



COUNCIL OF
THE EUROPEAN UNION



Council Conclusions on Schengen Evaluation on New Member States

*2827th JUSTICE and HOME AFFAIRS Council meeting
Brussels, 8 and 9 November 2007*

The Council adopted the following conclusions:

"1. The readiness of the new Member States to correctly apply the Schengen acquis in full was evaluated on the basis of Article 3(2) of the 2003 Act of Accession in conjunction with the Decision of the Executive Committee of 16 September 1998 (cf. SCH/Com-ex (98) 26 def.), the note on the continuation of the work on Schengen evaluation and implementation, action programme and timetable approved by the Council on 28 – 29 May 2001 (cf. 8881/01 SCH-EVAL 17 COMIX 371) and the programme for the Schengen evaluation of the 10 new Member States (doc. 7638/2/05 REV 2 SCH-EVAL 20 COMIX 200 updated by doc. 16025/06 SCH-EVAL 191 COMIX 1014). The process of evaluation before the lifting of controls at internal borders has been accomplished.

2. Conclusions were adopted by the Council in December 2006 on the state of preparedness of the Member States concerned to implement the *non-SIS-related provisions* of the Schengen acquis and on SIS II, SIS 1+ and on the enlargement of the Schengen area. The first series of conclusions in conjunction with the individual reports indicated where additional measures were required and in which cases the necessary changes should be reassessed during follow-up visits.

3. Together with the written follow-up, these follow up visits, which took place between March and September 2007, have proven that the Member States concerned are sufficiently prepared to apply the *non-SIS-related provisions* of the Schengen acquis in a satisfactory manner. An overview of the main results of these revisits can be found in Annex I.

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 9548 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

4. The Schengen evaluation of the *SIS-related provisions* took place in September and October 2007 in accordance with the work programme of the Schengen evaluation Working party approved by the Council on 2 December 2004, the note on the Schengen evaluation of the new Member States approved by the Council on 2 and 3 June 2005 and the Council conclusions on the SIS reached at the JHA Council of 12 and 13 June 2007.

Extensive questionnaires were completed by the Member States concerned, real data were loaded onto the technical systems cf. Council Decision 2007/471/EC of 12 June 2007, the Member States concerned were integrated into SIS 1+ at the end of August 2007, the functional testing of SIRENE took place in August 2007 and available Schengen alerts of the Member States concerned were loaded onto the SIS 1+ as of 1 September 2007.)

5. The results of these evaluation visits are set out in Annex II and should be read in conjunction with the individual reports of the inspection teams in order to get a full picture of the assessment and recommendations. These results include very good examples of applying the Schengen acquis as well as weaknesses which should be corrected and/or improvements to be made by the Member State concerned regarding implementation of the acquis. Both are set out in Annex II on a country-by-country basis. Although the outstanding issues require to be followed-up, they do not constitute an obstacle to full Schengen membership of the Member States concerned.

6. The Member States concerned have on the whole shown that they are sufficiently prepared to apply both the *non-SIS-related provisions* of the Schengen acquis as well as its *SIS-related provisions* in a satisfactory manner. On this basis, the preconditions have been fulfilled for taking the Decision referred to in Article 3(2) of the 2003 Act of Accession in December 2007 allowing the lifting of internal border controls at the land and sea borders as of 21 December 2007 and at air borders as of 30 March 2008.

7. The Member States concerned are expected to inform the Council, in the course of the next year, on the follow-up to the recommendations mentioned above and those contained in the reports.

8. In addition, the Council draws attention to the Border Management Strategy as defined by the JHA-Council in December 2006. Any fundamental reorganisation of the functions of Integrated Border Management in any Member State should be reported to the Council via the Schengen Evaluation Working Party for an appropriate follow up.

9. Finally, it is worth underlining the fact that thanks to the tremendous efforts made by the Member States concerned, the Member States already applying the provisions of the Schengen acquis, the many experts involved in the evaluation visits and last but not least the successful full implementation of the Portuguese SISone4ALL project, it has been possible to carry out this historically unprecedented evaluation process in full respect of the initially established time-schedule in a diligent, efficient and coherent manner.

**Schengen evaluation of the new Member States:
Overview of results of the revisits carried out during 2007**

The following is an excerpt of the findings of the Schengen Evaluation revisits carried out in 8 new Member States in the course of 2007. The revisits were carried out on the basis of the conclusions adopted by the JHA Council on 4/5-December 2006 where it was decided that revisits were necessary to the Czech Republic (air borders, July), Estonia (data protection, March / land borders, May / air borders, September), Latvia (air borders, September), Lithuania (land borders, May / air borders, September), Malta (police cooperation, May / visa, August / air and sea borders September 2007), Poland (land borders, May / air borders, September), Slovakia (data protection, March / land borders, June / air borders, September) and Slovenia (air borders, July).

As far as Hungary is concerned, no revisits were required and the follow-up to the recommendations outlined in the conclusions adopted by the JHA Council on 4/5 December 2006 provided by Hungary to the Schengen Evaluation working party, was considered satisfactory.

*
* *
*

CZECH REPUBLIC

The **airport of Brno** required a revisit during which it was established that the authorities had managed to address all the outstanding issues underlined in the first evaluation report.

ESTONIA

In the field of **data protection**, it was established during the revisit that the shortcomings had in the meantime been remedied.

The **land borders of Estonia** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

The main finding of the revisit report was as follows:

- The process of personnel outflow from the Border Guard was still ongoing and the EvalCom is concerned about Estonia's capability to guarantee a high level of border checks in the current circumstances. Estonia was invited to take additional measures to fulfil the recommendation to guarantee the human resources needed to implement a high level of external border control and to stop the outflow of staff. This should be carefully monitored over the coming years to ensure the correct implementation of the Schengen acquis and the maintenance of border security at Estonia's external borders.

The **airport of Tallinn** required a revisit, during which it was established that the authorities had managed to address the main recommendations addressed in the first evaluation report.

The main findings of the revisit report were as follows:

- Ongoing reconstruction works at the passenger terminal of the airport did not allow for a full evaluation of the infrastructure. The EvalCom is of the opinion that an appropriate follow-up is needed; this could be realised by way of a complementary visit upon completion of the construction works. However, the Evaluation Committee considered that the separation between passengers to be implemented in the existing terminal, was in line with the Schengen requirements.
- The number of personnel at the BCP Tallinn has decreased since last year, in line with the trend in recent years and the Evaluation Committee is concerned about Estonia's capability to guarantee a high level of border checks in the current circumstances. The Evaluation Committee therefore highlights the need to fill vacant positions at the BCP Tallinn.

LATVIA

The **airport of Riga** required a revisit, during which it was established that the authorities had managed to address all outstanding issues underlined in the first evaluation report.

LITHUANIA

The **land borders of Lithuania and the airport of Vilnius** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

MALTA

The **Moscow Consulate of Malta** required a revisit but the current Consulate will be relocated in Moscow as from December 2007. A new evaluation was carried out to the Consulate of Malta in Tripoli, where it was established that Malta, as far as its Consular Section in Tripoli is concerned, is in a position to implement the Schengen acquis in full-

In the field of **police co-operation** a revisit was considered necessary during which it was established that Malta managed to address all outstanding issues underlined in the first evaluation report.

Regarding **air and sea border** a revisit was considered necessary during which it was established that the Maltese authorities had managed to address the main shortcomings underlined in the first evaluation report.

POLAND

The **land borders of Poland** required a revisit, during which it was established that the authorities managed to address the main shortcomings underlined in the first evaluation report.

The practice of performing border checks on the territory of a third country-was abolished as of 15 September 2007 (as a result of the revisit) when the Polish Border Guard started carrying out border control on the border with Belarus and Ukraine on the territory of Poland, i.e. in line with the Schengen acquis.

The **air borders of Poland** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

SLOVENIA

The **airport of Ljubljana** required a revisit, during which it was established that the authorities had managed to address all the outstanding issues underlined in the first evaluation report.

SLOVAKIA

In the course of the revisit in the field of **data protection**, it was established that all previous shortcomings had in the meantime been remedied.

The **land borders of the Slovak Republic** required a revisit, during which it was established that the authorities managed to turn around the situation. Taking into account all elements evaluated, the remarkable progress made and the commitment of staff at all levels, the Committee concluded that border checks and -surveillance are currently organised and implemented according to the requirements of the Schengen Borders Code.

The **airport of Bratislava** required a revisit, during which it was established that the authorities had managed to address the main shortcomings underlined in the first evaluation report.

**Council conclusions on the evaluation of the SIS-related provisions
of the Schengen acquis**

CZECH REPUBLIC

Although some minor issues require further attention, the efforts to implement the SIS and the SIRENE functions were appreciated and considered successful. The technology used for all systems was described as state of the art with well organised backup systems, good network security coupled to good management and monitoring, very good communication on Schengen matters, awareness of data-protection and secure use of the systems. It was recommended to turn off the auto save feature in the Query Tool and to make available the functionality of logging out the end-user when not using the system after a certain period of time.

The Czech authorities have informed the evaluation team that they repeated the instructions to turn the autosave feature off and that by the end of November time-out rules would be in place for the Query tool.

ESTONIA

The SIS, subject to implementation of the fully integrated system and of the SIRENE workflow, was considered being appropriately implemented, user-friendly and operating effectively with a good performance and infrastructure and acceptable response times at all sites visited.

It was recommended to enhance the capacity of the SIRENE Bureau to correctly follow up a hit and provide assistance to end users e.g. through further training; to ensure and verify that all historical forms are available and easily retrievable for all SIRENE operators.

The Estonian authorities have indicated that they are working on the above recommendations, in particular the inclusion of some improved functionalities in the fully integrated system by November (hide Estonian SIS alerts from the end users, showing only the national alert; limiting the possibility to choose a single query; enhancement of the user interface with some features; implementation of the searches on ranges), that a standard form for information exchange between police users and SIRENE Bureau in follow-up to a hit will be implemented before the end of the year and that user training will be improved.

HUNGARY

The SIS in Hungary operates effectively and its performance is good throughout the country. The SIS was made available for all the different user interfaces and the SIRENE bureau was well prepared. Also most end-users were well trained and well prepared.

It was found that the Data Centre in Budapest was managed, organised and run very efficiently. The SIRENE workflow system worked efficiently and it was also being prepared to handle Interpol and Europol messages, which facilitates exchanges between the various channels. The SIRENE control of data quality seemed beneficial. The workflow application was considered to be a straightforward tool.

However, it was noticed that the knowledge of end-users varied across the country. Therefore, training needs should be reassessed and additional training should be given, in particular regarding aliases, special characters, weak searches and the possibilities of the SISone4ALL web client. The Hungarian authorities indicated they were already working on the implementation of all the recommended improvements; they would be finished by 1 December 2007.

LATVIA

Overall, the SIS in Latvia was considered to operate effectively, subject to the implementation of the integrated system. Its performance and infrastructure were found to be good as were the response times at all sites visited. The efforts made to implement the SIS were appreciated and considered to have been appropriately done.

The Latvian authorities have confirmed that the integrated system is now implemented and have stated that since the evaluation visit the following recommendations were already implemented: removal of the dial-in connection; full and easy availability of the historical SIRENE forms for the SIRENE operators; implementation of a standard form for information exchange between police users and the SIRENE Bureau in the follow-up to a hit; the introduction of only one phone number to reach the SIRENE Bureau.

Further recommended improvements have been planned or are being implemented to urgently recruit officers for the vacant posts at the SIRENE Bureau; to prioritise and improve the loading of historical data; to minimise the period where separate queries can be done; to reduce the number of mandatory fields for vehicle or document checks; to enhance the user interface with some user-friendly features and include these also in the future integrated system; to enhance and improve the training of end users, including through quality assurance visits by the SIRENE Bureau.

LITHUANIA

Overall, the SIS was found to operate effectively, showing a good performance with very short response times at all sites visited. Users seemed well trained, aware of the possibilities offered by the SIS and familiar with the system. The well organised SIRENE office functions appropriately and works with an efficient workflow. Close cooperation with all end users, thorough preparatory work on manuals and training ensure that follow-up procedures to hits are well-known and followed. Overall, the efforts to implement the SIS were appreciated and considered to have been satisfactorily done.

All recommended improvements have been implemented in the meantime or are planned to be implemented shortly: limited possibility for end users to opt for a single query; the possibility to query transliterated characters in alerts on objects is now ensured; automatic deletion of SIS alerts on persons from the national registers without intervention of the SIRENE bureau; time for automatic log out has been reduced; a standard form for information exchange between police users and SIRENE Bureau in follow-up to a hit has been introduced and more attention in training will be paid to complex cases and the possibility of wildcard queries.

MALTA

The efforts to implement the SIS and the SIRENE functions were appreciated and considered to have been appropriately done. Positively noted were the technical infrastructure's monitoring and management structure, state of the art technology for workstations and peripherals (police stations), the user-friendliness of applications and the good cooperation between police and government IT services.

Malta has taken steps to introduce the recommended automated case management system at the SIRENE bureau.

As regards the request to organise additional training on the different applications being used, the Maltese authorities consider this an ongoing process.

POLAND

The efforts to implement the SIS and the SIRENE functions were appreciated and considered to have been appropriately done. State of the art technology had been implemented and the technical staff's know-how (also in the -well-structured- SIRENE bureau) was impressive; the SIS was well integrated into the national applications.

All recommended improvements have reportedly been implemented in the meantime: modification of the border guard application to accept transliterated characters, clear display of misused identity in the border guard system and clear distinction between main and alias identity, second line offices at airports have been fitted with terminals that can access the SIS, more training to improve practical use of the system and procedures is being organised.

SLOVENIA

The use and the quality of the mobile solutions, notably of the special unit SUSBC, was considered remarkable. The different organisations involved in using the SIS were well prepared and end-users well trained.

All recommended improvements are currently being implemented: placing of an N.SIS console for operators' use, updating of the physical infrastructure of the Ministry of Interior's data centre to guarantee a proper functioning of the N.SIS in the future, respect of the deletion and archiving rules on SIRENE information when N.SIS sends notifications to the SIRENE workflow system in case alerts are deleted, decrease of the workload, minimisation of the risk of mistakes and improvement of data quality, automatic insertion of Article 100 alerts, entry of stolen vehicle alerts in the SIS, installation of a diesel generator for the SIRENE Bureau, and setting a satisfactory timetable for moving to another data centre.

SLOVAKIA

The IT infrastructure was considered to be well thought out and highly developed; data centres well equipped and managed and end-users well trained and -prepared. The user-friendly central query application is used by all end-users.

All recommended improvements are currently being implemented: information is being provided on the meaning of the red banner on the screen and to end-users so that they know what to do when the system refuses a query if the field "first name" is not filled in.

The fact that only the Border Guard and the Operations Centres of the Police have direct access to the SIS will be altered by the end of the year when all other end-users organisations will follow."
