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Subject :	Schengen evaluation of the new Member States : Overview of results

This report is an excerpt of the findings of the Schengen Evaluation missions carried out in nine new Member States in 2006 and 2007, with the exception of the SIS evaluations which are currently being carried out (16-30 September 2007).

The latest state of play regarding all findings is laid down in the summaries of the follow-up being given to the evaluation reports' recommendations, which are being continuously updated.

Table of Contents

Background applicable to new Member States	3
Annex 1: Czech Republic	5
Annex 2: Republic of Estonia.....	7
Annex 3: Republic of Latvia	10
Annex 4: Republic of Lithuania	13
Annex 5: Republic of Hungary.....	16
Annex 6: Republic of Malta	18
Annex 7: Republic of Poland	21
Annex 8: Republic of Slovenia.....	24
Annex 9: Slovak Republic.....	26

BACKGROUND APPLICABLE TO NEW MEMBER STATES

1. In 2005, the Schengen Evaluation Working Party started evaluating the readiness of the ten new Member States to implement the Schengen Acquis. All non-SIS-related evaluations ¹ of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia have now been completed ²; the SIS evaluations are currently ongoing (16-30 September 2007). The legal basis for the evaluation process in the new Member States is Article 3(2) of the 2003 Act of Accession in conjunction with the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 Def).
2. According to Article 3(2) of the Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met by the new Member States is a precondition for the Council to take Decisions on the full application of the Schengen acquis, including the abolition of checks at internal borders with and between those Member States.
3. The evaluations have been conducted new Member State by new Member State and started with a Declaration of Readiness for the evaluations by all new Member States involved.
4. The Schengen Evaluation Working Party verified in writing the preparation for the application of all parts of the Schengen acquis by the new Member States through a questionnaire and a series of supplementary questions and answers.
5. The questionnaire was followed by evaluation visits by teams of experts which led to exhaustive reports containing factual descriptions as well as positive and critical assessments, and recommendations.
6. In some cases, additional evaluation visits were required to establish whether the identified shortcomings had in the meantime been remedied.

¹ Data protection, police co-operation, visa, land borders, sea borders, air borders.

² Cyprus is not concerned by draft decision 2007/0810 (CNS) - 11722/07 SCHEVAL 131 SIRIS 133 COMIX 659.

7. The entry into force of Council Decision of 12 June 2007 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic allowed for real SIS data to be transferred to the Member States concerned³. The concrete use of this data should allow the Council, through the applicable Schengen evaluation procedures, to verify the correct application of the provisions of the Schengen *acquis* relating to the SIS in the Member States concerned. Upon finalisation of these evaluations (expected end of September 2007), the Council should decide on the lifting of checks at the internal borders with the Member States concerned.
8. Thus a separate Council Decision should be taken setting a date for the lifting of checks at internal borders. Until that date, certain restrictions on the use of the SIS remain.
9. A country-by-country overview summarising the reports' findings is annexed.
10. Factual results contained in this summary in no way prejudge the political decision to be taken at ministerial level.

³ Council decision 2007/471/EC of 12 June 2007.

Annex 1: Czech Republic

Inspections on site took place at the air borders (Prague, Brno) as well as in two Consulates (St. Petersburg, Kiev). Police cooperation and Data protection have been assessed on site, too.

At Prague **airport** the infrastructure was considered as being largely in line with the Schengen standards although the number of personnel was deemed insufficient. There was room for improvement of the risk analysis system at both airports visited. The necessary measures were to be taken to ensure a high level of border management. The airport of Brno required a revisit, which established that the authorities made considerable efforts to follow up on the recommendations of the previous evaluation and as a result, managed to address all the outstanding issues underlined in the first evaluation report.

Following the inspection of **visa issuance** at the consular sections of the Czech Republic in St. Petersburg and Kiev, it was concluded that the Czech Republic may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. The comprehensive exchange of information between the local and central level and the possibilities provided by the electronic data transmission system were appreciated. However, issues requiring particular attention/reviewing included the visa decision-making process and awareness of the risk of illegal immigration; waiver of handling fees in certain cases; stamping of the visa sticker, filing and the type of data in the machine readable zone, and staff training on Schengen related matters. The shortcomings found at the time of the evaluation have been/are being remedied.

The **data protection** requirements with respect to Schengen were considered to be met, provided that the Amendments to the Police Act and other special acts specify the competences of the Data Protection Authority over SIS and SIRENE and that no doubt remains as far as exceptions are concerned. The shortcomings found at the time of the evaluation have been/are being remedied.

Most of the preparatory work on **police cooperation** for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures. Close cross-border cooperation, in particular at the common borders with Germany and Slovakia, is an integrated part of day to day police work. A Schengen Action Plan has been initiated containing a clear time schedule for implementation, which should be seen as a best practice.

However there was a need for one single contact point for cross-border surveillance and hot pursuit. Introduction of the European Criminal Intelligence Model (ECIM), as specified in the Police Cooperation Handbook, is to be considered. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, the Czech Republic appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding, are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up the Czech Republic is giving to the recommendations of the evaluation committees.

Annex 2: Republic of Estonia

Inspections on site took place at the land, sea and air borders as well as in two Consulates (St Petersburg, Kiev). Police cooperation and Data protection have been assessed on site too. In the field of border management, Estonia's state of preparedness for implementing the Schengen acquis has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction. The personnel are professional and in general terms, the equipment is up to date. Special note was taken of the intelligence and risk analysis system, which was regarded as very good. Attention should be paid to the first tier in border management, inter alia the role of document advisors and liaison officers. The coordination between the authorities involved in immigration control was to be clarified. Estonia faces a challenge regarding the number of staff in the Border Guard. Estonia was therefore advised to pay particular attention to ensure the necessary staff and resources to implement a high level of external border control.

The **land borders** are controlled systematically both at the border crossing points and at the green borders. The infrastructure, procedures and equipment at one railway and pedestrian crossing point() did not yet fulfill all Schengen requirements and a revisit was considered necessary. The revisit report established that Estonia had made a considerable effort to comply with the recommendations of the Evaluation Committee and thus with the Schengen acquis. The most essential changes to the infrastructure of these checkpoints, procurement and implementation of technical equipment for border checks and improvement of procedures for checks, have already taken place. The one issue which continues to require close attention is the continued outflow of border guard personnel and the uncertainty of border guards about the future of the Estonian Border Guard due to the organisational changes announced in the architecture of security organisations in Estonia. However, for the time being this does not really affect the situation at the external land border, where the positive impact of the international and internal inter-agencies cooperation render the border control in line with Schengen standards.

The **sea borders** are entirely covered by an integrated radar surveillance system backed up by a network of coast guard stations in readiness for rapid reaction. Also, an offshore element is present (offshore patrol crafts and helicopters). The slow-data transfer to the border crossing points should be improved, by the latest in the context of introducing the Schengen Information System. The shortcomings found at the time of the evaluation have been/are being remedied.

At the Estonian **air border** in Tallinn, the reconstruction plans comply with the Schengen requirements. Estonia started work in line with its planning, involving inter alia. the Border Guard. A revisit was therefore required, which was carried out beginning September. Most of the shortcomings found at the time of the first evaluation have been remedied in the meantime; the revisit report is being processed.

Following the inspection of **visa issuance** at Estonia's consular sections in St Petersburg and Kiev, it was concluded that Estonia may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in their daily work. The synchronised cooperation between all relevant authorities to optimise the handling of an application, the travel agencies' accreditation system and staff training and education was appreciated. However particular attention should be paid to the visa decision making process; awareness of the risk of illegal immigration ; the insured sum of travel medical insurance, stamping of the visa sticker and the data in the machine readable zone. The shortcomings found at the time of the evaluation have been/are being remedied. All changes are continuously reported to the Sch-eval working group.

Estonia has now in general a satisfactory level of **data protection**, but an important element was missing for the correct application of the Schengen acquis (designation of an independent authority to supervise the SIS). which required immediate modification. Additional efforts were also required, e.g. as far as the independence of the Data Protection Authority was concerned. A revisit established that the shortcomings had in the meantime been remedied.

On **police cooperation**, most of the preparatory work for full implementation of the Schengen acquis had already been accomplished as regards institutional and operational structures; the practical execution of cross-border activities under Articles 40 and 41 of the Schengen Convention will be facilitated by the bilateral agreements with Finland and Latvia. Estonia has a very good level of international police cooperation with Finland in fighting crime and organised crime, mainly in the border area. Estonian authorities were encouraged to reach the same standards of international police cooperation with other countries, especially Latvia. Estonia has introduced the concept of intelligence-led policing with a multi-agency approach, including an outstanding on-line database for sharing of both information and intelligence between Law Enforcement Authorities. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, the Republic of Estonia appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding, are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up the Republic of Estonia is giving to the recommendations of the evaluation committees.

Annex 3: Republic of Latvia

Inspections on site took place at the land, sea and air borders as well as in two Consulates (St. Petersburg, Kiev). Police cooperation and Data protection have been assessed on site, too.

In the field of **border management**, Latvia's state of preparedness to implement the Schengen acquis has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction. The Border management strategy in Latvia generally meets the Schengen requirements. The personnel is professional and in general terms, equipment is up to date. The well-structured intelligence and investigation organisation and functional cooperation with several other countries' border authorities provide a good basis for combating illegal immigration effectively also in inland areas. Special note was taken of the integrated system of border control and aliens' control, which is deemed an effective solution.

The **land borders** are controlled systematically both at the border crossing points and the green borders. The infrastructure at the visited land border crossing points is, in general terms, in line with the Schengen standards although the infrastructure, procedures and equipment at one railway crossing point required improvement. Latvia uses the UNIFORM monitoring facility which is a *state-of-the-art* border protection tool. The system should enable the detection of and response to all border violations, day and night and in different weather conditions. The shortcomings found at the time of the evaluation have been/are being remedied.

On **sea borders**: the coast is mostly covered by an integrated radar surveillance system backed up by a network of coast guard stations in readiness for rapid reaction. Also, an offshore element is present (offshore patrol crafts and helicopters), although the system was to be improved. The control of the sea borders is an issue on which different ministries and services have been searching for ways of coordination. Full professionalism should be maintained in such duties as utilisation of intelligence, risk analysis, apprehension and searching of civilian persons or their vehicles, whereas detection and identification of vessels may be a shared function between professional border control authorities and other authorities operational at sea. From a managerial point of view, the Ministry working in the field of Justice and Home Affairs and the border control authorities should be in charge of supervision and instruction of border control. The direct involvement of the State Border Guard in border surveillance at sea, should be strengthened. The shortcomings found at the time of the evaluation have been/are being remedied.

Although the border management and the organisation at the airport of Riga was widely appreciated, some physical characteristics of the infrastructure (e.g. separation of passenger-streams), did not yet fully comply with the Schengen requirements. A revisit was therefore required, which was carried out beginning September. The shortcomings found at the time of the first evaluation have been remedied in the meantime; the revisit report is being processed.

Following the inspection of **visa issuance** at Latvia's consular sections in St Petersburg and Kiev, it was concluded that Latvia may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. The amount and quality of information, the accreditation system for travel medical insurance companies and travel agencies, and certain security features (staff rotation scheme, ticket/number system) were appreciated. However particular attention should be paid to the proper assessment of individual applications including personal appearance and interviewing, awareness of the risk of illegal immigration and misuse of visa, the limited possibilities of the IT system for exchanging information including the limited possibilities for prior consultation and the legibility of the machine readable zone. The shortcomings found at the time of the evaluation have been/are being remedied.

In order to meet the **data protection** requirements, Latvia had to strengthen the independence of the Data protection authorities and allow it to enhance its activities in the field of supervision, including that of SIS, rather than to concentrate on the notification of databases. The shortcomings found at the time of the evaluation have been/are being remedied.

On **police cooperation**, most of the preparatory work for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures, whereas the practical execution of cross-border activities according to Articles 40 and 41 of the Schengen Convention will be facilitated by the bilateral agreements with Estonia and Lithuania. Latvia has established a well-structured coordination mechanism for the preparation for entry into the Schengen area. Furthermore there is a systematic multi agency approach, which increases effectiveness in terms of international police cooperation. Latvia has set up and designated a single point of contact for international police cooperation. Although the telecommunications system of the Latvian Authorities was not compatible with those used in Lithuania and Estonia, a technical solution was found. Other shortcomings found at the time of the evaluation have been/are being remedied..

On the whole, the Republic of Latvia appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding, are being closely monitored by the Sch-
eval working party which is being kept continuously informed in writing of the follow-up the
Republic of Latvia is giving to the recommendations of the evaluation committees.

Annex 4: Republic of Lithuania

Inspections on site took place at the land, sea and air borders as well as in two Consulates (Moscow, Kiev). Police cooperation and Data protection have been assessed on site, too.

Lithuania's state of preparedness to implement the Schengen acquis has in general been positively assessed in the field of border management, which is based on the integrated border security model of the EU. There is however room for improvement in all elements of the system, with special emphasises on pre-entry measures at consulates (enhanced cooperation with border guards, document experts, liaison officers) and on actions inside Lithuania related to combating illegal immigration. The organisation is streamlined and functional, including national level competency for supervision and instructions on border control, risk analysis, intelligence and investigation of border related crimes. The surveillance of land- and sea borders is carried out systematically, based on patrolling, technical surveillance and maintaining necessary reaction capability.

Land border control is mainly in line with Schengen requirements. Lithuania uses the UNISAS (Universal Surveillance & Alarm System) monitoring facility that is a state-of- the- art border protection tool. The system should make it possible to detect and respond to all border violations, day and night and irrespective of weather conditions. The infrastructure of one road border crossing point was not in line with Schengen standards; ongoing reconstruction works, procedures and number of staff had to be re-evaluated. The revisit report established that the shortcomings had been rectified and that procedures for border checks were now being carried out in line with Schengen standards. Co-operation with the Customs had improved and the one-stop principle for border checks (controls in tandem with the Customs), which was regarded by the experts as best practice, had been introduced. Other shortcomings found at the time of the first evaluation have been/are being remedied.

Concerning the control of the **sea borders**, Lithuania faces a challenge with respect to the Schengen standards, especially as to managerial aspects and professionalism. It is imperative to maintain full professionalism in such duties as utilisation of intelligence, risk analysis, apprehension and searching of civilian persons or their vehicles, whereas detection and identification of vessels may be a shared function between professional border guards and other authorities operational at sea. The direct involvement of the State Border Guard in border surveillance at sea, should be strengthened. Coastal surveillance equipment and offshore patrol craft were mostly obsolete and integration into a single system was suggested.

Follow-up was required in terms of professionalism in the control of sea borders. The shortcomings found at the time of the evaluation have been/are being remedied.

Regarding **air borders**, border checks are mainly carried out in line with Schengen requirements. At the time of the evaluation, infrastructure was not in line with Schengen standards due to ongoing reconstruction works. Vilnius airport required a revisit which was carried out beginning September. The shortcomings found at the time of the first evaluation have been remedied in the meantime; the revisit report is being processed.

In order to fully meet the **data protection** requirements, Lithuania was advised to strengthen the independence of the State Data Protection Inspectorate inter alia in relation to the position of its director. The shortcomings found at the time of the evaluation have been/are being remedied.

Following the inspection of **visa issuance** at Lithuania's consular sections in Moscow and Kiev, it was concluded that Lithuania may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. The level of training and education of staff was appreciated, however the proper and thorough assessment of individual visa applications, including interviews and personal appearance of minors were to be ensured, awareness of the risk of illegal immigration and other forms of visa misuse was to be increased. Certain practices e.g. regarding people travelling to Lithuania for 10 days or less, travel medical insurance, the affixing of visa stickers on passenger lists, collection of the handling fee and the practice that an applicant whose visa has been refused cannot lodge a new application for a year, were to be reviewed/abolished (incl. the use of the "refusal stamp"). Finally, the visa decision-making process was to be adapted to future needs resulting from the abolition of bilateral agreements. The shortcomings found at the time of the evaluation have been/are being remedied.

On **police cooperation**, most of the preparatory work for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures, whereas the practical execution of cross-border activities under Articles 40 and 41 of the Schengen Convention will be facilitated now that bilateral agreements have been signed with neighboring countries.

Lithuania has effective and efficient cooperation concerning the exchange of information (including under Schengen Articles 39 and 46) at international level, as this is channelled via one single point. The channel chosen depends on the type of information. However Lithuania has to speed up its decision concerning responsibility for surveillance cases whilst bearing in mind the importance of police involvement in cross border surveillance. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, the Republic of Lithuania appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding, are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up the Republic of Lithuania is giving to the recommendations of the evaluation committees.

Annex 5: Republic of Hungary

Inspections on site took place at the land and air borders as well as in two Consulates (Kiev, Belgrade). Police cooperation and Data protection have been assessed on site, too.

In the field of border management, Hungary's state of preparedness to implement the Schengen acquis has been positively assessed. The organisation is streamlined and functional; including national level competency for supervision and instruction, and the personnel is professional.

Hungary faces serious challenges at its **land borders** since it will become responsible for more or less 15 % of the future central-east external border of the Schengen area. The legal and organisational basis for border management was considered very satisfactory. Operational effectiveness can be improved by further developing human and technical resources in an appropriate balance with strategic and organisational needs. While recognizing the particular relation between Hungary and Croatia, it was recommended to review current practices regarding the entry of Croatian residents. The shortcomings found at the time of the evaluation have been/are being remedied.

The reports conclude that management of the **air borders** is organised in a clear way and ranks on some aspects as best practice. The airport of Budapest could already be assessed as generally meeting the Schengen requirements, and construction work in Debrecen was finalised in August 2006. The shortcomings found at the time of the evaluation have been/are being remedied.

Following the inspection of **visa issuance** at Hungary's consular sections in Kiev and Belgrade, it was concluded that Hungary may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. Access-management, electronic monitoring of the life-cycle of visa stickers and staff training was appreciated. However particular attention should be paid to exemptions from personal appearance, the number of interviews in relation to the number of applications and the rejection rate; the accreditation procedure and monitoring of travel agencies; collection of the handling fee; duration of the consultation procedure and the waiver of handling fees/invitations or travel medical insurance in certain cases. Finally, national legislation should take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal). The shortcomings found at the time of the evaluation have been/are being remedied.

The preparations with respect to **data protection** and the SIS were well-advanced at the time of the evaluation. It was to be ensured that the Commissioner remained entirely empowered with respect to the SIS and that sufficient attention would be paid to this issue before the SIS became operational. The shortcomings found at the time of the evaluation have in the meantime been addressed.

On police cooperation, most of the preparatory work for the full implementation of the Schengen acquis had already been realised as regards institutional and operational structures. The practical execution of cross-border activities according to Articles 40 and 41 of the Schengen Convention will be facilitated now that bilateral agreements have been signed with Austria, Slovenia and Slovakia. Hungary has set up and designated the International Law Enforcement Cooperation Centre as a single point of contact for international police cooperation, where all units involved are accessed through the front office. This guarantees effective and efficient cooperation. As far as enhancing and encouraging the international exchange of information is concerned, the Common Contact Point Hegyeshalom-Nickelsdorf can be seen as a best practice. Introduction of the European Criminal Intelligence Model (ECIM), as specified in the Police Cooperation Handbook, is to be considered. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, the Republic of Hungary appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding, are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up the Republic of Hungary is giving to the recommendations of the evaluation committees.

Annex 6: Republic of Malta

Inspections on site took place at sea and air borders as well as in three Consulates (Moscow, Tunis, Tripoli). Police cooperation and Data protection have been assessed on site too.

Following the first inspection of **visa issuance** at Malta's consular sections in Moscow and Tunis, Malta was, as far as its Embassy in Moscow was concerned, not in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and did not meet the requirements. Significant shortcomings concerned procedures; access to information; the role of the Embassy in the visa decision-making process and the submission of applications. A revisit was therefore considered necessary.

As for Malta's consular section in Tunis, no significant shortcomings were noted in the daily work implying that Malta may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course; access management, the availability of information and the security situation inside the premises were considered to be satisfactory. The Unilateral recognition of Schengen visas, national long term visas and residence permits issued by Schengen States for the purpose of short stay in Malta, not in line with the acquis, has been remedied in the meantime. Certain practices including the differentiation of fees were to be reviewed. Finally, national legislation was to take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal). It should be noted that the Maltese authorities have demonstrated capability to comply with the relevant Common Consular Instructions/Schengen requirements as attested by the result of the evaluation of its Embassy in Tunis following that of Moscow.

The necessary revisit took place to Malta's Consulate in Tripoli. The revisit report concluded, on the basis of the checks carried out and the information gathered, that Malta, as far as its Consular Section in Tripoli is concerned, may be in a position to implement the Schengen acquis in full in due course. No significant failings were noted in the daily work of the Consular Section. In light of joining Schengen and thereby becoming responsible in due course for the issuance of visas with access to all Schengen Member States, the Evaluation Committee underlined that Malta should be aware of the risk of illegal immigration and be prepared for a considerable increase in visa applications and the potential misuse of visas. In-depth interviews are an essential part of this risk analysis and it is of great importance to harmonize the decision-making process regarding visas. The shortcomings found at the time of the revisit have been/are being remedied.

Data protection in Malta was in many respects considered to rank among the best practices within the Schengen area. The shortcomings found at the time of the evaluation have been/are being remedied.

Police cooperation:

The preparation of the Maltese Authorities for the full application of the Schengen acquis was to be accelerated. The lack of a concrete Action Plan made it difficult to assess the situation. The Maltese Authorities were urged to keep the time-schedule designed for establishing the SIRENE Office and called upon either to extend their international relations by considering the secondment of liaison officers abroad or/and make use of other Member States' resources. A revisit was considered necessary, which was able to conclude that the Maltese authorities had made considerable efforts to follow up on the recommendations of the previous evaluation and as a result of these efforts Malta managed to address all the outstanding issues underlined in the first evaluation report.

Regarding the **sea border**, in the seaport the different control-areas are equipped with modern booths and all necessary equipment is available; however the applied border check procedures at the Malta Seaport were to be reviewed and improved in order to meet Schengen standards. At the ferry terminal the signposting and fencing designated for the management of the passenger flow was not sufficient. A revisit was considered necessary, which took place on 26 September; the report is being processed.

At the **Malta International Airport** the border surveillance and security is well organized and functional. The professionalism of the border control staff was appreciated and the procedures applied were mostly considered to be in line with the Schengen regulations; however the procedure of stamping passports of airport transit passengers and spouses of EU citizens was not in line with Schengen regulations and the infrastructure for border checks did not fully meet the Schengen requirements regarding the separation of passenger flows. A revisit was considered necessary, which took place on 26 September; the report is being processed.

On condition that the results of the revisit of air and sea borders are positive, the Republic of Malta appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up the Republic of Malta is giving to the recommendations of the evaluation committees.

Annex 7: Republic of Poland

Inspections on site took place at the land, sea and air borders as well as in two Consulates (Moscow, Kiev). Police cooperation and Data protection were assessed as well.

In the field of border management, Poland's state of preparedness to implement the Schengen acquis has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction. Personnel are professional and in general equipment is up-to-date. As regards cooperation between border guards and customs, improving cooperation at all levels was recommended.

The **land borders** are controlled systematically both at the border crossing points and at the green borders. The infrastructure at the visited land border crossing points is, in general terms, in line with the Schengen standards. The general strategy for border management is well structured and is firmly based on the Schengen border security system. However, the quality of thorough checks of third country nationals, profiling as well as second-line activities in a number of border crossing points needed to be improved. Some border crossing points were under reconstruction and some other would be subject to reconstruction works in the future. The infrastructure and border management concept at two road border crossing points did not meet Schengen standards, making a revisit necessary.

Poland has actively promoted bilateral cooperation with its neighbouring third countries, also in terms of joint patrols, contact points and common stations at border crossing points. Poland was advised to ensure the full applicability of the Schengen acquis, compliance with its international obligations, *inter alia* with respect to refugees, as well as the security of data systems.

The revisit established that the Polish authorities should revise the existing bilateral agreements on cooperation in performing border checks at common border crossing points in line with the Schengen acquis. The shortcomings found at the time of the evaluation and the revisit, have in the meantime been remedied.

Concerning **sea borders**, the coast is covered by a network of coast guard stations in readiness for rapid reaction and there is an offshore element (offshore patrol crafts, helicopters and fixed wing aircraft). Full coverage of the coast in accordance with the Schengen-acquis will materialise by completing an integrated radar surveillance network. The shortcomings found at the time of the evaluation are being remedied, the construction of the Automated Radar Surveillance System is expected to be finalized by the end of 2007.

The Polish Border Guard is providing a good level of border management at the **airports**; due to ongoing construction work, the Warsaw, Gdansk and Krakow airports did not yet fulfill all requirements at the time of the evaluation, making a revisit necessary.

Special note was taken of the high quality and sufficient number of the border management personnel. The report on the revisit, carried out at the beginning of September 2007, concludes that the shortcomings have been remedied.

Following the inspection of **visa issuance** at Poland's consular sections in Moscow and Kiev, it was concluded that Poland may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. The amount and quality of information provided, security and staff training and education was appreciated. However more attention should be paid to the submission and the assessment of individual applications, including interviews, instead of allowing for batch-authorisations of visa applications; the visa decision making process and awareness of the risk of illegal immigration. Furthermore the practice of collecting the handling fee, national legislation on the types of visas and some elements in bilateral agreements were to be reviewed. The shortcomings found at the time of the evaluation have in the meantime been remedied.

The practice with respect to **data protection** has been assessed positively, under the reservation that the powers of the Data Protection Authority will by no means be limited with respect to SIS. The shortcomings found at the time of the evaluation have in the meantime been remedied.

In the field of **police cooperation**, most of the preparatory work for the implementation of the Schengen acquis has already been realised as regards institutional and operational structures. Close cross-border cooperation is an integrated part of day-to-day police routine. The introduction of Handbooks containing important information for cross-border police co-operation was recognized as good practice. Access to the Handbook on International Police Cooperation was to be provided and the European Criminal Intelligence Model (ECIM), as specified in the Police Cooperation Handbook, was to be considered. The ratification procedures for bilateral agreements were to be accelerated and concluded. Border guards were to be provided with direct (online) access to the relevant police databases. Furthermore, direct radio communication with the Border Guard was to be established on a permanent basis, also with respect to the nationwide introduction of the TETRA system. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, Poland appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up Poland is giving to the recommendations of the evaluation committees.

Annex 8: Republic of Slovenia

Inspections on site took place at the land, sea and air borders as well as in two Consulates (Moscow, Belgrade). Police cooperation and Data protection have been assessed on site, too.

In the field of border management, Slovenia's state of preparedness to implement the Schengen acquis has been positively assessed. The Police is responsible for border management, but based on the geographic and demographic situation, the border police structures are partly merged with the general police. Special positive note was taken of the language skills of the personnel and of the cooperation with local inhabitants at border areas, although operational effectiveness suffered from a shortage of human resources and technical equipment. The Slovenian authorities were invited to continue the process of increasing the specialised training of staff performing border surveillance.

Land border surveillance is carried out using stationary and mobile units, patrolling at places known to be sensitive, supported by technical and electronic means. The operational human and technical resources however should be enhanced. It seemed that border checks in international trains could not be fully performed in line with the Schengen standards due to the number of passengers and time constraints. While recognising the particular relation between Slovenia and Croatia, it was recommended to review current practices regarding the entry of Croatian residents. Although the overall concept of land border control is satisfactory, additional reporting on the deployment and number of staff available for border surveillance and border checking practices was required. The shortcomings found at the time of the evaluation have been/are being remedied.

Regarding the **sea border**, the necessary improvements in infrastructure at the Port of Koper have been made.

The Slovenian **air borders** were inspected at Ljubljana and Portoroz. The professionalism of the staff and its training was appreciated; although additional resources were necessary at Ljubljana airport (infrastructure and separation of passenger streams). A revisit was considered necessary, which established that the Slovenian authorities had made considerable efforts to follow up on the recommendations of the previous evaluation and as a result of these efforts Slovenia managed to address all the outstanding issues underlined in the first evaluation report.

Following the inspection of **visa issuance** at Slovenia's consular sections in Moscow and Belgrade, it was concluded that Slovenia may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. General security, the computer system and the traceability of visa stickers as well as staff training and education was appreciated. However, particular attention was to be paid to the systematic exemptions from personal appearance, the number of (in depth) interviews in relation to the number of applications and the rejection rate. Finally, national legislation should take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal). The shortcomings found at the time of the evaluation have in the meantime been remedied.

On **data protection**, both the legislation and implementation practice meet the requirements of the Schengen acquis, although Slovenia was urged to develop its capacity (human resources) in order to be able to perform enough inspections. The shortcomings found at the time of the evaluation have been/are being remedied.

On police cooperation, the main part of the tasks indicated in the National Action Plan for the Implementation of the Schengen Standards has already been realised. It was concluded that international police cooperation takes place not only at regional and local level, but also at the level of central authorities, based on the recommendations and best practices of the Schengen Catalogue on Police Cooperation. Most of the preparatory work on police cooperation for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures. The Slovenian authorities should provide for full 24/7 service by the central authority with the appropriate number of personnel and professional background. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, the Republic of Slovenia appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding are being closely monitored by the Sch-eval working party which is being kept continuously informed in writing of the follow-up the Republic of Slovenia is giving to the recommendations of the evaluation committees.

Annex 9: Slovak Republic

Inspections on site took place at the land and air borders as well as in two Consulates (Kiev, Belgrade). Police cooperation and Data protection have been assessed on site, too.

In general, although the responsibility towards border management was well understood by the Slovak authorities, at the time of the first evaluation, border surveillance in Slovakia was not organised and implemented according to the requirements of the Schengen Borders Code. Revisits however established that the shortcomings have in the meantime been remedied.

Concerning **land borders**, the organisational, budgetary and financial statutes of the Border and Aliens Police Bureau as well as its subordinate logistic and operational statute seemed to be substantially limiting the operational capacity of the Border Police. The regional management structure had limited capabilities in a number of areas; interagency cooperation was to be improved; the relations/cooperation between Customs and Border Police was to be reviewed; a large number of visas was being issued at the border; and infrastructure, procedures and equipment did not meet requirements in one road crossing point. A revisit was therefore considered necessary.

The shortcomings referred to above have been remedied in the meantime. The revisit report has established that the Slovak Republic has made considerable efforts to comply with the recommendations of the Evaluation Committee and thus with the Schengen acquis. Taking into account all elements evaluated, the remarkable progress made and the commitment of staff at all levels, the Evaluation Committee concluded that border surveillance in Slovakia is currently organised and implemented in accordance with the requirements of the Schengen Borders Code. A number of improvements is still in the process of implementation and should take effect in the near future.

At the time of the evaluation, the infrastructure at the **airports** (Bratislava, Košice and Poprad) was not fully in line with the Schengen requirements. There was room for improvement in terms of language skills, statistics, managerial skills and border checking procedures and Bratislava airport required a revisit. The shortcomings found at the time of the first evaluation have been remedied in the meantime; the revisit report is being processed.

Following the inspection of **visa issuance** at Slovakia's consular sections in Kiev and Belgrade, it was concluded that Slovakia may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. Access management, information and staff training were appreciated. However particular attention should be paid to certain issues; proper assessment of individual applications including personal appearance and interviewing, particularly in light of the rejection rate and the risk of illegal immigration and misuse of visa; the practice of accepting group visa applications; the traceability of visa stickers, and the reviewing of bilateral agreements including waiver of the handling fee and other differences in fees. Monitoring of accredited travel agencies should be introduced. Finally, national legislation should take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal). The shortcomings found at the time of the evaluation have been/are being remedied.

The introduction of **data protection** requirements complying with the Schengen acquis faces problems of staff and budget to perform its duties with respect to the SIS, but it is equally important to establish and reinforce a real functional independence. This balance of competence was to be verified during a revisit. The revisit report established that once all changes take effect, the Slovak Republic would comply with the requirements of the Schengen acquis to have a fully operational and independent Supervisory Authority. Other shortcomings have been/are being remedied.

On **police cooperation**, important parts of the tasks indicated in the National Action Plan for the implementation of the Schengen standards have already been realised, although concrete measures to implement it were still in an early stage. The National Action Plan gives a clear time schedule for the implementation of the Schengen Acquis. Close cross-border cooperation is an integral part of day-to-day police work. Introduction of the European Criminal Intelligence Model (ECIM), as specified in the Police Cooperation Handbook, is to be considered. The ratification procedures for bilateral agreements were to be accelerated and a bilateral agreement with Poland on hot pursuit was to be concluded. The establishment of new Police Cooperation Centres was recommended. The SIRENE bureau was to continue recruiting and training personnel at the earliest possible time. Access was to be provided to the Handbook on International Police Cooperation. The shortcomings found at the time of the evaluation have been/are being remedied.

On the whole, the Slovak Republic appears to have fulfilled all necessary requirements for joining Schengen in full; those points which are still outstanding, are being closely monitored by the Schengen working party which is being kept continuously informed in writing of the follow-up the Slovak Republic is giving to the recommendations of the evaluation committees.
