 October 2018.¹⁴⁴

The Council Implementing Decision was transmitted to Member States' national Parliaments, as communicated by the General Secretariat of the Council on 5 November 2018.¹⁴⁵

The proposed recommendation concerning data protection¹⁴⁶ was presented to the Council Working Party for Schengen Matters (Schengen Evaluation) in October 2018, but not dealt with in a meeting. Instead, it was submitted to the Working Party via a silence procedure, and adopted on 9 November 2018.

The Council made the final decision in its meeting of 26 November 2018.¹⁴⁷

The material content of this recommendation mainly falls outside the scope of this study.

143 In accordance with Article 15 (3) of the [2013 Regulation](#). Any discussion or action based on the recommendation is left open to each Parliament – the Regulation has no provision.

144 [Council Doc.ST 13005/18. Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of Schengen Information System.](#)

145 In accordance with Article 15 (3) of the [2013 Regulation](#). Any discussion or action based on the recommendation is left open to each Parliament – the Regulation has no provision.

146 [Council Doc. 12814/18. Proposal for a COUNCIL IMPLEMENTING DECISION setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of data protection.](#)

147 [Council Doc. ST 14763/18. Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of data protection.](#)

The Council Implementing Decision was transmitted to Member States' national Parliaments, as communicated by the General Secretariat of the Council 26 November 2018.¹⁴⁸

The proposed recommendation concerning return¹⁴⁹ was presented to the Working Party in the meeting of 28 November 2018 and approved. No discussion took place. It was subsequently adopted by the Council as an Implementing Decision in the meeting of 20 December 2018.¹⁵⁰

The Council Implementing Decision was transmitted to Member States' national Parliaments, as communicated by the General Secretariat of the Council 24 January 2019.¹⁵¹

It should be noted that all the Council Implementing Decisions are non-classified – PUBLIC – in contrast to the Commission Proposals and the Draft Council Implementing Decisions sent by SCH-EVAL via Coreper to the Council. They may be opened directly on the Council website (Document Register).

4.4.3.3 Follow-up – Action plans

Since 2016, the Norwegian National Police has been undergoing major organisational reform. The number of police districts has been reduced from 27 to 12, and 115 small police stations across the country have been closed. One important goal of this reform is to help build up specialist professional teams with more efficient command and control, and with better training, better planning instruments and so forth. Border management has been identified as an area in need of such development. At the end of 2018, the reform process was still going on. It should eventually

148 In accordance with Article 15 (3) of the [2013 Regulation](#). Any discussion or action based on the recommendation is left open to each Parliament – the Regulation has no provision.

149 [Council Doc. 13453/18. Proposal for a COUNCIL IMPLEMENTING DECISION setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of return](#). LIMITED.

150 [Council Doc. ST 15811/18 PUBLIC Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of return](#).

151 In accordance with Article 15 (3) of the [2013 Regulation](#). Any discussion or action based on the recommendation is left open to each Parliament – the Regulation has no provision.

make possible more effective implementation of Schengen evaluation recommendations. It should also reduce the fragmentary nature of the Norwegian policing system.¹⁵²

It could, however, also have some disadvantages. As the police presence in many smaller communities disappears, it will take longer for police to reach for example small ports of call for cargo or fishing vessels. Perhaps the number of physical border checks will fall, reducing situational awareness.¹⁵³

A possible remedy could be to reduce the number of ports with sea border BCP status. This process has been started by the NPD as part of the follow-up.¹⁵⁴

National action plans to remedy deficiencies described in Council Implementing Decisions are drawn up in a standard format. The format has a STATE OF PLAY/FORESEEN TIME-FRAME column, which indicates if the recommended item has been implemented, or when it is expected to be, or if it is in progress. An example is presented in section 4.4.4 under POLICE COOPERATION: Action Plan Police cooperation Action 1&2 including 4th Follow-up report.

The Norwegian action plans to address the deficiencies pointed out in the recommendations were due to be presented to the Commission within three months of adoption by the Council of each Council Implementing Decision. Thus, the action plans addressing the recommendations on police cooperation and the management of the external border were due 18 December 2018.¹⁵⁵

152 Interview No 7 and 8.

153 Interviews No 11, 12, and 20.

154 Interview No 5 and 10.

155 [Schengen Evaluation Regulation of 2013 Article 16 \(1\)](#).

On this date, Norway sent two action plans: one for police cooperation¹⁵⁶ and one for management of the external border.¹⁵⁷ On 7 January 2019 they were passed on by the Council Secretariat to Member States for comment by 21 January. No comments were received.

The action plan addressing the Schengen Information System evaluation was due 11 January 2019. It was sent by Norway on that date and on 16 January passed on by the Council Secretariat to Member States for comment by 30 January.¹⁵⁸ No comments were received.

The action plan addressing the data protection evaluation was due 26 February 2019. It was not presented by Norway in a SCH-EVAL meeting, but distributed to Member States by the Council Secretariat on 7 March 2019 for written comments by 22 March.¹⁵⁹ No comments were received.

The action plan addressing the return evaluation was due 20 March 2019. It was sent by Norway on 19 March 2019 and distributed by the Council Secretariat to Member States on 26 March.¹⁶⁰

It was presented by Norway in the SCH-EVAL meeting of 3 April 2019. There was no discussion. Member States were given until 17 April to send comments. No comments were received.

Each action plan links the measures to remedy deficiencies to the numbered recommendations in each Council Implementing Decision.

156 [Council Doc. ST 15866/18. Schengen evaluation of Norway – Action Plan to remedy any deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen Acquis in the field of police cooperation.](#) LIMITED.

157 [Council Doc. ST 15865/18. Schengen evaluation of Norway – Action Plan to remedy any deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen Acquis in the field of management of the external border.](#) LIMITED.

158 [Council Doc. ST 5335/19. Schengen evaluation of Norway – Action Plan to remedy any deficiencies identified in the 2017 evaluation of the application of the Schengen acquis in the field of the Schengen Information System.](#) LIMITED.

159 [Council Doc. ST 7041/19. Schengen evaluation of Norway – Action Plan to remedy any deficiencies identified in the 2017 evaluation of the application of the Schengen acquis in the field of data protection.](#) LIMITED.

160 [Council Doc. ST 7891/19. Schengen evaluation of Norway – Action Plan to remedy any deficiencies identified in the 2017 evaluation of the application of the Schengen acquis in the field of return.](#) LIMITED.

In the next section the planned actions will be presented – insofar as they concern the topics of this study.

No action plan, except for return, was presented by Norway and discussed in a SCH-EVAL Working Party meeting. They were only distributed to Member States for written comments.

4.4.3.4 Follow-up – Commission's assessment of Action plans

The Commission's assessment of the action plans for management of the external border, police cooperation, Schengen Information System and common visa policy was issued on 10 May 2019.¹⁶¹

In the SCH-EVAL meeting of 12 June the Commission presented its assessment, adding comments that took into account the follow-up reports produced by Norway during the interim period – see below **4.4.3.5 Follow-up - Reports**. The Commission thus indicated which actions still needed to be implemented on 12 June.¹⁶²

The Commission's assessment of the action plan for return was issued on 12 September 2019.¹⁶³ The Commission presented its assessment in the SCH-EVAL meeting of 10 October 2019.¹⁶⁴

The Commission's assessment of the action plan for data protection was issued on 25 November 2019.¹⁶⁵ The Commission presented its assessment in the SCH-EVAL meeting of 27 November 2019.¹⁶⁶

4.4.3.5 Follow-up - Reports

(Chronological order according to the dates of the Council Implementing Decisions and deadlines for follow-up reports.)

161 [Council Doc. ST9286/19. Communication from the Commission to the Council](#). LIMITED.

162 [Council Doc. ST10369/19. Outcome of proceedings](#). LIMITED.

163 [Council Doc. ST12151/19. Communication from the Commission to the Council](#). LIMITED.

164 [Council Doc ST14180/19. Outcome of proceedings](#). LIMITED.

165 [Council Doc. 14505/19. Communication from the Commission to the Council](#). LIMITED.

166 [Council Doc. 14876/19. Outcome of proceedings](#). LIMITED.

According to the 2013 Regulation (Article 16.3), follow-up reports must be submitted to the Commission by the evaluated country within six months of the Council Implementing Decision.

Norway's **first** follow-up reports were sent just in time on 18 March 2019. They were on Police cooperation and Management of the external border.

The **second** follow-up reports on Police cooperation and Management of the external border were sent on 18 June 2019.

The **third** follow-up reports on Police cooperation and Management of the external border were sent on 18 September 2019, in accordance with the set schedule. Prior to the deadline, the Commission notified Norway informally (by email) of outstanding questions concerning police cooperation, asking for clarification and more information on certain follow-up actions.

The **fourth** follow-up report on Police cooperation was sent on 18 December 2019.

Follow-up on Police cooperation points relevant to the topics of this study are dealt with in **4.4.4 Focus on changes in police training and methods – evaluation reports, recommendations, action plans, assessments and follow-up reports**.

Follow-up on Management of the external border relevant to the topics of this study are dealt with in **4.4.4**.

The **first** follow-up report on the Schengen Information System was sent on 10 April. The **second** follow-up report was sent on 11 July. The **third** follow-up report was sent on 11 October. Prior to this deadline, the Commission notified Norway informally (by email) of outstanding questions, asking for clarification and more information in the next follow-up report. The topics relevant to this study are dealt with in **4.4.4**.

The **first** Follow-up report on Data Protection was sent on 26 May 2019. The topics relevant to this study are dealt with in **4.4.4**.

The **first** Follow-up report on Return was sent on 20 June 2019. The **second** follow-up report was sent on 20 September 2019 and the third on 20 December, in accordance with the set schedule. The topics relevant to this study are dealt with in 4.4.4.

4.4.4 Focus on changes in police training and methods – evaluation reports, recommendations, action plans, assessments and follow-up reports

In this section each evaluation area will be dealt with separately, following the sequences of the evaluation process: evaluation report – recommendation (Council Implementing Decision) - follow-up procedure (Norwegian action plans, Commission assessments and follow-up reports by Norway). The focus will be on the impact of Schengen evaluation on professional development, training and working methods. The chronological order of the Council Implementing Decision for each evaluation area will be followed.

POLICE COOPERATION

The police cooperation report¹⁶⁷ found the aspects of police training mentioned below ‘Compliant but improvement necessary’:

The on-site team regards the basic training of police officers regarding all international police cooperation tools (including the use of international databases) as insufficient. In the Norwegian police education system, there are no post-graduate and in-service training possibilities or specific e-learning platforms dedicated specifically to international police cooperation matters.

Dedicated training concerning international police cooperation of SPOC staff and Liaison Officers is regarded as insufficient, given the

167 Commission Implementing Decision C (2018) 125 of 27 August 2018. The report is annexed to the decision and is RESTRICTED.

specific needs of these categories of employees. (Explanatory footnote added by NO)

In the summary: Although there is general awareness about international cooperation tools, basic and continuous training of the police staff could still be improved.

Comment by SU: The report does not dwell at length on issues related to human resources, but enough is said to confirm the general drift of findings in all Schengen evaluations of Norway since the first in 2000: that there is a lack of structure and consistency in training for Schengen cooperation and the use of Schengen instruments, both in initial training and in continuous or specialised training.

There are noteworthy similarities between the findings and assessments of this evaluation team and of the team responsible for the management of the external border evaluation.

In the Council Implementing Decision of 18 September 2018 the recommendation mirrors the report:

The police cooperation recommendation¹⁶⁸ contains 12 items (single recommendations). Of these, three directly concern training and six concern access to and/or the proper use of IT systems available in international police cooperation. The remaining three items concern statistics, cross-border radio communication and legal questions linked to cross-border operations with neighbouring Schengen countries.

The Nordic cooperation framework and the well-established Single Point of Contact for international cooperation (SPOC) are mentioned as strong points of Norway's cooperation system.

The recommendation explicitly states that in the follow-up process priority should be given to the training-related items mentioned below:

168 [Council Doc.ST 12290/18 of 18 September 2018 - Recommendation Police cooperation.](#)

The Kingdom of Norway should:

provide more in-depth basic and continuous training to the police officers on international police cooperation and the use of international databases (including user-friendly e-learning platforms);

(Recommendation item 2)

raise awareness about the potential of the Council Framework Decision 2006/960 JHA by, for instance, providing training to police officers; *(This Decision concerns information exchange through a specific channel between the police services of Schengen states.)*

(Recommendation item 3)

develop specific training for SPOC staff and liaison officers.

(Recommendation item 9)

Norway's **action plan** of 18 December 2018, prepared by the National Police Directorate,¹⁶⁹ addressed the police cooperation recommendation on training by pointing out that the Norwegian Police University College (NPUC) and the National Criminal Investigation Service (NCIS) are working closely together to incorporate international police cooperation into the national strategy for (police) training and education. The aim is to implement this by autumn 2020. It was also pointed out that the NCIS provides lectures on international police cooperation at the NPUC for post-graduate students. A number of instruction videos have also been prepared. (Action 2 - Priority).

With regard to the Framework Decision of 2006, Norway listed several measures in place to raise awareness and implement the use of this particular information channel. The follow-up is regarded as completed. (Action 3 - Priority)

¹⁶⁹ [Council Doc. ST 15866/18](#). LIMITED.

Illustration 4.1 Norway's Action Plan, including 4th follow-up report, Police cooperation (Actions 1–2 of 12)

FOURTH FOLLOW-UP REPORT of the

ACTION PLAN to remedy the deficiencies identified in the 2017 evaluation of NORWAY on the application of the Schengen acquis in the field of Police cooperation

(Article 16 of Regulation 1053/2013)

18/DECEMBER/2019

(New text marked in red colour in the table)

I. Police cooperation

- doc C(2018) 125 of **27/08/2018** (evaluation report)

- doc 12290/18 of 18 September 2018 (Council doc; recommendations)

* Indication if the recommendation is one of the prioritised recommendations as indicated in the recitals of the Council recommendation.

** Indication if the action is completed or in progress. When in progress please indicate the foreseen time-frame for implementation.

RECOMMENDATION	PRIORITISED RECOM YES/NO	PLANNED ACTION/SUB ACTION (TO BE) TAKEN BY NORWAY	RESPONSIBLE AUTHORITY	STATE OF PLAY/FORSEEN TIME-FRAME**
(1) swiftly implement Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of MS and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences	Yes	<p>A search engine for access to VIS for Law Enforcement Authorities available to the Central Access Point of the designated authorities, giving access to direct search in VIS in a specific case, will be developed for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences, in accordance with conditions and procedures in article 4 and 5 of Council Decision 2008/633/JHA. The search engine is not yet developed, but it is in process.</p> <p>Several meetings regarding the technical solution for access to SIS by the Law Enforcement Authorities have been hosted by The National Police Directorate (NPD). The last two meeting were held on 23rd of May 2019 and 4th of June 2019. NPD is working on securing financing for development in 2020.</p> <p>Norway will send an update on this issue in January 2020, when the NPD will have more knowledge about the outcome of the ongoing budget discussion and priorities for the year 2020.</p>	The National Police Directorate (NPD), the Directorate of Immigration (UDI)	Implemented by end of Q3 2020
(2) provide more in-depth basic and continuous training to the police officers on international police	Yes	The Norwegian Police University College and the National Criminal Investigation Service (NCIS) have through discussions facilitated the process on how the stakeholders can cooperate to fulfil expectations regarding training and education on international police cooperation and the use of international	The Norwegian Police University College (NPUC)	Implemented in the education by autumn 2020

(Actions 1-2 of 12)

RECOMMENDATION	PRIORITISED RECOM YES/NO	PLANNED ACTION/SUB ACTION (TO BE) TAKEN BY NORWAY	RESPONSIBLE AUTHORITY	STATE OF PLAY/FORESEEN TIME-FRAME**
<p>cooperation and the use of international databases (including user-friendly e-learning platforms)</p>		<p>databases. This will be an important part of the development of the national strategy for training and education. Furthermore, the Norwegian Police University College and NCIS have established a meeting arena for these matters.</p> <p>There has so far been one meeting with all stakeholders and there are more meetings planned.</p> <p>In addition, the NCIS holds lectures on international police cooperation at the NPUC, aimed at investigators and police prosecutors and other police employees enrolled in post-graduate courses. We have also prepared a number of instruction videos for use in post-graduate courses at the NPUC.</p> <p>The process of implementation of the relevant theory, lectures and lectures to the new bachelor program is ongoing and will meet the 2020 deadline.</p> <p>The new bachelor program, decided by the Board of NPUC this autumn, has implemented both learning goals and competences on international police cooperation.</p> <p>International police cooperation is already part of the curriculum in the existing bachelor program. However, the new bachelor programme will be more flexible and contain additional teaching goals related to international police cooperation both within the police and other relevant authorities.</p> <p>NPUC will continue to use learning resources offered by NCIS in the further and post-graduate educations.</p> <p>NPUC has established a mandate for a working group to start developing new educations with credits regarding Integrated Border Management (IBM), including police cooperation. Due to the formal processes this work will be concluded and presented to the board of NPUC in 2020. After the formal decision by the board, NPUC will be able to offer the requested education by autumn 2021.</p> <p>Regular web-based (e-learning) courses have been the theme of discussion between NPUC and the National Competence Centre (located at Gardermoen Airport, within Eastern Police District), and the Coast Guard. The first web-based lessons will be made available in the first quarter of 2020.</p> <p>Norway will send an update on this action as soon as we receive it from the NPUC.</p>		

With regard to specific training for SPOC staff and Liaison Officers (LOs), Norway pointed to a working group set up to ensure there was training for SPOC staff and stated that LOs are given general training before deployment, including training on international case handling. The follow-up is regarded as completed. (Action 9)

The action plan (Action 12) provided detailed information on the implementation of the Prüm Agreement by Norway, and its positive consequences for joint border operations with neighbouring Schengen countries, such as new or revised agreements with Sweden and Finland. Indirectly, these measures have a great potential for enhancing professionalism and mutual learning processes.¹⁷⁰ As one interviewee says: *‘Prüm, when it comes into force, will provide a legal basis for some forms of joint police patrol. The supplementary police cooperation agreement with Sweden – which is in the making – will provide for regular joint patrols – a “Prüm-plus agreement”. Another goal is to establish a common police station on the Sweden–Norway border (near Kongsvinger). This will promote increased cooperation especially in the field of criminal intelligence, and also in investigations, crime prevention and joint operations against criminal elements in the border area’* (No 18)

The Commission’s assessment of this action plan was presented to the Council on 10 May 2019.¹⁷¹

The Commission acknowledged that Norway’s action plan covered all the recommendations related to the findings in the evaluation report and considered four of the actions to have been completed.

With regard to the three actions concerning training, the assessment was critical of the follow-up on Action 2. Norway needed to speed up implementation of more in-depth training, provide a revised deadline and send more information about the concrete steps taken and the reasons for such a timetable.

170 Interviews No 18 and 19.

171 [Council Doc. ST 9286/19](#). LIMITED.

Concerning Action 3, the Commission agreed that the recommendation had been implemented. Adequate training measures are in place.

Concerning Action 9, the Commission considered this to be completed.

The **first follow-up report** – 18 March 2019¹⁷² - noted progress on recommendations not yet completed. The revision of training in international police cooperation was progressing. The goal set for completion was still autumn 2020. Negotiations with Sweden on an operational police cooperation agreement were due to begin in 2019, alongside the implementation of the Prüm Agreement in 2020.

Comment by SU: It should be noted that the Commission's assessment of the action plan was issued after the first follow-up report. The 2013 Regulation specifies that the assessment is due within one month after receiving the action plan, so that there is ample time – two months - before the follow-up report is due. Ideally, the action plan would be revised in the meantime, to form a better basis for follow-up reporting.¹⁷³

However, as regards the most critical action (Action 2), the follow-up clearly fell short of what was required, even if the assessment had been made in the light of the first follow-up report. This report did not show any substantial progress on the issue. Further follow-up was required immediately. The Commission pointed this out in the SCH-EVAL meeting of 12 June, where the assessment was presented.

Combined with the training recommendations in the Management of the external border evaluation, it seems clear that setting up a national strategy for more basic and continuous in-depth training on international police cooperation and the use of international databases, is the main challenge arising from the 2017 evaluation.

172 NPD No 19/20301.

173 [Regulation 2013 Article 16 \(2\)](#): "the Commission shall present its assessment of the adequacy of the action plan to the Council within one month of receiving the action plan from the evaluated Member State".

Even so, it has been asserted by representatives of the NPUC that the solidity and comprehensiveness of the bachelor programme as a basis for specialised and continuous learning, has not been fully appreciated in the evaluation process,¹⁷⁴ as the following comment shows: *'It was a bit difficult to make the evaluation team understand the structure of the Norwegian police educational system. With a bachelor's degree one becomes a generalist. One does not become an expert in border control, but gets a good foundation for becoming an expert' (No 13)*

The **second follow-up report** on Police cooperation – of 18 June 2019¹⁷⁵ - noted further progress on Action 2: details were filled in on revision of the bachelor programme (basic police education) at the Norwegian Police University College, with more emphasis on international police cooperation. The date set for implementation – autumn 2020 – was confirmed, and not revised, as the Commission had requested.

Prior to the third follow-up report, the Commission contacted the NPD informally to point out which remedial actions still needed more clarification. Norway was invited to provide concrete information on the implementation of four actions, including Actions 2 and 12.

The **third follow-up report** on Police cooperation – of 18 September 2019¹⁷⁶ – provided some new information on Action 2: a working group at the NPUC will start developing credit training courses on IBM, including international police cooperation. There will be a decision by the board of the NPUC in 2020. Progress was also reported on web-based training (e-learning) relevant to border control. The first web-based lessons will be made available in Q1 2020.

Information was provided on the implementation of the Prüm Agreement, which is a basis for further development of operational cross-border

174 Interviews No 13 and 14.

175 NPD No 19/20301.

176 NPD No 19/20301.

cooperation with Sweden (Action 12). The aim is to establish a new bilateral agreement on extended operational cooperation.

Comment by SU: Of the 12 recommendation items for police cooperation, the third follow-up report lists five actions as completed, three to be completed in 2019 and four in 2020, including Actions 2 and 12. All actions now had a timeframe, but a fourth follow-up report – due 18 December 2019 – seemed inevitable.

The **fourth follow-up report** – of 18 December 2019¹⁷⁷ – listed six actions as completed and six – mostly IT-related - scheduled for full implementation in 2020. No new information was provided on the training issues of Action 2, which still has autumn 2020 as time-frame. Negotiations with Sweden on a bilateral police cooperation agreement (Action 12) are scheduled to start in the first part of 2020.

Comment by SU: The IT-related recommendation items for police cooperation are – in part - technically challenging and have considerable budgetary implications. However, it is rather disappointing to observe the length of time apparently required to create and implement better training programmes for international police cooperation. It remains to be seen if the Commission will ask for yet another follow-up report – the fifth.

MANAGEMENT OF THE EXTERNAL BORDER AND IBM

This evaluation area is without doubt the most important one for this study. It comprises issues of great significance for learning and enhanced professionalism within the police. It also poses the most serious challenges to the follow-up of Council recommendations.

The **management of external borders report**¹⁷⁸ identified some Norwegian border management features, policies and practices as ‘non-compliant’

177 NPD No 19/20301.

178 Commission Implementing Decision C (2018) 2230 of 10 August 2018. The report is annexed to the decision and is RESTRICTED.

with the Schengen *acquis*. ‘Compliant but improvement necessary’ was the assessment in many other areas.

In its General Assessment the report sums up the deficiencies found by the evaluation team. These were: no coherent national approach to creating an integrated border management system, as described in the EBCG Regulation; no strategic coordination implemented at the national level to cover the entire border control domain, as no national authority has been nominated to undertake this function; a lack of staff to carry out border control functions and insufficient infrastructure.

On training, the report describes the national training system as non-compliant in the field of border control and concludes as follows:

A coherent national training system to provide the required and uniform level of training for all the staff involved in border surveillance and in border checks is missing; therefore fragmented and insufficient solutions have been applied by the different authorities involved in border management to overcome this situation, that impacts on the overall quality of the border control in Norway.

The on-site evaluation team observed that, in some places, staff performing border checks had insufficient knowledge to perform their duties in line with the Schengen Borders Code. The situation was found to be non-compliant. Particular criticism was made of the absence of a routine obligation for staff to do refresher courses and specialised training.

In Norway’s border management, civilian staff, known as border controllers, are employed on first-line border checks. At the main BCPs, such personnel – in uniform - regularly perform most entry and exit checks. At minor BCPs they are not employed. They are not police officers, but have limited police powers tailored to their duties. They attend a nine-week initial training course. The evaluation team did not address this component of border management as a separate topic, and it is not always clear which category of personnel its remarks on lack of training refer to. The lack of

attention to this issue means it is not addressed in the recommendations or the follow-up procedure.

One way for Norway to deal with the problem of training is obviously to develop the use of civilian staff (specialists), by giving such personnel better training and expanding their duties. However, this has not yet become part of the 2017 follow-up.¹⁷⁹ This point is mentioned by one interviewee: *‘It was rather disappointing to see that the evaluation report on borders did not “hook on” to the issue of civilian border controllers. When and where is it viable to use this category of personnel for border control, and what should their required training be? This question should have been addressed in the evaluation report, and would have led to a mandatory follow-up’(No 20).*

As regards border checks, the report also concludes that procedures were not based on sound profiling and risk indicators, a problem which the report links to shortcomings in the risk analysis system. There is fragmented and incomplete information on the main risks on the Norwegian borders, combined with a lack of coherent threat assessment and a clear vulnerability assessment.

Comment by SU: The management of external borders report reveals deficiencies in Norway’s border control system at all levels – centrally at strategic level and locally at operational level. Its critical assessments call for an analysis of why the situation was not found to be better than it had been six years earlier. It goes beyond the scope of this study to make an in-depth analysis, but, some characteristics of the Norwegian police system are undoubtedly found to be weaknesses when an area of work requiring specialised training is closely examined and assessed by experts in that field.

Norway does not have a border guard service. Border control is one of many police tasks. All areas of police work compete for resources, and there is a general shortage of staff.

179 Interview No 20.

Policing in Norway is based on the generalist principle. This may have advantages for crime control and service to the public, while often impeding specialisation and professional development within some areas of police work. There is definitely a ‘generalist – specialist dichotomy’ in the Norwegian police.

One result of the generalist principle is a high turnover rate between the various areas of police work (rotation). Only a few BCPs are staffed for long periods by the same officers (and civilian border controllers).

The principles governing police training may explain the lack of training and knowledge found by the evaluation team. Whereas initial training (a three-year bachelor’s degree) is compulsory, all further studies, refresher courses and specialised training are voluntary. Staff shortages often make it difficult to attend courses, conduct in-service training, or even give briefings.

Certain areas of police work require a licence, and therefore compulsory training. However, border control is not such an area. In principle, any police officer can be assigned to border control duty at any moment, without any sort of training. It is likely that this situation will continue, in violation of the Schengen acquis. The findings and assessments of the evaluation on the lack of a coherent training system for border control are highly critical. This is a major challenge resulting from the 2017 evaluation.

By the closure of this study, mitigation by means of expanding the staff of civilian border controllers, developing their training and revising their duties had not become part of the follow-up.

In the Council Implementing Decision of 18 September 2018 the recommendation mirrors the report.

The management of the external border recommendation¹⁸⁰ contains 55 items (individual recommendations). It is the most comprehensive of all the recommendations as regards training, performance and professional development. It deals with the entire Norwegian police training system as it relates to Schengen cooperation. Five recommendations deal directly

180 [Council Doc. ST 12289/18. Recommendation Management of the external border.](#)

with 'Human resources, Training, Professionalism'. Four of these, which concern training, should be given priority in the follow-up.

Many other recommendation items, which do not address training directly, do so indirectly by pointing out the need for remedial action in areas such as risk analysis, situational awareness and the performance of border checks. Shortcomings in border check procedures and lack of professionalism were found at several border crossing points. An important horizontal issue such as Integrated Border Management also has various links with the training system.

For the purposes of this study, this recommendation is by far the most important, and presents the most serious challenges for Norway's follow-up. Certain recommendations are marked 'priority'.

Some positive aspects of Norwegian external border control are also pointed out, notably as regards the land border in Finnmark Police District and cooperation with Russia.

The recommendation is divided into topics: the Concept of Integrated Border Management (3 items), Human resources, Training, Professionalism (5 items), Inter-agency cooperation (3 items), Risk analysis (3 items), Quality control mechanism (1 item), Border surveillance and situational awareness (3 items), National Coordination Centre/EUROSUR (1 item), Border checks – Horizontal issues (11 items).

The remaining 25 items are site-specific; they recommend remedial action at the sites visited by the evaluation team: Oslo Gardermoen Airport (6 items), Stavanger Sola Airport (2 items), Bergen Airport (2 items), Storskog Border Crossing Point (1 item), Border checks at the sea border (3 items), Port of Oslo (2 items), Port of Bergen (3 items), Sea border surveillance at the Port of Bergen (1 item), Port and Airport of Kristiansand (5 items).

To sum up, of the 55 recommendations, 23 may be said to concern training, performance, knowledge or working methods in one way or another. Taken

together, they constitute a broad set of demands for remedial action to address the deficiencies of Norway's control of its external Schengen border.

The recommendation explicitly states that priority in the follow-up process should be given to three training-related items:

Norway should:

ensure a sufficient number of specially trained professionals to perform border checks in accordance with the provisions of the Schengen Border Code, Regulation No 399/2016;

urgently develop the initial, refreshment and specialised national training system tailored made for border control, on the basis of a coherent planning in accordance with Article 16 (1) of the Schengen Borders Code¹⁸¹;

make use of the Interoperability Assessment Programme developed by the European Border and Coast Guard Agency to evaluate the level of implementation of the Common Core Curricula;

A fourth training item recommends improved border control training for the Coast Guard – an issue which is marginal to the scope of this study.

The fifth item pertaining to training says Norway should:

establish a national coordination and quality assurance mechanism to guarantee unified training for all authorities involved in border control.

The recommendation contains a number of important points which indirectly impact on training and professional development. Key areas are: the Concept of Integrated Border Management (IBM), inter-agency cooperation, risk analysis, the quality control mechanism, situational awareness, the National

181 [Schengen Borders Code Article 16 \(1\) \(3rd para.\)](#) says: Member States shall ensure that the border guards are specialised and properly trained professionals, taking into account common core curricula for border guards established and developed by the European Agency(Frontex). Training curricula shall include specialised training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking. Member States, with the support of the Agency, shall encourage border guards to learn the languages necessary to carry out their tasks

Coordination Centre/EUROSUR and border checks performance – these are site-specific as well as horizontal issues.

Norway's **action plan** of 18 December 2018, prepared by the National Police Directorate,¹⁸² addressed the management of the external border Council recommendation by setting clear targets for the completion of the priority items and of other major items in the recommendation. The main points which directly or indirectly will impact on training and professional development are (condensed from the general part):

- A Multi Annual Programming (MAP) Document (2019-2023) is being prepared, with a separate chapter on the development of border control. The focus is on the follow-up to the Schengen 2017 evaluation and the vulnerability assessment, inter alia. Date for implementation 1.1.2019.
- The reporting system of the national police will include the follow-up of Schengen evaluation action plans. Date for implementation 1.1.2019.
- The national management group of senior police officials will review how best to organise border management functions to ensure uniform and centralised procedures in all police districts. The review will seek to appoint a central authority within the police that has a comprehensive grasp of the functioning of the border management system, the border situation and the availability of resources. Date for completion 1.9.2019.
- The implementation of the new Border Act (adopted by Parliament 15 March 2018) – supplemented by a Border Act Regulation – will ensure better coordination of all border authorities and all IBM functions. Existing agreements with the armed forces involved in border control will be reviewed (the Coast Guard and the Garrison of South Varanger (the infantry battalion surveilling the land border)). Ongoing, to be completed 2020. (Priority)
- Norway will devise a national IBM strategy and action plan in line with the EBCG Regulation. To be completed June 2019.
- A national training and educational strategy for border control will be developed by the Norwegian Police University College (NPUC), embracing

¹⁸² [Council Doc. ST 15865/18](#). LIMITED.

all agencies involved in the training and education for border control – including the Coast Guard. All training will be linked with the IBM strategy and the risk analysis component. Ongoing, to be completed Q3 2019. (Priority)

- The NPUC has been tasked with coordinating the development of new and existing training programmes on border control. Ongoing, to be completed Q3 2019. (Priority)
- A new Schengen instructors' course will start in 2019 and end in spring 2020. Ongoing, to be completed Q1 2020. (Priority)
- A project with ISF-funding (EU's Internal Security Fund) has been launched to offer on-the-job training for border guards, – including the Coast Guard, at the National Competence Centre for Border Control, located at Oslo Airport Gardermoen. Timeframe 2018-2021.
- The NPUC will develop a quality assurance strategy to guarantee unified training for all authorities involved in border control. Ongoing, to be completed Q3 2019.
- The NPUC will evaluate the level of implementation of the Common Core Curricula for border control, making use of the Interoperability Assessment Programme developed by Frontex. Ongoing, to be completed Q3 2019. (Priority)
- The risk analysis system will be developed to comply with CIRAM 2.0 and to cover the entire IBM concept, thus including the border control activities of all national authorities. IBM training for personnel assigned to risk analysis functions in the National Coordination Centre (NCC) will be prioritised. Ongoing, to be completed Q2 2019. (Priority)
- The Police Reporting System (PSV) will follow up on the development of risk analysis products in the police districts, as ordered in the Border Control Directive. The police districts are not fully in compliance with these instructions. Due to this, CIRAM/risk analysis training will be conducted for personnel involved in district (regional) risk analysis. Risk analysis products relating to return will also be developed, based on CIRAM. Ongoing process. (Priority)

- Nordic cooperation is being planned on training in CIRAM 2.0. Ongoing, to be completed Q3 2019. (Priority)
- The NPUC will develop web-based training for the systematic use of risk analysis for border checks and border control in general. To be implemented Q3 2019. (Priority)
- Detailed risk profiles for the identification of specific threats will be included in regional risk analysis products in order to provide tactical guidance to officers carrying out border control. Training in the development of risk profiles will be conducted. For larger BCPs, specific tactical products will be developed. Ongoing, to be completed Q1 + Q2 2019. (Priority)
- To increase the level of situational awareness of the National Police as regards sea border surveillance, various steps will be taken regarding inter alia systems integration and maritime inter-agency cooperation, particularly with the Coast Guard.
- Various practical steps will be taken to increase situational awareness and facilitate intervention as regards pleasure boats. To be completed Q3 2019. (Priority)
- Various practical steps – including training - will be taken to improve cooperation between the South Varanger battalion and the police as regards situational awareness and risk analysis on the land border. To be implemented Q3 2019.
- The National Coordination Centre (NCC) will be evaluated and further developed to create a comprehensive national situation picture in EURO-SUR, which fully covers all types of borders, available assets, and risk analysis. The national operational and analytical layers of EURO-SUR will be utilised. Ongoing, deadline for ISF project funding application 7.3.2019. Review set to be completed 1.9.2019.
- To improve the quality of border checks, daily briefing procedures have been established at all BCPs visited by the evaluation teams.
- To improve the quality and quantity of collected data as a source for risk analysis, the police will consider whether the PO system (police

operational system) should be improved to give border guards easier access to data. (Priority)

- To improve the quality of border checks, new intelligence products are being implemented at Oslo Airport Gardermoen, and training for their use is being given. These are steps towards knowledge-based border checks. Ongoing, to be implemented Q1 2019.
- To enhance the interoperability of databases available for border control, and to enhance profiling, the Border and Territorial Control System (GTK) has been improved. Status: Implemented.
- Interoperability between the Advance Passenger Information (API) system and GTK is part of the project to implement API, to ensure a more efficient and targeted process during border checks. Ongoing, to be completed Q2 2020.

The site-specific part of the recommendation (and action plan) also includes numerous items dealing directly or indirectly with training issues, which respond to the findings in the report. These findings confirm the critical assessment of Norway's lack of a national training strategy for border control and lack of quality control in the area of training.

The Commission's assessment of this action plan was presented to the Council on 10 May 2019.¹⁸³ The general opinion was that the action plan needed improvement before it could be properly assessed. The Commission pointed out that it lacked concrete details on several remedial actions that had already been taken or were planned.

The Commission was particularly critical of the action plan in the areas of integrated border management (IBM), the command and control system for border control, staffing and training. The Commission asked Norway to provide concrete information on the steps taken to provide initial, continuous and specialised training for the new staff allocated in 2018, and to significantly speed up the establishment of a custom-made national

183 [Council Doc. ST 9286/19](#). LIMITED.

training system for border management, covering all the relevant national authorities.

Other action areas receiving critical notes from the Commission were the functioning of the National Coordination Centre (NCC), including EUROSUR, and risk analysis, including the dissemination of risk analysis products and specialised training for risk analysis in its use for border control purposes.

A number of recommendation items (and actions) were marked with the comment that Norway should provide further details on how implementation was going, and should speed up the process.

Comment by SU: The Commission assessment gave Norway plenty to do if it was to adequately implement the Council recommendations before the start of the next Schengen evaluation phase in 2021. The Commission would obviously want to announce the closure of the 2017 evaluation before asking Norway to reply to the questionnaire for the next Schengen evaluation.

In some areas the follow-up to the assessment constituted a substantial challenge. The Commission made it clear that a new assessment of the action plan would follow.

The assessment fully demonstrated the rigour of the new Schengen evaluation mechanism, with its scrutiny of follow-up actions and refusal to let things go.

The action plan has a huge – and lasting – potential for learning, if implemented with ambition and sufficient resources. The gist of the Commission's assessment was precisely this: more ambition is needed and more resources devoted to improvement.

The action plan may go far beyond mitigating the deficiencies pointed out in the recommendation in the impact it has on police professionalism. Some elements of it may enhance professionalism in a broad sense, because they are by nature universal management issues, such as IBM, inter-agency cooperation,

information exchange, interoperability and risk analysis. Viewed from this angle, border control is just a platform to raise general professional standards.

It should be noted that the first follow-up report, see below, was presented by Norway within the Regulation deadline – on 18 March 2019. It therefore did not take account of the assessment and there was thus no feedback from the Commission to indicate weaknesses or omissions in the action plan. Norway's response to the assessment had to wait for the second follow-up report – due 18 June 2019. In the SCH-EVAL meeting of 12 June, where the Commission presented its assessment, the comments added did take the first follow-up report into account. However, certain items were still found to lack concrete details or to remain unimplemented.

The first **follow-up report** - of 18 March 2019¹⁸⁴ - noted multiple recommendation items, with progress since the issuance of the action plan. A significant event was the start of a formal review conducted by the NPD to assess the organisation of IBM functions within the police, and to propose a more appropriate structure. The review mandate also included the issue of how to better manage human resources, training and professionalism in IBM. The mandate explicitly referred to the Schengen evaluation of 2017 as a baseline for the review. It was regarded as an important follow-up measure designed to help close the gaps pointed out in the evaluation recommendations. A working group was appointed to conduct the review. The deadline was 1 September 2019 and the report, called *Border Management Tasks in the Police*, was presented to the NPD Management Group at a meeting in November. The report contains an in-depth discussion of problem areas impeding or slowing down progress in Norwegian border management. Its main chapter is on proposals to overcome these hindrances. Focus is *inter alia* on skills and knowledge required to conduct adequate border control in accordance with Schengen requirements. A study of capacity and an update of national requirements are recommended, with emphasis on the responsibility for necessary training of all personnel involved.

184 NPD No 19/20301.

The NPD has not made formal decisions based on this report, but it plays into several ongoing processes, not least the action plan for implementing the IBM strategy. IBM was also a topic at the next Management Group meeting, in December 2019. The IBM implementation cycle has been included in the National Police Multi Annual Programming Document (MAP) 2019-2023 as a major item.

Another important point in the follow-up process is the use of the police governance system to ensure compliance with the recommendations. The follow-up of recommendations is included in the annual steering document (*Disponeringskrivet*) – the instructions issued by the National Police Commissioner at the start of each year on budgets, activity planning and resource allocation in the police districts and special agencies. Thus, Schengen evaluation has become an integral part of the governance system, with reporting on compliance and implementation becoming part of the periodical reporting routine (PSV).

Of particular interest for this study are the instructions issued to the Norwegian Police University College (NPUC) for the year 2019.¹⁸⁵ They refer directly to the Schengen evaluation of 2017, underlining the recommendation concerning management of the external border and IBM: Norway is advised to make a more systematic approach to education and training for border control a priority, with concrete measures described in an action plan. The NPUC was therefore instructed to implement the measures described in its own contribution to the action plan - doing so in cooperation with internal and external stakeholders involved in border control. The NPUC was also instructed to run a course for police Schengen instructors in 2019.¹⁸⁶

Comment by SU: The first follow-up report met some of the criticisms in the Commission's assessment, but not the most serious one: that Norway's action plan lacked detail and the change process was taking too long.

¹⁸⁵ [Annual Steering Document 2019](#). Special part for the Police University College 2019.

¹⁸⁶ Interviews 13, 14. This course started in September 2019 and will continue to June 2020. 21 students were admitted.

Training stood out as an area where concrete measures were needed. The goal had to be clear: When bachelor students – after three years of study – enter the police service as generalists, they must know that border control is a basic police task.

The **second follow-up report** - of 18 June 2019¹⁸⁷ – provided substantial information on progress in several areas. The Commission’s assessment of 10 May was duly taken into account, resulting in much more detailed information on follow-up actions. Several actions were developed and explained – so that the **second follow-up report** was a great improvement on the **first**. Every item in the Commission’s assessment received a concrete response.¹⁸⁸

The second follow-up report was greatly enlarged and actions were updated in the following areas:

- Integrated Border Management (IBM strategy),
- command and control in border management;
- strategic planning for border management;
- human resources for border control;
- national training and educational strategy for border control (including a new educational programme to fill the gap between the Frontex master’s and the existing national courses);
- enhanced inter-agency cooperation, especially with the Coast Guard for the National Coordination Centre (NCC) for EUROSUR and the Garrison of South Varanger (GSV) for the land border with Russia;
- Risk Analysis, including training on the Common Integrated Risk Analysis Model (CIRAM 2.0);
- a national (border control) quality control mechanism;
- interoperability of border relevant IT-systems.

187 NPD No 19/20301.

188 The document (template) for the follow-up report contains: the Council recommendation, the initial action in the action plan, the Commission assessment pertaining to each action, the first follow-up report on actions and the second follow-up report. Thus, the document presents an overview of the entire evaluation process. The 18 June document has 74 pages, compared with 47 for the first follow-up report of 18 March.

However, despite the fact that things had improved by 18 June, a wide array of tasks would still have to be performed in order to fulfill the Council recommendations.

The **third follow-up report** on Management of the external border – that of 18 September 2019¹⁸⁹ – did not point to any decisive progress on actions still awaiting completion. It was more a case of ongoing progress, with the situation being kept under control. Several actions still had timeframes well into 2020. Some had been extended.

The report noted that a draft national IBM strategy had been formally adopted by the National Police Directorate in time for the Schengen thematic evaluation scheduled for winter 2019-2020. Approval by the Ministry of Justice and Security was expected. (It was given on 18 October).¹⁹⁰

It was also noted that the report by the working group reviewing the IBM functions within the police and proposing a new structure had been delivered as scheduled (on 1 September).

The new strategy for a national training system for border control had Q3 2019 as its timeframe, and was still outstanding by the deadline for the third follow-up report, as was the quality assurance system for training. Both are crucial remedies put forward in the follow-up to the 2017 evaluation.

As regards risk analysis and training on CIRAM 2.0, substantial progress was reported, and most actions had been completed.

Comment by SU: Given the number of actions not completed by 18 September 2019 (more than 20 out of 55), a fourth follow-up report seemed inevitable. On the positive side, there had been steady progress in areas of particular interest for this study.

The **fourth follow-up report** was due 18 December. However, Norway was granted an extension until 1 February 2020 since there was little to

189 NPD No 19/20301.

190 [Nasjonal strategi for helhetlig grenseforvaltning. Versjon 1.0.](#)

report before the mid-January deadline for routine reporting from the police districts – police reporting system PSV.

DATA PROTECTION

The data protection report¹⁹¹ is extensive and thorough, focusing on the supervisory role of the Data Protection Authority (DPA) over VIS, as applied by the Directorate of Immigration (UDI) and the MFA, and SIS II, as applied by the police. Training and awareness raising of staff regarding data protection in UDI, at consular posts and in the police are topics in the report. The police receive positive comments, as do police Data Protection Officers (DPOs). Critical comments on the need for improvement and Norway's non-compliance concern access security, physical security and deletion of files.

The **recommendation** in the Council Implementing Decision of 26 November 2018¹⁹² reflects the report. It is divided into parts as follows: the Data Protection Authority, Rights of Data Subjects, the Visa Information System, the Schengen Information System and Public Awareness. The SIS part contains seven recommendation items, none of which deal with staff training. The main focus is on IT-systems, technical security and the deletion of files.

The data protection recommendation contains 33 items (individual recommendations). Most of them address issues outside the police. The focus is on the Data Protection Authority and its supervision of the Visa Information System (VIS) and of SIS II.

It is noteworthy that the Council Implementing Decision lists as good practice the extensive efforts of the National Criminal Investigation Service and the police districts as regards the training and awareness raising of their staff, including that on data protection issues. The Data Protection Officers at the NCIS and in the police districts are also given a positive comment.

191 Commission Implementing Decision C(2018)4145 of 2 October 2018. The report is annexed to the decision and is RESTRICTED.

192 [Council Doc. ST 14763/18. Recommendation data protection.](#)

The decision addresses certain issues of IT-system security, deletion of data and access – all concerning SIS. Several items address the need to inform the public better (Rights of Data Subjects and Public Awareness). The police are responsible for remedying some of these items.

Issues such as police training and professionalism are not contained in this recommendation.

Norway's **action plan** of 26 February 2019¹⁹³ addressed all the items in the data protection recommendation.

The Commission's assessment of this action plan¹⁹⁴ was presented at the SCH-EVAL meeting on 27 November.

The assessment is wide-ranging and addresses most of the 33 action plan items. However, the assessment, and Norway's follow-up reports on the data protection action plan fall outside the scope of this study.

Comment by SU: Data protection is an important area of Schengen evaluation and affects police work in many ways and in many fields, starting with the daily use of SIS and the handling of complaints. However, in this evaluation of Norway in this field, the competence of the police was not questioned and no recommendation items to improve police skills, knowledge or professionalism were put forward. Norway's follow-up to the Council recommendation will therefore not be dealt with in this study.

SCHENGEN INFORMATION SYSTEM

The Schengen Information System report¹⁹⁵ is broad in scope and rich in detail. It deals with a wide array of issues and sheds a penetrating light on the use of SIS in Norway. Attention is concentrated on Norwegian application features, on security and on the SIRENE Bureau workflow and functions. The use of SIS in the police districts and at border crossing points (air and sea borders) is also a major focus of the report. Naturally,

193 [Council Doc. ST 7041/19](#). LIMITED.

194 [Council Doc. 14505/19](#). LIMITED.

195 Commission Implementing Decision C (2018)2200. The report is annexed to the decision and is RESTRICTED.

end-users' knowledge and skills were tested as far as was possible within the framework of the on-site visits. Ten unannounced visits to local police stations enabled the evaluation team to question unprepared end-users.

In the general assessment, under the heading 'Compliant, but improvement necessary' the report says:

Norway has incorporated the use of SIS into their working procedures fairly well. The national applications used to access the SIS in Norway are well developed. Nevertheless, the on-site team considers that, overall, end-users were not very familiar with many SIS procedures.

The report points out that end-users do not receive any SIS-specific training or regular follow-up training on SIS procedures. They need more training on the functionalities of the system.

Comment by SU: The SIS report is excellent. The findings relating to end-users' training, knowledge and skills are of great interest, given the number of unannounced visits made to local police stations in different police districts, and the interaction with end-users there. This is the first time there has been a thorough examination of the situation in the police districts.

The findings demonstrate that the police in Norway have the potential to fully exploit the operational benefits of SIS, but are as yet unable to do so, because of lack of training. The SIS report represents one of the main challenges that came out of the 2017 evaluation.¹⁹⁶ As one interviewee puts it: *'The recommendation is clear concerning the training of end-users: it has to improve! The NPUC needs to take a bigger role in the whole field of international police cooperation – both in basic and continuous training. Training must be adapted to the actual use of SIS in the police districts, bearing in mind that it is not only a border control system, but a system to be used in all operational police work – every day! A better structure and more systematic training are needed' (No 17).*

196 Interview No 17.

As regards the training, knowledge and skills of staff, the findings and assessments in the SIS report are similar to those in the management of external borders report. An analysis of the deficiencies detected would point to the same causal factors: the general lack of a national strategy and structure for Schengen-related training, whether initial, follow-up or specialised.

In the Council Implementing Decision of 11 October 2018 the **recommendation** mirrors the report.¹⁹⁷

The Schengen Information System (SIS/SIRENE) recommendation contains 20 items (individual recommendations). Most of these relate to specific findings regarding the need for further development of applications and work routines. Certain access deficiencies are also addressed. Only two items deal directly with training – recommendation items (5) and (12):

Norway should:

provide the end-users with the SIS-specific and regular follow-up training on SIS procedures, including more training on misused identity and newer SIS functionalities such as ‘immediate reporting action’. (5)

provide further training to officers of the Police Security Service on the various possibilities and newer tools in SIS available for counter-terrorism purposes. (12)

Several of the other 18 recommendations deal with training indirectly, in as much as they address the need to improve working methods, together with police IT-systems, access to systems and so forth. This will inevitably require more training.

Norway’s **action plan** of 11 January 2019¹⁹⁸ addressed the Schengen Information System recommendation by dealing with every item and stating that implementation had been completed or was expected to be

¹⁹⁷ Council Doc. ST 13005/18. Recommendation Schengen Information System.

¹⁹⁸ Council Doc. ST 5335/19. LIMITED.

completed in 2019. Some items concerning IT systems, will be implemented in 2020-2021.

The main point regarding training (recommendation item 5) presents a particular challenge. The plan underlined the fact that the training and instruction of end users will be a key issue at user groups assemblies. The NCIS and the Police University College are examining existing courses with a view to making international police cooperation, together with SIS training, a more firmly integrated part of the Bachelor Degree (the three-year basic training course for the Norwegian police).

As regards item (12) – training on newer SIS tools for officers of the Police Security Service – the plan stated that the NCIS will implement suitable proficiency development measures, so that SIS will be made optimal use of for counter-terrorism purposes.

Several items concerned access to SIS for other agencies (the Public Road Authority, Customs, Directorate of Immigration and Police Security Service). Implementation of these measures will enhance inter-agency cooperation, which is one of the main goals of Schengen evaluation.

The Commission's assessment of this action plan was presented to the Council on 10 May 2019.¹⁹⁹

The Commission considered the action plan generally adequate. In its detailed assessment, it required – or requested – Norway to send more detailed information on the implementation of various actions. More specific and tighter timeframes were requested. Some actions were regarded as completed and omitted from the assessment.

Of particular interest for this study are the Commission's remarks on recommendation item (5):

the Commission requires more information on the implementation of this action. In particular, what type of training is foreseen (oral

¹⁹⁹ [Council doc. ST 9286/2019](#). LIMITED.

presentations, practical training on the applications, e-learning based training, “Train the trainer” approach)? How many officers does Norway plan to train in total? What is the timeline for the implementation of this action?

Item (12) was not mentioned in the assessment. Evidently the Commission accepted the remedial measure as adequate.

Comment by SU: It should be noted that Norway’s first follow-up report on SIS – that of 10 April, see below – addressed most of the deficiencies the Commission found in its assessment of the action plan. It seemed as if Norway was following up on some Commission requests even before they had appeared. The obvious explanation is that there had been informal contact before the follow-up report was finalised. In the SCH-EVAL meeting of 12 June, the Commission acknowledged this by stating that most of the assessment points were no longer relevant. Some issues remained open, but not those on training.

The IT systems improvement items (actions) may prove more important for improved professionalism than one might expect. Although technical in nature, implementation will support end-users in their daily efforts to solve problems, and will save them time.

The **first follow-up report** on progress – 10 April 2019²⁰⁰ - noted all remedial actions taken or in progress. Actions were presented in more detail and timeframes were more specific than in the original action plan.

However, as regards the main training action (5), the follow-up report did not respond to the specific questions in the assessment. Instead, the process initiated following evaluation was described: A user group meeting was held in March 2019, to evaluate existing training practices, needs and possibilities and resulted in suggestions for a national strategy for SIS training and a combination of physical training and e-learning (the latter to be included in annual mandatory training programmes). Reference was also made to an ongoing NCIS – NPUC discussion on including training

200 NPD No 19/20301.

in international police cooperation as part of the NPUC curriculum. This responds to the main training item (action) in the action plan on Police cooperation. Implementation in the Police University College bachelor curriculum was set for Q3 2020.

Comment by SU: It is interesting to note the horizontal approach taken by Norway in the follow-up on training deficiencies the 2017 evaluation had identified in various areas.

The challenge on training in the SIS recommendation is probably the most important feature of the 2017 evaluation of Norway – along with the similar deficiencies identified and drawn attention to in the External border management and Police cooperation evaluations. Such deficiencies were repeatedly found in previous Schengen evaluations of Norway, but no horizontal approach to improve the situation was undertaken.

Norway's follow-up reports on the 2017 evaluation should make it clear what changes to police training curricula have been made to basic training (the bachelor programme) as well as to continuous and specialised training, including training for civilian employees (the border controllers).

It is fair to say that Norway's current follow-up on Schengen-related training is, for the first time, a comprehensive set of related actions, based on a national strategy.

The **second follow-up report** on progress – 11 July 2019²⁰¹ – provided new information on Schengen-relevant training at the NPUC, announcing that a decision had been taken in June to include international police cooperation in the course on investigation in the third year of the bachelor programme (the basic education for all police officers). This is also a response to the Police cooperation evaluation.

The report also said that the NPUC curriculum for the years 2019 – 2022 would be revised by a final decision in August 2019 (a national training

201 NPD No 19/20301.

strategy). Expansion of SIS training was mentioned as one of the topics to be considered.

This report also announced details of a new project set up by the Police ICT Services (PIT) called ‘Follow-up of the Schengen evaluation 2017 ELYS/SIRENE’. The project’s goal was to implement in 2019 all the recommendations from the SIS/SIRENE evaluation that were supposed to be delivered in that year. Also mentioned is a web service allowing search against SIS AFIS with fingerprints. The project will receive funding from the Internal Security Fund (ISF).

Comment by SU: The PIT project demonstrates what proper follow-up to Schengen evaluation should be like: a comprehensive approach that includes and closely monitors all inter-related recommendations, in this case the ones concerning IT systems development. Combining this with effective utilisation of ISF funding would seem like ‘best practice’ for a follow-up.

Following the second follow-up report on SIS, the Commission contacted the NPD informally, mentioning several implementation deadlines in August and September 2019. Some specific questions were posed, but none concerning training.

The **third follow-up report** on SIS followed on 11 October 2019.²⁰² On the crucial training recommendation (5), the report added that the aim was to develop a national strategy for SIS training for end users. This follow-up report also presented progress on a number of recommendations concerning IT systems development.

RETURN

The return report²⁰³ focused on specific legal issues, and pointed out differences between Norwegian national legislation and Schengen *acquis*. It also pointed out that there was no forced return monitoring system in place; neither a legislative/regulatory framework nor practical arrangements.

202 NPD No 19/20301.

203 Commission Implementing Decision C (2018)1570. The report is annexed to the decision and is RESTRICTED

This deficiency was regarded as non-compliant with the Schengen *acquis* (Article 8 (6) of the Return Directive).

The report did not focus on human resources or address the training, knowledge and skills of staff involved in return matters. It may be regarded as a return system evaluation, not a full-fledged evaluation of how return is actually being handled by the Norwegian authorities and their staff.

Comment by SU: The absence of a human resources assessment in the return report – and therefore also in the recommendation – is rather surprising. Adequate staffing, and adequate training, knowledge and skills of personnel have always been important parts of evaluations. The recommendations resulting from such assessments have been regarded as positive motivating elements in the follow-up process, and in the use of Schengen evaluation as a learning experience. There is really no reason to differentiate between areas of evaluation and omit these elements from return evaluations.

Another surprising gap in this evaluation is that it does not deal with the basic principle of the Return Directive: the obligation for each Schengen state to return people staying illegally on its territory. The report – and hence also the recommendation – is silent on the issue of how Norway is complying with the basics of return. The reason for this is not known. Return evaluations may have to change if a revised Return Directive is adopted. However, it falls outside the scope of this study to discuss this issue any further.

The Council Implementing Decision of 20 December 2018 contains only three **recommendation** items, two of which deal with specific legal issues.²⁰⁴ The third item recommends that Norway should set up an effective forced return monitoring system in line with the requirements of Article 8(6) of the Return Directive. Norway had no such system in place. The recommendation makes no reference to staff knowledge or the need for training. Training and professional development were simply not issues for the return evaluation.

204 [Council Doc. ST 15811/18. Recommendation return.](#)

The recommendation generally focused on the EU Return Directive of 2008, referring also to the Commission proposal of 12 September 2018 for a revised Return Directive.²⁰⁵

Norway's **action plan** of 19 March 2019²⁰⁶ addresses the return recommendation on monitoring as follows: a monitoring system is being set up, with a national legal framework and preparations for implementation. The task of monitoring forced returns has been assigned to the Supervisory Board of the National Police Immigration Detention Centre, and board members are receiving training tailored to their new task.

The Commission assessment of this action plan was issued on 12 September 2019.²⁰⁷ It addressed the action plan, without referring to the first follow-up report, which had been delivered by Norway in June (see below). The Commission's assessment was highly critical of Norway's action plan, saying that it did not present adequate remedial action to implement all the recommendations of the Council.

Concerning recommendation 3 on monitoring forced returns - the assessment pointed to lack of detail on progress, saying it was impossible for the Commission to assess the adequacy of the measures taken. Additional information, including the timeframe for implementation was requested.

The legal issues (recommendations 1 & 2) will not be dealt with further in this study.

In conclusion, the Commission requested Norway to provide the necessary information in the first follow-up report after the assessment, which meant Norway only had one week to get its act together.

205 [Directive 2008/115 EC of the European Parliament and of the Council. On common standards and procedures in Member States for returning illegally staying third-country nationals](#). A revised Return Directive was proposed by the Commission in September 2018 and in 2018/2019 was under discussion in the relevant EU/Schengen bodies.

206 [Council Doc. ST 7891/19](#). LIMITED.

207 [Council Doc. ST 12151/19](#). LIMITED.

The Commission presented its assessment of the return action plan in the SCH-EVAL meeting of 10 October 2019. Norway took note and remarked that the assessment would be reflected in the next follow-up report (20 December 2019).²⁰⁸

The first **follow-up report** on progress – 20 June 2019²⁰⁹ – made no note of progress on the monitoring issue. This lack of further information would add weight to the Commission’s criticism in the assessment.

The **second follow-up report** – 20 September 2019²¹⁰ - followed shortly after the assessment. On the monitoring issue, a piece of new information was provided: a proposal for legislation establishing a national legal framework for forced return monitoring would be put forward by the Ministry of Justice and Public Security in the autumn of 2019. The state of play was therefore marked as ‘In progress’, and no timeframe was given for implementation of this recommendation.

Comment by SU: The Commission’s assessment of the action plan on return clearly illustrates the strictness of the new Schengen evaluation follow-up process. If the action plan resorts to general statements on planned measures, they are rejected. Timeframes for implementation are also required.

The second follow-up report did pay heed to the assessment, but the follow-up on the monitoring issue still had no timeframe for completion. Norway would therefore be obliged to deliver a third follow-up report on return.

The **third follow-up report** on return – 20 December 2019²¹¹ – supplied new information on the monitoring issue, stating that the Ministry had finalised its proposal for a national legal framework for the forced return monitoring system. It had been submitted to public consultation, to receive input from relevant stakeholders. The proposal is designed to fully comply with the obligations under the Return Directive. However the follow-up

208 [Council Doc. ST 14180/19](#). LIMITED.

209 NPD No 19/20301.

210 NPD No 19/20301.

211 NPD No 19/20301.

report did not set a timeframe for the implementation of the new rules. The action was still labeled ‘In progress’.

4.4.5 Summary of the 2017 evaluation and commentary

This evaluation of Norway’s application of the Schengen *acquis* is plainly more thorough and far-reaching than the previous three. It is certainly more penetrating, and more investigative as regards digging out details on the ground. Interviews and the survey conducted for this study confirm this assessment. One interviewee said: *‘My main feeling is that the 2017 Schengen evaluation has had a substantial impact on the development of this professional field (border management and police cooperation). It is being spoken of as something important to the organisation’* (No 1A).²¹²

The Schengen *acquis* governing performance in the various evaluation areas has not changed much since 2012, and one cannot really say that interpretation of the rules has become stricter.²¹³ The change that matters most is the way the evaluators go about their work within the framework of a new evaluation mechanism, tailored to exercise more effective checks on how Schengen states apply Schengen rules.

The previous evaluations may appear rather soft, or even superficial, in comparison. It is fair to say that shortcomings were overlooked, even as late as 2011-2012. The deficiencies described in the 2017 reports and recommendations are not new – they have persisted over a long period of time. The 2017 evaluation caught up with them.

Nonetheless, in principle it can be said that Norway does comply with the Schengen *acquis*. When studying the evaluation reports of 2017, it must be borne in mind that reports do not describe or allude to positive findings, except when they stand out as *points of particular interest*. Instead

212 Interview No 1A.

213 One noteworthy exception is the [amendment to the Schengen Borders Code](#) adopted in March 2017 (Article 8), to provide for so-called targeted checks of EU/EEA citizens on the external border. Background: The possible return from the civil wars in the Middle East of ‘foreign fighters’ who are European citizens.

the reports contain findings considered *non-compliant* or *compliant but improvement necessary*.

Despite this, in 2017 Norway got away without having deficiencies characterised as ‘serious’, which would have triggered a stricter follow-up procedure. But some of them did come quite close.

Some key actors interviewed for this study have confirmed the new professionalism and thoroughness now displayed by Schengen evaluators,²¹⁴ which is referred to in the following descriptions: *‘Expectations regarding presentations have changed drastically. The 2005 presentations would have failed today. Progress has been enormous. The demand for exact information has increased tremendously’ (No 3). ‘The competence of the team is much greater now – much greater than before. They are now better at posing the right questions and detecting deficiencies. There has been marked progress since 2006 – via 2011 – to 2017. However, the team is not really stricter, they are just more professional’ (No 5). ‘The team which came in 2017 was very professional. Nice people who asked good questions. They kept at it – and understood what they were told’ (No 11). ‘The quality of Schengen evaluation has improved since 2005. Back then there were no requirements concerning evaluators’ qualifications. Since 2011 a lot has been learnt in Brussels, from good and bad experiences of evaluation visits. Now there are very competent evaluators’ (No 12) ‘The new evaluation mechanism is better! There are fewer evaluators, but those who come are competent. There has been a big change since 2001, and an even bigger one since the implementation of the new mechanism in 2015’ (No 17).*

There are several reasons for the changes in the conduct of evaluations. Some were mentioned under item **3.4.5 New procedures in practice – since 2015**. Evaluation teams have become more professional, and evaluators’ qualifications are now scrutinised by the Commission prior to selection. Continuity is maintained within the teams as far as possible.

214 Interviews No 3, 5, 9, 11, 12, 17, and 20.

Secondly, with the Commission taking the lead, and with the aid of peer review, the conditions are set for improved planning, in the short and long terms. The Commission has a stronger mandate to make plans and carry them out than did the former system, which was based entirely on peer evaluation. The use of unannounced visits, on the basis of risk analysis, is a result of this development.

Thirdly, the importance of Schengen evaluation has increased, because of irregular mass migration towards Europe's external (and internal) borders since 2015.

A fourth factor is simply the passage of time and growth of experience, both among the evaluators and within the bodies discussing reports and recommendations (Schengen Committee and SCH-EVAL). Schengen evaluation now has a history of 20 years, and a considerable body of knowledge has been accumulated.

In the follow-up process (consisting of action plans, Commission assessments and follow-up reports) it is evident that remedial action has become more substantial than it used to be. Measures are more precise and targeted. Responsibility is more clearly defined.²¹⁵

However, scrutiny of the follow-up actions has also become more intense – considerably so, as the Commission's assessments reveal. It is fair to say that scrutiny has become even more penetrating than might have been expected. Other Schengen states have had the same experience. As a result, more than just one follow-up report has become necessary to demonstrate compliance with the recommendations, and the monitoring will go on 'until the bitter end' – i.e. the implementation of all recommendations.

The 2017 Schengen evaluation of Norway is an interesting example of a dialogue between the Commission, the executive body of the European Union, and an individual state participating in EU (Schengen) cooperation, in this case a Schengen Associated Country. The dialogue began with

215 Interviews No 1, 4, 9, and 20.

informal exchanges on the evaluation reports, then continued into the follow-up process: action plans, Commission assessment of action plans and follow-up reports.

The 2013 regulation does not provide for one particular procedure to deal with the follow-up reports. However, the Commission has developed some informal ways of communicating with the evaluated country, between follow-up reports, so as to ensure compliance with the recommendations and adherence to the deadlines set out in the action plan. In such communications the Commission may indicate whether another follow-up report on pending actions will be required before the evaluation is ready to be formally closed.²¹⁶

In the 2017 evaluation of Norway, by the closure of this study end of 2019, the dialogue has lasted for almost two years in each evaluation area. This time has provided opportunities to be more precise and to elaborate on the many statements made in the follow-up reports. Both recommendations and follow-up items have to be brief, sometime at the cost of precision. Ambiguity is not uncommon. Dialogue is essential for there to be precision, clarification, elaboration and further effort to make the evaluation process thorough and accurate. The example of Norway demonstrates that dialogue can be to the advantage of both parties.

Norway has taken the important step of integrating Schengen evaluation follow-up fully into the police governance and reporting system, thus underlining the fact that Schengen recommendations – although international in their origin – are as important for the national police service as any national guidelines. The NPD considers the current organisational reform of the police as useful in achieving this objective.²¹⁷ This point is clearly articulated by numerous interviewees: *‘The new governance model for the police prepares the ground for better “anchoring” of the professional (Schengen) level at the management level’ (No 1). ‘The police reform is a window*

216 One example is the exchange of emails between the Commission and the NPD between the second and the third follow-up report on police cooperation and on SIS.

217 Interviews No 1, 7, and 8.

of opportunity for change. We are moving from fragmented environments to more robust professional ones. This leads to a holistic view of Schengen cooperation and other forms of international police cooperation’ (No 7). ‘The police reform has as one of its goals to boost expertise in the police districts, creating more robust professional environments that include regional and local Schengen expertise’ (No 8)

By the deadline for updating this study – 31 December 2019 – the 2017 evaluation of Norway had not been completed. The Commission had not yet declared its closure because further follow-up reporting had been requested and was still outstanding. Closure cannot yet be foreseen by any exact date. By the end of 2019 implementation of remedial actions was still pending in all evaluation areas, and some actions are scheduled well into 2020.

Including the time spent on preparing answers to the Schengen Questionnaire (early spring 2016), the 2017 evaluation of Norway has lasted nearly four years. The next evaluation is scheduled to begin in 2021 – once again starting with the Questionnaire. Evaluation visits will take place in 2022.

By the closure of this study, the thematic evaluation of national IBM strategies in all the Schengen states was still going on – see under **3.4.1 Main features of the Regulation**. The Commission’s draft report on the evaluation of Norway’s strategy was in the process of making, and an informal dialogue was taking place between the Commission and the NPD to clarify certain details.

The Commission’s draft report is expected to be ready by January 2020 to be sent to Norway for a comment. It will, because of the broad scope of IBM, serve as a sort of summary assessment of the 2017 evaluation and provide significant guidelines for the next.

5 EVALUATION AS EDUCATIONAL EXPERIENCE

5.1 Hypotheses

This part of the study aims to identify the dynamics which produce enhanced professionalism and improved performance in Schengen-related areas.

Looking back at the four evaluations of Norway, one might ask if the measures taken in the preparatory stage, or in the follow-up process, would have been taken, if the evaluations had not taken place. One cannot be sure, but it seems highly likely that the improvements they led to would not otherwise have taken place at the time, to the extent and in the manner that they did.

Raising professional standards is central to these improvements, partly as a result of, and partly as a motivation for the evaluation. The impetus provided by the evaluation reports, the recommendations by the Council and the Commission's assessments (2017) could well be regarded as quite strong. In **chapter 5** the study will take a closer look at this.

In the **INTRODUCTION** a number of hypotheses were set up.

The **main hypothesis** of the study is that peer evaluation (where each participating country is evaluated by the others), within an adequate legal framework and on the basis of trust, does indeed have a positive impact on professionalism in government services like border control and police cooperation.

Derived from the main hypothesis were **nine sub-hypotheses** of an affirmative nature, designed to test the positive impact of Schengen evaluation on learning and professionalism within the police. Contrasting with these are **four critical hypotheses**, designed to question the ability of Schengen evaluation to produce lasting positive effects.

In **chapter 5**, the findings will be linked to and compared with these hypotheses. The analysis will concentrate on the following questions in order to confirm – or discard – the hypotheses:

The main question is: Has Schengen evaluation helped raise professional standards? And if so, has this come about:

- Through effects on formal police training (Common Core Curriculum etc.)?
- Through effects on other learning processes (best practices etc.)?
- Through effects on working methods (use of IT tools, risk analysis using the CIRAM-model etc.)?
- Through better knowledge and compliance with legal requirements?
- Through effects on conceptual development (IBM etc.)?
- Through better knowledge and understanding of international police and border control cooperation?
- Other effects?

Questions may also be raised about the new evaluation and monitoring mechanism (SEMM - since 2015) as compared with the previous one. Schengen evaluation has moved from the multilateral level (peer evaluation) towards the super-national (the Commission). The discussion about substance in evaluation findings (compliance with the Schengen *acquis*) has moved away from the Council into the sphere of bilateral discussions between the Commission and the evaluated country (evaluation reports – Commission assessments – follow-up reports – closure). How has this development affected the learning process resulting from Schengen evaluation? The findings of the study will shed light on this issue.

5.2 Descriptions of findings

5.2.1 Documentation findings

The documents studied unequivocally suggest that Schengen evaluation has contributed to the development of border management (border control

and border security) as a strategic issue for the police and as an academic subject. Several concepts have been developed and defined at EU level, disseminated via Schengen evaluation to all member states, and used by them (Norway included), to improve their border management and border security. Examples of these are: Integrated Border Management (IBM) and IBM Strategy, the Four-tier Access Control Model, the Common Integrated Risk Analysis Model (CIRAM), the Common Core Curriculum (CCC) and the Vulnerability Assessment Method (VAM). In the case of Norway, it is obvious that these concepts are now integral to border management.

The concepts were developed and disseminated partly through Schengen evaluation, partly through other channels and by other means. There is no doubt, however, that Schengen evaluation has reinforced and spurred on the introduction and use of these concepts in Norway.

The development of concepts and theory has helped build up a comprehensive body of knowledge on borders and migration as integral parts of internal security. This, in turn, has facilitated the development of training programmes – at all levels, from basic training up to the master’s degree.

Several factors have influenced the development of courses and curricula relating to Schengen cooperation. National goals and objectives have been set according to encouragement and expectations from various European sources. Frontex has played a major role in this development. The Common Core Curriculum (CCC), promoted by Frontex, has been a driving force as has Norway’s participation in the Frontex National Training Coordinators’ network and in the partnership academy network. Other Frontex capacity building initiatives have also played a part, such as the Sectoral Qualifications Framework (SQF) for Border Guarding.

Schengen evaluation has served as a way to check how Norway was seeking to meet these European standards. On the evidence of Norwegian follow-up reports and new or revised national training programmes, evaluation may be seen as a co-influencer of the progress made. Another important element is the integration of border management into the national police

governance system. It is strongly corroborated by the interviews and in the survey that Schengen evaluation has spurred this process.

Evaluation documents (evaluation reports, national action plans, Commission assessments and the series of follow-up reports) demonstrate the huge number of practical details involved in Schengen evaluation. Implementing all the recommendations is a complicated, time-consuming process, requiring excellent managerial skills. *The devil is in the detail*, but details are essential for measuring improvement. Schengen evaluation is a unique international method for improving vital public services. Its effect on Norway is probably no different from its effect on other Schengen countries.

Making border management an academic subject has helped raise the status of border and immigration control and of police officers and others who work in these fields. It has led to the acknowledgement that border control requires particular knowledge and skills only obtainable through well-structured specialised training of all those involved.

The study of documents shows that systematic border security threat assessment and risk analysis are notable benefits that result from Schengen evaluation. A strong link has been established between border security and criminal intelligence/criminal threat assessment. Such a link has always been advised in Schengen evaluation recommendations. Border security has become a fully integrated part of internal security.

Document study confirms that Schengen evaluation has promoted horizontal cooperation between branches of the police service. It has contributed towards a more holistic approach to police work in general.

From the start, Schengen evaluation has been an important driving factor in inter-agency cooperation in Norway and it continues to be so.

5.2.2 Interview findings

Without exception, the interviews express very favourable opinions about Schengen evaluation. However, some interviewees say that, at times, it was

difficult to explain the Norwegian system of police training to the evaluation teams. The fact that basic police training in Norway is a three-year course leading to a bachelor's degree, which covers all areas of police work, was not always fully comprehended by evaluators from specialist border guard services that had narrower training curricula. The substantial nature of the bachelor's course has perhaps been underestimated in some of the evaluations. It provides a solid foundation for continuous and specialised learning, as is asserted by this interviewee:²¹⁸ *'The evaluation report (on police cooperation) reveals considerable doubt if Schengen and Schengen acquis are sufficiently covered in the police educational system of today. This may be open to discussion, but sometimes the fact is underestimated that all police officers have gone through the three-year bachelor programme. With that starting point, the educational level of Norwegian police officers is already quite solid. It is a system based on life-long learning, which makes it possible to quickly specialise when one has entered the service'* (No 14).

Nevertheless, it is generally accepted that the Norwegian police training system needs an overhaul to improve its international and Schengen-related aspects. This can be regarded as perhaps the most important lesson learned from the 2017 evaluation.

Several key actors interviewed for this study have pointed to perceived deficiencies in the police educational system as regards Schengen and Schengen *acquis*:²¹⁹ *'The NPUC ought to have taken a stronger hold on this professional field (border control). The bachelor's degree is not sufficient'* (No 5). *'The Norwegian national structure for border control training is not good enough. We rightly got a "non-compliant" on this (in the 2017 evaluation). The Norwegian police are not focusing properly on the Schengen acquis'* (No 9). *'Norway must be able to establish a national system for the required skills in border control duty. The NPD should give the NPUC the task of creating a package to train instructors to train the border guards at each and every BCP – a must-know package'* (No 11). *'The NPUC must get up to date'* (No 17).

218 Interviews 13 and 14.

219 Interviews No 3, 5, 9, 10, 11, 15, 17, and 20.

The interviewees regard evaluations as valuable learning experiences and many give concrete examples of their remedial effect on deficiencies. Their contribution to the development of the police and the police border guard service is strongly emphasised by all those interviewed.

A general view is that Schengen evaluation meets positive attitudes in all those involved, at every level. The learning effect is valued. No interview indicates there is any resentment among police employees, though some of those interviewed would like the evaluation teams to be even more professional. The fact that the teams include less experienced, as well as very proficient evaluators, was noted.

It is generally agreed that Schengen evaluation has become ever more professional and effective, and that the new mechanism has the firm support of all who have been involved in it. The 2017 evaluation is regarded as an improvement on the previous ones.

There is also a strong feeling that Norwegian follow-up and ability to learn from Schengen evaluation has improved, although there is still considerable room for further improvement. Most interviewees mention critical areas where Norway still has a way to go before it will reach the desired standard. To sum up, the interviews point to slow progress in three areas: consistency in sea border checks, the training structure of border control and international police cooperation and Integrated Border Management structure and strategy. It is also generally accepted that the findings regarding shortcomings in risk analysis and the use of risk analysis products are well founded.

Several of those interviewed have served as Schengen evaluators in other Schengen states. They all say this is a very valuable learning experience and vital in preparing Norway for the evaluation process.

Frontex receives very positive comments in a number of interviews, and no negative ones. Frontex is clearly regarded by key actors in Norway's border control apparatus as a pillar of Schengen cooperation. This view

is also found in the answers to the four open questions in the Survey – see below **5.2.3.6.**²²⁰

The interviewees represent a wide array of experience of Schengen evaluation, over a long period of time (some more than 20 years). The interviews cover all evaluation areas where the police are the main actors: air-, land and sea borders, police cooperation, the Schengen Information System and return. Nearly all echelons of the Norwegian police command structure have expressed their views: top management, middle management, experts and first line supervisors. They represent police districts and special agencies which have had on-site visits, as well as the National Police Directorate.

Some interview responses are referred to at points in the text where they are relevant to the topic under discussion. Quotations from interviews are inserted to illustrate the points made and provide confirmation.

Some remarks made by interviewees about Schengen evaluation and the Norwegian experience of it were of a general nature.

The following quotations are representative of such remarks (translated by the author):

‘Border control management in Norway would have developed to a certain extent, even if Norway had remained outside Schengen, but not nearly as much as it really has – not by any means.’ (Interview No 1)

‘Schengen evaluation has contributed towards a better understanding of IBM strategy in Norway. The police must take the leading role and govern border control management on the basis of strategic considerations and an overall plan.’ (Interview No 2)

‘Evaluation is not inspection for the sole purpose of detecting deficiencies; it is meant to be a training process producing gradual development from one evaluation to the next – moving towards common goals and standards.’ (Interview No 3)

220 It may be assumed that some of those interviewed are also respondents to the four open questions.

'To prepare for the evaluation, inter-agency cooperation was very important. The Coast Guard, the Directorate of Immigration, the Data Protection Authority, the Police Immigration Service, the NCIS, the police districts – they were all very cooperative and agreed that the evaluation was important for Norway.' (Interview No 4)

'Evaluation is a kind of exam: it's assessment, measurement. One gets a report, which in a useful way assesses how the police district is carrying out border control – if staffing is sufficient, if knowledge and skills are sufficient, if rules and regulations are abided by, if control is exercised correctly. One psyches oneself up beforehand, preparing, planning and looking for weaknesses to 'close the gaps' and remedy weak spots. (Interview No 5)

'Norwegian Schengen evaluators play an important role. They bring useful experience back home – very useful for the preparations for the Schengen evaluation of Norway.' (Interview No 6)

'Through each evaluation we realise as an organisation how important this cooperation is. We have matured in relation to this – formerly we were "compelled" by Brussels to do something, but now we actively wish to be part of it.' (Interview No 7)

'Schengen evaluation fits very well into the model employed by the Norwegian police to drive improvement and further development.' (Interview No 8)

'We are very lucky to get well trained, professional colleagues from other countries to come to look at what we are doing and how we can improve.' (Interview No 9)

'The significance of Schengen evaluation – especially regarding the focus on the land border and the national understanding of Schengen external border control – has been enormous.' (Interview No 11)

'Employees have, without exception, regarded evaluation as unproblematic and quite ok – as part of the system. This is the control mechanism of Schengen cooperation!' (Interview No. 12)

‘Schengen evaluation is an opportunity to focus on an important field and develop solutions to create better systems. It is something positive – not something to fear.’ (Interview No 13)

‘Schengen is a challenge for Norway: what we do must be professional!’ (Interview No 15)

‘The employees thought it was great to take part. They got a wider perspective on their jobs.’ (Interview No. 16)

‘Suggestions and feedback from others can help us to move on. The Schengen evaluations of Norway have contributed to our development.’ (Interview No. 17)

‘Being evaluated by controllers from all over Europe made the police district “pull its socks up” and look at where improvement is needed.’ (Interview No. 18)

‘The evaluation helped enhance professionalism in the police district. My main impression: unequivocally positive!’ (Interview No. 19)

Concerns were also raised amidst the positive comments. These were not directed against Schengen evaluation as such, but rather arose from doubts about Norway’s ability to implement adequate remedial action. There were worries about the limitations set by the basic principles of policing in Norway: the unified police principle and the generalist principle. The latter – implying broadly based basic training and much rotation between various fields of police work – inhibits the development of expertise able to cope with the professional demands of our era, including those of Schengen:

‘It is very important to keep the unified police, but it is time to challenge the generalist principle. These two things are at odds! Border control shows this.’ (Interview No 15)

A different type of concern was also raised: that division at the top national police organisational level (NPD) was impeding a holistic approach to strategic planning and improved professionalism:

‘Separate plans are drawn up for the introduction of new systems (API, PNR, EES, ETIAS and Prüm), but the organisation is not capable of seeing the whole picture. Each project being implemented stands alone. The same goes for training and improving professionalism. It is split up. One of the main aims of Schengen evaluation is to drive home an understanding of interoperability.’
(Interview No 10)

Concern about the involvement of top management in the police districts was also expressed, following the 2011 evaluation:

‘There were huge differences between police districts – and also between special agencies – with regard to their view of border control. There was resentment at the top level in some districts. One district chief of police declared that border control was not really a police task. But it really is a primary task!’
(Interview No 5)

The same concern was expressed regarding the preparations for the 2017 evaluation:

‘There was an apparent lack of understanding among some police leaders (members of the National Management Group). They seemed to regard Schengen as something outside their responsibility. They did not acknowledge the obligations that arise from Schengen – both at the national level and in each and every police district’ (Interview No 10)

Similar concerns were expressed in other interviews and in responses to the open questions in the survey (see below 5.2.3.6). It was not a new phenomenon. It had existed since the Schengen implementation phase, when some senior figures regarded Schengen obligations as something imposed from outside and not as a new opportunity. See under item 4.1.4.2 **Focus on changes in police training and methods.**

However, it is fair to say that lack of involvement by some top management in the police districts has not hampered Norway’s participation in Schengen or impeded remedial action following evaluations. Capable middle management and specialisation at the work level (specialised border and

immigration sections in the police districts) have brought about sufficient dedication to Schengen tasks.

5.2.3 Survey findings

The survey differs from the interviews in the number of persons involved: there were 129 respondents in the survey while only 20 were interviewed. The survey also reaches further into the police organisation – geographically, functionally and with regard to rank. All those interviewed also received the survey questionnaire, but which of them replied to it will not be disclosed. The questionnaire can be found in ANNEX IV.

5.2.3.1 Description of sample

The net sample consisted of 129 respondents, all with a defined role in Schengen cooperation. Of these, 35 percent were female and 65 percent male. Table 5.1 presents the distribution of gender for the respondents.

Table 5.1: Distribution of gender in the sample

Gender	N	%
Female	43	35
Male	79	65
Total	122	100
Missing data	7	-

If one compares this with the overall gender distribution in the police, it is possible to discern some differences. In 2017, it was reported that 45.6% of all police employees were women,²²¹ which indicates that the number of female participants in this study is somewhat lower than the general employment rate would lead one to expect. A possible explanation is that most participants in the sample are police officers (see figure 5.4): in 2017 it was reported that 31.4 % of police officers were women.²²²

221 [National Police Directorate 2018](#).

222 [National Police Directorate 2018](#).

Figure 5.1: Percentage Age distribution of sample.

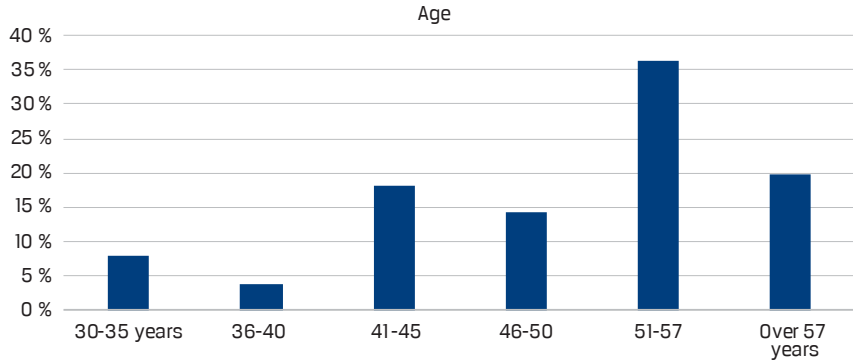


Figure 5.2: Percentage Distribution of years in the police.

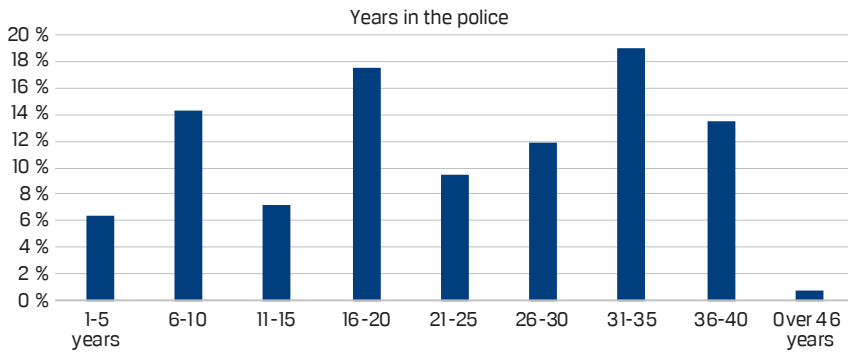
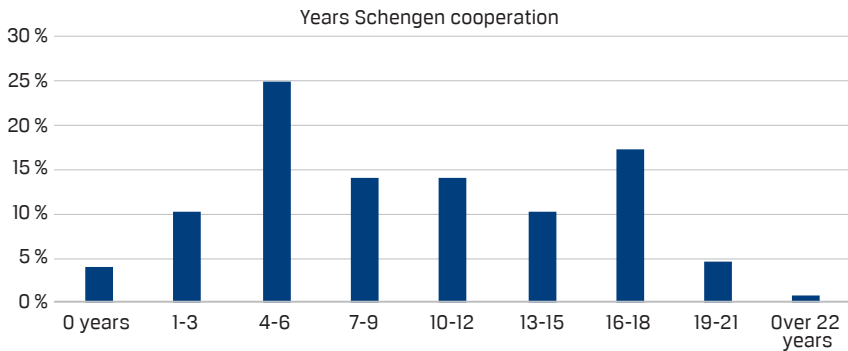


Figure 5.3: Percentage Distribution of years of Schengen cooperation.



The age distribution of the sample is shown in figure 5.1. 36 % of the respondents in this study are aged 51-57, and this is by far the largest group. One can also see that most of the respondents belong to the age groups above 41.

The distribution of years of service in the police and years of working with Schengen cooperation are shown in figures 5.2 and 5.3 respectively. The distribution of years of service demonstrates that most respondents have considerable work experience in the police. One can, therefore, assume that the respondents are quite familiar with many aspects of the police and involvement in Schengen activities. As regards experience of Schengen cooperation, 25 percent of the sample report 4-6 years, with most other categories being distributed fairly evenly, which supports the assumption that respondents have acquired considerable knowledge of Schengen activities. However, figure 5.3 does indicate that a small number of respondents have had no prior experience of working with Schengen cooperation.

Figure 5.4 shows the distribution of respondents' positions in the police. Over 65 percent are police officers, which is not necessarily very surprising. It can also be seen that a few respondents are retired. The main reason for this is that the first Schengen evaluation of Norway took place in 2000-2001, and we wanted to include as many respondents as possible from all the evaluations.

Figure 5.4: Percentage Distribution of respondents' positions in the police.

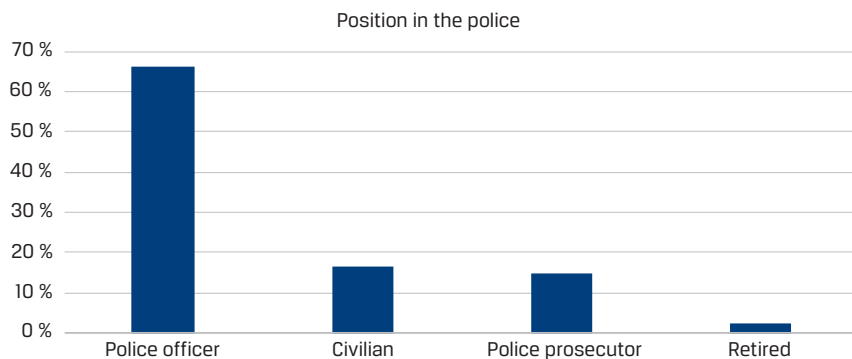


Figure 5.5: Percentage Distribution of organisations respondents belong to.

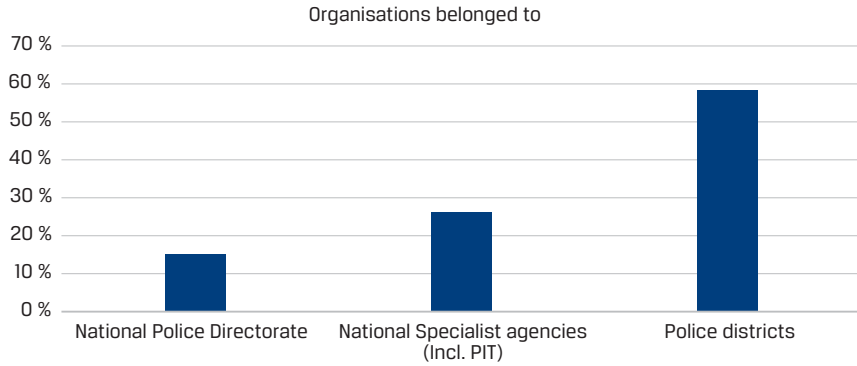


Figure 5.6: Percentage Distribution of respondents' police districts.

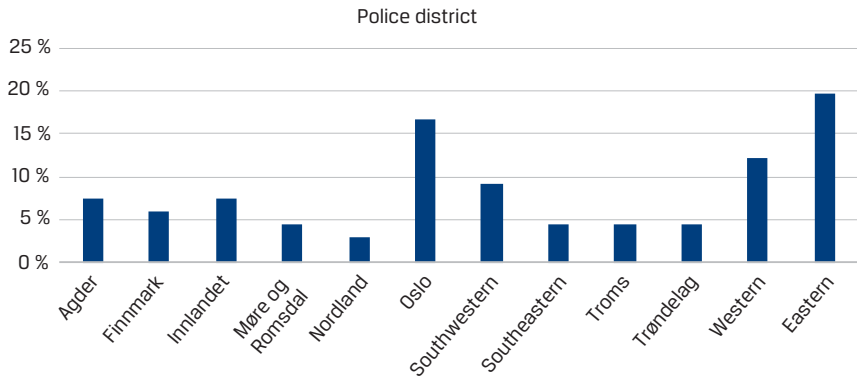


Figure 5.7: Percentage Distribution of respondents in Specialist agencies.

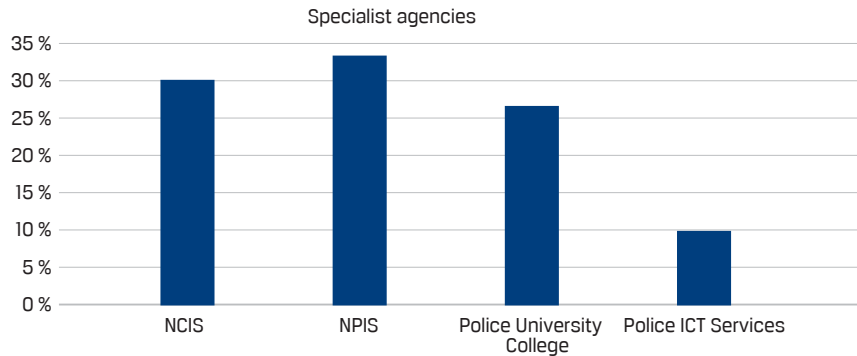


Figure 5.5 shows that the majority of the sample, work in the police districts. There are also respondents from the National Police Directorate and various national specialist agencies. Figure 5.6 demonstrates that respondents from all the twelve police districts in Norway are represented in the sample.

Figure 5.6 shows that more than 35% of respondents come from Oslo and East (Øst) police districts. This is not surprising, given that these districts are the biggest in terms of number of employees.²²³ In addition, Norway's main airport is in the East Police District and requires various border control tasks and Schengen activities. Figure 5.6 shows that the sample includes even respondents from police districts that have not undergone Schengen evaluation. These respondents are still considered to be of interest, as they have been informed about the Schengen evaluation process and activities connected with it.

As noted above, the sample includes respondents working in some of the national specialist agencies. Figure 5.7 shows that most of them work in the National Criminal Investigation Service (NCIS), the National Police Immigration Service (NPIS), or the Norwegian Police University College (NPUC), in roughly similar proportions, while 10% work in the Police ICT Services.

5.2.3.2 Participation and involvement in the Schengen evaluation of Norway

In this section, various aspects of respondents' relationship to Schengen cooperation and Schengen evaluation are presented, including their roles, knowledge and involvement.

The questionnaire included a question asking respondents to describe their role in Schengen cooperation. The distribution of roles is presented in figure 5.8, and it shows the percentage of those having a specific role. Note that respondents could choose more than one role.

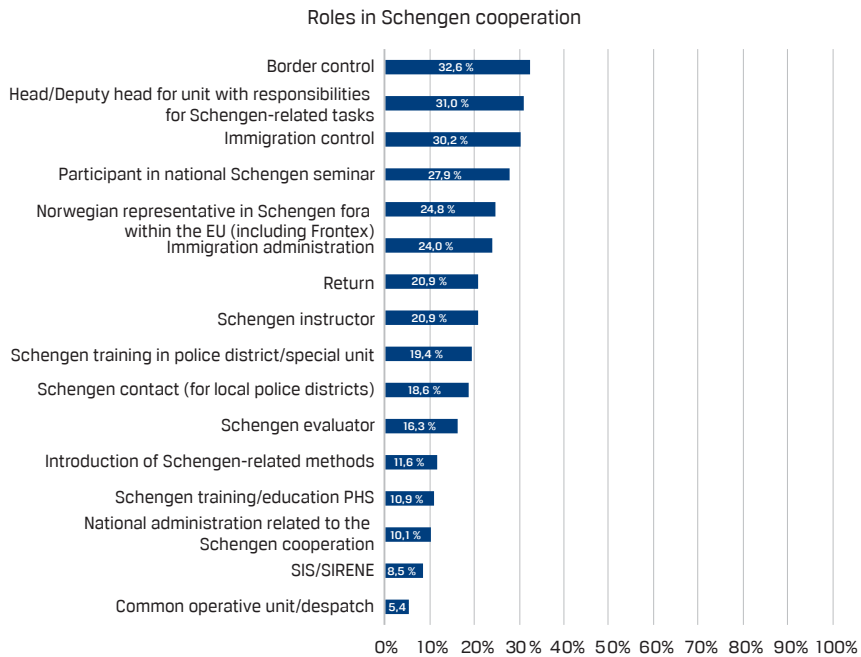
²²³ [National Police Directorate 2018](#).

Figure 5.8 shows a good spread of respondents across the various roles in Schengen cooperation, and all the roles are represented in the sample. The majority are concerned with border control.

Figures 5.2 and 5.3, above, showed respondents generally had considerable experience of both police work and of Schengen cooperation. Figure 5.9 shows the respondents' own assessment of their level of knowledge, with the majority reporting either a 'good' or 'excellent' understanding of both Schengen cooperation and evaluation.

The assessment was rated on a scale ranging from 1 (very poor) to 4 (excellent). Analysis shows that the mean score for knowledge of Schengen cooperation was 3.46 (SD=0.60), while the mean score for Schengen evaluation was 3.27 (SD=0.81). It is noteworthy that none of the respondents reported 'very poor' knowledge of Schengen cooperation, and a small

Figure 5.8: Percentage Distribution of roles in Schengen cooperation.



percentage (13.5%) said their knowledge of the evaluation process was poor. This can be related to the fact that not all the respondents in the sample have been involved in evaluation. The percentage of respondents who had been involved in one of the four Schengen evaluations carried out in Norway is shown in figure 5.10. Three quarters of the respondents (N=97) had participated in one or more of the evaluations.

However, those respondents who have not been involved have still received information about the evaluation and are thus considered to possess valuable information and insights for the purposes of this study. Figures 5.11 and 5.12 show the degree of knowledge of cooperation and evaluation claimed

Figure 5.9: Knowledge of Schengen cooperation and Schengen evaluation. Percentage.

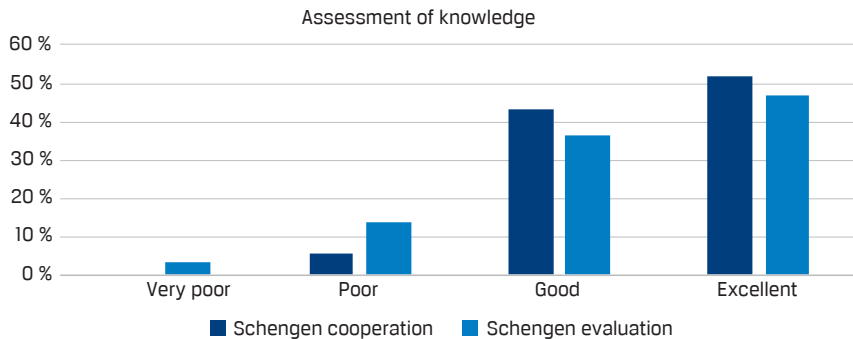
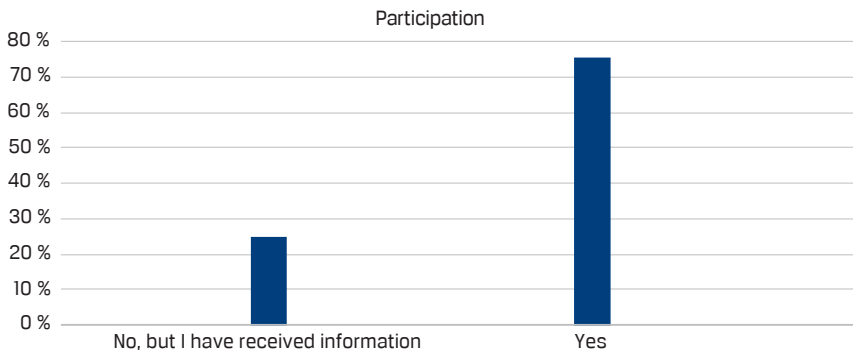


Figure 5.10: Percentage Distribution of respondents' participation in Schengen evaluation.



by the participants, according to whether or not they had participated, and they demonstrate that a higher proportion of those who had taken part in one or more evaluations declared a positive degree of knowledge ('good' or 'excellent') than among those who had only received information. Since one of the main aims of Schengen evaluation is to increase both knowledge about and expertise in Schengen cooperation, the results provide evidence to support the importance of conducting evaluations.

Figure 5.13 shows the breakdown of participation among respondents according to the year of the evaluation. The number of participants increases

Figure 5.11: Knowledge of Schengen cooperation, according to participation

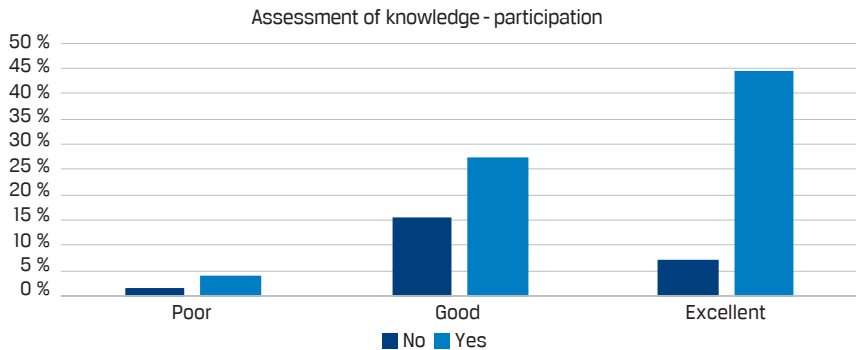
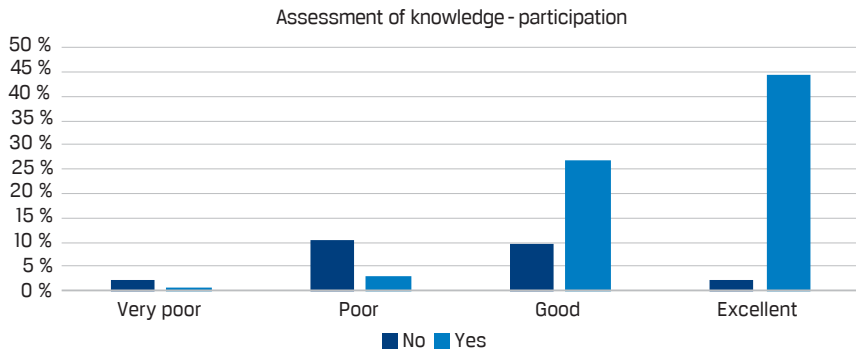


Figure 5.12: Knowledge of Schengen evaluation, according to participation.

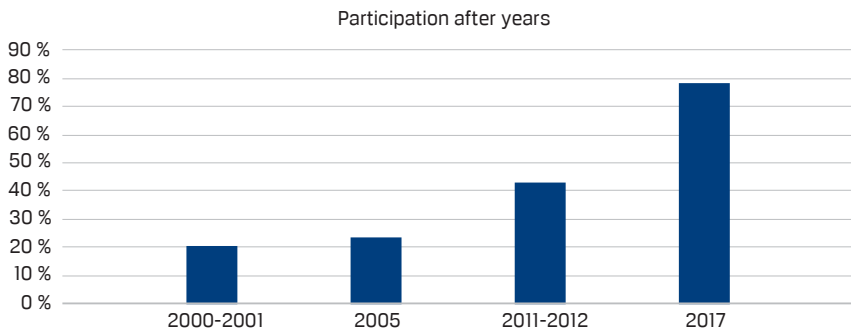


markedly over time, with almost 80% of those who participated taking part in the 2017 evaluation.

There are several explanations for this increase. First, it was difficult to provide a complete and reliable overview of all who had participated in the evaluations of 2000-2001 and 2005. Some participants in these evaluations will have either retired or not continued their involvement in Schengen activities in the police. Similarly, complete lists of participants in Schengen training or other Schengen-related activities during the early 2000s were not so readily available as for the later evaluations. On the other hand, there is also a possibility that the observed increase reflects a real growth in the number of police personnel (both police officers and other police employees) involved in various Schengen activities.

One can be involved in Schengen evaluation in a number of different ways, and the questionnaire included a question to identify types of participation. Figure 5.14 illustrates the variation in respondents' participation in the evaluation processes (note that respondents could choose more than one answer). The figure shows that a large proportion of the respondents had been involved in planning and implementing an evaluation (79.4%). This is also true as regards answering the Schengen questionnaire and preparing presentations or briefings for the evaluation (71.1% for both). A smaller percentage of respondents had participated in an evaluation by

Figure 5.13: Percentage Participation according to years. N=97.



demonstrating skills or techniques to the Schengen inspectors (21.6%). The number of respondents that had participated in planning and leading the follow-up process is also fairly low (24.7%). This may be because, in Norway, responsibility for preparing action plans is generally assigned to a limited number of police employees. Nonetheless, the variety of participants' types of involvement in Schengen evaluation – there are over 20% in every

Figure 5.14: Percentage Distribution of type of participation in Schengen evaluation

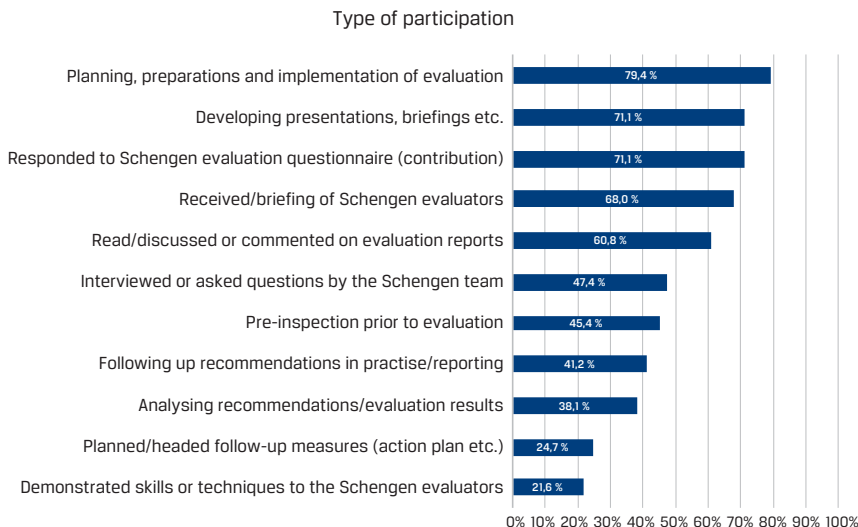
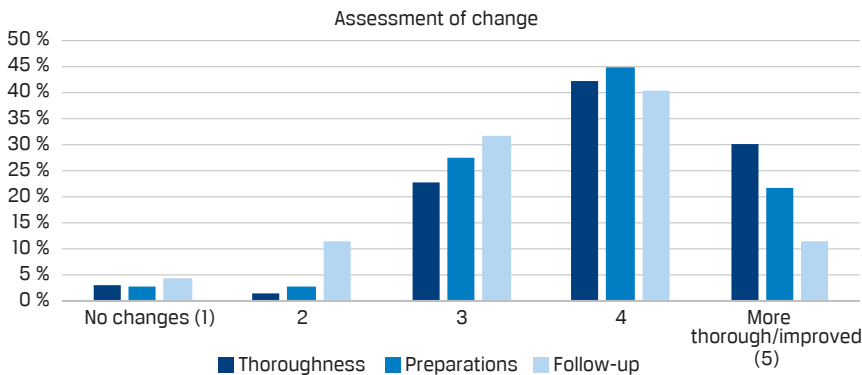


Figure 5.15: Assessment of change. Percentage.



category – indicates the potential for varied learning effects on many skill sets, in police work in general and international cooperation in particular.

The questionnaire asked respondents who had participated in two or more evaluations whether they had observed changes or improvements in the evaluations with respect to thoroughness, preparations, and follow-up. Each was rated on a scale of 1 (no change) to 5 (more thorough/improved). Figures 5.15 shows the breakdown for respondents' assessments of change.

On all three measures – the thoroughness of the Schengen evaluation, the preparations done by the Norwegian police before the evaluation and the follow-up of recommendations – most respondents say they could see improvements. The analysis shows that the mean scores are 3.95 (thoroughness, $SD=0.93$), 3.80 (preparations, $SD=0.91$) and 3.43 (follow-up, $SD=0.99$). These impressions of continuous improvement in Schengen evaluation and Norwegian police involvement support the assumption that evaluation processes generate learning effects, particularly for those who participate in them.

5.2.3.3 Knowledge, utility and collaboration

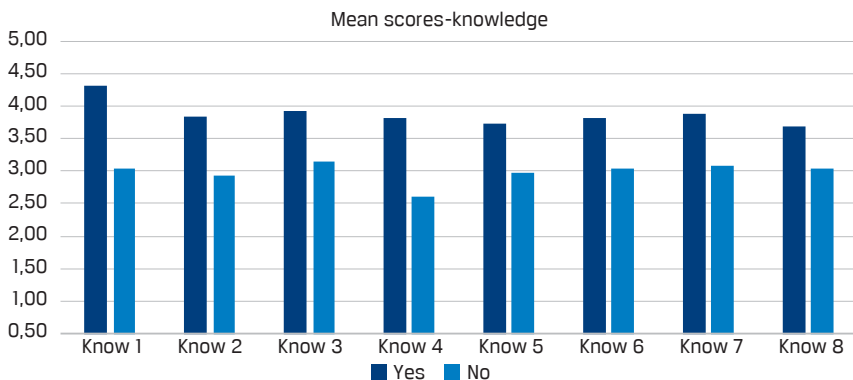
This section draws attention to the findings on respondents' assessments of how far Schengen evaluation has influenced or improved educational experience (knowledge), working methods within the police (practical utility), and inter-agency collaboration. As we have seen, to assess the impact of the Schengen evaluation on these items, questions were rated on a scale ranging from 'very low' (1) to 'very high' (5). The presentation of results is divided into two parts, the first focusing on descriptive accounts which highlight differences in the perceived influence of the evaluation according to respondents' involvement in the evaluation. However, the observed differences could be due to random variation, or chance. In order to explore such differences in more detail, the second part presents analyses of the connection between various background variables and respondents' assessments, to investigate whether statistically significant differences exist between group mean scores on the index variables.

5.2.3.3.1 Knowledge

It was suggested above (see figures 5.11 and 5.12) that differences exist between those who have participated in the evaluation and those who have only received information, in terms of how respondents perceive their general knowledge of the Schengen cooperation and evaluation process. As an extension of this, it is, therefore, of interest to examine whether differences can also be observed for the scale questions, on the basis of participation. Figure 5.16 shows the distribution of the mean scores for the questions about educational experience (knowledge).

As can be seen in figure 5.16, there are differences in the average values of the eight items that represent the dimension of educational experience. Thus figure 5.16 confirms that – on average – regarding knowledge, those who have participated consider Schengen evaluation to be more important than do respondents who have not. Moreover, the observed differences are, in general, quite large. For knowledge item 1, for instance, the difference in mean scores is 1.25 (scale range 1-5). More importantly, the average values for those who have been involved in the evaluation are either above or close to 4, indicating that involvement has the potential to generate crucial learning effects.

Figure 5.16: Mean scores for knowledge (know) items, according to participation.



5.2.3.3.2 Utility

The dimension of practical utility seeks to capture respondents' assessments of the impact made by Schengen evaluation on working methods and service performance. In order to make such an assessment, one must have been involved in the evaluation processes. The average scores of the different items of practical utility are shown in figure 5.17.

Figure 5.17: Mean scores for utility items.

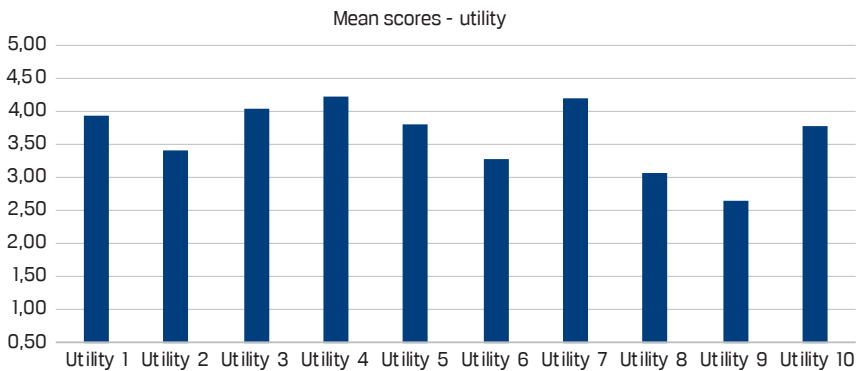


Figure 5.17 shows that respondents, in general, have a positive perception of the impact made by the Schengen evaluation. One can observe that a number of the scores are close to or above 4. For instance, the mean scores for Utility items three, four and seven are 4.02, 4.21, and 4.18. The first two seek to capture aspects related to respondents' assessment of their own efforts before and during an evaluation (utility 3) and the assessment of the usefulness of having participated in the follow-up process of an evaluation (utility 4). However, respondents' own effort or involvement are not the only aspects that are valued positively. The results also indicate that respondents are, on average, satisfied with colleagues' efforts before and during a Schengen evaluation (utility 7).

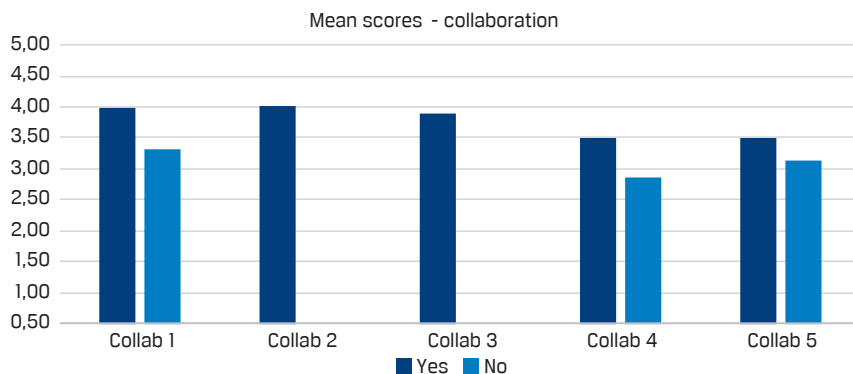
5.2.3.3.3 Collaboration

Schengen cooperation makes coordination and interaction between member states across national borders of central importance to the police. However,

international police cooperation is not the only form of collaboration that might be fostered by Schengen activities. Norway's involvement in Schengen and the evaluation process can have significant consequences for interdisciplinary and inter-agency police collaboration, particularly with regard to border control/management. In this study, the impact of the evaluation on collaborative practices was operationalised by 5 items. Participation in one or more evaluations was a prerequisite for two of these items (collab 2 and 3). Figure 5.18 shows the average scores for collaboration, and distinguishes between participation and non-participation.

Figure 5.18 indicates that respondents who have participated have a positive assessment of the impact of Schengen evaluation on collaborative practices. The average values of Collabs 1, 2 and 3 are 3.99, 4.02 and 3.9. These items seek to capture the experience of communication and collaboration with Schengen inspectors during evaluations, and of communication and collaboration between the respondents' police district/special agency and the Police Directorate. With regard to respondents' assessment of whether the evaluation processes helped increase inter-agency collaboration (Collab 4), participation seems to make a clear difference. The mean score for those who have participated is 3.5, while it is 2.85 for those who have only received information. This suggests that Schengen evaluation is not

Figure 5.18: Mean scores for collaboration (collab) items, according to participation.



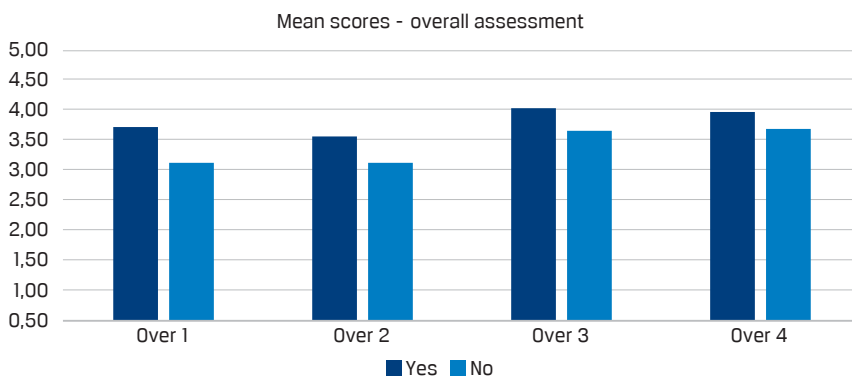
considered a major factor in increasing the involvement in collaboration of border control agencies.

5.2.3.4 Overall assessment

The questionnaire included questions of a general nature aiming at capturing respondents' overall assessment of how far the Schengen evaluation influenced the development of competence and skills in the parts of the police known to the respondents. Figure 5.19 shows the mean scores for the overall assessment, according to participation in the evaluation.

The overall assessments seem to follow a similar pattern to that found in the previous figures. There is a difference connected with participation: respondents who have been involved in it view Schengen evaluation as more important for the development of competence than do those who only received information. But more importantly, the mean scores of overall assessments 3 and 4 are higher than those of 1 and 2, regardless of participation. Items 3 and 4 seek to capture respondents' view of the extent to which future evaluations will help enhance the competence and skills of the police. This indicates that respondents generally view Norway's involvement in Schengen evaluation as important and value the potential learning effects that follow from participation.

Figure 5.19: Mean scores for overall assessment (over) items, according to participation



5.2.3.5 Analysis of variance – t- test, ANOVA and ANCOVA

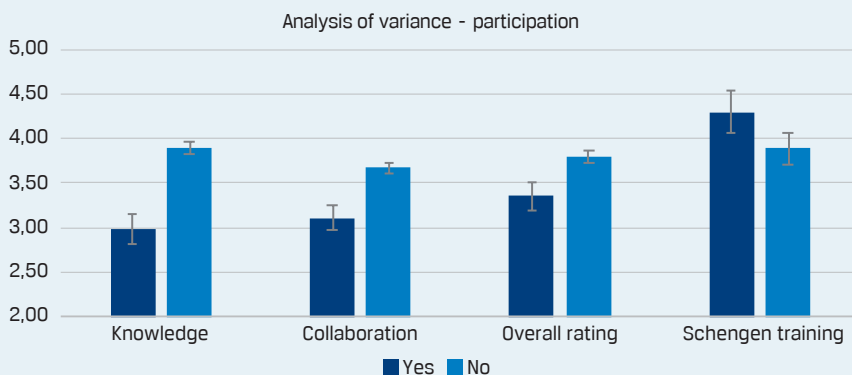
The previous section makes it clear that there are differences in average scores on the items, depending upon respondents' participation in the evaluation. These differences, however, could also be due to chance. In order to investigate whether there are statistically significant differences between mean scores for the index variables, as pointed out in **section 2.2.3.2**, various methods have been applied (t-test, ANOVA, and ANCOVA). To carry out such hypothesis testing one needs to express a null hypothesis (H0) and an alternative hypothesis (H1). In the following analysis, the general form of H0 is that all group means are equal, while H1 states that at least two group means differ.

5.2.3.5.1 Participation

Figure 5.20 presents the mean score of the four index variables (Knowledge, Collaboration, Overall rating, and Schengen training) according to whether or not the respondent had participated.

The differences in mean scores shown in figure 5.20 are not surprising, considering what has been observed above. What is interesting, though, is whether the mean values for the index variables of those who have participated and those who have not are statistically significantly different from each other. To find out, four independent t-tests were performed, one

Figure 5.20: Distribution of mean scores on index variables, according to participation. Standard error.



for each of the dependent/index variables, as the independent variable 'participation' consists of only two groups (participants and non-participants). The assumption of homogeneity of variances was also tested and satisfied via Levene's F test. The participant and non-participant distributions were considered sufficiently normal to conduct the t-tests – that is, skewness and kurtosis both come within the range +2 to -2.²²⁴

With regard to the index variable 'Knowledge', the respondents who have participated have a statistically significantly higher assessment of the extent to which Schengen evaluation has influenced the educational experience (M= 3.89, SD= 0.64) than those who have not participated in the evaluation (M=2.98, SD=0.89), $t(122) = 5.991$, $p = 0.001$. Similarly, the analysis shows that the observed difference for the index variable 'collaboration' between participants (M= 3.67, SD=0.56) and non-participants (M= 3.10, SD=0.71) is statistically significant, $t(120) = 4.403$, $p = 0.001$. Figure 5.20 also shows that there is a difference in the overall rating between respondents who have participated (M= 3.79, SD=0.73) and those who have not participated (M= 3.35, SD= 0.83) in the evaluation process, and the difference is statistically significant: $t(123) = 2.73$, $p = 0.007$. For the index variable 'Schengen training', respondents who have participated report a somewhat lower mean score (M= 3.88, SD=0.83) than those who have not been involved in the evaluation (M= 4.29, SD=0.68), but the difference is not statistically significant, $t(29) = -1.252$, $p = 0.220$. It is worth mentioning that, in this sample, the number of respondents involved in Schengen training is low (N=31).

5.2.3.5.2 Assessment of knowledge of Schengen cooperation and Schengen evaluation

Figures 5.11 and 5.12 clearly show there is a difference in the respondents' assessment of their general knowledge of both the Schengen cooperation and Schengen evaluation, which depends on participation. Those who had participated had a more positive assessment of their knowledge than those

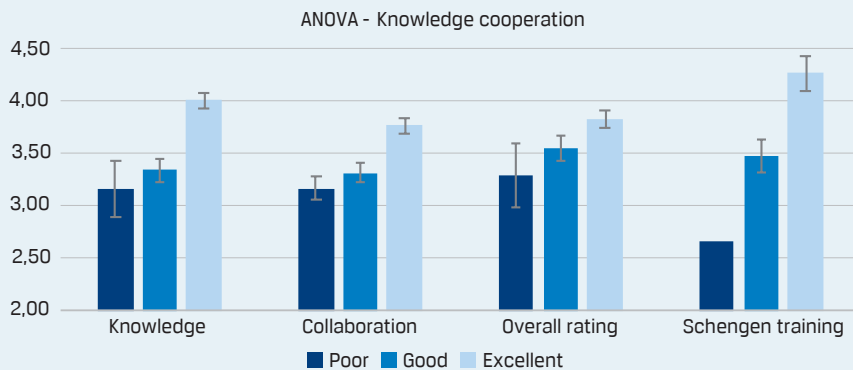
224 Lewis-Beck, M. S., Bryman, A., & Futing Liao, T. *The SAGE encyclopedia of social science research methods*. (Thousand Oaks: Sage Publications, 2004).

who had only received information. This makes it interesting to examine in more detail the mean scores for the four index variables based on respondents' assessment of their general knowledge of Schengen cooperation and evaluation. In order to test the hypothesis that the level of knowledge (very poor, poor, good, excellent) of the cooperation and evaluation affected respondents' assessments of the extent to which Schengen evaluation influenced educational experience, collaboration, skills, and Schengen training, several one-way between-group ANOVAs were carried out. The assumption of normality was again tested and deemed to be satisfied, given that the groups' distributions were associated with skew and kurtosis between ± 2 .²²⁵ The assumption of homogeneity of variances was also evaluated and met the criteria of Levene's F test.

Figures 5.21 and 5.22 show the group means of the four index variables, distributed by respondents' assessment of knowledge of Schengen cooperation and of Schengen evaluation.

Figures 5.21 and 5.22 show that there are variations in the distribution of group means of general knowledge for all four dependent variables. In terms of the 'knowledge' index variable, the between-groups ANOVA

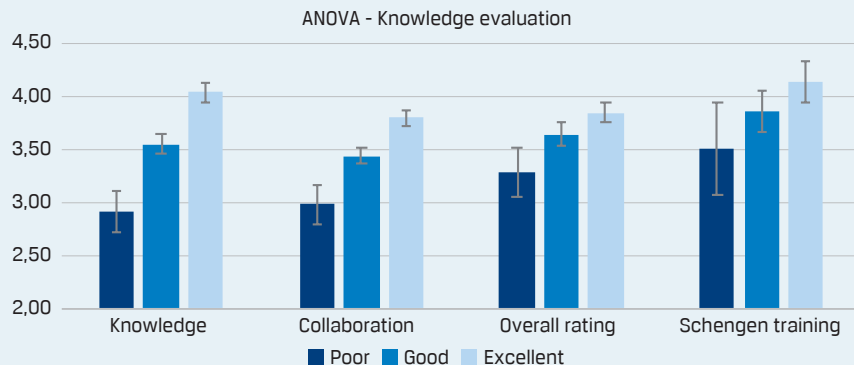
Figure 5.21: Distribution of mean scores on index variables, according to knowledge cooperation. Standard error



225 Lewis-Beck, M. S., Bryman, A., & Futing Liao, T. *The SAGE encyclopedia of social science research methods*. (Thousand Oaks: Sage Publications, 2004).

yielded a statistically significant effect, $F(2,121) = 13.685$, $p = 0.001$, $\eta^2 = .184$. As such, the null hypothesis that there were no differences between the group mean scores could be rejected. In addition, eta squared (η^2) shows that 18.4% of the variance in the perceived influence of Schengen evaluation (for improved educational experiences) was accounted for by the level of knowledge of Schengen cooperation. With regard to the index variable ‘collaboration’, a statistically significant difference between group means was determined by the ANOVA: $F(2,119) = 9.507$, $p = 0.001$, $\eta^2 = .138$. The null hypothesis that there were no differences between means could thus be rejected. For the index variable ‘collaboration’, eta squared (η^2) indicates that 13.8% of the variance in respondents’ perception of the influence of Schengen evaluation was accounted for by their level of knowledge about Schengen cooperation. The ANOVA also shows that the level of knowledge of the Schengen evaluation had a statistically significant impact on the perceived influence of Schengen evaluation for the four index variables (figure 5.22). For instance, in terms of the ‘overall rating’ index variable, there was a statistically significant difference between groups, $F(2,118) = 3.704$, $p = 0.028$, $\eta^2 = .059$. See tables 5.2 and 5.3 for all results from the various one-way between-groups ANOVAs. Statistically significant differences are marked with * $p < .1$, ** $p < .05$, *** $p < .01$.

Figure 5.22: Distribution of mean scores on index variables, according to knowledge evaluation. Standard error.



It should, however, be remembered that, although the one-way ANOVA may produce an overall statistically significant difference, the analysis does not identify which specific group means differed. In order to further evaluate the nature of the differences between the group means, the statistically significant ANOVAs were followed -up by a number of Tukey's honestly significant difference (HSD) post-hoc tests.

With regard to the level of general knowledge of Schengen cooperation, the Tukey HSD test indicated that the mean score for poor knowledge (M= 3.17) was statistically significantly different (p=0.022) from the mean of excellent knowledge (M= 4.01). The difference between the good knowledge group (M= 3.34) and the excellent knowledge group (M= 4.01) was statistically significant at a p<.01 level. However, there was no statistically significant difference between the poor and good knowledge groups.

Table 5.2: One-way ANOVA. Assessment of knowledge of Schengen cooperation. p<0.05.

ANOVA	df	df	F-value	p-value
Knowledge	2	121	13.685***	0.001
Collaboration	2	119	9.507***	0.001
Overall rating	2	121	2.783*	0.066
Schengen training	2	28	5.937***	0.007

Note: * p<.1, ** p<.05, *** p<.01.

Table 5.3: One-way ANOVA. Assessment of knowledge of Schengen evaluation. p<0.05.

Knowledge	2	117	19.758***	0.001
Collaboration	2	116	13.805***	0.001
Overall rating	2	118	3.704**	0.028
Schengen training	2	28	1.181	0.322

Note: * p<.1, ** p<.05, *** p<.01.

As can be seen in tables 5.4 and 5.5, a number of the post-hoc comparisons were statistically significant. In addition, some of the statistically significant differences between the means were associated with both moderate and large effect sizes following an analysis of Cohen's *d*.²²⁶ In summary, these results suggest that higher level of knowledge of both Schengen cooperation and evaluation have an effect on the perceived importance of the Schengen evaluation for the different index variables. That is, a higher level of knowledge makes for a more positive perception of the influence of Schengen evaluation.

The between-group analysis of variance, with associated post-hoc tests, shows several statistically significant differences in group means. One

Table 5.4: Tukey's HSD multiple-comparison – knowledge of Schengen cooperation.

Knowledge			Collaboration			Overall rating		
Comparison	p-value	d	Comparison	p-value	d	Comparison	p-value	d
PK-GK	0.842	0.208	PK-GK	0.834	0.217	PK-GK	0.709	0.304
PK-EK	0.022	1.309**	PK-EK	0.052	1.102*	PK-EK	0.227	0.786
GK-EK	0.001	0.916***	GK-EK	0.001	0.743***	GK-EK	0.123	0.365

Note: Poor Knowledge = PK; Good Knowledge = GK; Excellent Knowledge = EK; d = Cohen's *d*. * $p < .1$, ** $p < .05$, *** $p < .01$.

Table 5.5: Tukey's HSD multiple-comparison – knowledge of Schengen evaluation.

Knowledge			Collaboration			Overall rating		
Comparison	p-value	d	Comparison	p-value	d	Comparison	p-value	d
PK-GK	0.004	0.945***	PK-GK	0.023	0.773**	PK-GK	0.219	0.453
PK-EK	0.001	1.566***	PK-EK	0.001	1.309***	PK-EK	0.023	0.711**
GK-EK	0.001	0.737***	GK-EK	0.007	0.653***	GK-EK	0.383	0.279

Note: Poor Knowledge = PK; Good Knowledge = GK; Excellent Knowledge = EK; d = Cohen's *d*. * $p < .1$, ** $p < .05$, *** $p < .01$.

²²⁶ Cohen's *d* is a measure of effect size for the difference between means. It is suggested that Cohen's *d* = 0.5 is considered to be a moderate effect and Cohen's *d* = 0.8 to be a large effect. Jacob Cohen, 'A power primer', *Psychological Bulletin*, 122, (1992), pp.155-159.

should, however, remember the results of the independent t-tests above, which indicated that participation affected the extent to which Schengen evaluation has influenced, for example, the educational experience and collaboration. It is possible that participation will affect the results of the ANOVA. The analysis of covariance (ANCOVA) is often seen as an extension of the ANOVA, as it incorporates a covariate. That is, it includes a third variable, one assumed to affect the result, as a control. Essentially, the ANCOVA seeks to test whether the independent variable still has an effect on the dependent variable while removing the influence of the covariate.

Figure 5.23: Estimated marginal means of index variables, distributed by degree of knowledge cooperation, controlling for participation (covariate). Standard error.

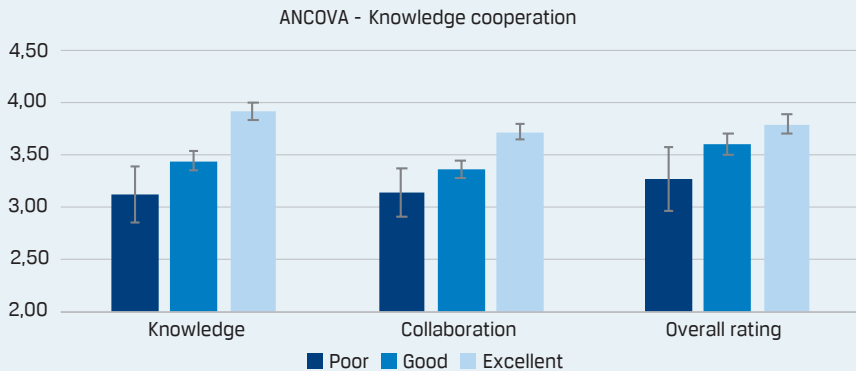
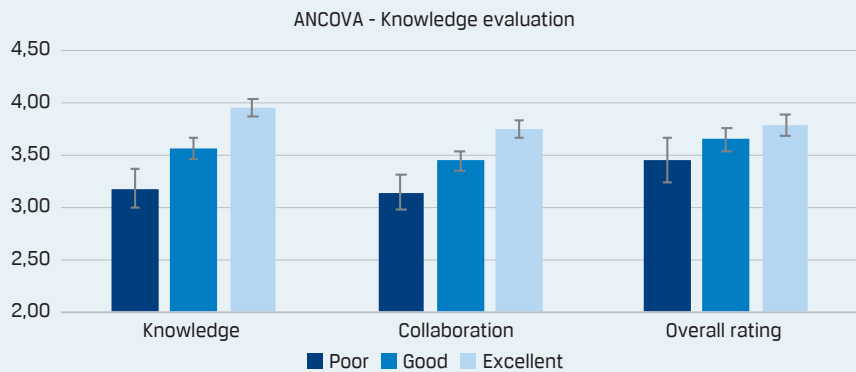


Figure 5.24: Estimated marginal means of index variables, distributed by degree of knowledge evaluation, controlling for participation (covariate). Standard error.



The results of the ANCOVA are presented in figures 5.23 and 5.24, showing the estimated marginal means.

Figures 5.23 and 5.24 show that there are variations in group means (level of knowledge) of the different index variables, while controlling for participation. Following the similar logic of the analysis of variance, ANCOVA tests whether the observed differences in group means are statistically significantly different. These results are set out in tables 5.6 and 5.7.

In terms of the dependent index variable ‘Knowledge’, the level of general knowledge (about cooperation), there is a significant effect on the perceived influence of Schengen evaluation (for improved educational experiences) after controlling for participation, $F(2,120) = 9.548, p=0.001$. The same is true for the level of general knowledge (of evaluation), $F(2,116) = 7.501, p=0.001$. With regard to the dependent variable ‘Overall rating’, after controlling for participation, there was no significant relation between the level of knowledge and perceived influence of Schengen evaluation, either for knowledge cooperation or for evaluation (respectively $F(2,120)$

Table 5.6: ANCOVA. Assessment of knowledge of Schengen cooperation. $p<0.05$.

ANCOVA	df	df	F-value	p-value
Knowledge	2	120	9.548***	0.001
Collaboration	2	118	6.819***	0.002
Overall rating	2	120	1.946	0.147

Note: * $p<.1$, ** $p<.05$, *** $p<.01$.

Table 5.7: ANCOVA. Assessment of knowledge of Schengen evaluation. $p<0.05$.

ANCOVA	df	df	F-value	p-value
Knowledge	2	116	7.501***	0.001
Collaboration	2	115	5.926***	0.004
Overall rating	2	117	0.974	0.381

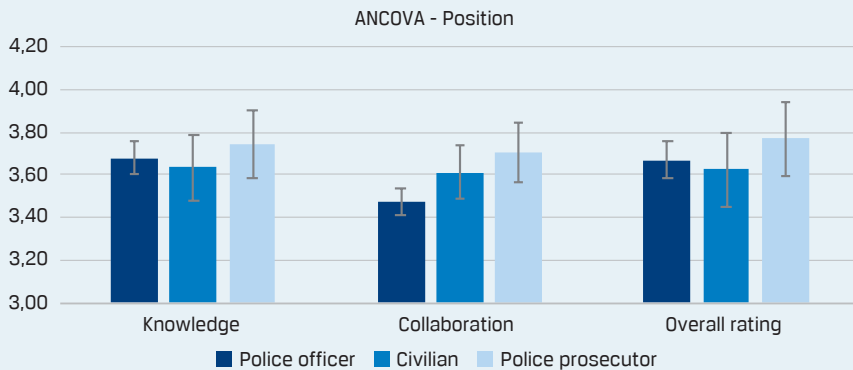
Note: * $p<.1$, ** $p<.05$, *** $p<.01$.

= 1.946, $p=0.147$, and $F(2,117) = 0.974$, $p=0.381$). The results of the ANOVA on 'Overall rating' (see tables 5.2 and 5.3) suggested that there were statistically significant differences in group means. Yet following the result from the ANCOVA, this changes when participation is controlled for (tables 5.6 and 5.7), which indicates that it is participation that affects the perceived influence of Schengen evaluation.

5.2.3.5.3 Position and organisation belonged to

In the sample of this study, the majority of the respondents are police officers (see figure 5.4), though other groups are also included. It is therefore of interest to test if position (police officer, civilian, police prosecutor) has an effect on the perceived influence of Schengen evaluation of four (dependent) index variables.²²⁷ Several between-groups ANOVA were conducted to determine if any statistically significant effects existed. However, since participation may influence the results, it was decided to run a number of analyses of covariance (ANCOVA), in order to control for the effect of participation. In figure 5.25, the results of the ANCOVA are presented, showing the estimated marginal means.

Figure 5.25: Estimated marginal means of index variables, distributed by position in the police, controlling for participation (covariate). Standard error.



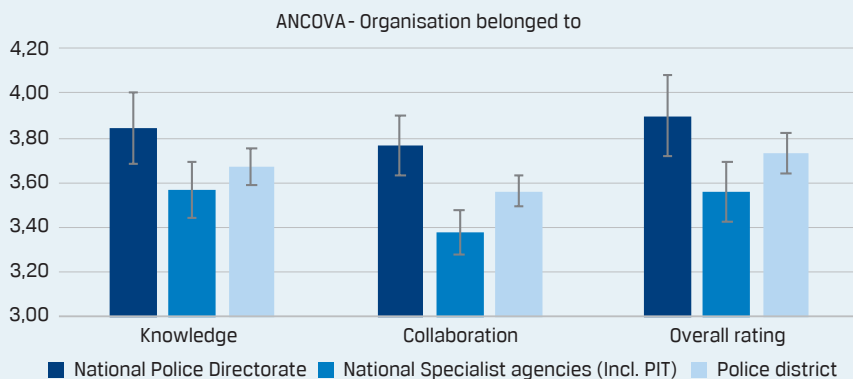
²²⁷ Index variable Schengen training is not included due to low N.

Looking at the figure, one can observe that some differences in group mean exist. However, the differences are rather small (the scale for index variables 1-5), the largest mean difference being between police officer (M=3.47) and police prosecutor (M=3.70) for dependent variable collaboration. Moreover, the ANCOVA show that none of the observed group mean differences are statistically significant.

The respondents in this study not only differ in their position, as shown in figure 5.5 above, but may also belong to different police organisations. Although the majority of the participants work in one of the twelve police districts, the sample also includes respondents working in the police directorate or in specialist agencies. Following a similar approach as for position, a number of ANCOVA have therefore been conducted in order to test whether the organisation belonged to (Police Directorate, special agency or police district) has an effect on the perceived influence of Schengen evaluation on (dependent) index variables. The results from the ANCOVA are presented in figure 5.26.

When one examines the distribution of estimated marginal means in figure 5.26, after controlling for participation, there seems to be a tendency for respondents belonging to the National Police Directorate to make a higher assessment of the perceived influence of Schengen evaluation on the index

Figure 5.26: Estimated marginal means of index variables, according to organisation belonged to, controlling for participation (covariate). Standard error.



variables, than respondents working in one of the specialist agencies or in the police districts (estimated marginal means Knowledge=3.85, Collaboration=3.77, and Overall rating=3.90). However, the differences in group means are not striking, nor do the ANCOVA yield any statistically significant effects. Nonetheless, the indication that the Police Directorate, on average, makes the highest assessment of the perceived influence of Schengen evaluation is important, as the Directorate is the highest police authority and governs the development of the police service in Norway.

5.2.3.5.4 Type of participation

As already noted, (see figure 5.14), the type of participation respondents had in the Schengen evaluation was explored: a wide range of involvement was reported, in 11 different fields. For each type of participation, taking the example of involvement 1, a general hypothesis can be formulated as follows: those who have been involved in the planning/preparation and implementation of the evaluation make a higher assessment of the significance of the Schengen evaluation for the various index variables than do those who have not been involved.

In order to test the hypothesis that participation in a specific type of activity has an effect on the respondents' assessment of the extent to which Schengen evaluation influenced the index variables, a number of independent t-tests were carried out, as the independent variables (type of involvement) consist of only two groups. In table 5.8, group means of the four index variables are presented, according to type of involvement. Statistically significant differences in group means are marked with * $p < .1$, ** $p < .05$, *** $p < .01$ on "yes".

Table 5.8: Group mean score of index variables, according to type of involvement.

Type of involvement – mean score					
		Knowledge	Collaboration	Overall rating	Schengen training
Involvement 1	Yes	4.03***	3.74***	3.88**	4.13***
	No	3.31	3.35	3.44	3.00
Involvement 2	Yes	3.98**	3.73*	3.82	3.94
	No	3.64	3.49	3.71	3.67
Involvement 3	Yes	4.09***	3.77*	3.94*	4.22**
	No	3.72	3.58	3.66	3.52
Involvement 4	Yes	3.95	3.70	3.87*	4.07**
	No	3.74	3.58	3.58	3.20
Involvement 5	Yes	3.96	3.70	3.84	4.06*
	No	3.74	3.60	3.69	3.39
Involvement 6	Yes	3.99	3.70	3.77	4.10
	No	3.79	3.64	3.80	3.56
Involvement 7	Yes	4.07	3.57	3.66	3.95
	No	3.84	3.69	3.82	3.85
Involvement 8	Yes	4.07***	3.79***	3.86	4.06
	No	3.60	3.47	3.68	3.48
Involvement 9	Yes	4.17***	3.90***	4.01**	4.29*
	No	3.71	3.52	3.66	3.67
Involvement 10	Yes	4.23***	3.96***	4.09**	4.33*
	No	3.77	3.57	3.69	3.69
Involvement 11	Yes	4.07**	3.81**	3.87	4.05
	No	3.75	3.57	3.73	3.67

Note: * p<.1, ** p<.05, *** p<.01.

5.2.3.6 Responses to the four open questions

The four open questions in the questionnaire elicited responses from approximately 50 % of the respondents. The responses vary from ‘No comment’ to detailed opinions backed up by reasons. A compilation of all the responses containing opinions has been made, and a textual summary may be presented for this study:²²⁸

²²⁸ In the compilation responses, each element mentioned by the respondent was counted. The number of responses therefore exceeds the number of respondents, as many mentioned more than one element.

Question No. 1: Please identify the elements or factors of Schengen cooperation that, in your opinion, have contributed the most to skill and knowledge development in the Norwegian police.

Sixty-six respondents gave an opinion in answer to this question. A number of elements of Schengen cooperation were mentioned as having contributed to professional development in the Norwegian police. Respondents probably made their assessments on the basis of their own experience and/or their own role in the system. Taken together, the responses show that respondents ascribe a wide range of benefits to Norway's participation in Schengen. It can also be discerned that the survey population was quite diverse – as was intended.

Several respondents mentioned more than one element. Respondents laid particular emphasis on Schengen evaluation, mentioning a number of aspects (27 responses). Also mentioned were opportunities for training, professional gatherings etc. (17 responses), the focus on border control as a professional theme in the police (15 responses), the importance of having a common set of rules for border control, including SIS (11 responses). Frontex received a number of positive comments, regarding joint operations and training (11 responses).

Other elements mentioned include SIS/SIRENE (9 responses), risk analysis/CIRAM (5 responses), international police cooperation (5 responses), participation in Schengen and Frontex fora and other international gatherings (5 responses). Some respondents also mentioned inter-agency cooperation at the national level and between police districts. Integrated Border Management (IBM) was also identified as a positive aspect of Schengen cooperation. In one way or another, several respondents mentioned the benefit of learning from other countries (best practice etc.)

Question No. 2: Please state the elements/factors of Schengen cooperation which have proved most useful for you in your work.

Sixty-three respondents gave an opinion in answer to this question. The responses reflect, more noticeably than in Question 1, the role of the

respondent. However, the responses are not markedly different from those to Question 1. As with Question 1, several respondents mentioned more than one element.

Schengen evaluation received a high score (16 mentions of the evaluation of Norway + 7 mentions of participation in the evaluation of other Schengen countries). Schengen training is also perceived by many as providing real personal benefits. In this regard Frontex received particularly high scores (9 respondents mentioned Frontex training and 4 Frontex operations). National training and professional meetings got 12 mentions.

However, the most interesting finding regarding Question 2 is the number of responses mentioning international networking or informal exchange as personal benefits of Schengen cooperation (11 responses). To that can be added the responses mentioning other similar benefits: joint training and seminars, learning from foreign colleagues, sharing of knowledge etc. (9 responses). A picture emerges of successful professional interaction developing from Schengen cooperation.

Some other elements mentioned in response to Question 2 are: increased knowledge of common ITsystems – SIS in particular (7 responses), the focus on border control as a professional theme (7 responses), increased knowledge of common regulations or of the common legal framework (7 responses), inter-agency cooperation at the national level (7 responses). The last result is not surprising, yet interesting: Schengen is being perceived as a promoter of cooperation within Norway.

Other benefits mentioned were: risk analysis, meetings in EU/Schengen fora and cross-border police cooperation – topics which probably indicate the role of the respondent.

Question No. 3: Please indicate in what way (if any) it has been possible for the public to experience or notice changes caused by Schengen evaluation?

Many respondents found this question difficult to answer. Of the 64 respondents reacting to it, only 39 gave an opinion. It must also be noted that several respondents gave an opinion relating more to Schengen cooperation and Schengen *acquis* in general than to Schengen evaluation alone. Nevertheless, some responses provide an insight into the effects Norwegian police officers think evaluation might have on the public.

Many respondents mentioned improvements in border checks and pointed to the improved checking process. It has become stricter and more thorough, and at the same time, more correct according to the rules. Border guards are better trained and perform their tasks more professionally. These factors were mentioned in more than 20 responses.

Common Schengen regulations and common practice ensure greater predictability for travelers, as was mentioned in 6 responses. This is clearly not a consequence of Schengen evaluation, but a link exists because evaluation is a monitoring process which checks the interpretation and application of the common rules.

Many responses mentioned logistic factors: staff increases resulting from Schengen evaluation, improved infrastructure, better equipment for checking travel documents or ID, better signposting and smoother passenger flow. Respondents credit such improvements directly to Schengen evaluation. They think the benefits for the public are obvious.

Some respondents said travelers' rights have been strengthened by Schengen evaluation. It has led to better information for the public and a focus on service and correct treatment, including in the handling of complaints. One respondent mentioned improved protection of personal data (in SIS).

Question No. 4: If you could make changes to the Schengen evaluation, to strengthen skill and knowledge development, what would these be?

Fifty-nine of the sixty-four respondents to this question gave an opinion. The responses may be divided into two main groups: the opinions of those seeking to improve the Norwegian police to achieve better results or 'standing'

with regard to Schengen evaluation and the opinions of those seeking to improve the Schengen evaluation mechanism itself. Some responses are concerned with both.

The main impression given is that respondents want more and better evaluation. Some respondents want more frequent evaluations, especially unannounced ones. Some want more time spent on site visits, so there can be more interaction with the evaluation team. Some want more sites to be visited, including the less important BCPs. Some mentioned the importance of involving the site earlier, and including the local leadership, to help prepare better. Some suggested more focus on training and levels of proficiency, and more direct feed-back from the team.

As regards the evaluation teams, qualification requirements for evaluators were emphasised, and one respondent suggested both national and Schengen-wide fora for evaluators.

Several responses focus on the follow-up period, saying that follow-up should be better monitored, and remedial action better documented. Some say there should be better statistics and better reporting of the effects of implemented actions.

Some respondents suggested a national evaluation mechanism to broaden the scope of evaluations. The aim should be to improve border control and other Schengen-related police services all over the country. The use of pre-inspections as a tool was also mentioned.

Some respondents raised the issue of a procedure to evaluate the evaluation. The initiative on this by the Finnish Presidency during the second half of 2019 was mentioned as action of this nature.

Enhanced training and professionalism in the execution of Schengen-related tasks are much desired by respondents. Many responses deal with this topic, pointing to measures which ought to be implemented. The impression given is that respondents are far from satisfied with the current state of affairs regarding Schengen training. The amount and quality of training

are deemed inadequate, and several respondents single out the Norwegian Police University College (NPUC) as an institution which should increase its efforts in this area.

Several respondents mentioned the need for more nationally standardised rules and practices for border and immigration control. Some pointed to the need for more resources in staffing and equipment.

In this vein, it is interesting to note that several respondents called for the National Police Directorate (NPD) to issue more binding instructions to the police districts – in order to establish a more uniform, coherent national border control service. These respondents obviously perceive variations between districts which need to be eliminated by firmer governance.

Some responses focus on IBM, stressing the need to implement this concept more thoroughly, and as a continuous process.

5.3 Summary of findings

5.3.1 Documentation

The main conclusions that may be drawn from the documentation study are:

Schengen evaluation of Norway has had considerable positive effect on border management and international police cooperation in Norway, especially in the following areas:

- Conceptual understanding and development (IBM)
- Development of strategy
- Development of training programmes
- Development of border management as an academic subject
- Improving working methods in all areas of police work
- Promoting many progressive steps in all areas evaluated

Overall professionalism has been enhanced. The positive sub-hypotheses have been confirmed by the documentation findings.

As regards the negative sub-hypotheses, the findings show that each of them has a modicum of validity. The negative hypothesis connected with the basic nature of the Norwegian police organisation (a unified service with generalist principles) has proved to be the most valid. The basic features of the organisation do indeed constitute an impediment to professionalism in border management – a challenge which has not yet been met head on. However, by and large, the negative hypotheses have been disproved. The aspects of Schengen evaluation that are open to criticism have not negated its positive impact.

5.3.2 Interviews

If the positive sub-hypotheses are set against the interviews, it may be concluded that they receive confirmation as valid assumptions about Schengen evaluation. The interviews also accord with the documentation findings, although interviewees tend to be more specific about the need to make further improvements. Some have raised concerns about the negative effects of the generalist principle.

The negative sub-hypotheses are largely not supported by the interviewees.

5.3.3 Survey

The aim of the survey was to examine to what extent Schengen evaluation has helped improve the educational experience or raise the level of professionalism of the Norwegian police. The survey findings show that the respondents, in general, view their knowledge of Schengen cooperation and Schengen evaluation as very good.

Beyond this general assessment of a high level of knowledge, the analysis also shows variations arising from participation: a greater proportion of those who had been involved in one or more evaluations reported a high level of knowledge (good or excellent) than those who had only been given information. The guiding hypotheses set out in the introduction to this study indicate that the evaluation process may have a positive influence on the

professionalism, knowledge and expertise of police officers participating in Schengen cooperation. Our findings on people's own assessment of their knowledge thus seem to provide evidence to substantiate the hypotheses outlined.

This becomes all the more evident when respondents are asked to assess changes or improvements resulting from thorough evaluation, the preparations for it, and the follow-up to it. The findings of the survey indicate that the Norwegian police are becoming ever more closely involved in Schengen evaluations. The respondents believe that each evaluation is more thorough than the one before and that the preparations made for it and the follow-up of its recommendations are better. The findings also provide evidence that the competence of the evaluation teams has improved. This supports the assumption that the evaluation process helps develop favourable conditions for the transfer of knowledge between countries participating in Schengen cooperation.

The analysis of overall assessment shows that the respondents generally view Norway's involvement in Schengen evaluation as important and value the potential learning effects resulting from participation. It is noteworthy that the findings also suggest that respondents consider future Schengen evaluations as crucial for increasing competence. It seems that the respondents have a positive attitude to the next Schengen evaluation and are looking forward to it, which supports the hypothesis that Schengen evaluation can be a motivating factor for police and border service employees.

6 CONCLUSIONS OF THE STUDY

The **purpose** of this study is to analyse the effectiveness of Schengen evaluation in raising the level of professionalism in the police or border guard service of a Schengen state and enhancing Schengen-relevant education and training. In this study, professionalism is regarded as being the ability of personnel at all levels to correctly apply the Schengen *acquis*, efficiently use Schengen-related information systems and perform their duties according to recognised Schengen good practice.

The **main hypothesis** is that evaluation (basically peer evaluation whereby each participating country is evaluated by the others) does indeed have a positive impact on professionalism and does indeed enhance education and training.

The study follows a methodology drawing on three main sources: documentation of the four Schengen evaluations of Norway; interviews of key actors involved in Schengen evaluation of Norway; and a survey of participants in Schengen evaluation of Norway and/or Schengen cooperation.

All these sources point in the same direction, thus strengthening the main hypothesis of this study. The experience of participants, as demonstrated by the interviews and the survey, strongly supports the documentation findings.

To sum up the main findings:

Schengen evaluation has had an impact on police professionalism which is appreciated by all those involved.

The impact has been gradual but has increased from one evaluation to the next.

The impact is durable.

It has sometimes been difficult to remedy deficiencies exposed by Schengen evaluation – at times there has been tension and even frustration. Nevertheless, the challenge has been welcomed and regarded as an opportunity to make improvements. At no level has there been any resistance to Schengen evaluation. Recommendations made by Schengen bodies have been fully accepted and conscientiously followed up.

There are still gaps to be filled, and future evaluations will be welcomed as useful spurs to improvement.

The positive sub-hypotheses set out in this study have been corroborated by the findings. The negative sub-hypotheses have not been borne out, except for the fourth, which was that Schengen evaluation is bound to have limited success in Norway, because of how the police is organised (as a unified force based on the generalist principle).

This is to some extent true, due to the fact that many smaller sea ports and airports employ generalists (police officers with a bachelor's degree) to perform border checks. The reason is simple: the volume of traffic on the external border does not warrant employing specialist staff. Norway is a sparsely populated country and the police force is thinly spread. There is a heavy reliance on generalist police officers.

Providing adequate Schengen training for these generalists has been a challenge, and will probably continue to be so. Their turn-over rate between different areas of police work exacerbates the problem. Few of these smaller BCPs have been evaluated. But even at bigger BCPs, rotation has proved to be an obstacle to specialisation in border control duty.

Looking more closely at the findings, the impacts of Schengen evaluation may be divided into two main categories:

- Direct effects of Schengen evaluation: recommendations have called for better infrastructure, new equipment, more advanced IT systems and

changes in procedures, working methods, or management systems. The results of these recommendations can normally be traced via follow-up reports, as they are measurable. What had to be done to correct the deficiencies was clear, and whether it was done was checked through the evaluation process. The study shows that many concrete recommendations have led to major changes in the way Norway carries out its Schengen obligations.

- **Indirect effects:** Schengen evaluation recommendations have given an additional impetus to improving training, developing working methods, making optimal use of IT systems, enhancing professionalism in border management and developing skills and methods in international cooperation. Recommendations of this type are also followed up and reported on, but the end results are not always clear. Other driving factors are also at work and are often difficult to separate from Schengen evaluation. The study shows that such recommendations have provided an impetus for positive developments of many kinds and in many areas related to Schengen cooperation – and even beyond that. Professionalism stands out as an area where the impact has been substantial. This is the overall assessment provided by the sources for this study.

The four Schengen evaluations of Norway – spanning 20 years – have proved to be a valuable educational experience for the police. All the findings of the study support this conclusion.

Schengen evaluation is a complex subject and one that few research projects have examined. Future research could add to the body of knowledge as the basis for its further development. It could be of interest to compare the impact of evaluation in different Schengen countries or to examine the relationship between Schengen evaluation and EU funding for border control and police cooperation purposes. Neither of these topics fell within the present study.

ANNEXES

ANNEX I Terminology, abbreviations and acronyms

Terminology:

Schengen states/countries used as a common term for EU Member States which participate in Schengen, and for Schengen Associated Countries.

Schengen state is used when referring to the state and its authorities. Schengen country is used when referring to the geographical area (the territory) and its population.

EU Member States (MS) and Schengen Associated Countries (SAC) is used to refer to all EU countries + the four Schengen Associated Countries (Iceland, Norway, Switzerland and Liechtenstein)

Abbreviations and acronyms used

API	= Advance Passenger Information
BCP	= Border Crossing Point
CIRAM	= Common Integrated Risk Analysis Model (Frontex)
DPA	= Data Protection Supervisory Authority (Norway)
DPO	= Data Protection Officer (Norway)
EP	= European Parliament
EU MS	= European Union Member States
EUROSUR	= European Surveillance System (Frontex + MS)
FRA	= Fundamental Rights Agency (EU)
GTK	= Border and Territorial Control System (Norway)
ISF	= Internal Security Fund (EU)

NCA	= Norwegian Coastal Administration
NCC	= National Coordination Centre (EUROSUR Norway)
NCCBC	= National Competence Centre for Border Control (Norway)
NCIS	= National Criminal Investigation Service (Norway)
NMS	= New Member States (states that joined the EU in 2004)
NPC	= National Police Commissioner (Norway)
NPD	= National Police Directorate (Norway)
NPIS	= National Police Immigration Service (Norway)
NP	= National Police (Norway)
NPUC	= Norwegian Police University College (Norway)
PCMS	= Police Computing and Materials Service (Norway)
PIT	= Police ICT Services (Norway)
PSV	= Police Reporting System (Norway)
SAC	= Schengen Associated Countries
SBC	= Schengen Borders Code
SCH-EVAL	= Schengen Evaluation Working Party/Council Working Party for Schengen Matters (Schengen Evaluation)
SEMM	= Schengen Evaluation and Monitoring Mechanism (EU)
SIS	= Schengen Information System
SPOC	= Single (national) point of contact (for international police cooperation)
SSN	= SafeSeaNet (Norway)
UDI	= Norwegian Directorate of Immigration
VA	= Vulnerability Assessment (Frontex)

ANNEX II Interviews

Twenty (20) people were interviewed for this study. They came from:

The National Police Directorate – 8

The National Police University College (NPUC) – 3

The National Criminal Investigation Service (NCIS) – 2

The National Police Immigration Service (NPIS) - 1

The Oslo Police District – 1

The South-West Police District – 1

The Finnmark Police District – 2

Innlandet Police District - 2

It should be noted that people working in the first line border control/ border checks were not interviewed.

At the time of the interview all respondents had a defined role in Schengen evaluation. It can reasonably be assumed that their basic attitude towards Schengen evaluation would be positive rather than negative. Selection was not made on this assumption, however, but to meet the requirement to have several echelons represented, and to include different evaluation areas and types of border and different parts of the National Police Service (police districts, special agencies and the National Police Directorate).

The interviews were conducted by the author of this report, using a video camera. Interviews were not transcribed, but the main points were extracted and written down. All interview material – videos and written excerpts – is stored in the research files of the Norwegian Police University College. Permission for storage was granted by the Norwegian Centre for Research Data (NSD), on condition that everyone interviewed consented by signing a written declaration. Everyone interviewed did sign such a statement. The material is not accessible to the public.

Interviewing began in the same month as the Schengen evaluation visits to Norway 2017 were ending – November 2017. Most interviews were conducted in 2018; the last one was in November 2019. All interviewees are also included in the list of those the questionnaire of the survey was sent to. How many of those interviewed actually completed it, is not shown in the survey statistics.

In addition to these interviews, information about Schengen evaluation was extracted from a number of interviews (33) conducted by the author of this report for a previous study: *Norsk politi i Schengen 1996 – 2016 (The Norwegian Police in Schengen 1996 – 2016)*. The report of this study was published by the National Police Directorate in December 2016. The interviews were conducted in the period May 2015 – May 2016 – the majority during autumn 2015. They are referred to in some footnotes of the present study without specifying the interview.

ANNEX III Survey participants

The participants were selected on the basis of a set of indicators (relevant roles in Schengen cooperation). The aim was to include as many as possible fitting the criteria. This was fairly simple for the last Schengen evaluation of Norway (2017), but more difficult for the previous one (2011-2012) and even more so for the 2005 and 2000-2001 evaluations. Many of those who participated in these evaluations had long since retired from the police service. However, the survey did include police employees from all four evaluations of Norway, and even a few who had taken part in all of them.

Groups of participants in the survey – by defined role in Schengen cooperation:

- a) Those tasked with the planning, preparation and implementation of Schengen Evaluation in Norway.
- b) Those involved in replying to the Schengen Questionnaire.

- c) Those directly involved in on-site visits, inter alia those interviewed by the evaluation team.
- d) Those in supervisory or command positions responsible for preparing evaluation visits to their district or agency.
- e) Those in supervisory or command positions tasked with the follow-up to recommendations and or Council Conclusions.
- f) Those at police district level with duties related to the coordination of Schengen activities (Schengen contact persons).
- g) Those with duties relating to Schengen-related local or in-house training in police districts or special agencies. (Schengen instructors).
- h) Those with duties relating to the introduction of Schengen-related methods in police districts or special agencies.
- i) Those at the National Police University College responsible for Schengen-related training programmes (including instructors).
- j) Norwegian Schengen evaluators of other Schengen states.
- k) Those who have represented Norway in Schengen Evaluation fora (SCH-EVAL and/or the Schengen Committee).
- l) Those who have represented Norway in other Schengen fora (e.g. SIS/SIRENE and Frontex).

Survey questions were designed for different groups of participants, using filters.

Some questions were designed for those who had not been involved in Schengen evaluation, but who had some knowledge of it.

It should be noted that people working in the first line of border control (border checks – passport control) were not included in the survey.

The survey was approved and authorised by the Data Protection Official for Research at the Norwegian Centre for Research Data (NSD).

Survey format: Online questionnaire – *Questback*. It was distributed to potential participants by e-mail.

The great majority of participants were still in service in 2018, and their e-mail addresses were obtained through the National Police e-mail network. Some had retired and their e-mail addresses were obtained in various ways. A few were not found. It was eventually possible to send the questionnaire to **208** of the 215 people listed as potential respondents.

The questionnaire was sent on 22 June 2018, with a deadline of 1 September 2018 for responses. The generous timeframe was necessary because it was the holiday season. Two reminders were sent out – in late June and early August. The National Police Directorate also sent a reminder in mid-August to key personnel: department heads and contact persons in the police districts directly responsible for Schengen cooperation.

In late August, a technical error was detected in the link to the questionnaire. The deadline was therefore extended to 1 October, and a notification sent to all who had not responded by 24 August. As an additional measure, a further reminder was sent out in mid-September.

Result: 129 people responded – a response rate of **62 %**.

The questionnaire is annexed to the study (Annex IV) – in an informal English translation. The survey was in Norwegian.

ANNEX IV Survey Questionnaire

The following questionnaire was used in the survey for this study – presented here in an informal English translation:

Part 1: Background information

2) Gender

Female

Male

3) Age

20 to 29

30 to 35

36 to 40

41 to 45

46 to 50

51 to 57

Over 57

4) Length of service in the police (number of years)

5) Length of time spent working on matters related to Schengen (number of years)

6) Indicate your current or previous position in the police service

Police position

Civil position

Police prosecutor

Not employed in the police (state current position or retired)

7) In what part of the police service do you now work?

National Police Directorate

National Specialist Agency (including PIT – The Police ICT Services)

Police district

8) Where was your last position in the police service?

National Police Directorate

National Special Agency (incl. PIT – The Police ICT Services)

Police district

9) In which specialist agency (including the Police ICT Services) do you work?

The Norwegian Commissioner for the Norwegian-Russian Border

NCIS

The National Identification Centre

The National Police Immigration Service

The Norwegian Police University College

The Central Mobile Police Service

The National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM)

Police ICT Services

10) In which specialist agency(ies) (including the ICT services) have you been employed?

The Norwegian Commissioner for the Norwegian-Russian Border

NCIS

The National Identification Centre

The National Police Immigration Service

The Norwegian Police University College

The Central Mobile Police Service

The National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM)

Police ICT Services

11) Which police district do you work for?

Agder

Finnmark

Innlandet

Møre og Romsdal

Nordland

Oslo
Sør-Vest
Sør-Øst
Troms
Trøndelag
Vest
Øst

12) Which police district did you work for?

Agder
Finnmark
Innlandet
Møre og Romsdal
Nordland
Oslo
Sør-Vest
Sør-Øst
Troms
Trøndelag
Vest
Øst

13) What is your current position (one or more options are possible)?

Leader/manager (top management – head of station or above)
Mid-management (e.g. head of section or head of department)
First-line management (e.g. head of unit, shift/team leader or similar)
Expert
Case handler
Investigator
Service in a uniformed police unit
Border officer (civilian)
Educator
Other (specify)

14) Which positions have you held (one or more alternatives are possible)?

Leader/manager (top management – head of station or above)
Mid-management (e.g. head of section or head of department)
First line management (e.g. head of unit, shift/team leader or similar)
Expert
Case handler
Investigator
Service in a uniformed police unit
Border officer (civilian)
Educator
Other (specify)

Part 2: Your relation to Schengen cooperation

15) Describe your role relating to Schengen cooperation (now/in the past) (one or more options are possible)

Head or Deputy head of unit with responsibility for Schengen-related tasks
National administration related to Schengen cooperation
Norwegian representative in Schengen fora within the EU
(including Frontex)
Border control
SIS/SIRENE
Schengen evaluator
Schengen instructor
Schengen contact (for local police districts)
Participant in national Schengen seminar
Immigration administration
Immigration control
Return
Common operative unit/despatch
Schengen training in police district or specialist agency
Schengen training/education NPUC
Introduction of Schengen-related methods
Other (please specify)

16) Your knowledge of Schengen cooperation and Schengen evaluation

How would you describe your knowledge of Schengen cooperation?

How would you describe your knowledge of Schengen evaluation?

- Poor
- Basic
- Fair
- Good

17) Please list the sources of information most useful to you (one or more options are possible)

Circulars and other written information from the Police Directorate, a specialist police agency or the Norwegian Directorate of Immigration

«Kilden» - internal police information platform

KO:DE - internal digital knowledge portal

Education, courses, conferences, or seminars about Schengen cooperation

Verbal information from local management

Information from colleagues/conversations at work

Information from colleagues in other Schengen countries or meetings in Schengen fora

Internet (for example, the internet sites of public Norwegian or foreign authorities)

Other (specify)

Regarding your participation in Schengen evaluation of Norway

18) Have you participated in a Schengen evaluation of Norway?

Yes

No, but I have received information

19) When did you participate in Schengen evaluation (one or more options are possible)? Indicate the year(s) and what type of evaluation it was (in each case)

2000-2001

2005

2011-2012

2017

**20) In which ways did you participate in evaluation(s)?
(one or more options are possible)**

Planning, preparations and implementation of evaluation
Responding to Schengen evaluation questionnaire(s)
Pre-inspection prior to evaluation
Developing presentations, briefings etc.
Receiving or briefing Schengen evaluators
Being interviewed or asked questions by the Schengen team
Demonstrating skills or techniques to Schengen evaluators
Reading, discussing or commenting on evaluation reports
Analysing recommendations or evaluation results
Planning or heading follow-up measures (action plan etc.)
Following up recommendations on practice or making a report
Other (please specify)

21) Where were you working during the evaluation of 2000-2001?

Ministry of Justice
Police Directorate
Specialist agency (please specify)
Police district (please specify)

**22) In what type of evaluation did you participate in 2000-2001
(one or more options are possible)?**

Border control
Border control sea
Border control air
SIS/SIRENE
Police cooperation

23) Where were you working during the 2005 evaluation?

Ministry of Justice
Police directorate
Specialist agency (please specify)
Police district (please specify)

**24) In what type of evaluation did you participate in 2005
(one or more options are possible)?**

Border control land

Border control sea

Border control air

SIS/SIRENE

Police cooperation

25) Where were you working during the 2011-2012 evaluation?

Ministry of Justice

Police directorate

Special agency (please specify)

Police district (please specify)

**26) In what type of evaluation did you participate in 2011-2012
(one or more options are possible)**

Border control land

Border control sea

Border control air

SIS/SIRENE

Police cooperation

27) Where were you working during the 2017 evaluation?

Ministry of Justice

Police directorate

Specialist agency (please specify)

Police district (please specify)

**28) In what type of evaluation did you participate in 2017?
(one or more options are possible)**

Border control land

Border control sea

Border control air

SIS/SIRENE

Police cooperation

Return

29) If you have participated more than once in a Schengen evaluation of Norway, please answer the following questions (1 = no change, 5= more thorough/improved):

To what extent do you perceive the Schengen evaluation as more thorough?

How would you describe Norwegian improvements in our preparations?

How would you describe Norwegian follow-ups of recommendations?

30) Your participation in Schengen evaluations of other countries (Schengen evaluator)

Which year (s)? Which country/countries?

31) In what subtype of evaluation of another member country did you participate (several options are possible)?

Border control land

Border control sea

Border control air

SIS/SIRENE

Police cooperation

Return

Absence of border controls at internal borders

32) Your participation in Schengen fora within the EU

In which forum or organisation?

When?

Your participation in training related to Schengen

33) What kind of role did you have (one or more options are possible)?

Management

Instructor or lecturer

Course participant

Student (education with ECTS)

Internship

Other (please specify)

34) How did you participate (one or more options are possible)?

In local training (special unit, police district)

In training or an internship arranged by the National Competence Centre for Border Control (Gardermoen police station)

Via education/courses by PHS (e.g. education for Schengen instructors)

Training by Frontex (e.g. Course for Schengen Evaluators)

Training by CEPOL (e.g. Course for Schengen Evaluators)

Study trip

Other forms of training or education in other Schengen countries (please specify)

Your participation in introducing Schengen-related methods or topics

35) What was your role (one or more options are possible)?

Management/Leadership

Instructor/Tutor

Participant in course/mentoring

36) What type of methods/topics (one or more options are possible)?

SIS II

New regulation on border control of EEA citizens 2017 (Art. 8)

Introduction to new technology (e-gates, Entry-Exit etc.)

EUROSUR

Risk analysis based on CIRAM

Norwegian national uniform interface (NUI) or the ICT application for border and territorial control

Other (please specify)

37) The impact of national guidelines on our work on border control and immigration control (1 = very little impact, 5 = very great impact)

Please indicate the level of practical impact of The Border Control Directive 2016 (revised 2017) by the National Police Directorate on your work.

Please indicate the level of impact of the Directive on immigration control by the National Police Directorate (2001, revised 2010).

Please indicate the practical importance of the Schengen content published on KO:DE (internal digital knowledge portal) on your work.

38) Please indicate how easy/difficult you find it to interpret the instructions in the Border Control Directive. (1= very difficult, 5= very easy)

39) Please state other national guidelines which influence or are useful in your work, and if possible explain why.

Part 3: Learning outcomes, utility and cooperation

In part 3 you will be asked to evaluate the impacts of Schengen evaluations in two areas: 1) knowledge and understanding (learning effect), and 2) usefulness. The questions in each area are divided into: 1) impacts on you, and 2) impacts on the unit in which you work. To indicate the impact a scale from 1-5 is used, 1 indicating 'very little impact' and 5 indicating 'very great impact'.

Definition of concepts

Knowledge and understanding (learning effect):

This section primarily considers what one has learned from Schengen evaluation(s). The focus is on improved knowledge and understanding of regulations and principles governing the Schengen cooperation and the role of Norwegian police.

Utility:

This section looks at the practical results and changes following from the Schengen evaluations. The focus is on service delivery, working methods, consequences for the public and the like.

SCALE QUESTIONS

41) Scale questions on knowledge and understanding. Consider your participation in Schengen evaluation(s) and answer the questions

below. Select the answer that most accurately represents your experience. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you think your participation has helped increase your general knowledge of Schengen cooperation?

To what extent do you think Schengen evaluation has helped increase your understanding of knowledge-based policing?

To what extent do you think Schengen evaluation has enabled you to understand the term Integrated Border Management (IBM)?

To what extent do you think your participation has given you the opportunity to teach/instruct others?

To what extent do you think Schengen evaluation has enhanced your understanding/knowledge of how Schengen tasks are organised in other Schengen countries?

To what extent did Schengen evaluation help increase your knowledge of international police cooperation?

42) Consider your participation in Schengen evaluation(s) and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent has the Schengen evaluation(s) resulted in a better understanding of the regulations where you work/worked?

To what extent do you think the Schengen evaluation(s) helped increase mutual trust between the police in the Schengen member states?

43) Scale question on utility. Consider your participation in Schengen evaluation and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you think your participation has helped you do your job better?

To what extent do you feel that the Schengen evaluation(s) led to changes in your way of working?

To what extent are you satisfied with your own performance prior to, during and after the Schengen evaluation(s) of Norway?

To what extent has participation in the follow-up to the Schengen evaluation(s) been useful to you?

44) Consider your participation in Schengen evaluation(s) and answer the questions below. Place a cross by each question (1 = to a very small extent, 5 = to a very great extent)

To what extent has the Schengen evaluation (s) had practical implications for the work of your unit?

To what extent have recommendations from the Schengen evaluation(s) led to changes in work procedures in the unit where you work/worked?

To what extent are you satisfied with the efforts of your colleagues prior to, during and after a Schengen evaluation of Norway?

To what extent do you think the Schengen evaluation(s) has contributed to improved analysis and intelligence services in your unit?

To what extent do you think the public have noticed an improvement in service in your unit, due to the Schengen evaluation(s)?

If pre-inspection was carried out, to what extent did it have practical benefit in your unit?

45) Scale questions on cooperation. Consider your participation in Schengen evaluation and answer the questions below. Place a cross by each question (1 = to a very small extent, 5 = to a very great extent)

To what extent do you think the evaluation reports and recommendations from Schengen evaluation (s) contained fair criticisms and reasonable suggestions for improvements?

To what extent do you think there was good communication with the Schengen evaluators?

To what extent do you think cooperation/communication between your police district/special unit and the national police directorate was good prior to, during and after the evaluation?

To what extent do you think the Schengen evaluation(s) led to you being more involved in interdisciplinary and interagency cooperation in border management?

To what extent do you think the Schengen cooperation in your police district is well organised (on border management, SIS, territorial controls, borders etc.)?

46) Consider your participation in Schengen evaluation and answer the questions below. Place a cross by each question (1 = to a very small extent, 5 = to a very great extent)

To what extent do you think Schengen evaluation has had an effect on increasing competence in the parts of the Norwegian police with which you are familiar?

To what extent do you think Schengen evaluation has had an impact on the development of the parts of the Norwegian police with which you are familiar?

To what extent do you think future Schengen evaluations of your place of work or your unit will help increase competence?

To what extent do you feel future Schengen evaluations of your place of work or your unit will help improve the service you provide?

47) Consider the influence or content of Schengen training and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you feel training has increased your professional competence regarding Schengen cooperation?

To what extent do you feel the training given was useful or relevant to your Schengen-related work?

To what extent do you feel the training covered the demands and criteria of the Schengen evaluation?

48) What particular type of training to strengthen Schengen training would you suggest (open question)?

Scale questions for those who have not participated, but received information:

49) Scale questions on knowledge and understanding. Consider your understanding of Schengen evaluation and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you think your knowledge of Schengen evaluation has helped increase your general knowledge of Schengen cooperation?

To what extent do you think Schengen evaluation has helped increase your understanding of knowledge-based policing?

To what extent do you think Schengen evaluation has enabled you to understand the term Integrated Border Management (IBM)?

To what extent do you think your knowledge/understanding of Schengen evaluation has given you the opportunity to instruct/teach others?

To what extent do you think Schengen evaluation has enhanced your understanding/knowledge of how Schengen tasks are organised in other Schengen countries?

To what extent did Schengen evaluation help increase your knowledge of international police cooperation?

50) Consider your knowledge of Schengen evaluation and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent has the Schengen evaluation(s) resulted in a better understanding of the regulations where you work/worked?

To what extent do you think the Schengen evaluation(s) helped increase mutual trust between the police in the Schengen member states?

51) Scale question on cooperation. Consider your knowledge of Schengen evaluation and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you think the evaluation reports and recommendations from Schengen evaluation (s) contained fair criticisms and reasonable suggestions for improvements?

To what extent do you think the Schengen evaluation(s) led to you being more involved in interdisciplinary and interagency cooperation in border management?

To what extent do you think the Schengen cooperation in your police district is well organised (on border management, SIS, territorial controls, borders etc.)?

52) Consider your knowledge of Schengen evaluation and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you think Schengen evaluation has had an effect on increasing competence in the parts of the Norwegian police with which you are familiar?

To what extent do you think Schengen evaluation has had an impact on the development of the parts of the Norwegian police with which you are familiar?

To what extent do you think future Schengen evaluations of your place of work or your unit will help increase competence?

To what extent do you feel future Schengen evaluations of your place of work or your unit will help improve the service you provide?

53) Consider the significance of Schengen training and answer the questions below. Place a cross by each question (1= to a very small extent, 5= to a very great extent)

To what extent do you feel training has increased your professional competence regarding Schengen cooperation?

To what extent do you feel the training given was useful or relevant to your Schengen-related work?

To what extent do you feel the training covered the demands and criteria of the Schengen evaluation?

54) What particular type of training to strengthen Schengen training would you suggest (open question)?

Part 4: Open questions

Question No. 1: Please identify the elements or factors of Schengen cooperation that, in your opinion, have contributed the most to skill and knowledge development in the Norwegian police.

Question No. 2: Please state the elements or factors of Schengen cooperation which have proved most useful for you in your work.

Question No. 3: Please indicate in what way (if any) it has been possible for the public to experience or notice changes caused by Schengen evaluation?

Question No. 4: If you could make changes to the Schengen evaluation, to strengthen skill and knowledge development, what would these be?

ANNEX V Bibliography

Cohen, Jacob. (1992). A power primer. *Psychological Bulletin*, 122, 155–159.

Høigård, Cecilie (2011). Policing the North. *Crime and Justice*, 40, no.1.

Kaasik, Joosep (2017). The Schengen Evaluation Mechanism: Exploring the Views of Experts in the Field of Police Cooperation. Master's Final Dissertation, CEPOL European Joint Master's Programme 'Policing in Europe'.

Lewis-Beck, M. S., Bryman, A., & Futing Liao, T. (2004). *The SAGE encyclopedia of social science research methods*. Thousand Oaks: Sage Publications.

Rachlew, Asbjørn (2010). Å forske på sine egne: Metodiske og etiske utfordringer knyttet til forskning på egen profesjon, in Trond Myklebust and Gunnar Thomassen (eds), *Arbeidsmetoder og metodearbeid i politiet*. Oslo: PHS Forskning, pp 127-49.

Ringdal, Kristen (2001). *Enhet og mangfold: Samfunnsvitenskapelig forskning og kvantitativ metode*. Oslo: Fagbokforlaget.

Taber, Keith S. (2018). The Use of Cronbach's Alpha When Developing and Reporting Research Instruments in Science Education. *Research in Science Education*, 48, issue 6.



Schengen evaluation is a mechanism for assessing the compliance with Schengen rules and regulations by all participating countries. This report provides a brief introduction to the origin and framework of Schengen evaluation. Since the first mechanism was set up in 1998 all Schengen countries have been evaluated more than once.

The study looks at Schengen evaluation as an educational experience. The aim was to analyse if evaluation has improved the quality of service, raised the level of professionalism and improved educational activities in the police or border guard service of a Schengen state.

The study uses Norway as an example and argues that Schengen evaluation has had a very positive effect on how the police in Norway carry out Schengen external border control, conduct police cooperation within the framework of Schengen and use Schengen-related information systems and other technology in border management. The findings are based on documentation, interviews and a survey among police officers.

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