

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen Acquis ST 10949 2005 DCL 1

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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COUNCIL OF

THE EUROPEAN UNION

Brussels, 12 July 2005

D R A F T

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RESTRICTED EU DOCUMENT

CIRCULATED TO ACCEDING STATES

SCH-EVAL 46

COMIX 452

NOTE

from :

the Norwegian delegation

to:

the Schengen Evaluation Working Party

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7265/05 SCHEVAL 17 COMIX 178

Subject :

Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen Acquis

CONTROL AND SURVEILLANCE OF EXTERNAL **BORDERS**

1. Which are the authorities charged with protecting/controlling **borders** in you country?

The **border** control and surveillance in Norway are the joint responsibility of the following authorities:

• The **Police**

• The Armed Forces, in particular the Coast Guard, and the **Border** Guard Company

• The Customs Administration.

The above-mentioned authorities have been co-operating closely for many years.

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The **Police** have the main responsibility for **border** control in Norway. The local chief of **police** may when necessary give employees in the Customs Administration, the Armed Forces and others the power to carry out passport examination.

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Which Ministry do they come under and how are the authorities structured?

The **Police**

There is only one **police** force in Norway, headed by the National **Police** Directorate. The National **Police** Directorate is organized under the Norwegian Ministry of Justice and the **Police** and acts under the constitutional responsibility of the Minister of Justice and the **Police**. The main objective of the National **Police** Directorate is professional leadership, management and development of the Norwegian **police** service, with a basis in the strategic and budgetary limitations laid down by the ministry. The National **Police** Directorate is responsible for managing and following up of the **police** districts and the special agencies, which employ a total of more than 12000 people. In addition, the National **Police** Directorate plays a key role in international cooperation in **police** matters, combating international and organized crime, and illegal migration.

Since 2001 the **Police** services have been extensively restructured. Norway now has 27 **police** districts, each headed by a Chief of **Police**. There are external **border** crossing points in 23 **police** districts. The **police** districts are located throughout the country and each consist of a local headquarter and several **police** stations.

There are also several special **police** agencies that assist the local **police**. The most important of them, that are attached to **border** control and surveillance is:

• The National Criminal Investigation Service

• The **Police** Immigration Unit

• The National **Police** Academy

• The National Computing and Material Service

• The Mobile **Police**.

• The Norwegian **Border** Commissioner for the Norwegian-Russian **Border**

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The chief of police and the police lawyers on his staff are subordinate to the Director General of Public Prosecutions and the regional public prosecutors in criminal investigations. The police lawyers act as the local Prosecuting Authority heading the investigation of criminal cases and prosecuting such cases in court.

The police services shall, through prevention, control, maintenance and assistance combat crime and thereby contribute to legal protection and public safety. Border control and surveillance and internal control are part of the Police's ordinary activities. Employees are trained to carry out border control and surveillance as part of general police activities. The decentralised and uniform organisation of the police services enable the National Police Directorate to have a general overview and control of police matters in all parts of the country, including the coastal districts.

The chief of police may, when necessary give employees in the Customs Administration, the Armed Forces and others without police authority the power to carry out passport examination.

The Border Commissioner is responsible for ensuring compliance with border agreements and other agreements between Norway and Russia, preventing violations of border agreements and negotiating with the Russian border authorities to settle any dispute that may arise.

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The Armed Forces

The Armed Forces, which come under the Ministry of Defence, have long experience in surveillance and control of the territorial waters and external borders of Norway. In particular the Coast Guard, as an integral part of the Norwegian Defence Establishment, have the authority and are involved in carrying out border control. The Coast Guard Act delegates to the Coast Guard the necessary authority to perform border control.

Coast and border guard units continuously patrol the sea border area including the national territorial border.

The Norwegian Army has a detachment called the Border Guard Company, which is responsible for surveillance of the Norwegian-Russian land border on behalf of the Police. Conscripts assigned to the Garrison in South Varanger serve for 12 months. Before beginning active service, they undergo six months of training to encompass ranger and extensive Schengen-border training. This demanding training provides a good basis for assessing conscripts' physical and psychological suitability, conduct, ability to assume responsibility and act independently. Conscripts serving in the Border Guard Company undergo an additional course on exercising police authority in their daily work. Before put into border control duty, they serve a traineeship in the area (on the job training). During opening hours, the police are responsible for monitoring and manning the Storskog border crossing point. Storskog, which is situated on the Norwegian-Russian border, is the only Norwegian external land border crossing. The Customs Administration is present at the border control at Storskog.

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The Commander Regional Headquarters North-Norway, located at Reitan near Bodø, execute the operational command of the Armed Forces with regards to Schengen responsibility. In practical terms this means the Coast Guard fleet and the **Border** Guard Company.

Customs

The main tasks of the Norwegian Customs and Excise Administration are to collect duties and taxes for the Treasury and prevent the unlawful import and export of goods. Combating drugs and economic crime are main priorities. The services are the responsibility of the Directorate of Customs and Excise, an autonomous directorate placed directly under the Ministry of Finance, and the Regional Customs Administration, which is a subordinate agency. The Directorate is responsible for monitoring developments in international trade and business and industry, and for developing and formulating rules for the Ministry of Finance. The Directorate also administers the Regional Customs Administration and draws up the budget for the administration's overall activities.

The Regional Customs Administration encompasses 6 customs regions.

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How is the co-ordination taking place between the different bodies?

The control and surveillance of Norwegian **borders** has been built up over the years through a shared responsibility between the authorities mentioned above. The present co-operation routines are working very well. Each authority has, according to tradition and practice, its own particular subject area of responsibility. The **Police** carry out **border** control, the Armed Forces execute **border** surveillance, the **Border** Commissioner ensures compliance with **border** agreement and other agreements between Norway and Russia and the Customs carry out the control of goods. Co-operation between the **Police** and the Customs is traditionally the best developed, as they are both present at **border** crossing-points to control persons and goods respectively.

This is also visualised by the posting of a Customs official at the National Criminal Investigation service, and by the co-operation in PTN ("Politi og Toll i Norden" that is "**Police** and Customs in Nordic countries"). The PTN has posted communication officials in countries both within and outside the Schengen area.

The Coast Guard assists other bodies according to the Coast Guard Act and the Coast Guard Regulations. Units of the Coast Guard may work for the entire coastal administration, which means it may serve various authorities of Norwegian waters. Coast Guard vessels can be responsible for executing external **border** control as well. Cooperation between the **Police** and the Coast Guard are regulated by an agreement between the Ministry of Defence and the Ministry of Justice and the **Police**. The Coast Guard's authority to carry out **border** control has its legal basis in the Coast Guard Act. The designated military units operate on behalf of the **Police** and under its leadership and guidance, while the operational command is vested in the military Commander in Chief.

The Armed Forces Regional Headquarters Surveillance Centre is established in order to integrate active and passive sensors to provide a correlated picture of all activities along the Blue **Border**. The system and organization registers entry notifications and entry/departure reports too, from foreign non-military vessels (exceeding 24 meters and 50 tons) that enter or depart from Norwegian internal waters.

2. What strategy is followed with regard to the handling of information concerning illegal immigration, cross-border crime and organized crime?

The central intelligence service, including the collecting, co-ordinating, arranging and evaluating of information related to actual and possible criminal activities, is the responsibility of the National Criminal Investigation Service. At the National Criminal Investigation Service there is posted one official from the Customs who contributes to this work through his/her channels. The National Criminal Investigation Service is responsible for establishing, updating and maintaining various registers in order to collect current information. The information is reported from the local police from all over Norway, but also from the established co-operation with e.g. INTERPOL and Europol. The co-operation between the Nordic countries' Police and Customs, called PTN ("Politi og Toll i Norden")

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that is: "Police and Customs in Nordic countries"), has been established in order to reinforce the efforts particularly directed against drug crime and organised, cross-border crime. The Scandinavian countries have posted 35 Scandinavian communication officials altogether, both within and outside the Schengen area, e.g. in Thailand, Russia and Pakistan. The information generated by this work is also reported to the National Criminal Investigation Service, who carries the operational responsibility for this service. The national INTERPOL-office is situated on the National Criminal Investigation Service's premises. In addition the national SIS/SIRENE-function and the national Europol contact point are placed here.

As the responsibility for the collection, co-ordination, arrangement and evaluation of intelligence information and the responsibility for the establishing, updating and maintaining of central registers are placed with the National Central Investigation Service, where the national INTERPOL, Europol and SIS/SIRENE-offices are also located, the co-ordination of information, as far as legislation permits, is ensured.

The National Central Investigation Service is a central organisation contributing both administrative and operational support, especially in relation to illegal immigration, cross-border crime and organised crime. On the basis of the available material, information of present interest is thoroughly considered and arranged, and a sketch of the current threat level is presented once a year.

Do the authorities in charge of the control and surveillance of borders have such information about suspicious vehicles and persons, and if so, what procedure or mechanism allows them to obtain and use this information?

The local police receive such information either from their own local criminal intelligence work or from the central police authorities. If necessary to ensure proper border control- and/or surveillance such information is forwarded to other relevant bodies from the local police responsible for that part of the border.

3. Is there a global national security plan or a national border security plan, in which the general border control management is developed?

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The external **border** management is part of a wider security **plan** within the **police** force aiming at prevention and combating crime, including **border** surveillance and control. The basis is the existing co-operation between national authorities.

There is no specific **border** security **plan** in which the **border** control management is developed. Based on the risk analysis model CIRAM and the work connected to the previous Risk Analyses Centre in Helsinki, the national **border** security **plan** are to be in place before April 2006.

There is no information from the activity at external **border** indicating that the execution of **border** control and surveillance has to be strengthened.

The National **Police** Directorate is responsible for **border** security management and for the **plan** to be developed based on the defined four tiers/filters:

• Activities in third countries (of origin and transit)

• Bilateral and international co-operation

• Measures at the external **borders**

• Further activities inside the territory of the free movement of person

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The starting point is the tactical and operational level in the **police** districts, in order to enable decision-makers booth on local and national level to develop counter measures. The National **Police** Directorate has developed a standard form to enable the local **police** to describe and defined the activity on each **border** crossing point, the area between **border** crossing points and on the rest of its territory. This documentation also includes information from other sources inside and outside the **police** force, e.g. the Coast Guard, the Customs, the Port Authorities, the ship-agents, the Airport Authorities and transport agencies. This defined documentation is the basis for the future procedure on **border** control and surveillance.

The local **plans** are the basis for the national **border** security **plan** to be developed.

The national and local documentations and **plans** are to be continually monitored, and connection to the work in the Frontex Agency is foreseen.

4. What is the number of staff present at **border** crossing-points?

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The level of control and surveillance is determined on the basis of the threat level. The police services at border crossing points are under the local police, who are responsible for all police matters, including border control. The local police authorities may when necessary give priority to border crossing control and surveillance.

At sea borders

At the sea border crossing points the need for permanent staff present is continually under evaluation. At sea border crossing points with regular traffic, the local police provide the necessary staff to achieve the required level of control and surveillance. Various authorities in co-operation, particularly the Armed Forces including the Coast Guard and the Police carry out control and surveillance.

The Coast Guard monitors the territorial waters and external borders by technical installations and physical surveillance. The Police control at the border crossing point and the Coast Guard takes part in activity on behalf of the Police. The Customs Administration cooperates closely with the Police and the Coast Guard.

The Coastal Operational and Surveillance System (COSS) register entry notifications and entry/departure reports from foreign non-military vessels that enter or depart from Norwegian internal waters. Furthermore, the COSS registers information reported by civil servants at Coastal administration. Via the police access to the COSS, the control of persons arriving by sea are improved and simplified.

The COSS system does not register Article 177 sensitive information. However, it registers whether such information has been relayed through the system to the relevant police authority. The physical presence of navy troops executing Schengen responsibility on the blue border is 700 personnel and additional coast guard staff, support element etc.

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Land borders

In Norway there is only one land border crossing point, Storskog on the Norwegian-Russian border. At Storskog border crossing point there are 11 employees, 9 police officers and 2 civilian border guards that carry out border crossing control, as well as staff from the Customs Administration and the Border Commissioner.

However, after closing time, personnel from the Border Guard Company guard Storskog border crossing point on behalf of the Police. The police services at Storskog are the responsibility of the local police in the area, Østfinnmark Police District, where there are approximately 165 employees.

The physical presence of army troops executing Schengen responsibility on the Green

Border is 180 personnel and additional border guard staff, support element etc.

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Air borders

At airports the need for permanent staff present is continually under evaluation. At airports with regular traffic the following number of police staff is present for border crossing control and surveillance:

At Oslo Airport, Gardermoen there are 127 employees, whereof 77 police officer and 55 civilian border guard. The police services at Oslo Airport are the responsibility of Romerike Police District, which have 485 employees.

At Bergen Airport, Flesland there are 10 police officers. The police services at Bergen Airport are the responsibility of Hordaland Police District, which have 868 employees.

At Stavanger Airport, Sola there are 12 police officers. The police services at Stavanger Airport are the responsibility of Rogaland Police District, which have 661 employees.

At Sandefjord Airport, Torp there are 21 employees, whereof 14 police officers and 7 civilian caseworkers. The police services at Sandefjord Airport are the responsibility of Vestfold Police District, which have 435 employees.

At Tromsø Airport, Langnes there are 6 police officers. The police services at Tromsø Airport are the responsibility of Troms Police District, which have 275 employees.

At airports with low regular traffic and at airports with traffic now and then, the needs of staff presence are continually evaluated. The director of such an airport is required to give adequate notice to the police authorities of any planned international arrival. This control and surveillance are carried out by local police officers that are trained for this and are an integral part of their regular duties.

In cases where, because of force majeure, imminent danger, or on the instructions of the authorities, an aircraft on an international flight has to land on a landing ground which is not an authorised border crossing point, the local police authorities execute necessary border crossing control.

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How many border crossing-points are there? Distribute these statistics over sea and land borders and airports?

An overview of the 84 Norwegian border crossing points in an annex 1 to the

Immigration Act / Immigration Regulation.

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Oslo Sea

Fredrikstad Sea

Halden Sea

Hvaler Sea

Moss Sea

Sarpsborg Sea

Follo Sea

Gardermoen Airport

Fagernes Airport

Geilo Airport

Drammen Sea

Hurum Sea

Holmestrand Sea

Horten Sea

Larvik Sea

Sandefjord Sea/Airport

Tønsberg Sea

Kragerø Sea

Notodden Sea/Airport

Porsgrunn Sea

Skien Sea/Airport

Arendal Sea

Farsund Sea

Flekkefjord Sea

Grimstad Sea

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Kristiansand Sea/Airport

Mandal Sea

Risøsløssjøen Sea

Egersund Sea

Gjesdal Sea

Høringssjøen Sea

Sandnes Sea

Sokndal Sea

Sola Sea/Airport

Stavanger Sea

Haugesund Sea/Airport

Leirvik Sea/Airport

Tysvæsjøen Sea

Askøsløssjøen Sea

Bergen Indre Sea/Airport

Lindås Sea

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Odda Sea

Sotra Sea

Florøsløssjøen Sea

Høsløssjøen Sea

Målselvsløssjøen Sea

Årdalstangen Sea

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Ålesund Sea/Airport

Kristiansund Sea/Airport

Molde Sea/Airport

Hommelvik Sea

Orkanger Sea

Røros Airport

Trondheim Sea

Ørlandet Sea/Airport

Namsos Sea

Steinkjer Sea

Stjørdal Sea/Airport

Mosjøen Sea

Rana Sea

Bodø Sea/Airport

Harstad Sea

Narvik Sea/Airport

Sortland Sea/Airport

Svolvær Sea

Balsfjord Sea

Bardufoss Airport

Finnsnes Sea

Gryllefjord Sea

Karlsøy Sea

Lyngen Sea

Skjervøy Sea

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Tromsø Sea/Airport

Alta Sea/Airport

Hammerfest Sea

Havøysund Sea

Honningsvåg Sea

Lakselv Airport

Båtsfjord Sea

Kirkenes Sea/Airport

Kjølefjord Sea

Storskog Land

Vadsø Sea

Vardø Sea

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In the sense of combating illegal entry and exit, what is the principle of controlling the green/maritime **border**?

The local 27 **police** district of which 23 have external **border** crossing points, are responsible for the management of **border** control and surveillance. The **police** execute the entry and exit control whilst the surveillance is done in cooperation with other authorities.

Green **border**

The only external green **border** is the Norwegian/Russian **border**. Storskog **border** crossing point is the only **border** crossing point at this **border**. The **border** crossing point are open each day from 0700-2100 hours and Østfinnmark **Police** district perform 100% control of all travellers passing through the **border** crossing point. The **Border** Guard Company execute the surveillance of the **border** outside the **border** crossing point and the **border** crossing point outside the opening hours. The exercise of surveillance is done from stationary infrastructure and mobile units.

There have been no illegal entry or exit outside the **border** crossing point last year.

Maritime **border**

At **border** crossing point with scheduled ferry traffic from/to third countries the local **police** execute 100% control of all travellers passing through the **border** crossing points. On other **border** crossing points the local **police** execute **border** control on entry and exit of crew and passengers leaving or embarking, based on the information from; the shipmasters, the ship agents, the Coast Guard, the Customs and the port authorities. The Coast Guard execute the surveillance.

There have been no illegal entry or exit through the maritime **border** last year.

Entry and exit control

In accordance with the Norwegian Immigration Regulations § 82 any person coming to the realm shall immediately report to passport control or, if this has not been possible, the nearest **police** authority to show proof of identity and provide such information as is necessary to determine whether entry will be lawful. Any person leaving the realm shall by leaving the country report to passport control or, if this has not been possible, the nearest **police** authority to show proof of identity, cf. § 23 first paragraph of the Immigration Act.

For entry into the realm from any other Schengen state the duty to report pursuant to the first paragraph only applies when a check is carried out in accordance with Article 2, number 2, of the Convention.

The obligation to report pursuant to the first paragraph does not apply to crew on board any ship or aircraft who are not signing off, cf. § 117.

Control on pleasure boats

According to the Immigration Regulations § 83, when any ship on a pleasure cruise carrying any foreign national requiring a visa enters Norwegian territorial water, the master shall without delay go to the port which is indicated in the sailing permit, cf. § 111 and immediately report to the **police**. The master shall also report to the **police** in each of the permitted ports of call and has a duty to give notice of time of departure, sailing **plan** and next port of call.

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Control of an aircraft

According to the Immigration Regulations § 84, the commander of any aircraft on an international flight shall no later than 48 hours before departure obtain leave from the Civil Aviation Administration to land at any other place than an approved **border** crossing. The chief of **police** concerned is to agree to the landing before the leave from the Civil Aviation Administration is given. If an aircraft has landed on a not approved **border** crossing, without permit, it is not permitted to leave without such permit from the chief of **police** concerned.

Border crossing

In accordance with the Immigration Regulations § 85, entry and exit shall take place at any approved **border** crossing points unless otherwise provided, cf. § 23, second paragraph of the Immigration Act.

Control on cruise ships

On any cruise ship coming from a non-Schengen port, a check of the passengers, which should ordinarily be limited to a check of the passenger list and of the passengers' travel documents without their attendance in person, shall be undertaken at the first port of call in Norway, cf. § 90 of the Immigration Regulations. Any passenger leaving the ship to take up residence on land or to travel through the realm shall be subject to immigration control in the normal manner, cf. § 88.

Any passenger requiring a visa that is on any such ship, may without a visa undertake visits of short duration on land in the port in which such ship is docked. The chief of **police** concerned lays down the extent of this area. When disembarking, any such passenger shall be issued with a separate disembarkation certificate by the passport control authority. When any such passenger re-embarks, the certificate is handed to the passport control authority or, if the passport control authority is not present, to the master of the ship or any person who is so empowered. However, this regulation is only valid if the docking does not exceed 72 hours.

Where any tourist ship leaves any Norwegian port for non-Schengen port, the passport control authority shall require a copy of the passenger list from which it shall be apparent which passengers have left the ship, and a declaration from the master of the ship or any person who is so empowered that the remaining passengers are travelling with the ship out of the realm.

Control of crew on ship

According to the Immigration Regulations § 114, when any foreign national wishes to leave an engagement on board any Norwegian or foreign ship while it is in a Norwegian port, the master of the ship shall give notification to the **police**, who decide whether leave shall be granted to go ashore, cf. § 26 first paragraph of the Immigration Act.

Any decision to refuse leave to go ashore is made by the chief of **police** or any person the chief of **police** so empowers, cf. § 26 first paragraph, and § 31 first paragraph of the Act. An appeal may be made against any such decision to the Directorate of Immigration, cf. § 38 of the Act. The employment office concerned shall notify the **police** without delay if it becomes aware that any foreign national is to leave an engagement on a ship in the realm.

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Leave to go ashore may only be granted where any foreign national is in possession of a valid passport, sea service book or any other identity document recognised as a travel document. Any foreign national requiring a visa must have a visa or special consent from the Norwegian Directorate of Immigration. It is a requirement that there are no reasons for rejection of entry cf. the Immigration Act § 27 first section letters d, i and j.

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Transit

Any foreign national who is travelling to any destination outside the realm, must in addition have a visa or special permit to travel through those countries which are to be crossed in order to reach such destination, and if necessary leave to enter the country where such destination is.

Leave to go ashore

On condition that a foreign national immediately takes up an engagement on another ship in a Norwegian port or leaves the realm without delay, the **police** may grant leave to go ashore even if the conditions in the third and fourth paragraphs of this section are not satisfied.

Foreign seamen

Where any foreign seaman with an identity card issued in accordance with ILO Convention No. 108, cf. § 100 fourth paragraph, goes ashore, a check made pursuant to § 88. Any such foreign national does not require a visa, cf. § 105(h).

Where leave has been granted to any seaman to leave an engagement on board any ship, this shall be inscribed in the passport or any other identity document of the person concerned or be apparent from a separate document.

The master of the ship (captain) has a duty to take on board again any member of the crew who has been refused leave to go ashore, or otherwise take the person concerned out of the realm in accordance with further direction from the **police**.

Stowaways

According to the Immigration Regulations § 116, the provisions of § 114 and § 115 apply correspondingly to any foreign stowaway on any Norwegian or foreign ship who wishes to go or who goes ashore in any Norwegian port. On the basis of humanitarian grounds, national considerations or consideration of international obligations leave to go ashore may be granted even if the conditions of § 114 third paragraph are not satisfied. The **police** shall refer the question of whether such leave shall be granted to the Directorate of Immigration for decision.

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Statistics on all known cases of illegal **border** crossing

Statistics of rejection entry, by grounds and year: The statistics includes decision made by all administrative levels, in the years 2002, 2003 and 2004:

Rejection grounds

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2002

2003

2004

No passport/visa

299

233

267

Previously expelled

47

33

46

No permit

771

722

339

No funds

577

535

252

Previously convicted

197

101

66

Nordic Passport Conception

1

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-	
-	
Reported in SIS	
-	
41	
26	
Other	
15	
47	
45	
Total	
1907	
1712	
1041	

Statistics of rejection after entry, by grounds and year: The statistics includes decision made by all administrative levels, in the years 2002, 2003 and 2004:

Rejection grounds

2002

2003

2004

No passport/visa

5

85

52

Previously expelled

5

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3

4

No permit

74

36

33

No funds

3

3

5

Previously convicted

7

7

4

Nordic Passport Concention

0

-

0

Reported in SIS

-

0

2

Other

8

3

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8

Total

102

137

108

What is the estimated level of detecting and apprehending a person crossing the **border** illegally? How is the estimate justified?

Refusal of entry at all frontiers (asylum applicants not included)

Change

% Change

Nov 2004

Dec 2004

97

55

-42

-43 %

Dec 2003

Dec 2004

83

55

-28

-34 %

Total by 31.12.03

Total by 31.12.04

857

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780

-77

-9 %

The top five nations by 31.12.2004 were:

Nigeria, NGA (101), Romania, ROU (100), Russia, RUS (82), Somalia, SOM (45) and Iraq, IRQ (32).

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Illegal aliens apprehended (asylum applicants not included)

Change

% Change

Total by 31.12.03

Total by 31.12.04

70

89

19

27 %

The top three nations by 31.12.2004 were:

Serbia and Montenegro, SCG (14), Romania, ROU (6) and Bosnia-Herzegovina, BIH, Turkey, TUR and Ukraine, UKR (5).

This corresponds to the statistics and information that is being reported to CIREFI.

From 2005 the **police** force will have access to a new data-system, which enables them to find statistics and more detailed answers to the questions.

5. Which kind of legislation (or administrative practice or instructions) is foreseen to fight against illegal immigration, and in particular on control on persons inside the territory?

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Does this legislation (or administrative practice or instructions) provide differences between internal **border** zones/connections and the rest of the territory, especially as far as the reason for carrying out checks on identity, their frequency, their intensity or eventual sanctions are concerned?

How many illegal immigrants have been detected at the **border** or inside the territory and what were their countries of origin?

Where have they been apprehended (special routes, special places/regions, internal **borders**)?

The Norwegian Immigration Act (and Immigration Regulation) is the main legislation foreseen to fight against illegal immigration.

In accordance with the Norwegian Immigration Act § 23 and the Immigration regulation § 82 any person entering and leaving the realm shall immediately report to the passport control or **police** authority. For entry and exit to another Schengen country, regular immigration- and **border** control may only be carried out in accordance with the Schengen Convention Article 2 no 2. This is also regulated in the Immigration Act and Immigration regulation. Reference is made to the answer regarding **border** control given to question no 4.

The Immigration Act and Immigration Regulation also contain provisions regarding stay in the realm.

In August 2001, after Norway entered into the Schengen cooperation, the National **Police** Directorate drew up a Circular letter, RS 01/021, regarding **police** control in the **border** zones and other internal controls of aliens. This circular letter gives directions and guidelines regarding these controls, based on existing regulations in The **Police** Act, The Criminal Procedure Act, the Immigration Act and other actual acts and regulations.

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Norway has not defined any specific **border** zone. Fight against crime, including combating illegal immigration, may be conducted all over the country as a part of the **police**'s ordinary work. There is no legislation concerning what kind of control that can be conducted in **border** zones or other specific areas in the country. However, the abovementioned circular letter gives some guidelines. The control should be based on analyses. Controls of aliens inside the territory shall be a part of the **Police**'s total activity. Aliens may be stopped and asked to establish their identity. As a part of this control, cars may be stopped. When the **police** control aliens within the territory, they must not base the selection solely on the fact that the person has a foreign appearance or belong to a special ethnic group or religion. Such controls shall be register by the local **police**.

The number of illegal immigrants detected at the **border** or inside the territory

Reference is made to question no. 4, statistics on all known cases of illegal **border** crossing, both rejected entry and rejection after entry.

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

6. What training and continuing training measures have been undertaken to maintain the level of control required by Schengen?

Police

The National **Police** Directorate has actively worked with the establishment of the Common Core Curriculum as a platform for common standards for **border** guard training all over Europe.

The National **Police** Academy has the responsibility for training of **police** officer and practical training of other employees in the **police** force. This includes training for **border** guard activity and other **police** tasks related to foreigners.

The basic training for **police** officer for service in the Norwegian **police** is three years education, and post education training covering various areas of the **police** profession.

Based on the Common Core Curriculum representatives from the National **Police** Directorate, the National **Police** Academy and **Police** at Oslo Airport, Gardermoen have defined the need for further on training for employees dealing with **border** control issues in the Norwegian **police**.

There is a national **plan** for education, starting with education of trainers from each **police** district, which is given 5 weeks course at the National **Police** Academy consisting of 3 weeks defined content given in the Common Core Curriculum and 2 weeks educational practice. The trainers are **police** officer with experience from **border** guard activity, defined as mid level officer in the Common Core Curriculum. The National **Police** Academy has the responsibility in cooperation with the trainers to define and produce the content of the course to be held in the **police** districts, lasting for at least 1 week.

The EU-training day will be included in the national ongoing program, following the schedule from Ad-hoch Centre for **Border** Guard Training in Traiskirchen. There will be a yearly meeting at the National **Police** Academy for trainers to develop and update the yearly program for **border** guard training.

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The Coast Guard are participating in the course on national level and specialist training is included in the training program for Coast Guard officer.

Armed Forces

Training programmes are held within the Army and Coast Guard in co-operation with the **Police**.

Green **border**

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Conscripts at the Garrison of South Varanger serve for 12 month. Before beginning active service, the conscripts undergo six months of ranger and Schengen-training. Conscripts serving at the **Border** Control Company undergo additional training focusing on exercising **police** authority and other regulations concerning **Border** Control. Before they are assigned to active **border** duty, they have a on the job training together with departing **Border** Guard Company.

Blue **border**

All navy officers assigned for duty to the Coast Guard graduates at one week Schengen course.

Specially designed courses

The following courses related to the Coast Guard have been established:

- a course specially designed to train Coast Guard personnel with regard to the Coast Guard Act and the authority vested by the statute.

Is the training based on a local or national training programme?

The National **Police** Academy is responsible for the content of all training program. Following that we use a train the trainers concept, the education of the trainers will take place at the National **Police** Academy, whilst the training of **border** guard both on theoretical and practical level will take place on local level.

7. Have the new officials responsible for **border** controls been briefed on the Common Manual and **prepared** for applying it?

The Common Manual is available in the national **police** intranet.

The Common Manual is available among all armed forces staff formations dealing with Schengen issues.

8. New intervention concepts introduced or **planned**, such as:

- Organisational units with competence at regional level, operating in different zones (**border** crossing points and green/blue **borders**) and equipped with mobile units capable of rapid deployment in the context of organised interventions;

- What is the operational activity of the organisational units at local level and of the special investigation groups?

- Formation of special investigation groups with a view to combating international organised crime;

- Surveillance of **borders** at the borderline itself and in **border** regions with the participation of general **police** services.

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The **Border** Guard Company has a concept of operation based upon prediction of threat, which means;

• All weather capacity, night-vision capacity, and electronic sensor systems, i.e. radars, in order to uphold a sufficient level of surveillance.

• Communication systems (encrypted communication, data transferred pictures and data link)

The **Border** Guard Company is equipped with an adequate number of vehicles. It operates 40 light terrain vehicles for winter operations and 17 light terrain vehicles, for summer operations, and seven assault boats.

9. What technical equipment is available at the **border** crossing-points? What equipment has recently been introduced, for instance:

- terminals for consulting SIS (fixed or mobile),

All **police** computer terminals have access to SIS, included terminals used at **border** crossing points. New infrastructure for mobile access is to be available after a pilot project period this year.

- Schengen entry and exit stamps,

Every **border** crossing points have entry and exit Schengen stamps available.

- equipment for checking documents?

Every **border** crossing points have equipment for checking documents. Type and number of equipment depends on the level and type of traffic

10. What technical equipment has been made available to the forces responsible for controlling **borders**, for instance:

- helicopters/aeroplanes,

- night vision/infrared detection equipment?

- ships/boats; how many patrol boats are available for monitoring sea **borders** [by category according to length and maximum speed in knots]

Green **border**

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Helicopters/aeroplanes:

The Royal Norwegian Air force has one Bell helicopter deployed to the area on a weekly basis, from Monday to Friday. The helicopter is available for the **Border** Guard Coy 10 hrs pr week.

Night vision/infrared detection equipment:

Thermal equipment is available at one fixed OP. Night vision equipment is available at all fixed OP.

Mobile units have night vision capacity

Ships/boats:

The **Border** Guard Coy has deployed 6 Hurricane boats for patrolling the Pasvik River. Length: 22 feet. Speed: 30 knots with load capacity 6 pax including crew.

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Blue **border**

Helicopters/aeroplanes:

The Norwegian Coastguard has 6 Sea-Lynx helicopters. These are mainly embarked onboard Coastguard vessels. The Coastguard has chartered additional 2 civilian aircraft for surveillance purposes.

Night vision/infrared detection equipment:

Coastguard vessels and cutters are equipped with night vision binoculars. The Coastguard operates infrared detection equipment on its 3 Nordkapp-class and Svalbard-class vessels.

Ships/boats:

Coast Guard Vessels

No

Speed in knots

Length in meters

Area of operation

Nordkapp Class

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

3

22

106

Open waters

Svalbard Class

1

17

103

Open waters

Chartered vessels

7

14-18

50-83

Open waters

Fast patrol boats

4

20-25

23-33

Territorial water

Chartered Cutters

4

10-12

35-42

Territorial water

The Coast Guard monitor and control the external blue **borders**, numbers, etc.

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

The Regional Headquarters Surveillance Centre is established in order to integrate all active and passive sensors. It produces a correlated data picture of activity along the blue **border**.

A reporting system based upon arrival notification sent from all non-military vessels arriving in or departing from Norwegian internal waters are be registered in the Coastal Operational and Surveillance System (COSS) which is an integral part of the Regional Headquarters Surveillance Centre.

11. What is the number, broken down by type, of the monitoring facilities at **borders**?

Green **border**

Number of operational units

Type

At land or sea **border**

7

Fixed observation posts

Land **border**

10-13

Field observation posts

Land **border**

Blue **border**

The Coastguard operates 15 vessels patrolling the coast, monitoring the Sea **border**.

12. What are the means of communication between the operational units assigned to monitor land and maritime **borders** and their operational centre?

Military communication on encrypted, classified and unclassified lines as data link, voice and telex may be used.

UHF, VHF, HF

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13. Approximately, how many hours a day are external **borders** surveyed by resources available (broken down by the different areas)?

Green **border**

Approximately 50% of the borderline is surveyed 24 hours, 365 days from fixed OP’s. Mobile units survey the remaining part of the borderline. During one week the entire borderline has been patrolled.

Blue **border**

The Coastguard vessels are patrolling 24 hours day and night

Coastal radar stations, radars on oilrigs, vessel traffic control and Regional Headquarters Surveillance centre operate 24 hours a day.

14. Are further reinforcements **planned** in terms of technical equipment or staff? When?

Green **border**

Radar ARSS1 is to be deployed as an additional electronic sensor solution, operating from august 2005.

Blue **border**

In order to manage a possible higher threat level, **plans** are made to install additional electronic sensor solutions. These **plans** comprise radars, electro-optical sensors and identification systems, based on radar and communication emitters.

Other improvements will continually be considered.

15. Do custom services or other authorities or services also take part in **border** controls? What is their role? What is the availability of staff? How does the cooperation and the coordination of actions with **border** control authorities work?

The **Police** are responsible for entry and exit control.

The Customs take part in **border** control with two core objectives

• To collect duties and taxes for the treasury

• To prevent unlawful import and export of goods

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Customs has no powers in order to enforce the Schengen regulations regarding illegal immigration and passport control. However, in practice, customs do notify the police whenever there is suspicion that a person does not fulfil the requirement in the Schengen regulations.

16. How many refusal-of-entry decisions have been taken? (total number, breakdown by main nationalities concerned, breakdown by border posts and by distance between border posts).

Refusal-of-entry decisions in the years 2002, 2003 and 2004:

2002: 1907

2003: 1712

2004: 1041

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Refusal-of-entry decisions broken down by main nationalities, 2003 and 2004:

Nationality

2003

2004

Afghanistan

7

16

Albania

39

20

Algeria

13

16

Angola

0

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2

Argentina

2

1

Armenia

9

1

Australia

1

2

Azerbaijan

2

8

Belarus

18

8

Belgium

1

0

Benin

0

1

Bolivia

3

2

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Bosnia-Hercegovina

13

10

Brasil

4

2

Bulgaria

51

32

Burundi

1

1

Cameroon

2

4

Canada

0

1

Cape Verde

1

0

Chile

15

26

China

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

5

9

Colombia

2

0

Croatia

14

10

Cuba

0

1

Czech Rep.

14

10

Dem. Rep. Congo

2

1

Djibouti

2

3

Dominican Rep.

6

2

Ecuador

7

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6

Egypt

2

0

Equatorial Guinea

1

0

Eritrea

2

0

Estonia

41

22

Ethiopia

6

1

Fji

0

2

France

2

1

Gambia

3

2

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Georgia

12

2

Germany

1

1

Ghana

4

1

Greece

2

1

Guinea

1

4

Guinea-Bissau

2

5

Guyana

1

0

Hong Kong

1

0

Hungary

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

9

6

India

5

3

Iran

17

10

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Iraq

39

32

Ireland

0

2

Israel

4

3

Ivory Coast

0

2

Japan

1

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

1

Jordan

10

2

Kazakhstan

3

1

Kenya

1

1

Latvia

17

13

Lebanon

2

2

Liberia

1

3

Libya

26

22

Lithuania

304

53

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Macedonia

5

6

Malaysia

0

3

Mexico

1

1

Moldova

5

1

Mongolia

8

5

Morocco

13

19

Nepal

7

0

Netherlands

2

1

New Zealand

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

0

1

Nicaragua

1

0

Niger

0

1

Nigeria

31

101

Norway

1

0

Pakistan

11

9

Philippines

3

5

Poland

418

142

Rep. Congo

3

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2

Romania

163

100

Russia

87

82

Rwanda

1

1

Senegal

2

1

Serbia & Montenegro

8

29

Sierra Leone

1

3

Slovakia

18

2

Slovenia

0

2

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Somalia

30

45

South Africa

0

3

Spain

1

1

Sri Lanka

8

3

Stateless

4

6

Sudan

1

1

Sweden

5

2

Syria

1

5

Tanzania

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

0

2

Thailand

10

5

Togo

1

1

Tunisia

5

4

Turkey

14

8

Turkmenistan

0

1

Ukraine

10

7

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United Kingdom

7

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2

Uruguay

1

0

USA

7

3

Uzbekistan

4

1

Vietnam

6

8

Yemen

0

1

Yugoslavia

41

22

Total

1699

1041

There is no official statistics broken down by **border** posts and by distance between. However, there are statistics available on the major **police** districts (**border** posts) rejections in 2003 and 2004:

Police district

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2003

2004

Agder

71

20

Asker og Bærum

18

7

Follo

24

10

Gudbrandsdal

5

5

Haugaland og Sunnhordland

8

3

Hedemark

38

19

Helgeland

14

21

Hordaland

32

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

20

Midtre Hålogaland

0

2

Nordre Buskerud

18

3

Nordmøre og Romsdal

7

1

Nord-Trøndelag

14

8

Oslo

632

364

Rogaland

102

29

Romerike

271

199

Søndre Buskerud

45

17

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Sogn og Fjordane

6

2

Sør-Trøndelag

39

9

Telemark

38

15

Troms

11

4

une

36

114

Vestfinnmark

2

3

Vestfold

50

47

Vest-Oppland

8

1

Østfinnmark

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

34

42

&Oslash;stfold

176

72

Total

1699

1037

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17. How do you proceed, when a person presents him/herself at the **border** with a visa issued by another Member State?

An ordinary control of a citizen from a country outside Schengen and the EU includes the following: Check of all travel documents, this includes passport, ticket, references, guarantee letter and invitation. The passport will be checked in the passport reader, checking towards the SIS system. The authenticity of the visa is checked. The name and date of birth can also be checked in the different National **Police** Systems. The person will be asked about the purpose of the trip or visit to Norway, if it is for pleasure or for business. Profiling is also a method used by the passport control officer. On suspicion of incorrect person, passport or visa, the travellers are taken aside for further examination/investigation.

18. With reference to Article 2(2) of the Schengen Convention, have **border** controls been occasionally reintroduced at the **borders** with other Schengen States? In which circumstances does your country justify temporary reintroduction of **border** controls under Article 2(2) of the Schengen Convention? For how long did this exceptional situation last?

The Norwegian Ministry of Foreign Affairs hosted the Nobel Peace Prize 100-years anniversary in Oslo on December 2001 and the World Bank, the Annual Bank Conference on Development Economics (ABCDE - conference) in Oslo on June 2002.

On both these occurrences Norwegian authorities concluded that during a period, before and under the occurrences it could be necessary to carry out **border** controls at internal land, sea and air **borders** in the south-east part of Norway, on the level appropriate to the situation.

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Control on the internal **borders** was not set out in operational activity.

19. Explain the activities undertaken by your authorities in third countries, especially in countries of origin and transit, against illegal immigration.

The National **Police** Immigration Service is responsible for the work of the **police** in asylum and immigration cases. Their main task is to register and identify asylum seekers arriving in Norway, and co-ordinate the repatriation of the ones denied asylum. They are furthermore responsible for the transportation of other foreign nationals who are removed or deported from Norway. They have accordingly extensive contacts with countries of origin.

The National **Police** Immigration Service participates in working groups within IGC (Intergovernmental Consultations) especially targeted on repatriation and the fight against illegal immigration and the smuggling of human beings.

Within the Nordic liaison network we have two liaison officers, posted in Bangkok and Dubai, who almost exclusively work on combating illegal immigration especially focused on transit passengers in the airports.

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20. Present a general oversight on the bilateral and multilateral cooperation regarding **border** security.

• Agreement between Norway and Russia on **border** control regime (1949)

• Agreement between Finland, Norway and Russia on cross-**border** cooperation (1998)

• Agreement between Norway and Russia on cross-**border** cooperation (2002)

• Memorandum of understanding between the Norwegian National **Police** Directorate and the Finnish Frontier Guard on **border** surveillance (2002)

21. What is the regime applicable in the outside the mainland areas (if any) of your country concerning the Schengen Convention? Do you have special arrangements for the application of Schengen provisions there?

Following the association agreement between EU and Norway article 14 Svalbard (Spitzbergen) is not part of the Schengen area and Norway executes entry and exit control on traffic between Svalbard and Norwegian mainland.

A. Sea **borders**

22. What measures have been taken in terms of infrastructure to guarantee the separation between passengers on ferries on Schengen crossings and passengers on ferries on non-Schengen crossings (physically, administratively, equipment)?

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Norway has four ports with non-Schengen ferry traffic, all of them with infrastructure physically designed to ensure separation of passengers, these are:

Bergen and Omland Port Authorities, Bergen

The ferry terminal in Bergen serves one ferry to United Kingdom all year at two ferries to Denmark during. There is only one ferry present at time. Accordingly there will be no intermingling of passengers on Schengen crossings and passengers on non-Schengen crossings

Stavanger Interkommunale Port Authorities, Stavanger

The ferry terminal in Stavanger serves only ferries to United Kingdom.

Karmsund Interkommunale Port Authorities, Haugesund

The ferry terminal in Haugesund serves only ferries to United Kingdom.

Kristiansand Europort Norway, Kristiansand

The Kristiansand ferry terminal serves two ferry companies. One company serves traffic to the Schengen area only, the other traffic between Norway and United Kingdom. There is only one ferry present at time. Accordingly there will be no intermingling of passengers on Schengen crossings and passengers on non-Schengen crossings.

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23. Are passengers on extra-Schengen crossings channelled in such a way as to ensure the separation between persons covered by Community law and those from third countries?

At the Norwegian non-Schengen ferry-terminals there are two control positions for both arriving and departing passengers, as well as at the terminals and at the ground control of travellers in vehicles to ensure two separate lines. One for persons covered by Community law and one for all nationals. The lines have signs.

24. Statistics should be provided for the past three years as regards the number and types of vessels calling at ports from EU and third country ports (ferries, cruise ships, cargo vessels, fishing vessels and pleasure boats).

There is an extensive traffic of cargo ships, ferries, cruise ships and fishing vessels to and from Norway all along the Norwegian coast.

2002

County

Cargo

Ferry/Cruise

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Fishing vessels

Pleasure

Total

Akershus

37

0

0

1

38

Aust-Agder

233

6

2

4

245

Buskerud

915

8

0

0

923

Finnmark

853

112

1196

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103

2264

Hordaland

4871

256

189

26

5342

Møre og Romsdal

3464

301

376

26

4167

Nord-Trøndelag

547

1

0

1

549

Nordland

2565

100

147

16

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2828

Oslo

1500

761

0

5

2266

Rogaland

6072

40

628

29

6769

Sogn og Fjordane

2078

225

202

8

2513

Sør-Trøndelag

1027

44

8

0

1079

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Telemark

2546

7

1

2

2556

Troms

926

70

413

38

1447

Vest-Agder

1194

608

35

4

1841

Vestfold

1531

153

1

2

1687

Østfold

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to
the evaluation of the application of the Schengen A....

1947

5

1

2

1955

Total

32306

2697

3199

267

38469

2003

County

Cargo

Ferry/Cruise

Fishing vessels

Pleasure

Total

Akershus

41

0

0

2

43

Aust-Agder

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

276

3

0

4

283

Buskerud

935

6

0

0

941

Finnmark

910

126

890

110

2036

Hordaland

5347

297

145

58

5847

Møre og Romsdal

3592

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

346

304

17

4259

Nord-Trøndelag

602

4

4

8

618

Nordland

2981

134

103

33

3251

Oslo

1513

765

0

14

2292

Rogaland

6654

46

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535

19

7254

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Sogn og Fjordane

2534

283

227

39

3083

Søslash;r-Trøslash;ndelag

1053

48

7

1

1109

Telemark

2247

20

8

1

2276

Troms

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941

91

230

26

1288

Vest-Agder

1403

604

28

3

2038

Vestfold

1601

29

2

7

1639

&Oslash;stfold

1974

8

2

4

1988

Total

34604

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2810

2485

346

40245

2004

County

Cargo

Ferry/Cruise

Fishing vessels

Pleasure

Total

Akershus

41

0

0

0

41

Aust-Agder

238

9

1

6

254

Buskerud

891

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6

0

0

897

Finnmark

1000

151

834

82

2067

Hordaland

5639

307

113

65

6124

Møre og Romsdal

4306

353

218

41

4918

Nord-Trøndelag

699

4

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0

2

705

Nordland

3410

116

41

27

3594

Oslo

1647

799

0

10

2456

Rogaland

6910

47

424

19

7400

Sogn og Fjordane

2722

252

117

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44

3135

Søslas;r-Trøslas;ndelag

1256

46

1

2

1305

Telemark

2298

14

0

0

2312

Troms

1145

100

175

38

1458

Vest-Agder

1590

627

25

7

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2249

Vestfold

1876

2

0

15

1893

Østfold

2079

2

0

5

2086

Total

37747

2835

1949

363

42894

The available statistics does not divided between EU and third countries. When vessels calling at a Norwegian port they are normally all defined as third country traffic. The exception from this are ferry connections to other Schengen countries and Cruise ships that we know arriving from or leaving for directly to another Schengen country. The statistics do not divides these two categories, Schengen/non-Schengen.

In the sense of combating illegal entry and exit, what is the principle of controlling vessels during their stay in ports? The local **police** in Norway covers both the ordinary **police** matters and **border** control. Control of vessels during their stay in ports is defined as a ordinary **police** matter. The local **police** dealing with this ordinary **police** matters are also trained for and execute **border** control. This control of vessels and their crew and passenger is based on the profiling of the ship and the defined risk.

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Although the information to day comes from the established cooperation between authorities directly involved in the traffic in the port, this information are to be developed further when the National **Border** Security **Plan** (question 3) are in place.

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Does your country have national administrative regulations regarding the concept of controls with reference to the different types of vessels (ferries, cruise ships, cargo vessels, fishing vessels and pleasure boats)? Yes, see question 4.

Amounts of physical control made onboard these vessels (can be substituted with permanent monitoring)? Results of the controls?

There are no statistics available of the amount of controls.

The local **police** always do the physical entry and exit control on board the vessel or in the vicinity of the vessel, if crew or passenger disembark or embark the vessel. The information about disembarkation or embarkation comes from the shipmaster or the ship agent.

The information collected from the **Police** Districts shows that control on vessels where there is no need for entry and exit control is about 10 percent.

How are decisions of such controls made?

The **Police** Districts are responsible for this control and takes its decision, based on the information from Coastal Operational and Surveillance System, from the agents and from the Port Authorities. In the future the National **Border** Security **Plan** (question 3) will give information and support for further development.

25. Please explain methods and practice in tactical and operational risk analysis at blue **borders**.

See the answer to question 3.

26. Are the responsible authorities participating in the EISICS system and to what extent?

No.

27. Are the responsible authorities using electronic data interchange (EDI) at their maritime **borders**?

No.

B. Airports

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28. What measures have been taken in terms of infrastructure to separate passengers on Schengen flights from those on extra-Schengen flights (physically, administratively, equipment)?

At Norwegian airport with schedule non-Schengen flights there are infrastructure designed to ensure separation between Schengen and non-Schengen passengers.

At minor airports with limited numbers of non-Schengen flights or non-Schengen charter flights there are physically or administratively arrangements depending on the level of traffic and/or there is Schengen and non-Schengen traffic at the same time.

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Infrastructure designed to ensure separation between Schengen and non-Schengen passenger are available at:

• Oslo Airport, Gardermoen (the main airport)

• Bergen Airport, Flesland

• Sandefjord Airport, Torp

• Stavanger Airport, Sola

• Tromsø Airport, Langnes

29. Are passengers on extra-Schengen flights channelled in such a way as to ensure the separation between persons covered by Community law and those from third countries?

At airports with infrastructure designed to ensure separation of passenger flows, there are separate lines for persons covered by Community law and lines for all nationals. The lines have signs.

On how many airports has the separation been operated by physical means?

• Oslo Airport, Gardermoen (the main airport)

• Bergen Airport, Flesland

• Sandefjord Airport, Torp

• Stavanger Airport, Sola

• Tromsø Airport, Langnes

30. Do airports have separate areas providing for temporary accommodation for asylum applicants and inadmissible passengers?

There is waiting room designed to asylum applicants and inadmissible at:

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• Oslo Airport, Gardermoen

• Bergen Airport, Flesland

• Stavanger Airport, Sola

• Sandefjord Airport, Torp (new infrastructure 2005)

• Tromsø Airport, Langnes (police facilities)

C. Land borders

31. Are passengers on international crossings channelled in such a way as to ensure the separation between persons covered by Community law and those from third countries?

At Storskog border crossing point on the Norwegian/Russian border, which is the only external land border crossing point in Norway there are a separate line for persons covered by Community law and a line for all nationals. The lines have signs.

32. How are the Schengen provisions concerning land borders, as they are described in the Schengen Border Catalogue, applied at your land borders both at the main international border crossing points, at smaller BCPs’ and as for what concerns border surveillance?

The provisions as they are described in the Schengen Border Catalogue concerning land border, are applied except that the booths do not facing the passengers on their way to the booths.

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SCHENGEN INFORMATION SYSTEM *

Note : within the SIS-group, a more comprehensive questionnaire has been drafted (doc. 8274/04 ADD 1). You are invited to answer the questions listed below while bearing in mind that the questionnaire referred above may serve as an additional tool to the inspection team.

A. Schengen Information System

- Organizational conditions

33. Geographical location of the N.SIS. The Norwegian N.SIS is located in OSLO Søkedalsveien 27b in the premises of The National Police Computing and Materiel Service (PDMT).

34. Describe the structure, hierarchy and organisation of the N.SIS.

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The National **Police** Directorate is responsible for the national **police** organisation. The National **Police** Computing and Material Service have the responsibility to run and maintain most of the national **police** data solutions and the Norwegian SIS. The national SIRENE Bureau is located at our National Criminal Investigation Service. Both bodies are reporting to the National **Police** Directorate.

35. General presentation of the organisation of the services responsible for **police** functions in relation to the SIS.

The National **Police** Computing and Material Service is responsible for the N.SIS in Norway. The National **Police** Computing and Material Service is a special **police** agency organized under the National **Police** directorate with responsibility for information and computer technology and material administration within the **police** service and the higher prosecuting authority.

The organization responsible for N.SIS is located in Oslo.

The SIRENE office is located at The National Criminal Investigation Service, in Oslo. Regarding the SIRENE office and the practical organisation of the work there, reference is made to question no 73.

36. Which tasks under national law necessitate access to the SIS by the judicial authorities?

In Norway we have an integrated prosecution authority within the **police**. The local prosecution is a part of the **police** force, and do therefore have access to the SIS.

37. How is the precedence of the Schengen search over the Interpol implemented at national level?

The Schengen search has priority over the Interpol search. This is described in our internal procedures.

* Where applicable, when a question mentions "**police**" or "**police** officers", the answers might reflect the involvement of other law enforcement authorities (i.e. customs)

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38. List of services with access to SIS data and list of services that can directly access and query SIS. Is the latter list in accordance with Article 101 of the Schengen Convention and with the latest published version of the users list (16023/04 SIRIS 144)?

The national **police** can directly access and query all categories of alerts in the SIS (art. 101 (1) a and b). The Directorate of Immigration, including the Immigration Appeal Board and the Norwegian diplomatic missions and consular post (Ministry of Foreign Affairs) can directly access and query art. 96 alerts in the SIS (art. 101 (2)). The custom authorities have no direct access to SIS data, but have indirect access through the **police**.

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The list is in accordance with art. 101 but not with the latest published version of the user list (16023/04 SIRIS 144) as far as the access for the Immigration Appeal Board has not been reported yet.

- Technical conditions

39. How many terminals are made available for input and consultation of data by:

(a) the police forces, including non-police forces with a control function;

The Norwegian Police have installed approximately 8500 workstations. All the workstations are connected to the private network of the police, and SIS can be made available through any of these workstations.

(b) the border control authorities;

Only the Police perform border control in Norway, and their terminals are included in the 8500 workstations mentioned in point a.

(c) diplomatic missions and consular posts;

Approximately 100 workstations.

(d) the authorities responsible for aliens and asylum;

220 terminals in the Directorate of immigration and the Immigration Appeal Board can access article 96 of SIS.

(e) customs authorities?

Customs have no direct access to SIS in Norway.

40. Presentation of the computer architecture of national police systems which are connected to the SIS.

The computer architecture, of which the national police systems are connected to the SIS, consists of two identical IBM RS6000/H70 servers. These are Unix/Aix based servers set up in a cluster. One server is always running in operational mode, while the other is used for backup/test. Both servers can run in any role, and the switch over, which is a manual function, can be done at any time. This operation is performed on a regular basis to prove that it works, and also to train the operators. Both servers are connected to a firewall protected dedicated LAN, only used for hardware connected to SISNET. Power supply is provided through two independent sources. The communication and encryption is conducted via the Belgacom/Equant equipment. (Se annex 1 - Interface between C.SIS and N.SIS)

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41. Description of data flows between national systems and the N.SIS in connection with input of data according to each of the articles 95 to 100. There are various ways of entering requests into the SIS, depending on the category of alert. Here is an overview:

Article

Means of entering alerts

Checked by SIRENE

Responsible body

95

N.SIS client

Yes

Issuing **police** district

96

DUF (system for administrating aliens and refugees)

Yes

Directorate of immigration

97

N.SIS client

Yes

Issuing **police** district

98

N.SIS client

Yes

Issuing **police** district

99

N.SIS client

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Yes

Issuing **police** district

100_3a

Elys (national warrant system)

No

Issuing **police** district

100_3b

Elys (national warrant system)

No

Issuing **police** district

100_3c

N.SIS client

Yes

Issuing **police** district

100_3d

N.SIS client

Yes

Issuing **police** district

100_3e

N.SIS client/ - Pass (New system for administrating issuing of passports)

Yes and No

Issuing **police** district

100_3f

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N.SIS client

Yes

Issuing **police** district

The alerts are in all cases entered into the national workflow database before distributed further to the SIS. In those cases a SIRENE intervention is needed, the alert will also appear in the SIRENE workflow system. After they are quality assured, the SIRENE forwards the alert to the SIS. In those cases where the alerts are transmitted directly to the SIS (i.e. art 100) several automatic checks will be conducted by the system before the alert is sent.

42. Description of the computer processing of an N.SIS database consultation from the remote workstation of an end user.

A consultation to the SIS database will always be made against a technical copy of the N.SIS database. The N.SIS database itself will never be consulted nor updated from national side. Updates will always come from C.SIS. The technical copy however, is continually replicated with the N.SIS database. This happens via IBM MQSeries and Corba technology.

The end users have two ways of consulting the SIS database. Either via the N.SIS client or via a system called “Agent”. The latter is a commonly used system for making queries in various national **police** databases, including the SIS.

All inquiries will go via a central server, based on Corba technology, to the technical copy database. The central server will then reply with an answer to the end user.

43. Description of the computer processing in relation to the transliteration rules:

a) transliteration of foreign data and possible use of phonetic query

The data in the technical copy, which is consulted by the N.SIS-client and other systems, is not transliterated. Phonetic searches on the C.SIS-data are currently not implemented.

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b) transliteration of national data to comply with the Schengen standards

Only valid data is accepted as input to the N.SIS. This is implemented in the N.SIS-client by notifying the user of invalid input. Invalid input will not be accepted into the N.SIS. When receiving input from other systems, the input is checked for validity and refused if the input is not valid. Transliteration is only used when sending messages to and from C.SIS. Transliteration follows the rules set by the data-dictionary.

44. How do **police** officials on the ground have access to end-user terminals (by radio, only by telephone, via mobile terminals fitted in vehicles, only in person, only in writing)? Are there differences between the various national **police**?

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There is only one **police** force in Norway. **Police** officials on the ground communicate with their control room by radio or mobile phone, preferably by radio.

45. Procedure followed by a user in the field to consult the national system and the SIS database. The user calls the control room by radio or by phone, giving the details of the search.

46. How many terminals are used how often (statistics on take-up rates), how often is the SIS consulted?

No statistics concerning which terminals are used how often. For numbers on how often the system is queried see point 47.

47. How many queries are made to the national SIS database per year? - if possible please state the number of queries per category.

The N.SIS is queried approximately 4000 times per day by end users. This gives a number of approximately 1.460.000 queries per year. This number does not include non-**police** functions such as the Ministry of Foreign Affairs (UD)/ the National Directorate of Immigration (UDI) or SIRENE-functions. Information regarding how many queries per category (WP, VE etc.) is not available.

48. Are the SIS and the national system consulted at one and the same time, or do both systems have to be consulted separately?

The N.SIS and the SIS are consulted at the same time. Users of the N.SIS-client can choose to consult only the SIS. Other National systems are consulted separately, though some systems (Agent, PO) are capable of consulting the N.SIS/SIS. When they do, the N.SIS and the SIS are consulted at the same time.

49. Accessibility of the N.SIS and national database for end-users: location of the N.SIS and national database and number of access points, current response times measured on national systems and response time for N.SIS consultations.

Both the N.SIS and the national copy of the N.SIS, is located at the National **Police** Computing and Material Service (PDMT) facilities in Oslo. The end users, however, only consult the national copy of the N.SIS. There are basically two ways of doing this. Either via the N.SIS client, or the application called Agent; which also consults several other national databases at the same time. Both Agent; and N.SIS; and Agent; uses centralized services for accessing the databases.

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These centralized services are the only access points. For making consultations against any of the databases, the end users must be registered with the right authorization in the user database. The response when consulting the N.SIS database with the N.SIS client is approximately 1-3 seconds. When using the Agent; the response time should be the same, but could vary depending on which other databases are included in the consultation.

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50. Volume of data to be transmitted to the SIS database and transfer procedures. Norway sends approximately 200 alerts pr. Day (week days) to CSIS.

51. How do the consular posts of your country access the SIS?

The Norwegian consular posts access the SIS (Article § 96) via the Norwegian VISION Network system. All applications that are entered in the VISION Network are automatically checked in accordance to SIS. Only authorized users (diplomatic staff) receive negative answers from the SIS database. All authorized users may check listings in the SIS database directly. The Norwegian VISION database is located at the Norwegian Directorate of Immigration. The SIS database is located at National **Police** Computing and Material Service. The Norwegian Directorate of Immigrations version is automatically replicated/updated every calendar day. As the missions have online access to the Norwegian VISION database, which enforce access to the SIS database, no CD-roms are produced. If the technical system fails the diplomatic missions is contacting the Norwegian Directorate of Immigration whom is accessing the SIS on behalf of the diplomatic mission.

52. What practical arrangements have been made for updates of data to the consular posts?

All diplomatic missions have online access to the Norwegian VISION database, which enforce access to the SIS database. The Norwegian Directorate of Immigrations version is automatically replicated/updated every calendar day. News bulletins are electronically available through the VISION system. The Ministry of Foreign Affairs is weekly sending out news bulletins that also include consular information when there are updates.

53. How frequently will data be updated? By online and offline links.

The SIS database is located at the National **Police** Computing and Material Service. The Norwegian Directorate of Immigrations version is automatically replicated/updated electronically once every 24 hours. There is no offline link update. All communication is carried out online and electronically.

- Data

54. What is the number of alerts loaded per category (Articles 95 to 100), per ultimo 2002 and 2003?

The Following figures give the number of alerts entered by category ultimo 2002

BK: 0 art. 95 73

DB: 4 art. 96 806

FA: 135 art. 97 adults 25

ID: 22097 art. 97 under age 11

VE: 7298 art. 98 65

WP: 1269 art. 99 obs. 39

Total: 30803

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The Following figures give the number of alerts entered by category ultimo 2003

BK: 0 art. 95 98

DB: 4 art. 96 1193

FA: 181 art. 97 adults 29

ID: 37019 art. 97 under age 9

VE: 10740 art. 98 114

WP: 2093 art. 99 obs. 44

Total: 50037

The Following figures give the number of alerts entered by category ultimo 2004

BK: 0 art. 95 102

DB: 12 art. 96 1365

FA: 351 art. 97 adults 26

ID: 53460 art. 97 under age 13

VE: 13206 art. 98 122

WP: 2761 art. 99 obs. 49

Total: 69790

55. Entering SIS alerts

(a) Do the competent authorities enter the alerts centrally or locally?

Locally

(b) If data entry is decentralised, do uniform criteria apply?

Yes

(c) If there are uniform criteria, are checks carried out at national level to ensure proper application and do the criteria apply to all categories of alert?

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Yes, all alerts (exception of stolen vehicles and passports) is checked by the SIRENE before they are validated and sent to C-SIS

(d) Are their national criteria governing the number of alerts entered per category with, for example, account being taken of category-related offences?

Yes, two circulars, respectively issued by the Royal Ministry of Justice and the **Police** and the Director General of Public Prosecutions, govern the registration of alerts in the SIS (i.e a missing person must be registered in the SIS together with the national registration).

(e) If entry is decentralised (regional), is the number of alerts entered at regional level monitored to facilitate evaluation in the light of national criteria?

No.

(f) Are the data in the national systems synchronised with those entered in the N.SIS?

Some of the data in the national systems are transferred to the N.SIS. These include article 96, 100_3a and 100_3b (stolen vehicles) and 100_3e (issued passports only).

All Norwegian alerts in the SIS are also registered nationally.

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(g) If so, are data synchronised locally or centrally?

The synchronization is done centrally. For article 96 the DUF-system (the workflow system of the Directorate of immigration) enters data into a database, which is the queried by a transfer-process about every minute. For stolen vehicles the ELYS-system (national alerts) is queried by a transfer-process about every 30 minutes. For issued passports the PASS-system inputs them directly into the N.SIS.

56. Are there any **plans** to introduce methods for collating statistics on take-up rates? If not, why?

Yes.

57. Description of measures to check that data conform to the requirements of the Schengen Convention.

The SIRENE has elaborated thorough routine-checks concerning the different articles and all the case-handlers must check that each article is validated according to the routines which respect the requirements in the Schengen Convention. With exception of stolen cars and passports, which are validated automatically.

58. What measures does the Ministry of Justice take to increase the number of SIS alerts issued pursuant to Article 95 of the Convention (statistics on national/international arrest warrants, directives)?

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The Ministry of Justice and the Police describes the overall goals to be reached by the national Norwegian police force every year and gives its political priorities and principal guidelines for the police service to the National Police Directorate. It is then a responsibility for the latter to implement these in operational activity.

The Ministry has clearly stated that the police in Norway shall be an active and reliable Schengen partner, and shall take every step to fulfil our obligations laid down in the Schengen Acquis. It is for the National Police Directorate to keep up the pressure towards the local police forces so that SIS is used quite regularly and to the largest possible extent when arrested persons are checked in data basis, and to use SIS for search of wanted individuals.

59. Management of SIS alerts

(a) Are lists kept of alerts entered per region or per authority?

The SIRENE has elaborated an electronic database for statistics, where lists can be drawn out when needed. Yes, lists of alerts entered per region and authority are available.

(b) How are these lists broken down (e.g. alert category, date of entry)?

Lists are broken down into alert category, police district and date of entry

(c) Are the lists drawn up by computer or manually, centrally or locally, regularly or occasionally?

Lists are drawn up electronically, centrally and on a regularly basis, and also when needed.

(d) Are these lists compiled centrally or locally?

Lists are compiled centrally. Only SIRENE has access to the statistics.

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(e) How is deletion of the data guaranteed if action has been taken in response to an alert?

The local police that entered the alert in the SIS will register a request for deletion in the SIS, and the request is sent to the SIRENE that will actually delete the alert. The Directorate of Immigration will do the same for art. 96. Alerts on stolen passports and vehicles that do not figure in our work-flow system are deleted in the SIS without the participation of the SIRENE.

(f) What kind of checks are carried out?

SIRENE checks that the conditions for deletion exist and updates the paper-files. SIRENE follows the regulations of the Schengen Convention as well as our national legislation.

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(g) At what stage of implementation is an alert deleted? (e.g. immediately after notification of an arrest, after notification of a person's whereabouts, after the reported discovery of an object, or after all measures have been taken, e.g. actual extradition, dispatch of documents to the place of residence, retrieval of the object)

The time of deletion depends on the type of alert. For art. 95, the article is not deleted before the person has been extradited and is back in Norway, or when the alert has reached its time limit and there is no need for renewing the alert. As for vehicles, the alert will be deleted after information about the hit, in order to avoid any problems when driving/transporting the car back to Norway. The same applies for other objects. And as for persons wanted for purpose of communicating their place of residence the alert is deleted when this information has been received, or when the alert has reached its time limit and there is no need for renewing the alert.

(h) How does the authority responsible for central or local management carry out its duty of preventing the data files from becoming clogged with data (non-deletion of alerts after a hit)?

SIRENE will contact the local police, the owner of the alert, after a hit to make sure that the request for deletion is made.

(i) What measures are taken to cope with such a situation if it is detected?

Such situations are very rare, but upon detection the SIRENE will react instantly, see question h).

- Data protection and other legislation

60. Legislative and regulatory provisions adopted to set up the N.SIS.

Apart from the Schengen Convention, there is a specific Act relating to the Schengen Information System (Act no. 66 of 16 July 1999 relating to the Schengen Information System). Furthermore there are Regulations to the Act.

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61. Security measures at the N.SIS's pursuant to Article 118 of the Schengen Convention. Controls on:

(a) entry;

Access to the building is controlled by security checks before entering the building. Unauthorized person is escorted around in the premises. Access to the systems is controlled by the common user- database (Single sign on (SSO)). This user- database uses the latest technology and knowledge within data security.

(b) data carriers;

A Norwegian network provider is taking care of the WAN lines within the closed Norwegian police network

(c) users;

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All users who will get access to the system have to be defined as member of the Norwegian police user- database. In addition they need a special clearance to get access to the SIS- data.

(d) access;

Access to the systems is controlled by the common use- database (SSO).

(e) transmission;

A Norwegian network provider is taking care of the WAN lines within the closed Norwegian police network. This is further controlled and maintained thru the SSO system.

(f) input.

All user access is thru the SSO system. Then all entry of data will either be performed by the Norwegian police, SIRENE or the Norwegian Directorate of Immigration.

62. Control of physical access to the premises of the N.SIS, where applicable including paper archives storage rooms.

The PDMT has security control for access to the building. There are certain levels of security depending on which role one has in the organization. Depending on this, one is granted access to areas, or zones, where one has a need to be. Staff who has access to the main computer areas, needs special clearance.

63. Level of protection and protection measures applied to computerised police applications - and in connection to this which special measures are taken in relation to the SIS application?

Authorization to computerized police applications are administrated by a centralized user database. This goes for all the applications in the program portfolio of the Norwegian police. All end-users have to be defined as members of this database to get access to any application. The database also administrates each users authorization level for using the different applications. User access is controlled by access control software.

64. Control of computerised access to SIS data.

All end users in the Norwegian police can have access to SIS data from their workstation, connected to the closed dedicated network for the police. However, this access is also controlled by the user database mentioned in point 63. End users can only access data of which they are registered with sufficient authority to access in the user database. This goes also for SIS data.

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65. Measures put in place to ensure that each user has access only to the categories of data for which he or she is authorised, in accordance with Article 101. Referring to point 63 and 64. All end users who are granted access to

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Schengen data must have the necessary authorization given by the Schengen convention, and by national legislation.

- Training and information

66. Description of the specific training given to operators and to those responsible for the N.SIS.

The people responsible for day-to-day operations and maintenance of the N.SIS have been given various special training for this. They are provided with information regarding Schengen and SIS as a whole, as basis. Most of them have participated in operator courses at C.SIS, and various courses given by the suppliers of our N.SIS platforms and N.SIS applications abroad. In addition to this, all operators are fully trained in AIX, which is the operative system of the Norwegian N.SIS.

67. Training and information for end users. In particular:

- Are newly-recruited policemen given training in the use of SIS? If so, what is the content of this training and how many hours does it last?

- Does continuing training take place in the form of courses, seminars, conferences etc? If so, how many hours?

- If continuing training is provided, i.e. courses, seminars, conferences, how many hours.

There are training-courses that are organised centrally. All police districts send police officers to the central training (“train the trainer”). They in turn are responsible of instructing their colleagues in their own police district. Each police district has one Schengen instructor. The length of the training depends on each police district. The SIRENE staff gives lectures on the functions of the SIRENE bureau and on the use of SIS (queries and registration). Our last training programme, which involved police prosecutors and police officers, lasted 3 days.

68. What measures are being taken to ensure the level of competence of new users?

Each police district is responsible for the training of new users in matters concerning SIS. The Schengen-instructor has an important role, it is his/hers job to make sure every new user is informed and trained in using the SIS and the main task of the SIRENE. The SIRENE office have also given lectures to students during their first year at the Police Academy. The SIRENE office is of course available for questions and assistance, see also questions 67 and 69.

69. How are police officials on the ground informed about the SIS (by specific training, in the course of ordinary police training, multiplier effect from trainers, articles published in police journals, through specific brochures, through general public relations work)? Are they kept regularly informed, just given the information once, or not at all? Are there differences between national police forces?

There is only one police service in Norway. The responsibility of training lies within each police district. They all have Schengen-instructors at their disposal (see question 67). The SIRENE is available for questions and assistance if needed. The National Police Directorate has elaborated a detailed manual on how to proceed when creating a new alert, procedures concerning hit etc.

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70. Which concrete steps are to be taken by the end-user when a misused identity alert is detected during an ID-check?

The police officer will be informed in the SIS what to do through the action check-list: he must contact the SIRENE which will provide additional information if available (Q-form).

71. Alert procedures for the prosecuting authorities and procedures following a hit:

(a) How are judges and public prosecutors informed about the SIS (awareness of the SIRENE Bureaux, the role of the SIRENE Bureaux, differences between SIS and Interpol searches)? (by specific training, in the course of ordinary training, multiplier effect from trainers, publications, through specific brochures, through general public relations work)? Are they informed regularly, just once or not at all? Are there regional differences?

The prosecuting authorities are a part of the police in Norway, and they participate in the Schengen-training together with the police. The SIRENE participates in meetings for the public prosecutors, giving them the information and training concerning the relevant articles. They also receive information from the Royal Ministry of Justice and the Police in judicial matters.

The circular G19/2001 issued by the Royal Ministry of Justice and the Police is available to prosecuting authorities, and it describes the functions of the SIRENE, procedures concerning extradition etc.

(b) Do the SIRENE Bureaux have any influence (by information and training measures)?

The SIRENE participates with information and training. The SIRENE can inform and show the relevance of the SIS, but have no authority in imposing special measures. The police in Norway have created their own intranet, in which SIRENE has published various information concerning the relevance of the SIS.

B. SIRENE

- Organizational conditions

72. Geographical location of the SIRENE Bureau.

The SIRENE bureau is located in Brynsalléen 6, 0034 Oslo. Phone + 47 23208858, fax + 47 23208868.

73. Administrative organisation of the SIRENE Bureau and practical organisation of the work of the SIRENE Bureau (staff, administrations represented, day and night teams, specialisation of operators…). What about language skills availability? Do they all cover at least English and/or French during night time and on weekends? If not, what do they do with urgent information in foreign languages at those times?

Among the SIRENE staff, 8 persons work shift and the rest only daytime. SIRENE staff is present from 06.45 hours to 23.00 hours from Monday to Friday, on week-ends and holidays the shift starts at 08.00 hours. During nights, it is the duty officer at the 24-Hours Desk who takes care of urgent SIRENE matters, such as hits. All duty officers have been trained in handling these matters.

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The SIRENE operators, daytime and shift, are trained to handle any alert, there is no division in groups working only with one type of article (specialisation).

All SIRENE staff speak English. Most of the case-handlers also speak one or two additional languages. We have operators with professional knowledge of French, Italian, Spanish and German. Usually, there is one or more case-handler speaking French at all hours, except during the night and weekend. If emergency, the person on duty will call a French-speaking case-handler or translator, and the answer will be sent in English.

74. The limits of the respective spheres of competence of operators and end users.

The local police enter the registration in the SIS (the temporary storage), and the SIRENE operators validate and send the alerts to the SIS. The National Criminal Investigation Service is responsible for the contents of the SIS.

75. What practical steps have been taken carry out checks within the meaning of Article 95(2) of the Convention? Do agreements exist with the judicial authorities, particularly with a view to ensuring that SIS alerts take priority over Interpol alerts?

Today, there are no checks carried out according to art. 95(2). The judicial authorities are not involved in the priority of SIRENE and Interpol searches. In Norway, the local police enter the alert in the SIS (temporary storage), the alert is sent to SIRENE where the operators validate the registration and make sure all additional information is received. The alert is validated and sent to the SIS. A copy is then given to Interpol.

76. How are the activities related to Article 96 (non-admission) and Articles 5 and 25 of the Convention performed?

(a) Which authorities in your country issue the alerts referred to in Article 96 for purposes of refusing entry?

The Norwegian Directorate of Immigration is responsible for issuing art.96-alerts.

(b) Which authority performs the role of the national SIRENE Bureau with regard to the alerts referred to in Article 96? Are clearly defined channels of communication in place between the national authorities involved?

The SIRENE carries out checks before the validation and sends the art. 96 to the C-SIS, according to the routines established between The Directorate of Immigration and the SIRENE.

(c) What measures have been taken to give the SIRENE Bureau access to background information (for example, a decision on expulsion/ban on entry) which is not recorded in the SIS?

With each new art. 96 entered in the SIS, the SIRENE receives a copy of the expulsion

Order from the Directorate of Immigration.

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(d) Which national authority liaises with the Schengen partners for purposes of sending and receiving of requests for consultation under Article 25 of the Convention?

The Directorate of Immigration has N- and O-forms at their disposal. They complete the actual form and send it to the SIRENE. The SIRENE will in turn create the form in the work-flow system, transfer the request and complete the form, validate it, and then send it to the other SIRENE-office.

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77. The Sirene Bureaux' position and margin for manoeuvre at national level

(a) Can the Sirene Bureau directly consult and enter data in the national police system when running SIS searches, or initiate procedures for this to be done, (such as on indications concerning an abductor in an alert on a missing minor)? If not, are steps being taken to this end?

According to the article 102(2), the SIRENE cannot enter data from the SIS into the national police systems, unless the requesting country asks Norway specifically and unless Norway is granted permission from the requesting country to do so.

(b) Is the Sirene Bureau able to access and enter data into other databases (vehicle registration databases, aliens' registers, population register), is there coordinated and effective cooperation with the corresponding departments?

Yes, each SIRENE-operator has direct access to these databases, but only for searches.

(c) Is the Sirene Bureau well-known to and accepted by the national police? Does information mostly come through quickly and effectively? Can the Sirene Bureau give instructions or does it have any other ways of influencing cooperation? Does police training cover the Sirene Bureau?

The SIRENE has daily contact with the local police and is well known and accepted by the national police. The information usually arrives quickly and effectively. The SIRENE can strongly advise and motivate national police concerning registration and use of the SIS.

(d) Are the Sirene Bureaux empowered to conduct investigations or act as coordinators? (such as in Articles 39 and 41).

In Norway, it is the shift supervisor at the 24-Hour Desk who carries out the art.39 and 41 requests. The 24-Hour Desk acts as coordinators in these matters.

78. Working relations between the Sirene Bureaux, basic and further training

(a) Is the time taken to respond in the course of processing a hit on the whole found to be good / acceptable / inadequate variable depending on the alert category concerned / unacceptable for certain alert categories (state which categories)?

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The time to respond in the course of a hit is, on the whole, found to be good.

(b) Is the substance of the responses given when processing hits on the whole found to be good / acceptable / inadequate variable depending on the alert category concerned / unacceptable for certain alert categories (state which categories)?

The substance of the responses given when processing hits is, on the whole, found to be good.

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(c) Are the duties of the staff working in the Sirene Bureau well defined and appear clearly structured to an outsider? Is the level of staff training on the whole good / acceptable / poor (regarding knowledge of police affairs, legal affairs, language skills, acquaintance with the SIS and the Schengen Convention) Are there any basic training / specialised training / exchange programmes?

The duties of the SIRENE-staff are well defined and clearly structured. The level of staff training is good: there is a one-month training-programme for every new SIRENE- employee, including knowledge of police-affairs, legal matters, acquaintance with the SIS and the Schengen Convention. Training also includes solid knowledge of internal procedures and the functions of our work-flow system. In addition, SIRENE regularly organise courses and training for own staff. The operators also participate in the joint training-course organised by one Schengen-country once A year. SIRENE Norway has not participated in any exchange programme over the past 3 years, but has, on several occasions, hosted police and operators from other Schengen-countries, such as UK and Poland.

(d) Is the staff informed of recent developments/ changes in cooperation ensuing from decisions taken at higher levels, notices etc.?

The head of SIRENE and the SIRENE staff meet on a regularly basis to ensure that all are informed of recent developments.

(e) Is such joint training desirable?

The joint-training is very much appreciated by the SIRENE staff.

79. Areas where the Sirene Bureaux cooperates with Interpol and where not

(a) Problem areas in cooperation as a result of the fact that the bodies connected to Interpol and to the Sirene Bureaux are not the same (other Ministries, other police services) in the exchange of information, clashes in areas of competence and responsibility).

SIRENE and Interpol are both part of the International Relations Division in the National Criminal Investigation Service and located on the same floor. They are both under direct authority of the Police Directorate, and their competence and responsibility are clearly defined. There are no cooperation problems between SIRENE and Interpol.

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(b) Information exchange between the national Sirene Bureau and Interpol is found to be good/acceptable/unsatisfactory. Is relevant information concerning international searches on persons/vehicles regularly be exchanged between these two units?

Information exchange between SIRENE and Interpol is found to be good

(c) Which unit is in charge of article 39 requests? Does information exchange between Sirene and Interpol also take place, even if a request with respect to article 39 does not only or not exactly touch the responsibility of the requested unit?

Concerning art. 39 requests, the 24-Hour Desk acts as coordinators in these matters. Interpol and SIRENE are not involved if art. 39 has been chosen as means of communication.

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80. How do the judicial authorities react in the event of a hit regarding Article 95 alerts? (Interpol alert requirements, awareness of role of accompanying papers, request for additional information, translation of national arrest warrants). Which adaptations have been carried out to implement the European Arrest Warrant (EAW)? How do you process in parallel the introduction of article 95 alerts as request for arrest in view of extradition and for transfer under the EAW Framework Decision. How have judges and the criminal prosecutors been prepared to cope with this new situation? Please describe the relations between the field-officer, the relevant judge and the national SIRENE Bureau when he discovers a person reported under 95.

The judicial authority is part of the police in Norway. In case of a hit, contact is immediately established between the SIRENE and the local police, and the judicial authority is thus involved from the start.

Norway is not participating in the EAW, and therefore follows the extradition-procedures used by the Schengen countries prior to the introduction of the EAW.

- Technical conditions

81. Technical arrangements made to enable to operate the SIRENE Bureau without interruption in exceptional situations such as natural disasters, power cuts, disturbance or interruption of traditional telecommunications systems, etc.

There are routines between the SIRENE and the technical support, National Police Computing and Material Service. The National Criminal Investigation Service is equipped with an emergency power generator. The SIRENE work-flow system will be connected to this generator upon such incidents. In case of serious problems, the other SIRENE-offices are informed by fax or e-mail. In addition, the computer support at the National Criminal Investigation Service has established its own procedures in case of technical problems at the SIRENE.

- Data

82. Follow-up action

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(a) Are hits following alerts recorded manually or automatically ?

Hits are recorded manually and automatically

(b) If they are automatically recorded, how is this done?

Hits are automatically recorded in our statistics-database and are strictly based on the exchange of G-forms. All information is recorded without name or other elements that could identify the person/object.

(c) Are the actions taken after a hit occurred, f.i. the results of an investigation, recorded? If so, is this done centrally or locally? How long the results of an investigation are retained?

The actions taken after a hit will be visible in the work-flow system and/or the paper file. The results of an investigation on Norwegian alerts follow national legislation, but the results from foreign alerts are only kept for a year after the deletion of the alert in the SIS.

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(d) Is the number of SIS searches at central or local level logged?

The number of SIS searches are logged: every 10th search. This is done by the National **Police** Computing and Material Service.

(e) Are the results analysed and used as a basis for policy evaluation?

SIRENE has experienced an increase in the number of searches in the SIS. However, as SIRENE has pointed out during training-courses for the **police**, there is room for improvement. Based on the statistics, SIRENE offers its assistance to **police** districts where the use of SIS might be improved.

(f) Is it possible to indicate, in the context of external **border** control, the number of SIS searches as a percentage of the total number of persons subject to checks under Article 6 of the Schengen Convention?

No.

- Data protection and other legislation

83. Legislative and regulatory provisions adopted to set up the SIRENE Bureau, including subsequent legislative measures. Norway has enacted a national Schengen Information System Act, where the responsibilities and functions of the SIRENE bureau are clearly defined, in section 2.

84. Security measures at the SIRENE Bureaux pursuant to Article 118 of the Schengen Convention. Controls on: :

(a) entry;

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Access to the systems is controlled by the common use- database (Single sign on (SSO)). This user- database uses the latest technology and knowledge within data security.

(b) data carriers;

A Norwegian network provider is taking care of the WAN lines within the closed Norwegian **police** network

(c) users;

All users who will get access to the system have to be defined as member of the Norwegian **police** user- database. In addition they need a special clearance to get access to the SIS- data.

(d) access;

Access to the systems is controlled by the common use- database (SSO).

(e) transmission;

A Norwegian network provider is taking care of the WAN lines within the closed Norwegian **police** network. This is further controlled and maintained thru the SSO system.

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(f) input.

All user access is through the SSO system. Then all entry of data will either be performed by the Norwegian **police**, SIRENE or The Norwegian Directorate of Immigration.

85. Control of physical access to the premises of the SIRENE Bureau, where applicable including paper archives storage rooms.

To access the premises of the SIRENE, including the paper archives storage room, you need an access-card and a personal code. Only SIRENE personnel, the management of the International Relations Division and the duty-officers at the 24-Hour desk have access to paper files.

86. Level of authorisation of SIRENE staff, and all staff with access to SIS data.

All staff with access to the SIS has, as a minimum, query access to the SIS. The SIRENE staff also has the possibility to register, change and delete alerts.

87. Level of protection and protection measures applied to computerised **police** applications - and in connection to this which special measures taken in relation to the Sirene application

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In order to access computerised **police** applications one needs a password and a personal access-code (BID). There are 9 different access-levels in the SIRENE work-flow system. Access to the different levels is based upon tasks and responsibilities.

88. Control of computerised access to Sirene files.

Only SIRENE personnel, the management of the International Relations Division and the duty-officers at the 24-Hour Desk have access to the computerised SIRENE files.

89. Measures put in place to ensure that each user has access only to the categories of data for which he or she is authorised, in accordance with Article 101.

The **police** have access to every registration in the SIS, and the Directorate of Immigration only has access to art. 96.

90. Who is in your country the national supervisory authority within the meaning of Article 114 of the Convention?

The national supervisory authority (art. 114) is the National Data Protection Authority in Norway.

91. Measures taken to ensure that SIRENE files are destroyed after withdrawal of the alerts to which they relate. Who is responsible for controlling implementation?

SIRENE has internal procedures to ensure that alerts are deleted and files destroyed following a hit and when an alert has expired in the SIS. This is done in cooperation with the local **police**, which is the owner of the Norwegian alerts.

- Education and information

92. Description of the specific training given to operators and to those responsible for the SIRENE Bureau.

Specific training is given to every new SIRENE operator during his/her first month of employment. See question 78c).

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93. From the point of view of your SIRENE, how well informed do you think end-users are about the SIS and the SIRENE Bureaux: good/adequate/poor?

From the SIRENE point of view, the end-users are adequately informed about the SIS and the SIRENE. This depends on the **police** districts. However, the training and information is an on-going process. Training and information have a high priority within the SIRENE bureau.

94. Training and information for end users. In particular:

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- Are newly recruited policemen given training in the use of SIS? If so, how many hours?
- Does continuing training take place in the form of courses, seminars, conferences etc? If so, how many hours?
- If continuing training is provided, i.e. courses, seminars, conferences, how many hours.

Training and information for end-users, see question 67.

95. What measures are being taken to ensure the level of competence of new users?

To ensure the level of competence of new users, see questions 67 and 78.

96. How are police officials on the ground informed about the SIS and the SIRENE Bureaux (by specific training, in the course of ordinary police training, multiplier effect from trainers, articles published in police journals, through specific brochures, through general public relations work)? Are they kept regularly informed, just given the information once, or not at all? Are there differences between national police forces?

Information about the SIS and SIRENE to the police officials on the ground, see question 69.

97. Which procedures have to be followed at SIRENE Bureaux once informed about a misused identity alert? Once informed about a misused identity alert, the SIRENE shall follow the routines concerning this situation: check of Q-form if this has been received. SIRENE will send the Q-form to the local police and explain the use of the form. The local police then have to check the information in the Q-form and compare this with the ID-document presented by the person in question to verify if he is the person wanted in the SIS or the person whose identity is being misused.

98. Alert procedures for the prosecuting authorities and procedures following a hit:

(a) How are judges and public prosecutors informed about the SIS (awareness of the SIRENE Bureaux, the role of the SIRENE Bureaux, differences between SIS and Interpol searches)? (by specific training, in the course of ordinary training, multiplier effect from trainers, publications, through specific brochures, through general public relations work)? Are they informed regularly, just once or not at all? Are there regional differences?

The prosecuting authorities are part of the police in Norway, and they are informed about the hit at the same time as the local police.

Upon a hit on an art. 95 alert, the Ministry of Justice and the Police is informed shortly after the hit in order to prepare the extradition procedure. See question 71a).

(b) Do the SIRENE Bureaux have any influence (by information and training measures)?

See question 71b

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VISION NETWORK

99. How are other States consulted? What technical means are implemented?

The other States are consulted in accordance with Article 17 (2), Annex 5B and 5C of the Common Consular Instructions (CCI). The states are consulted via the VISION Network. The Vision Network database is located at the Norwegian Directorate of Immigration. The diplomatic and consular missions are automatically connected to the database. In the case of an obligation for consultation, according to "Schengen Consultation Network - Technical Specifications" ref 12971/99 EXT 1, VISA 87, COMIX 431, Norway sends a form with specific format to the country/countries with which the consultation must be carried out. If there are any objections they are to be given within seven calendar days. In case an extension to the time that is required for an answer is needed, such an extension has to be requested explicitly with the transmission of another form. Technical means are implemented. The process takes place via a secure, leased communication line, according to protocol X400 that ensures the correct transmission of messages. The whole process of sending requests and receiving answers is encrypted.

100. What is the estimated response time for consultation?

The estimated response time for Schengen consultation is 7 calendar days. If there are any objections they are to be given within seven calendar days. In case an extension to the time that is required for an answer is needed, such an extension has to be requested explicitly with the transmission of another form.

101. Under which circumstances do the consuls of your country consult their

authorities?

The consuls consult the central authorities of the state according to CCI Annex 5A.

Moreover, the diplomatic mission and consular posts, which examines the applications, is to seek authorisation from the central authorities in accordance with the national law and practise. According to the Norwegian Immigration Regulations "110, any application for a visitor's visa shall as a general rule be submitted to the Directorate of Immigration for decision where the foreign national is a refugee or stateless or where there is doubt about his or her nationality. Where the Foreign Service mission is in doubt as to whether an application for a visitor's visa shall be granted or rejected, the application shall always be submitted to the Directorate of Immigration for decision. An application from any foreign national who has been expelled from Norway or any other Nordic country, or is entered in the Schengen Information System (SIS) shall as a general rule be submitted to the Directorate of Immigration for decision. According to the Immigration Regulations "106 a, all applications for visas, in cases where, on account of urgency, i.e. on humanitarian grounds, for reasons of national interest or because of international obligations, are to be submitted to the Norwegian central authorities (the Norwegian Directorate of Immigration).

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102. Under which circumstances do other States consult them? (What is the number of national and international consultations?)

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The Schengen states is not consulting the Norwegian central authorities, via the VISION Network in accordance with CCI Annex 5B and 5C as we have no countries listed here.

Norway is consulting the other Schengen countries in accordance with Annex 5B. The numbers of international consultations are:

2002: 67 757

2003: 83 439

2004: 85 740

103. What provisions have been made to ensure that permanent consular posts only issue Schengen visas?

Only the permanent consular posts are permitted to issue Schengen visas. No honorary consuls are authorised to issue visas. If some are to be authorised in exceptional cases and on a temporary basis, they are to be listed in the CCI, annex 6.

According to the Norwegian Immigration Regulations § 110 it is only the Norwegian Directorate of Immigration who may issue VLTV visas. According to the Immigration Regulations § 106 a), all applications for visas, in cases where, on account of urgency, i.e. on humanitarian grounds, for reasons of national interest or because of international obligations, are to be submitted to the Norwegian central authorities (the Norwegian Directorate of Immigration). No diplomatic mission or consular post is given the authority to decide upon applications for the said visas.

Visa stickers are stored in a safe in the security zone of every diplomatic and consular mission. The visa stickers are sent to the missions only via diplomatic courier. Upon receipt at the diplomatic missions the serial numbers are logged and the stickers are stored in safes. Access to these safes is extremely restricted and usually granted only to the head of the consular section and the head of the mission. All used sticker numbers are logged. If an error is made when the visa is issued, the sticker is invalidated. If the sticker has not yet been affixed to the passport, the sticker shall be destroyed or cut diagonally in half. If the error is detected after the sticker has been affixed to the passport, a red cross shall be drawn on the sticker and a new sticker affixed. To prevent re-use of an affixed visa sticker, the seal of the consular office is stamped to the right, straddling the sticker and the e.g. passport.

Norway is only issuing machine readable visa stickers. The stickers have to be signed and imprinted by the diplomatic staff.

104. Is there any technical equipment for detecting false documents (travel

documents, supporting documents, etc.)?

All diplomatic and consular missions are equipped with portable ultra-violet lamps and magnification. The ultra-violet lamps do also have a white light source. The magnification is hand held and may also be placed on the top of the document. Specimen of Norwegian travel documents is handed out to diplomatic missions.

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105. Is any specialised training given in the detection of false documents?

The Norwegian Ministry of Foreign Affairs and the Norwegian Directorate of Immigration provides special training to the diplomatic and the local staff. The National Criminal Investigation Service (Nye Kripos) provides special training in the detection of false documents, e.g passports, visa stickers etc.

Many diplomatic missions participate in local consular anti-fraud group meetings. The diplomatic missions in cooperation with local consular post enhance its capacity to detect false or falsified documents submitted in support of visa applications.

The National Criminal Investigation Service (Nye Kripos) is sending out news bulletins via the Norwegian Ministry of Foreign Affairs to all diplomatic missions. The bulletins informs about detected falsifications.

In several countries there are posted liaison officers who are cooperating closely with the diplomatic posts.

106. Are there any manuals of specimen documents to check that the documents

presented are genuine?

The National Criminal Investigation Service regularly informs all diplomatic mission about recently detected falsifications. There is specimen of Norwegian travel documents at the diplomatic missions.

JUDICIAL COOPERATION

The Ministry of Justice and the **Police** has, in cooperation with the Director General of Public Prosecutions, given guidelines in relation to mutual legal assistance in criminal matters and extradition in publication no. G-19/2001 dated 1 August 2001.

107. Has your country received and made requests for mutual assistance on issues relating to the areas covered in Articles 49 and 50 of the Schengen Convention?

Requests in accordance with the Schengen Convention chapter 2 may be made directly between judicial authorities. Consequently, the Ministry of Justice and the **Police** does not have any statistic material on these requests.

108. What is the current situation regarding application of the rules on compliance with requests and the granting of authorisations in accordance with Article 50(3) of the Convention?

We are not aware of information obtained through letters rogatory having been forwarded or used in contradiction with article 50 (3).

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109. Has application of Article 52(2) of the Convention caused problems of any kind?

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According to our guidelines in relation to mutual legal assistance, all documents to be served abroad should be translated into (one of) the official language(s) of the State in which the addressee is staying. If the issuing authority has verified information that the addressee understands Norwegian, the documents will not be translated. The Ministry of Justice and the **Police** is not aware that there have been problems in relation to the application of article 52 (2) of the Convention.

110. As regards application of Article 53 of the Convention, are there any guidelines or directives defining the channels to be used for sending requests for mutual assistance, or is this simply left to the discretion of the judicial authorities?

In the guidelines referred to above, the channels to be used for sending requests for mutual legal assistance are defined. According to the guidelines, the direct communication in accordance with article 53 should be used to the greatest extent possible.

111. Have the judicial authorities received the Directory of the cities of the other

Member States so they can use the possibility of forwarding directly requests for mutual assistance as provided for in the Convention? Do the judicial authorities have access to the European Judicial Network instruments (in particular the Atlas utility)? Are the contact points of the EJM known to all relevant judicial authorities?

Norwegian authorities have only received the Directory of the cities from 1-2 Member States.

Norway is not a Party to the European Judicial Network. However we are aware of that the Atlas has been made public in 2005. This information has been forwarded to the judicial authorities. Norway has established 3 contact points, these are known to relevant judicial authorities in Norway. Because Norway is not a Party to the European Judicial Network, the contact points of the Member States to the network is not known to all relevant judicial authorities in Norway.

112. Have any extradition requests been authorised under Article 66 of the Schengen Convention? How many have been authorised to date?

Yes, extradition requests have been authorised under article 66 of the Schengen Convention. Among requests received by Norwegian authorities in 2004, 6 requests have been authorised under article 66.

113. How are the forms for requesting the transmission of extracts from judicial

records (SCH/III (97) 41 4 rev) distributed and used?

The form (SCH/III (97) 41 4 rev) regarding the transmission of extracts from judicial records is not used in Norway.

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114. Are the possibilities for mutual judicial assistance in criminal matters and

extradition provided for by the Convention implementing the Schengen Agreement used satisfactorily?

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In general, we find that the possibilities for mutual legal assistance and extradition provided for by the Schengen Convention are being used satisfactorily. However, concerning requests for mutual legal assistance, the direct communication channel could be used to at greater extent, both in relation to requests to and from Norway.

115. Has the application of Article 51 a) caused problems of any kind?

The Ministry of Justice and the **Police** is not aware that there have been any problems in relation to the application of article 51 a) of the Convention.

What are the conditions for the application of Article 51 a) and b)?

A request under article 51 can only be complied with if evidence is produced that a decision on the use of coercive measures has been made in accordance with the legislation of the state concerned. The request may not be complied with if the offence to which the prosecution applies, or a corresponding offence, is not punishable under Norwegian law. Requests for search and seizure will be executed in the same manner as in cases concerning offences of a corresponding nature, which are subject to prosecution in Norway.

LEGISLATION ON FIREARMS

116. Have the contents of the EU Directive (91/477) on firearms been transposed into national legislation? Have the model common forms been adopted for the control of firearm purchases?

The Act on firearms was altered the last time with effect from June 1998. By this amendment the contents of the EU Directive 91/477 on firearms and the Schengen Convention was transposed into the Norwegian legislation on firearms.

As Norway is not a member of the EU the model common forms for the control of firearms purchases have not been adopted.

117. What measures have been taken in terms of organisation and personnel in order to ensure the application by the competent authorities of the contents of the EU Directive on arms or the corresponding national legislation?

The National **Police** Directorate has distributed the necessary information with appropriate instructions to insure that the national authorities have enough competence on the EU Directive on firearms and the corresponding national legislation.

118. How is information on firearms purchases exchanged between your country's authorities and their counterparts in other EU Member States? What is the number of such exchanges per year?

There is an exchange of information with Sweden. We receive information about approximately 75 - 100 purchases pr. year. There is no statistics on information regarding purchases from Norway to other countries.

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119. Are the other reports required under the Directive (e.g. on the transfer of

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firearms) also forwarded via the designated central authority to the other Member States? Are there statistical records of all reports?

No other reports have been sent. There are no statistical records of all reports.

120. What firearms may be brought into your country without prior permission but solely using the European pass?

A European firearms pass will be sufficient for temporary import of firearms to Norway on condition that the firearm can legally be used in Norway.

121. Which firearms do not require consent within the meaning of Article 11(4) of Directive 91/477/EEC by your competent national authorities in order to be brought into your country?

Norway has not communicated a list according to Article 11 (4).

ISSUING OF VISAS / CONSULAR COOPERATION

122. What/which authority(ies) in your country is/are competent of the issuing of

visas?

Only diplomatic missions and some career consulates are competent of the issuing of visas abroad. In Norway the Norwegian Directorate of Immigration and the Immigration Appeals Board are granting visas, but the practical issuing is done at the diplomatic missions. On an exceptional basis and in a very restrictive manner, visas can also be issued at the Norwegian **borders** by the competent **border** control authorities upon instructions from the Norwegian Directorate of Immigration on a case-to-case basis, cf the Immigration Regulations § 113. The Norwegian **police** in accordance with the Immigration Regulations § 107 may in limited cases, extend a visa of shorter duration than 90 days.

123. To what extent are diplomatic missions and consular posts equipped and able to implement Schengen issue Schengen visas in terms of

(a) availability of Schengen visa stickers,

All diplomatic missions are equipped and able to implement Schengen Regulations concerning issuing Schengen visas. The diplomatic missions and the career consulates have at their disposal a stock of visa stickers. This stock is regularly replenished upon request and according to the needs arising. Only the diplomatic couriers carry out the transportation of the visa stickers from Norway to the diplomatic missions.

(b) access to SIS (consultation terminals, CD-ROM.)

Access to SIS is enforced via the Norwegian VISION Network system and the Norwegian Central Authorities. The Norwegian VISION database is located at the Norwegian Directorate of Immigration. The SIS database is located at National **Police** Computing and Material Service (PDMT). The Norwegian Directorate of Immigration's version is automatically replicated/updated every calendar day. As the missions have online access to the Norwegian VISION database, which enforce access to the SIS database, no CD-ROMs are produced.

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Queries by the diplomatic and consular missions abroad are electronically submitted to the Norwegian Directorate of Immigration via the VISION Network. The answers to the submitted queries are completed and sent electronically to the consular posts as soon as possible. If Schengen consultation is required the answers are sent after seven calendar days.

What equipment is there to detect forged documents?

All diplomatic and consular missions are equipped with portable ultra-violet lamps and magnification. The ultra-violet lamps also have a white light source. The magnification is hand-held and may also be placed on the top of the document. Specimen of Norwegian travel documents is handed out to diplomatic missions.

124. What security measures have been taken with regard to Schengen visa stickers?

Visa stickers are stored in a safe in the security zone of every diplomatic and consular mission. The visa stickers are sent to the missions only via diplomatic courier. Upon receipt at the diplomatic missions the serial numbers are logged and the stickers are stored in safes. Access to these safes is extremely restricted and usually granted only to the head of the consular section/and the head of the mission. All used stickers numbers are logged. If an error is made when the visa is issued, the sticker is invalidated. If the sticker has not yet been affixed to the passport, the sticker shall be destroyed or cut diagonally in half. If the error is detected after the sticker has been affixed to the passport, a red cross shall be drawn on the sticker and a new sticker affixed. To prevent re-use of an affixed visa sticker, the seal of the consular office is stamped to the right, straddling the sticker and e.g. the passport. Norway is only issuing machine-readable visa stickers with photo included. The stickers have to be signed and imprinted by the diplomatic staff.

125. How are the diplomatic posts and consular missions of your country briefed on the Common Consular Instructions on Visas and prepared to apply them?

The diplomatic staff at the diplomatic posts and consular missions is trained before joining their post. The Norwegian Directorate of Immigration is stressing the importance of the CCI during special lectures. The newest version of CCI is always electronically available through the national VISION Network system. All diplomatic missions are informed of the Best practises on visas; catalogue. Twice a year there is held regional gatherings around the world. Both diplomatic and local staff from the diplomatic missions in one region, is attending the regional training. The duration of the training is four to five working days. All diplomatic missions are advised to contact their local Schengen partners to ensure that the CCI is applied in best practice. The staff at the Norwegian Directorate of Immigration is always available to the diplomatic service, and are conducting personal training whenever the diplomatic staff are in Norway.

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126. How is the data transmission from your country's diplomatic and consular

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missions to the respective central authorities processed (with special reference to consultation)?

Most diplomatic and consular missions are transmitting the data via the VISION Network system. Within 2006 Norway is implementing a new system called NORVIS. NORVIS will be the central system for handling all visa applications. The system will be used at all diplomatic missions and the Norwegian central authorities. All consultations are carried out via the VISION Network system. Where the diplomatic or consular mission is deciding upon the application the consultation is sent directly from the diplomatic mission via the VISION Network to the other Schengen states. When an application is lodged at a diplomatic mission and the mission is not deciding upon the application the application is forwarded to the Norwegian Directorate of Immigration. If the application is not transmitted via the Norwegian VISION Network, the application is as a main rule sent to Norway by diplomatic courier. The Norwegian Directorate of Immigration is consulting the other Schengen states via the VISION Network, and then communicating the result to the diplomatic mission when the consultation is done.

127. How would you characterise the consular cooperation between your country's diplomatic and consular missions and those of other Schengen States?

The local consular cooperation is characterised as very important and essential for the Norwegian diplomatic and consular missions. From the Norwegian point of view this co-operation is very constructive and informative. Harmonisation initiative is implemented at local level, and account is taken of the specific local circumstances. Norway is attending local consular meetings where these are held. The diplomatic missions regularly submit the reports on the meetings to the MFA and the Norwegian Directorate of Immigration.

128. How is your country participating in the automatic consultation process set out under Article 17(2) of the Convention (VISION network)?

Norway has implemented the VISION network. All consultations according to Annex 5A, 5B and 5C are conducted according to article 17 (2).

The diplomatic missions are consulting the Norwegian Directorate of Immigration in cases listed in the Annex 5A. The diplomatic missions may, in accordance with the Immigration Regulations § 110, second paragraph, decide upon visa applications. The diplomatic posts then consult the other Schengen states directly via the VISION network in accordance with the Annex 5B. The diplomatic missions are also forwarding applications to the Norwegian Directorate of Immigration whom are consulting the other Schengen states and sending the reply back to the diplomatic missions. If a visa application is lodged by nationals listed in Annex 5C at diplomatic mission where Norway is representing another Schengen state, the represented State is consulted.

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129. What is the total volume of visa applications received by your country in the last three years? (by continent and/or by main regions of the world). What are the most significant developments?

Foreign Service Mission

2002

2003

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2004

Europe

Ankara

1519

1537

1597

Athens

488

8

2

Baku

485

612

1138

Belgrade

984

1209

1163

Bern

672

697

597

Bucuresti

138

138

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116

Budapest

18

16

27

Dublin

55

68

81

Edinburgh

141

216

267

Hague

0

0

8

Kiev

2815

2334

6280

Lisboa

21

20

29

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London

2609

3282

2612

Moscow

10816

12142

13339

Murmansk

13813

14903

12126

Praha

2

36

64

Riga

412

512

563

Sarajevo

737

927

874

Skopje

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

97

663

733

Sofia

0

17

13

St. Petersburg

3889

3864

4347

Tallinn

58

563

332

Tirana

85

226

202

Vienna

0

0

1

Vilnius

0

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

20

8

Warszawa

106

123

216

Zagreb

0

5

18

Total Europe

39960

44138

46753

Asia

Abu Dhabi

620

422

352

Amman

644

491

678

Baghdad

4

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

0

-

Bangkok

3679

3800

5166

Beijing

2095

2113

3790

Colombo

534

498

523

Damascus

373

605

1068

Dhaka

256

288

169

Hanoi

223

979

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

544

Hong Kong

150

22

-

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Islamabad

3163

2858

2535

Jakarta

779

646

735

Kathmandu

207

163

218

Kuala Lumpur

0

498

50

Manila

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2817

5107

3687

New Delhi

1928

2171

2332

Riyadh

191

248

202

Seoul

9

0

17

Shanghai

756

830

1320

Singapore

233

199

179

Tehran

454

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

660

1032

Tel Aviv

248

362

259

Tokyo

61

43

48

Total Asia

19424

23003

24904

Africa

Abidjan

0

975

873

Addis Abeba

483

384

342

Cairo

671

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

543

665

Dar es Salaam

327

344

332

Harare

197

240

262

Kampala

171

251

309

Lagos/Abuja

705

981

827

Lilongwe

176

217

257

Luanda

181

151

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

220

Lusaka

107

171

181

Maputo

109

113

89

Nairobi

470

420

536

Pretoria

1276

1502

1900

Rabat

644

448

414

Tunis

272

199

1009

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Total Africa

5789

6939

8216

Americas

Bogota

254

89

56

Brasilia

0

1

7

Buenos Aires

12

9

23

Caracas

0

231

82

Guatemala City

5

12

4

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Havana

118

62

133

Houston

199

266

469

Managua

11

15

7

Mexico City

20

9

7

Miami

171

18

-

Minneapolis

144

75

100

New York

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

354

391

471

Ottawa

0

57

109

Rio de Janeiro

2

8

8

San Fransisco

288

240

206

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Santiago

294

63

173

Washington DC

71

119

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137

Total Americas

1943

1665

1992

Oceania

Canberra

48

44

70

Total Visa Applications

67164

75789

81935

Among the changes in the statistics, the following are the most significant:

Bucharest has decreased the refusals from 14,5% to 0,9%. In 2003 the embassy received many applications from sports groups, which turned out to be fake. Since the embassy rejected them in cooperation with other Schengen embassies, rumours spread quickly and in 2004 there were no such applications.

Kiev has tripled the number of applications from 2003 to 2004, and at the same time decreased the refusals from 19,2% to 3,0%. Both of these effects are due to representation for Denmark after Denmark closed its embassy in Kiev.

Amman has increased the number of applications and halved its refusal rate. This is due to the increased number of Iraqi applications after the embassy in Baghdad was closed. Most of these applications are official delegations, both to Norway and to the Nordic countries represented by Norway in Amman and this explains why the percentage of refusals has decreased.

Manila had an increase in visa applications after Norway started to represent Denmark.

The visa applications in Shanghai have almost doubled after the consulate general in Hong Kong was closed.

The refusal rate in Abidjan has doubled from 2003 to 2004. This is due to an increase in unserious applications of especially two types: tourist groups who have never been outside (mostly Ghana) before, applying to go canoeing in Northern Norway; and delegates to conferences who have enrolled through internet and whom the organizers did not know anything about.

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Bogota has had fluctuations in both visa applications and refusal rates, from 254 and 0% refusals in 2002, via 89 27% in 2003 to 56 1,8% in 2004. Bogota has had many false visa applications from seamen. When this was discovered, the visas were withdrawn in 2002, but refused immediately in 2003. This explains the high number of visas in 2002 and the few refusals, as well as the increase in refusals for 2003. The embassy continues to receive false applications from seamen, but is now aware of the problem.

Caracas has had fluctuations in visa applications and refusals, from 231 with 43,7% refusals in 2003 to 82 with 0% refusals in 2004. The introduction of higher fees, and fees also for refusals has decreased the number of applications. Most of the tourist applications in Caracas are from the Dominican Republic. From 2004, the Netherlands is representing Norway in the Dominican Republic, which has further decreased the number of applications.

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Ottawa has no refusals, because Canada gives permanent residency from the first year and the applicants, who mainly are business people, therefore have satisfactory reasons for return.

Secondly, how many consultations did your country request from its Schengen partners? In how many cases was your country consulted by its Schengen partners?

Norway consulted the Schengen partners:

2002: 67 757

2003: 83 439

2004: 85 740

Norway is not consulted by the Schengen partners in accordance with the CCI Annex 5B and 5C.

130. The number of refusals of visa applications - if no statistics are available, please indicate the number in percentages or an estimated number.

The total number of rejections of visa applications by the consulates of Norway and the Norwegian Directorate of Immigration in the years 2002, 2003 and 2004:

2002

2003

2004

Rejections by the Consulates of Norway

6377

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

8141

7621

Rejections by the Norwegian Directorate of Immigration

5511

3821

4787

Total

11888

11962

12408

Total overview over rejections by Norwegian diplomatic missions in 2002, 2003 and 2004:

Mission

02 Tot

Rejections

%

03 Tot

Rejections

%

04 Tot

Rejections

%

Europe

Ankara

1519

295

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

19,4 %

1537

379

24,7 %

1597

399

25,0 %

Athens

488

82

16,8 %

8

0

0,0 %

2

1

50,0 %

Baku

485

45

9,3 %

612

25

4,1 %

1138

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

31

2,7 %

Belgrade

984

99

10,1 %

1209

23

1,9 %

1163

41

3,5 %

Bern

672

19

2,8 %

697

12

1,7 %

597

6

1,0 %

Bucharest

138

15

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

10,9 %

138

20

14,5 %

116

1

0,9 %

Budapest

18

0

0,0 %

16

1

6,3 %

27

1

3,7 %

Dublin

55

3

5,5 %

68

5

7,4 %

81

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to
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5

6,2 %

Edinburgh

141

3

2,1 %

216

3

1,4 %

267

2

0,7 %

Hague

0

0

0,0 %

0

0

0,0 %

8

0

0,0 %

Kiev

2815

137

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

4,9 %

2334

449

19,2 %

6280

190

3,0 %

Lisboa

21

3

14,3 %

20

8

40,0 %

29

5

17,2 %

London

2609

55

2,1 %

3282

123

3,7 %

2612

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

81

3,1 %

Moscow

10816

46

0,4 %

12142

158

1,3 %

13339

377

2,8 %

Murmansk

13813

437

3,2 %

14903

441

3,0 %

12126

237

2,0 %

Praha

2

0

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0,0 %

36

3

8,3 %

64

13

20,3 %

Riga

412

3

0,7 %

512

1

0,2 %

563

1

0,2 %

Sarajevo

737

257

34,9 %

927

285

30,7 %

874

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

150

17,2 %

Skopje

97

0

0,0 %

663

103

15,5 %

733

107

14,6 %

Sofia

0

0

0,0 %

17

11

64,7 %

13

2

15,4 %

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St. Petersburg

3889

25

0,6 %

3864

45

1,2 %

4347

52

1,2 %

Tallinn

58

1

1,7 %

563

14

2,5 %

332

21

6,3 %

Tirana

85

0

0,0 %

226

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

28

12,4 %

202

18

8,9 %

Vienna

0

0

0,0 %

0

0

0,0 %

1

0

0,0 %

Vilnius

0

0

0,0 %

20

4

20,0 %

8

0

0,0 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Warszawa

106

4

3,8 %

123

1

0,8 %

216

31

14,4 %

Zagreb

0

0

0,0 %

5

1

20,0 %

18

1

5,6 %

Asia

Abu Dhabi

620

144

23,2 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

422

38

9,0 %

352

27

7,7 %

Amman

644

188

29,2 %

491

183

37,3 %

678

112

16,5 %

Baghdad

4

0

0,0 %

0

0

0,0 %

-

0

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

0,0 %

Bangkok

3679

335

9,1 %

3800

501

13,2 %

5166

561

10,9 %

Beijing

2095

43

2,1 %

2113

179

8,5 %

3790

265

7,0 %

Colombo

534

75

14,0 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

498

43

8,6 %

523

100

19,1 %

Damascus

373

114

30,6 %

605

129

21,3 %

1068

341

31,9 %

Dhaka

256

77

30,1 %

288

49

17,0 %

169

31

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

18,3 %

Hanoi

223

34

15,2 %

979

319

32,6 %

544

81

14,9 %

Hong Kong

150

2

1,3 %

22

0

0,0 %

-

-

0,0 %

Islamabad

3163

1841

58,2 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2858

1688

59,1 %

2535

1375

54,2 %

Jakarta

779

3

0,4 %

646

6

0,9 %

735

11

1,5 %

Kathmandu

207

76

36,7 %

163

23

14,1 %

218

54

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

24,8 %

Kuala Lumpur

0

0

0,0 %

498

277

55,6 %

50

0

0,0 %

Manila

2817

420

14,9 %

5107

660

12,9 %

3687

477

12,9 %

New Delhi

1928

369

19,1 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2171

403

18,6 %

2332

388

16,6 %

Riyadh

191

35

18,3 %

248

33

13,3 %

202

31

15,3 %

Seoul

9

1

11,1 %

0

0

0,0 %

17

8

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

47,1 %

Shanghai

756

46

6,1 %

830

27

3,3 %

1320

22

1,7 %

Singapore

233

1

0,4 %

199

0

0,0 %

179

0

0,0 %

Tehran

454

0

0,0 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

660

27

4,1 %

1032

153

14,8 %

Tel Aviv

248

17

6,9 %

362

12

3,3 %

259

0

0,0 %

Tokyo

61

2

3,3 %

43

1

2,3 %

48

4

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

8,3 %

Africa

Abidjan

0

0

0,0 %

975

291

29,8 %

873

574

65,8 %

Addis Abeba

483

148

30,6 %

384

117

30,5 %

342

99

28,9 %

Cairo

671

72

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

10,7 %

543

72

13,3 %

665

71

10,7 %

Dar es Salaam

327

26

8,0 %

344

22

6,4 %

332

21

6,3 %

Harare

197

11

5,6 %

240

4

1,7 %

262

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

3

1,1 %

Kampala

171

4

2,3 %

251

12

4,8 %

309

37

12,0 %

Lagos/Abuja

705

274

38,9 %

981

395

40,3 %

827

343

41,5 %

Lilongwe

176

0

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

0,0 %

217

0

0,0 %

257

0

0,0 %

Luanda

181

14

7,7 %

151

4

2,6 %

220

15

6,8 %

Lusaka

107

1

0,9 %

171

0

0,0 %

181

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2

1,1 %

Maputo

109

0

0,0 %

113

5

4,4 %

89

1

1,1 %

Nairobi

470

24

5,1 %

420

60

14,3 %

536

19

3,5 %

Pretoria

1276

29

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2,3 %

1502

26

1,7 %

1900

30

1,6 %

Rabat

644

308

47,8 %

448

217

48,4 %

414

189

45,7 %

Tunis

272

72

26,5 %

199

0

0,0 %

1009

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

112

11,1 %

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DG H RESTREINT UE EN

Americas

Bogota

254

0

0,0 %

89

24

27,0 %

56

1

1,8 %

Brasilia

0

0

0,0 %

1

0

0,0 %

7

4

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

57,1 %

Buenos Aires

12

0

0,0 %

9

0

0,0 %

23

2

8,7 %

Caracas

0

0

0,0 %

231

101

43,7 %

82

0

0,0 %

Guatemala City

5

0

0,0 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

12

2

16,7 %

4

0

0,0 %

Havana

118

0

0,0 %

62

0

0,0 %

133

0

0,0 %

Houston

199

5

2,5 %

266

5

1,9 %

469

237

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

50,5 %

Managua

11

0

0,0 %

15

3

20,0 %

7

0

0,0 %

Mexico City

20

2

10,0 %

9

0

0,0 %

7

0

0,0 %

Miami

171

6

3,5 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

18

0

0,0 %

-

-

0,0 %

Minneapolis

144

0

0,0 %

75

5

6,7 %

100

6

6,0 %

New York

354

5

1,4 %

391

17

4,3 %

471

11

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

2,3 %

Ottawa

0

0

0,0 %

57

0

0,0 %

109

15

13,8 %

Rio de Janeiro

2

1

50,0 %

8

3

37,5 %

8

4

50,0 %

San Fransisco

288

1

0,3 %

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

240

4

1,7 %

206

3

1,5 %

Santiago

294

22

7,5 %

63

2

3,2 %

173

2

1,2 %

Washington DC

71

2

2,8 %

119

6

5,0 %

137

2

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

1,5 %

Oceania

Canberra

48

3

6,3 %

44

3

6,8 %

70

4

5,7 %

Total

67164

6382

9,5 %

75789

8141

10,7 %

81935

7621

9,3 %

Foreign service missions whose have not had any visa applications during the period 2002-2004 have not been included in the list.

Means that the mission did not exist at that point

131. Have the bodies responsible for the exceptional issue of visas at the **border**,

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

pursuant to Article 17(3)(c) of the Schengen Convention and Part II, Section 5, and Annex 14 of the Common Manual, been briefed on the relevant Schengen arrangements and **prepared** to apply them? Which authorities will be responsible for this?

The Norwegian Directorate of Immigration is responsible for deciding whether such a visa should be issued. At local level the **police** are responsible at the practical arrangements to handle these situations. The Directorate of Immigration is responsible for the necessary consultation procedures.

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READMISSION

132. What readmission agreements exist with

(a) other Schengen States? Sweden

The Dublin Convention

(b) with other MS of the European Union

Lithuania, Latvia, Estonia, Czech Republic, Slovakia

(c) third countries?

Romania, Croatia, Moldavia, Bulgaria, Sri Lanka

In addition, Norway has ongoing negotiations concerning readmission agreements with 20 other states.

133. How many persons have been sent back every year since 2000 under these agreements?

There is no statistics available of persons sent back every year since 2000 under these agreements are not available.

The statistics for 2005 will be available at the National **Police** Immigration Service.

134. What is the percentage of foreigners readmitted (figures per State)

(a) to other Schengen States?

(b) to neighbouring States?

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

(c) to the countries of origin of the persons concerned?

How many cases were studied in total? What were the countries of origin involved?

There is no statistics available.

The statistics for 2005 will be available at the National **Police** Immigration Service.

135. What legal and practical measures have been taken to ensure the expulsion of illegally resident aliens? Are these measures effective?

The National **Police** Immigration Service was established January 1st 2004 to coordinate the **police**'s work in the field of immigration. Within this is included carrying out the task of deporting illegal residents.

136. What are the residence arrangements for foreigners who, for various reasons, cannot be expelled? Does this apply also to persons who have entered the country illegally without having applied for asylum?

Aliens whose application for asylum or a residence permit have been rejected, but who cannot be expelled, will not get a residence or work permit in Norway. They still have an obligation to leave the country and will have a status as illegal immigrants.

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What measures do your authorities take to help an alien required to leave the country to acquire travel documents, or are such steps left entirely to the alien?

Aliens who cannot be expelled due to lack of documents etc. may be kept under arrest. This may be either due to lack of identification documents, or to ensure that deportation from Norway can be effected. Aliens may be detained in prison or at a specialised detention centre for aliens. Aliens may also voluntarily stay at the centre while awaiting deportation. The National **Police** Immigration Service assists the **police** districts and the foreigner in retrieving travel documents for the deportation.

137. Is instant return a legal possibility in the case of foreigners detected upon

entering the country illegally or immediately after crossing the **borders**?

Aliens who are entering the country illegally can be rejected at the **border** in accordance with the Immigration Act § 27. If they are rejected, they can be returned immediately.

138. Is there some central body responsible for issuing travel documents for

repatriation? What experience does it have in this field? Are any other (i.e. decentralised) authorities involved in acquiring repatriation documents?

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

The Norwegian Directorate of Immigration is responsible for issuing passports for foreigners valid for one journey. The **police** can also issue travel documents for return purposes.

Documents necessary for deportation, after coming to an agreement with the country

of origin, is issued by the National **Police** Immigration Service

ENTRY

139. What administrative and criminal-law penalties have been introduced under your national legislation for

(a) persons entering the national territory illegally?

Cf the Immigration Act § 47, sub-paragraph 1 a), any person entering the national territory illegally will be liable to fines or imprisonment for a term not exceeding 6 months.

(b) persons involved in assisting/facilitating illegal immigration?

Cf the Immigration Act § 47 sub-paragraph 3, any person involved in assisting illegal immigration will be liable to fines or imprisonment for a term not exceeding 3 years. Cf the Immigration Act § 47, new sub-paragraph 4, any person who for the purpose of gain engages in organised activity with a view to assisting illegal immigration will be liable to fines or to imprisonment for a term not exceeding 5 years.

(c) persons using labour made up of illegally resident aliens?

Cf the Immigration Act § 47 sub-paragraph 2 a) and b), any person making use of the

labour of a foreign national who does not have permission to stay in the country is liable to fine or imprisonment for a term not exceeding two years.

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140. Has your country already signed or ratified the additional protocols to the UN Convention against Transnational Organized Crime on trafficking in human beings and the smuggling of migrants?

Norway has signed and ratified the protocols to the UN Convention against Transnational Organized Crime on Trafficking in Human Beings and the Smuggling of Migrants. Norway has also signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" the 13th of December 2000 and ratified it the 23rd of September 2003. Furthermore, Norway has signed and ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air the same dates.

141. What measures are applied for the application of Article 27 of the Convention against those who assist an alien to enter the territory of one of the other Schengen States illegally?

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

Immigration Act § 47 covers the application of Article 27 of the Convention. Pursuant to this provision any person who for the purpose of gain assists or tries to assist any foreign national to illegally enter or reside within the territory of a Schengen State is liable to fines or imprisonment for a term not exceeding 3 years.

142. Are criminal-law penalties envisaged against those who assist a person to leave a country allowing them to enter another one illegally?

There are no criminal-law penalties directly envisaged against those who assist a person to leave a country. However, sub-paragraph 3 of § 47 of the Immigration Act makes it punishable under criminal law to assist or try to assist any foreign national to illegally enter any Schengen State. If assistance to leave a country has the implicit effect that the person in question will be illegally entering a Schengen State, then sub-paragraph 3 of § 47 may be applicable.

143. In accordance with the provisions of Article 26 of the Convention, does the

national law oblige sea or air carriers or operators of international coach services to take all the necessary measures to ensure that an alien is in possession at the point of departure of the travel documents required for entry into the territories of the Contracting Parties?

Pursuant to § 46 sub-paragraph 3 of the Immigration Act sea or air carriers or operators of coach services are obliged to accept back any foreign national or otherwise take the foreign national out of the realm, or to cover any expenses incurred by the public purse in connection with the conducting of the foreign national out of the realm, if the foreign national is rejected for reasons including not showing a valid passport or other approved travel document or visa when this is necessary. This provision of the Immigration Act is an incitement to the carrier or operator to ensure that passengers at the point of embarkation are in possession of the required travel documents.

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144. Have criminal-law or coercive measures been introduced in the case of

non-compliance with this duty?

Annex 9 of the Chicago Convention, adopted by the International Civil Aviation

Organisation (ICAO), and the provisions laid down in § 46 sub-paragraph 3 of the

Immigration Act implies that carriers are obliged to ensure that an alien at the point of embarkation is in possession of the required travel documents. In addition to what is mentioned in reply to question (a) above, § 46 sub-paragraph 3 of the Immigration Act also lays down an obligation for the carrier to take on board an escort and to cover the costs of escorting the foreign national out of the realm when the police find this necessary.

145. Are carriers legally obliged to return aliens who are not in possession of the

required documents?

Yes, see reply to question (a) above.

146. Are there figures on how many penalties were imposed and how many were effectively applied?

There are no figures, but according to information obtained by the prosecuting authorities of Gardermoen airport, which is the main international airport, they impose approximately 10 penalties pr year on aircraft carriers.

Which is the competent authority in this area?

The prosecuting authority in the Police Districts.

What legal base and administrative practice are involved?

According to the Immigration Act § 47, sub-paragraph 1 a of the Immigration Regulations §93 and the General Civil Penal Code § 48 a the carriers are subject to penalty. The fines issued by the prosecution authorities are usually in the range of 25.000 NOK pr passengers. Negligence on part of the carrier has to be established before imposing penalty.

147. Which are the competent administrative and/or law enforcement bodies involved in combating illegal immigration inside the territory, and what are their exact powers and the legal and practical means at their disposal to carry out their tasks?

The Norwegian Police is the main competent authority for combating illegal immigration in Norway. The Norwegian Police is one uniform police service. The superior authority of the police lies with the Ministry of Justice and the Police. The competence of the Police follow from the following legal acts: The Police Act and Police regulations, The General Civil Penal Code, The Criminal Procedure Act, The Customs Act, The Immigration Act and Immigration Regulations, and circular letters and directives.

According to the Criminal Procedure Act, criminal investigation is instituted and carried out by the Police. This act i.a. also assigns the Police with the authority to perform searches, to make seizure of evidence and to apprehend and arrest a person who is suspect of an act punishable by law.

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The National Criminal Investigation Service is a special police agency directly subordinated the National Police Directorate. The National Criminal Investigation Service shall maintain the computer-based register of fingerprints in immigration cases, Eurodac, keep survey and statistics of individuals registered in the fingerprint register, co-ordinate communication channels for police enquiries in other countries in matters concerning illegal immigration, implement criminal technical investigations of travel documents, competence building at the central border control sites by means of Document Image Transmission and investigative assistance and guidance in cases involving organised illegal immigration.

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

The National **Police** Immigration Service was established in 2004 and is responsible for the work of the **police** service in asylum and immigration cases. The unit is established to strengthen, improve efficiency and to co-ordinate **police** efforts in respect of immigration. The main task is to register and identify asylum seekers who have had their request for asylum refused. The National **Police** Immigration Service is also responsible for the transportation of other foreign nationals who are to be removed or deported from Norway.

The Immigration Act of 24 June 1988 and the Immigration Regulations issued pursuant to the act are the legal basis for all matters concerning the controlling of entry and exit of foreign nationals and their presence in Norway in accordance with Norwegian immigration policy. The act has i.a. provisions on the duty of a foreign national to provide proof of identity. It gives the **police** the authority to confiscate travel documents, tickets etc. to help establish the identity and previous residence, to search clothes, other property and means of transport etc. It obliges relevant public authorities, educational institutions, and employers etc. to provide the **police** with information about foreign nationals they are in contact with, in order for the **police** to check when necessary whether the foreign national has a leave to reside or work in Norway. It gives the legal basis for the taking and registering of fingerprints in immigration cases in a computer-based fingerprint-register, and provides a basis for the exchange of fingerprints with the competent authorities of other countries. The act also has provisions on the liability for expenses and penalties, and there are provisions concerning custody and arrest.

148. Have photocopies of the residence documents contained in Annex 4 to the

Common Consular Instructions been circulated to the Passport Control Services in order to facilitate passport controls? How often is this circulation updated?

The list of documents is updatet, but no photocopies of the actual documents have been circulated.

149. What method is used for keeping uniform entry/exit stamps?

With reference to document SCH/I-Front (97) 129, where the specification for the

uniform entry and exit stamp with two-digit security code is given.

The Executive Committee decision SCH/COM-ex (94) 16 rev. of 21 November 1994 provided for a uniform entry and exit stamp to be created by the Contracting States according to the principles set out in the document SCH/Gem-Handb (93) 15.

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Norway implemented the uniform Schengen stamps when entering into the Schengen co-operation in 2001. The uniform Schengen stamps are distributed to the **police** responsible for the control at the **border** crossing point throughout Norway, and the Coast Guard which occasionally execute **border** control on behalf of the **police**.

The National **Police** Computing and Material Service is responsible for replacing

and obtaining stamps. The only way for the **police** and the Coast Guard to

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

replace or obtain stamps is to order via the National Police Computing and Material Service.

The Police Districts are storing the information the information about stamps, except the security code, in a special data file in the police operation log. Information about the stamps are also included in the local security plan (question 3)

150. What are the methods and times for changing the numerical security codes for uniform entry/exit stamps?

With reference to Council conclusions regarding special security characteristics of uniform stamps, Norway has establish routines for changes the numerical security once a month as described in the conclusion.

The National Criminal Investigation Service, which is the National Contact point for information concerning stamps, decide what numerical security code to be used and distribute this information, restraint, to the Police Districts and the Coast Guard.

The Police District and the Coast Guard has appointed a person responsible for use and storing of stamps at each working places, including changing of numerical security code. The information that the numerical security code has been changed is put into a special data file for this purpose.

The Police Districts has designated a person who the day after the change of numerical security code should be done, go into the data file and control that every single entry and exit stamps have had new numerical security code. The code itself is not put into the data file, only a reference number.

151. Is there a memorandum governing cooperation between the competent authorities involved in combating illegal immigration within the country?

The Immigration Act provides the basis for controlling the entry and exit of foreign

nationals and their presence in Norway. According to the act, its provisions are put the National Police Directorate, the Directorate of Immigration, the local police and other public authorities. Pursuant to the Immigration legislation the police is responsible for border controls. The chief of police can, however, give custom officers, military personnel or any other person without police authority the power to carry out passport examination.

With regard to cooperation between competent authorities, reference is also made to the following memoranda between the Ministry of Justice and the Police, and the Ministry of Defence:

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• Memorandum concerning military support to the police authorities in peace-time, authorised by king in Council 13 February 1997.

• Memorandum concerning the Coast Guard participation in execution of police actions, dated 2 April 1997.

• Memorandum of governmental cooperation concerning border control activities at the frontier between Norway and Russia (under consideration).

The Norwegian Police is the main, competent authority for combating illegal immigration in Norway. The National Police Immigration Service is responsible for the work of the police service in asylum and immigration cases. The unit was established in 2004 to strengthen, improve efficiency and to coordinate police efforts of immigration. The main task is to register and identify asylum seekers arriving in Norway. Furthermore the unit coordinates the repatriation of asylum seekers who have had their request for asylum refused. The National Police Immigration Service is also responsible for the transportation of other foreign nationals who are to be removed or deported from Norway.

152. How many aliens have sought political asylum?

Applications for political asylum in Norway in the years 2002, 2003 and 2004:

Region

2004

2003

2002

Europe

2535

6586

8532

Africa

2273

3694

3468

Asia

2804

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

4938

5022

Americas

33

32

65

Others (Stateless & Oceania)

300

364

393

Total

7945

15614

17480

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POLICE COOPERATION

153. Present a general oversight of the **police** forces in your country and their most important competences.

The Norwegian **Police** Service

There is only one **police** force in Norway. The Norwegian **police** have 12,000 employees working at the national or local level.

The National **Police** Directorate

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

The National Police Directorate is organised under the Norwegian Ministry of Justice and the Police and acts under the Minister of Justice's responsibility. The National Police Commissioner who is appointed by the Government heads the National Police Directorate. The main objectives of the National Police Directorate are professional leadership, management and development of the Norwegian Police Service with a basis in the strategic and budgetary limitations given by the Ministry.

The Police Districts (The Local Police)

The organisation of the Norwegian Police is largely based on the principle of an integrated police, meaning that all functions of the police are collected in one organisation. There are 27 police districts, each under the command of a Chief of Police who has full responsibility for all kinds of policing in the district. Each police district has its own headquarters, as well as several police stations. The districts are divided into rural police districts, under the command of a Police Chief Superintendent. All police are trained as generalists, able to fulfil every aspects of ordinary police work, including criminal investigation as well as public order and community policing.

The National Criminal Investigation Service The Ministry of Justice and the Police decided in 2004 to establish a new specialist agency with basis in the old NCIS. In addition to provide assistance to the police districts on technical and tactical investigation, the National Criminal Investigation Service now investigates its own cases related to organised crime. The leadership has prosecuting competence. A three yearlong project, which targeted organised crime, and the police computer crime centre has been merged into NCIS. The new agency was established 1. January 2005.

NCIS is the national contact point for operational police cooperation and is responsible for contact with Europol, Interpol and Schengen/ SIRENE. It also handles all operational contact with the liaison officers within the Nordic liaison network on customs and police.

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The National Police Immigration Service

The national Police Immigration Service was established in the beginning of 2004, and is responsible for the work of the police service in asylum and immigration cases. The unit was established to strengthen, improve efficiency and to coordinate police efforts of immigration. The main task is to register and identify asylum seekers arriving in Norway. Furthermore the unit coordinates the repatriation of asylum seekers who have had their request for asylum refused. The National Police Immigration Service is also responsible for the transportation of other foreign nationals who are to be removed or deported from Norway.

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim)

Økokrim was established in 1989 and is the central unit for investigation and prosecution of economic and environmental crime. Økokrim is both a police agency and a prosecution authority. Økokrim has

Council of the European Union: Answers to the questionnaire addressed to the Nordic Countries with a view to the evaluation of the application of the Schengen A....

national jurisdiction, and investigates and bring to trial major, complex and serious cases and/or cases of principle relating to economic and environmental crime.

The National **Police** Academy

The National **Police** Academy is the central educational institution for the **police** service in Norway. It provides basic training for service in the Norwegian **Police**, a three-year education, and post-education training covering various areas of the **police** profession including training in Schengen matters.

The Central Mobile **Police** Service

The objective of the Central Mobile **Police** Service is to reduce the number of accidents and road traffic offences. The Central Mobile **Police** Service also contributes to the general combating of crime, including cross **border** criminality.

The National **Police** Computing and Material Service

The National **Police** Computing and Material Service is a special **police** agency responsible for the information and computer technology and material administration within the **police** service and the higher prosecuting authority.

The Norwegian **Border** Commissioner for the Norwegian- Russian **Border**

The main task of the Norwegian **Border** Commissioner for the Norwegian- Russian **Border** (**Border** Commissioner) is to supervise the **border** agreement and to ensure that all other agreements between Norway and Russia regulating matters relating to the **border** are complied by both parties. Together with the **police** and the Norwegian Defence, the **Border** Commissioner shall prevent and limit the scope of incidents that conflict with applicable agreements, and negotiate with the Russian **border** authorities in order to solve and prevent any conflicts and incidents that may occur.

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Organisation of the **Police** and Prosecuting Authority in Norway

The Norwegian **police** and prosecuting authority is organised in a two-track system. This means that the responsibility for the combating of crime is shared between the Ministry of Justice and the **Police** and the Director General of Public Prosecutions. The Director General of Public Prosecutions has been assigned responsibility for the professional handling of criminal prosecutions. All other areas are the responsibility of the Ministry of Justice and the **Police**, although this responsibility has largely been delegated to the National **Police** Directorate. The principle is that the prosecuting authority shall operate independent of political signals and administrative control.

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No other professional authority, not even the Minister of Justice, has the opportunity to instruct the prosecuting authority.

The **Police** Security Service

The **Police** Security Service is organised directly under the Ministry of Justice and the **Police** and acts under the Minister of Justice's responsibility. The **Police** Security Service has the task of preventing and investigating crimes relating to terrorism, espionage and the spread of weapons of mass destruction. They are also responsible for preventing and investigating the spread of violent extremism. The **Police** Security Service has an advisory function in respect of other Norwegian authorities.

154. With which (Schengen and non-Schengen) countries have agreements been

concluded or are agreements being **prepared** in matters of **police** cooperation? (including arrangements or declarations in accordance with Article 40(6), 41(9), 41(10) of the Convention) Describe the contents of these agreements.

• Agreement between Sweden, Denmark, Finland and Norway regarding the abolition of passport controls at the inter-Nordic borders (1958). (The agreement also includes Iceland and the Faroe Islands through later amendments)

• Agreement between Sweden, Denmark, Finland, Iceland and Norway regarding transit of expelled persons (1965)

• Nordic agreement regarding the establishment of a Nordic workgroup for certification of experts of fingerprints (2001)

• Nordic **police**-cooperation agreement (2002) incl. amendmendt of 2004.

• Agreement of co-operation between Finland, Norway and Sweden on cross-**border** operations (2003)

• Agreement between concerned Authorities/Ministries/Departments in Finland, Norway and Sweden regarding the application of articles 40 and 41 in the Convention on the application of the treaty of Schengen regarding abolition of controls by the common **borders** (2003)

• Agreement between the Government of Norway and the Government of the Russian Federation on co-operation in combating crime (1998)

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• Agreement with Russia on cooperation between the federal tax police service of the Russian Federation and the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (Økokrim).

• Agreements on further development of the Nordic police co-operation is currently under negotiations.

155. With which Schengen States have arrangements been concluded, or are these arrangements in preparation or under study in matters of police cooperation in border zones under the provisions of Article 39(4) of the Convention (see Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998)? Describe the contents of this cooperation.

According to Norwegian legislation and the legislation in the other Nordic countries exchange of information can be conducted within the content of art 39. No specific agreements to this nature are therefore necessary.

With reference to question no.154 above, a number of agreements specified to facilitate co-operation is given.

156. With which other Schengen States has the exchange of liaison officers been

agreed (Articles 7 and 47 of the Convention)?

Provide overview of secondments. With which other Schengen States has it been agreed that liaison officers seconded in third States shall also represent the interests of your country? Describe how your country keeps the other Schengen States informed of the secondments of its liaison officers in third countries (Article 3 of Council Decision 2003/170/JHA).

We do not have bilateral agreements with other Schengen states on exchange of liaison officers. However, there is a system of co-operation between the Nordic countries, based on a joint statement of opinion expressed by the Nordic Ministers of Justice, in all types of cross border crime of concern to one or several of the Nordic police or customs authorities. This co-operation consists of two main areas. These are the deployment of liaison officers and preparation of joint Nordic crime combating programmes. The liaison officers are posted as joint Nordic liaison officers and are authorised to co-operate with the countries to which they are accredited on behalf of all the Nordic countries, in response to substantial requests from these. They are authorised to handle all cross-border matters that concern the country in which they are posted and at least one of the Nordic countries.

Norway has liaison officers in the following countries: Bulgaria, Russia (2), Spain (2), Germany, United Kingdom, Pakistan and Dubai U.A.E.

Norway also has two liaison officers assigned to Europol under the agreement between Norway and Europol.

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157. How have police officers been trained, or how are they being trained in the

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application of the provisions of the Convention? Which instructions, administrative provisions, etc. exist in regard to implementation of the Schengen Convention? Have these been updated regularly?

Police officers have received comprehensive information of the Schengen Convention and other relevant issues of **police** co-operation. With the entry into force of the Convention, the Norwegian **Police** Academy worked and carried out a specific Schengen training programme lasting 3 weeks. The participants of this course carried out information and training in their local **police** districts. The further training of new officers since the entry into force has been the responsibility of the local Chiefs of **Police**. The National **Police** Academy has since the entry into force of the Convention conducted several courses where international **police** co-operation and Schengen have been taught.

Regular training programmes are established within the Army and the Navy/Cost Guard.

158. Have your country's **police** officers been briefed on the Handbook on Cross-

Border Police Cooperation and **prepared** to implement it? Is the Handbook available and in use in all **police** units?

The Handbook on Cross-**Border Police** Co-operation has been distributed to all **police** districts. The further distribution is the responsibility of the local Chiefs of **Police**.

Have you **prepared** the relevant updates of the Handbook for your country and have they been sent to the Council SG?

Any updates are sent to the Council SG when initiated by the **Police** Cooperation Working Party.

Do other information channels exist to inform Schengen States of relevant rules for cross-**border** cooperation and information exchange? There are no other information channels.

159. Within the framework of cross-**border** cooperation pursuant to Article 39(1-3) of the Schengen Convention, does national law empower your **police** services to authorise and execute, without the involvement of the judicial authorities, the measures listed in the document adopted by the Executive Committee of Schengen on 28 April 1999 (SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5) on principles for **police** cooperation in the prevention and detection of offences? If not, what measures are the **police** not authorised to take?

The Norwegian **police** are, as a principle rule, empowered to authorise and execute the

measures listed in the document SCH/I (98) 75 rev.5 without the involvement of the

judicial authorities.

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160. What additional measures, if any, are the **police** authorities in your country

authorised to take, without the involvement of the judicial authorities, which are not mentioned in the Decision from the Executive Committee mentioned in the previous question?

As far as information exchange is concerned the **police** can take all measures

without the involvement of the judicial authorities - provided that they comply with the Norwegian legislation.

However, actions involving coercive measures are always subject to examination and decision by judicial authorities.

161. Where the **police** authorities do not have the power to deal with requests, do they forward them pursuant to Article 39(1), sentence 2 to the competent judicial authorities? Do the judicial authorities accept requests to the **police** for legal assistance forwarded in this way?

Not applicable according to question 160.

162. Do the judicial authorities accept requests for authorisation according to

Article 39(2) of the Schengen Convention by fax or e-mail, as provided for in the Executive Committee's decision (SCH/Com-ex (99) 18)?

Yes, judicial authorities accept requests by fax or e-mail.

May - according to national provisions on judicial assistance and/or data protection - information forwarded to non-Schengen countries through **police** channels be passed on to judicial authorities there and used as evidence in legal proceedings or does this require the explicit consent of the judicial authorities in your country, similar to Article 39(2) of the Schengen Convention?

The use as evidence in legal proceedings requires the explicit consent of the judicial authorities.

163. Which clauses restricting the purposes for which data may be used are used by your **police** authorities in international dealings in relation to Schengen/non-Schengen States?

Norwegian **Police** is obliged to comply with handling rules given by the State that provides the information.

164. Is there an obligation to inform the national central body, if in an urgent case the direct channel pursuant to Article 39(3), sentence 2 of the Schengen Convention is used?

Yes.

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165. How many cross-**border** surveillance operations pursuant to Article 40 of the Schengen Convention or the relevant bilateral treaties with neighbouring countries have the competent authorities in your country carried out over the last three years (broken down by year, by Schengen State, by normal case/urgent case and by offence giving rise to the observation).

There is no statistics on this. The number of cases is limited.

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166. Which measures have your country taken/which provisions must be observed regarding the use of technical means in cross-**border** surveillance? E.g. what kind of direct links are used to facilitate cooperation and communication, as meant in article 44.

There is a very good cooperation on local level between the **police** authorities on both sides of the **border**. Accordingly the procedures are well known.

167. Which initiatives have been taken, pursuant to article 44 (1) and the options set out in Article 44 (2) to ensure cross-**border** interoperability of radio telecommunication systems?

There is an agreement between Swedish and Norwegian authorities regarding the exchange of radio equipment between the **police** in Norway and Sweden in the **border** region.

The invitation for tenders for a new radio communication-network for the **police**, fire-rescue service and the emergency health service is out. The deadline for sending in tenders is the 3. September 2005. The conditions for tender are technology-neutral, but the firms remaining are offering either a system based on the Tetra standard or the Tetrapol standard. In any case, one of the conditions is that the system shall be compatible with the system to be chosen in Sweden.

168. Under national law is an attempted offence sufficient to take measures pursuant to Article 40(1) and (2) of the Schengen Convention?

Yes, provided the attempt in itself is punishable according to Norwegian legislation

and subject to a penalty that qualifies for extradition or surrendering.

169. Except in cases of urgency pursuant to Article 40(2) of the Schengen Convention, where it is obviously not possible to seek the prior authorisation of the corresponding central authority designated in Article 40(5), are the officials of the Schengen States authorised to conduct cross-**border** surveillance also allowed to carry their service weapons in your country for standard surveillance operations pursuant to Article 40(1) as provided for under Article 40(3)(d) of the Schengen Convention?

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The officers of the Schengen States authorised to conduct cross-border surveillance will as a general rule in accordance to Article 40 3(d) be allowed to carry their service weapons.

Service weapons may only be used in legitimate self-defence according to Norwegian legislation.

170. Is information on the type and number of service weapons required, and if so, what information should be given? Does your country place restrictions in this connection on observation teams from other Schengen States, and if so, what are they?

No information on type and number of service weapons is required. Restrictions are placed in so far as that weapons may be used only for self-defence.

171. How frequently are the registrations forms, mentioned in Article 45, used by the competent authorities to prevent threats, conduct criminal investigations or to clarify the circumstances of mission person or accident victims?

The use of registration forms has not been subject to any follow-up so far.

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172. Regarding police data; is there one general police database or are there several databases belonging to the different police forces. If there is only one, do all police forces have access to this database? If there is more than one, who has access to what?

There is only one Norwegian Police Force. All police personnel can access all police databases according to their service needs

173. Which police service/force is acting as the central Schengen authority? Which police forces are represented in the central Schengen authority? Has the central Schengen authority access to all police databases?

The National Criminal Investigation Service (NCIS) is the central Schengen authority. There is just one police service in Norway. They have access to all police databases.

174. Is article 46 of the Schengen Agreement used to exchange information regarding public order and is this information treated by the central Schengen authority? Is there statistical material over the 3 previous years.

Article 46 is used to exchange information by NCIS. However there is no statistical material.

DRUGS

175. What specific organisational measures have been adopted at the external borders (air and land) to combat drug trafficking?

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(a) New structures

Customs was reorganized in 2004. 11 customs districts became 6 customs regions. One effect is that more resources have been transferred to control and enforcement activities. A second effect is that more resources have been allocated to the southeast of Norway where the big volumes in traffic of goods and people take place.

(b) Staffing measures

The total number of staff within customs has been quite stable during the last years. As mentioned under a, there has been some degree of transfer of staff to enforcement activities from other customs activities.

(c) Creation of new customs services specialised in surveillance

No.

(d) at the land **borders**

Customs regions have organized their enforcement and control activities in large flexible groups.

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(e) at the sea **borders**

Close cooperation between the Customs and the Coast Guard. Customs is in the process of seconding customs officer on board Coast Guard vessels on a permanent basis.

(f) at the air **borders**

None

(g) Do the customs authorities have any aircraft (planes, helicopters) for detecting illegal shipments?

No.

176. Technical aspects

(a) What specific measures and tactical methods have been adopted at the external **borders** to combat drug trafficking?

The Customs relates to common measures and methods regarding customs control. The measures and methods are under continually development.

(b) What special measures have been taken to guarantee that controls are effectively targeted (targeted controls)?

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Intelligence based selection through exchange of intelligence and analysis are a main objective in order to carry out targeted controls. Information in this respect is distributed by different means. The main channel for storing and distributing information is an It system for customs intelligence.

The controls made by the **police** is increasingly based on risk analyses and so called Problem-oriented **Policing** (POP).

(c) What new methods have been introduced to obtain relevant information?

No new methods have been introduced lately.

In 2006 Norwegian **police** will implement and start using a new national intelligence system, called Indica. This will be an important tool to combat illegal drug trafficking.

(d) Have any steps been taken with a view to concluding protocols and agreements with international carriers and to obtaining information on suspect activities, in accordance with the recommendations issued by the World Customs Organisation (WCO)?

Yes, the Customs has MOUs with several organisations.

(e) Does your country carry out risk assessment or profiling in relation to drug trafficking? If so, please provide brief details of how this is carried out.

Yes, profiles are identified based on analysis of seizures and intelligence information.

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(f) Could you give more information on the national and international controlled deliveries carried out?

Controlled deliveries are basically a **police** method in Norway. When a controlled

delivery is approved by the prosecutor, the **Police** notify the Customs. The **Police** are responsible for the surveillance and follow-up activities.

A working group with representatives from the **police**, the custom service and the Director General of Public Prosecutions examine and consider questions concerning controlled delivery.

177. What technical means have been deployed at the external **borders** to detect drugs smuggled illegally into the country?

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Technical means to detect smuggling are used in a flexible way. The same technical means are more or less used at land **borders**, sea **borders** and airports at different times. We can therefore only indicate the total number of technical means operated by customs.

For each of the following categories of **border**

- land **borders**,

- sea **borders** and

- air **borders**

please indicate the type and number of detection means deployed and the frequency with which these are used, drawing a distinction between

sniffer dogs

30

X-ray machines

2 mobile scanners for containers/trucks

1 mobile scanner for pallets.

permanent equipment for controlling air freight

4 small scanners for baggage/pallets/trucks

mobile facilities

A number of vehicles with standard toolset

endoscopes

A number of endoscopes are in frequent use

systems for analysing urine to detect the presence of drugs concealed

(a) inside the human body

A number of urine tests are in frequent use

any other technical means

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178. What measures have been taken to obtain information within the framework of international external **border** cooperation?

(a) international agreements (specific bilateral agreements, etc.)

Exchange of information and operational cooperation with Swedish, Finish and Russian (landborders) Customs services is based on bilateral agreements. Exchange of information with other national Customs services is based on bilateral agreements on mutual administrative assistance in Customs matters Norway has signed with more than 20 countries. The protocol 11 of the EEA agreement (Norway - EU) covers the same area of cooperation.

(b) participation in international working groups

The Norwegian Customs Service is an active member of bilateral and multilateral Law enforcement working groups. Several working groups within our own sub regions (The Nordic Region, The Barents Region and The Baltic Sea Region) discuss and **plan border** cooperation and operations.

(c) communication and information systems

The Norwegian Customs Service does not have investigative powers. However, criminal tactics measures can involve Customs personnel and resources under administration of or in close cooperation with **Police** authorities.

(d) criminal tactics measures

Limited, The Customs does not have investigative powers.

(e) others

179. What results have you attained in terms of seizures between 2000 and 2004 at the land, sea and air **borders**?

The Customs do not produce general statistics according to the specifications required in the question.

Narcotics

2000

2001

2002

2003

2004

Cannabis

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Grams

256.917

344.339

368.111

239.498

1.199.667

Horaine

Grams

31.297

4.151

34.986

24.767

26.845

Amphetamine

Grams

38.654

11.999

38.916

103.380

87.772

Cocaine

Grams

5.420

19.118

25.090

18.222

23.218

These extract from the customs general statistics on narcotic seizures includes land, sea and air **borders**. It also includes al means of transportation and a variety of means of concealment.

(f) nature and volume

(g) country of origin

(h) destination

(i) means of transport

(j) means of concealment used by the trafficker

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DATA PROTECTION

180. Who is in your country the national supervisory authority within the meaning of Article 114 of the Convention?

The Norwegian Data Inspectorate.

181. Has the supervisory authority used its right of access to the national part of

the SIS? Is access occasional or frequent? In terms of inspections, the Data Inspectorate has used its right of access to the national part of the SIS.

182. Is this right of access used in situ? Has any supervision been organised in parallel (one person in the SIRENE Bureau and the other with the final user)?

Seven inspections in situ have been carried out since the system became operational. None of them have been organized in parallel.

183. When there is access on the basis of Article 109 of the Schengen Convention, does the national supervisory authority also play a supervisory role or does it simply act as the authorised representative of the applicant? What exactly does the national supervisory authority supervision over an alert relate to: the legality of the procedure or also the validity of the grounds for the alert? Applications for access are decided in the first instance by the registration administrator (NCIS). If the application has been made to the registration administrator, it is referred to the authority that ordered the registration with a request for an opinion. If the application has been made to the authority that ordered the registration, this authority forwards it to the registration administrator, accompanied by an opinion.

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The right of access is direct. This means that the data subject must address his or hers petition to the SIRENE bureau. The Data Inspectorate will only have a formal role if the petition for access is not granted, and the data subject complain about the decision. The Data Inspectorates role is to give an opinion about the case, and the Ministry of Justice takes the final decision. The Data Inspectorate has only handled four complaints about access so far (June 2005). As the formal role of the Data Inspectorate is very limited in these cases, it cannot be described as authorised representative of the applicant.

Apart from the formal role described, the Data Inspectorate gives guidance and advice on these matters.

Except for individual cases about access, the Data Inspectorate has only randomly checked specific cases (alerts) in connection with their inspections. If we handle a complaint about access, there will normally be a supervision of the legality of the procedure. In other cases it can be relevant to supervise the validity of the grounds of the alert.

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184. How is cooperation between your national supervisory authority and other

national supervisory authorities if it transpires that another Schengen country has recorded a person and your national SIRENE Bureau does not have the complete file? The Data Inspectorate will normally not interfere in such cases, as they will not have a formal role in such matters.

185. Is every tenth transmission of personal data recorded for the purposes of

supervising the admissibility of the query?

The N.SIS logs every 10th query on WP, which is directed at the SIS. Furthermore every query is checked against FellesBruker (the police's user database) for permissibility. If the user does not have permission for a query in the FellesBruker-database the query is refused.

186. What rules are applied for retaining data in the national system? What happens to the paper files relating to the SIS alert? Are they archived? Are they destroyed? After how long?

The Norwegian alerts deleted in the SIS are still visible in the Norwegian N.SIS, but it is clearly indicated that the search has been cancelled. In the Sirene workflow system, these alerts are transferred to a view for deleted alerts. Norwegian alerts follow Norwegian legislation. The foreign alerts are kept for one year only. The Norwegian paper files are kept in our archives, they are moved to the section for deleted Norwegian alerts when the alert is deleted in the C.SIS. The foreign paper files are kept for one year after their deletion in the SIS. Sirene has elaborated instructions for use of the archives.

187. Has the list of authorities authorised to consult the SIS been amended recently?

Yes, the Immigration Appeal Board has recently obtained access to the art. 96 alerts in the SIS.

188. Do the authorities responsible for recording vehicle registrations have access to the SIS?

No.

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189. How do you resolve the conflict between the transparency of public action and the protection of data entered in the SIS? How many people have asked to be informed of data concerning them? In how many cases did corrections have to be made?

As of today, in the period 2002-2005, 29 persons have asked to be informed of data concerning them. In one case a correction was made, that is: the alert was deleted from SIS.

190. How is access to the SIS supervised by local staff in the consulates?

In principle, only members of the Norwegian staff have access to SIS in Norwegian Foreign service missions. Exceptions are only made where local staff has Norwegian citizenship or are citizens of other Schengen countries. In some areas, there are many Norwegians living and therefore the Foreign Service missions have access to qualified Norwegian local staff, and also citizens of other Nordic countries. In areas where there are few Norwegians, local population of that country is employed, but they do not have access to SIS information.

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191. Have rules been established concerning duplication of SIS data? Is there a

technical copy or a copy "for technical purposes" which would allow user services to access the SIS?

There is a technical copy database for SIS data. This is the database where all consultations will be done, from national side. Further duplications are only done in two other cases. Certain alerts are replicated to the SIRENE workflow system, for processing by the SIRENE. And article 96 alerts are put in a dedicated database, but still on the same server as the technical copy. This because "Duf", the workflow system of the Directorate of immigration, needs to enter and access article 96 alerts, and only that.

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ANNEX I

Politiets data-og materielltjenestePDMT nettEthernetSireneX.400 ProdNSIS ProdNSIS TestSireneX.400 testEXTERNALSireneFAXTDESDESL - ISDN switchCisco 2620HubHubDC2K-IPDC2K-IPSchengen, external (Equipment provided by CSIS/Belgacom).SISNET-LAN IP-Addressprovided by CSIS/BelgacomLeasedlineISDNbackupISDNMDZ:pdnw1SchengenCorba1Corba2Corba3schuxaschuxbEthernet, Schengen, internalCorba4Corba5Interface between C.SIS and N.SIS

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Politiets data-og materieltjenesteDescription of dataflowN.SISDBTechnicalcopySIRENEUDIC.SISDBDufWrite dataRead data1234512543Alert entered by UDI intonational workflowDB (art 96)Alert retrieved by SIRENEfor verificationAlert sent to C.SIS vianational workflow DBAlert approved by C.SISAlert Broadcasted toN.SIS and technical copyUDI kopiArt. 96NationalworkflowDBN.SISClientN.SISClientSIRENEWorkflowN.SISNationalDB server

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