



Council of the
European Union

015079/EU XXVI. GP
Eingelangt am 15/03/18

Brussels, 15 March 2018
(OR. en)

12756/02
DCL 1

SCH-EVAL 24
FRONT 111
COMIX 562

DECLASSIFICATION

of document: 12756/02 RESTREINT UE

dated: 8 November 2002

new status: Public

Subject: Report on the Schengen evaluation of the Benelux Countries
- Sea Borders Belgium / The Netherlands

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

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

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 October 2002

12756/02

RESTREINT UE

**SCH-EVAL 24
FRONT 111
COMIX 562**

REPORT

from: the Evaluation Visiting Committee
to: the Schengen Evaluation Working Party

Subject : Report on the Schengen evaluation of the Benelux Countries
- Sea Borders Belgium / The Netherlands

Summary

1. Introduction and general comments
2. Visits schedule – Committee’s list of experts
3. Visits in seaports
 - 3.1 Belgium
 - 3.1.1 Ostend seaport
 - 3.1.1.1. Presentation
 - 3.1.1.2 Observations for this site
 - 3.1.1.3 Conclusions and recommendations for this site
 - 3.1.1.4 Remarks from Belgium for this site

RESTREINT UE

3.1.2 Port of Antwerp

3.1.2.1 Presentation

3.1.2.2 Observations for this site

3.1.2.3 Conclusions and recommendations for this site

3.1.2.4 Remarks from Belgium for this site

3.1.3 General observations, conclusions and recommendations for the Belgian sea border

3.1.4 General remarks from Belgium for its sea border

3.2 The Netherlands

3.2.1. Port of Rotterdam

3.2.1.1 Presentation

3.2.1.2 Observations for this site

3.2.1.3 Conclusions and recommendations for this site

3.2.1.4 Remarks from the Netherlands for this site

3.2.2 Hook of Holland and Europoort

3.2.2.1 Presentation

3.2.2.2 Observations for this site

3.2.2.3 Conclusions and recommendations for this site

3.2.2.4 Remarks from the Netherlands for this site

3.2.3 Amsterdam -IJmond

3.2.3.1 Presentation

3.2.3.2 Observations for this site

3.2.3.3 Conclusions and recommendations for this site

3.2.3.4 Remarks from the Netherlands for this site

3.2.4 General observations, conclusions and recommendations for the Netherlands' sea border

3.2.5 General remarks from The Netherlands for its sea border

RESTREINT UE

1. INTRODUCTION AND GENERAL COMMENTS

In accordance with the programme of evaluations adopted by the Council (8881/01 SCH-EVAL 17 COMIX 371), ports in Belgium and the Netherlands were visited by an expert Committee in order to evaluate the application of the Schengen acquis in these ports. The visits were based on the mandate of the Schengen Evaluation Working Group (SCH/Com-ex (98) 26 Def).

The following ports were visited in Belgium and the Netherlands respectively:

- Belgium: ports of Ostend and Antwerp
These ports are, together with the ports of Zeebrugge, Nieuwpoort, Gent and Blankenberge, the official maritime border crossing points in Belgium, which has a coastline of 65 km.
- The Netherlands: ports of Rotterdam, Europoort, Hook of Holland ("Hoek van Holland") and Amsterdam- IJmond. The total coastline is about 330 km.
The total number of maritime border crossing points in the Netherlands is 11, of which 10 are controlled by the Royal Marechaussee ("Koninklijke Marechaussee").

The Committee would like to thank the Belgian and Netherlands authorities for their hospitality during the respective visits and, in particular, extend its appreciation on the openness and close cooperation shown.

2. VISIT SCHEDULE – SUB-COMMITTEE’S LIST OF EXPERTS

The inspection was scheduled as shown below:

Belgium:

- port of Ostend: 2 September 2002
- port of Antwerp 3 September 2002

The Netherlands:

- port of Rotterdam: 4 September 2002
- Hook of Holland and Europoort 5 September 2002
- port of Amsterdam: 5 September 2002

RESTREINT UE

The experts on the Committee's list consisted of :

Birgitte Buch, leading expert, Hans Lykke (Denmark), Thomas Przybyla (Germany), Dimitrios Tsiadis (Greece), Julio Vijande Rivera and Julio Serrano Checa (Spain), Hervé Marce and Col Masselin (France), Guiseppe Annicchiarico (Italy), Maartje Craemer (the Netherlands) who participated only to the visits in Belgium, Knut Jensen (Norway), Maria Fatima Grilo (Portugal), Olli Kunnula (Finland), Henry Nilsson (Sweden), Monika Mosshammer, Dafni Gogou and Paloma Alvarez Hidalgo (Commission), Erwin Buysens (EU Council SG)

3. INSPECTION

3.1 BELGIUM

3.1.1 Port of Ostend

Date : 2 September 2002

3.1.1.1 Presentation

a) Location

The port of Ostend is the second largest port in Belgium as far as passenger transport is concerned in the year 2002 and has ferry and ro-ro links with the UK only. Its geographical situation attracts persons trying to immigrate illegally to the UK.

It consists of the following terminals: the Hoverspeed terminal, dealing with fast ferry connections and cruises, the Transeuropa Ramsgate Terminal, dealing with ro-ro traffic, the deepwater quay, the train terminal De Bolle and the Ferryways Terminal, dealing with ro-ro traffic to Ipswich and Killingholme. These terminals are governed by the Port Authority, which is a municipal autonomous authority. The port of Ostend also has three marinas and a fishing harbour, which are under the authority of the city of Ostend.

RESTREINT UE

While the ro-ro traffic is increasing (+34.4%), ferry traffic has considerably decreased over the last seven months (-54.4%). This decrease is due to the Hoverspeed's decision to suspend crossings during the winter. In 2001, 10 cruise ships called at the port, but the port authorities expect that this number will increase in the forthcoming years.

In 2001, the total amount of passengers (arriving and departing) was 693.578. There are 30 ferries departing and arriving a day.

Construction works are currently being carried out in the Hoverspeed terminal in order to house the premises of the Maritime and River Police. These works should be finalised by the end of 2002.

Due to the envisaged departure of the Navy in the port area, the marina and the ro-ro terminal will be extended.

b) Competent authorities

All police tasks regarding border control and surveillance are carried out by Directorate of Mobility which is a division of the Federal Police. The Maritime and River Police (the so-called Scheepvaartpolitie – Police de la Navigation", (SPN)) is a specialised service of this directorate and is responsible for all tasks regarding border control and surveillance at the blue borders.

Border control in the port of Ostend is therefore carried out by the Maritime and River Police Ostend, the so-called SPNO.

3.1.1.2 Observations for this site

a) Infrastructure and equipment:

Hoverspeed terminal:

Pedestrians: There is one control booth with two workstations for departures and another control booth with two workstations for arrivals. The lanes for arriving passengers were divided into two lanes, one for "EU/EEA/CH" passports and one lane for all nationalities.

RESTREINT UE

After the control of the departing passengers, there is a gangway leading to the gate which is also used by arriving passengers who are not yet submitted to entry checks. Therefore, there is no strict separation of arriving and departing passengers. The gangway was separated by a rope and, near to the control booth, by a wooden fence of 1 meter high which is easily movable. Due to the different time schedules of ferries, arriving passengers could avoid entry checks by going over the fence and into the Schengen zones via the control booth used for departure, which is empty when there are no departing ferries. The port authorities, however, stated that the departure zone is closed when no boarding for departure is taking place.

Furthermore, a door leading to the pier, where cruise ships are moored, was only secured with secondary locks at the base of the door, but not locked by key. Arriving passengers could therefore avoid entry checks, however the control booth is located in a position to oversee that door.

Vehicles: There are two control booths with four work stations for exit and one control booth with two workstations for entry. Lanes for arriving cars exist with the signs indicating “EU, EEA, CH” and “Non-EU + All passports, EU, EEA and CH” .

The control booths for entry checks are constructed in such a way that the controlling officer can face the arriving cars whereas in the control booths for exit the officer is unable to face the departing cars as these booths are situated directly next to the booths of the company.

These control booths have the following equipment: stamps, portable UV-lights with spotlights, retrocheck compacts, magnifying glasses and SIS terminals, which gives simultaneously access to the SIS and the national register of wanted persons. The SIS system allows for a maximum of 15 names to be checked simultaneously. However, only one terminal is available for a control booth with two workstations. Machine readable passport devices were not available in the booths.

RESTREINT UE

The second line control is carried out in the building of the Hoverspeed terminal. For this control, a (document) scanner, a retrocheck compact, an inspection kit, internet access to the website of the Aliens Office, internal mail systems, ENSOR and a Common Manual (1996 version) were available. After the visit, the Committee was told that officers do have access to an electronic version of the Common Manual, however, the officers did not seem to be aware of this possibility. Visas to be delivered at the border are locked in a safe in this office. There are no more than 25 visa stickers available at the same time. There is no further stock of visa stickers at the premises.

Until the finalisation of the construction works in the Hoverspeed terminal, a third office examining false and falsified documents is located in the centre of the town at the local police department. The equipment in this office consists of a waldman box, VSC 1, documentation of authentic EU-documents and documentation on forged EU-documents. This office is also responsible for the administrative follow-up of the files.

The area of the Hoverspeed terminal is fenced in. At the time of the visit there was no camera surveillance available.

Transeuropa Ramsgate terminal:

Three new control booths exist at the Transeuropa terminal. A control booth with two workstations has been lifted to the level of a lorry cabin. This control booth has the same equipment as those mentioned above with the exception that both workstations have a SIS terminal.

Two further control booths (at ground level) have already been put in place in anticipation of future passenger transport by the Transeuropa Ferry Company. These booths are not in operation presently and are therefore not equipped.

The terminal is enclosed by a fence, approximately 2 metres high. Most parts of the fence have been strengthened with barbed-wire, in particular to prevent access to this restricted area. However, the strengthening is inconsistent, e.g. the temporary fence (similar to those used for construction work) running parallel to the railway line was not supported by this wire which made it easier to cross.

RESTREINT UE

Ferryways terminal:

Lorries are submitted to a security exit check by the shipping company by using CO2 gauges. Further on, pictures are taken of the whole lorry (including the roof) to ascertain the state of the lorry. After photographing the trailer, the pictures are immediately sent to the UK base of the Ferryways Company. This procedure is mainly meant to serve as evidence in cases of claims against the Ferryways Company. The shipping company does not perform systematic entry checks. Checks of the lorries are only carried out on request of the driver.

(Unaccompanied) freight is parked in an area which is fenced in and constantly observed by the Ferryways Company by patrols with dogs. Video surveillance covering the whole area is foreseen in the near future. The fences are about 2 metres high.

There is no infrastructure in this terminal to carry out border control and the officers have to come to the spot to do the necessary checks.

The Committee was informed about OPTICS, a closed circuit television system (CCTV), a new computerised system linking 56 cameras and 10 monitors, which will survey the harbour area.

As far as technical back-up is concerned, at central level the SPN presently has the use of :

- DKL Scanners (2 to be precise – not owned by SPN but by the Aliens Office who puts them at disposal of police)
- Bioradar BR402 (On order and expected shortly)
 - Endoscopic camera (Snake Eye)
- Nightvision appliances:
 - 1 thermal camera “Thales-sophie”
 - 6 “Thales-lucie” restlite (6 basic version lenses, 6 extra lenses 4x4 and 1 extra lens x6)
- 1 Drugdetector “sabre 2000”
- Use is being made of the Customs and Excise mobile X-ray scanner (...jointly)

RESTREINT UE

A budget has been approved and set aside (for the year 2003) for the acquisition of a moveable X-Ray Scanner.

The Committee was informed that the UK Immigration Service has decided to invest in the short term in Heartbeat detector(s) and passive mm wave camera(s) for the Belgian seaports.

Conclusions:

The Committee was satisfied with the infrastructure and equipment in relation to the amount of traffic. In comparison with the visit in 1996, major investments have been made in the port infrastructure (e.g. new control booths) and in the equipment. The first line equipment is sufficient. There is only limited second line equipment available in the Hoverspeed terminal, however, this will be remedied as soon as the new premises in this terminal are occupied by the police. The Committee also recommends purchasing machine readable passport devices which would facilitate the control of arriving and departing passengers. The Committee also noted that the OPTICS system, once operational, could be an important tool in combating illegal migration.

The fencing in of the terminals is still a sensitive point in terms of illegal immigration, in particular at the Transeuropa Ramsgate Terminal.

In case of increase of passenger traffic, it is doubtful as to whether the existing control booths will be sufficient. In addition, it is recommended putting a SIS terminal at the disposal of all workstations.

b) Border control procedures:

In the port of Ostend, exit controls play an important role due to the ferry links to the United Kingdom especially, during the summer season. Therefore, one of the objectives for the near future is to develop a closer cooperation with the British authorities as regards sharing experience and information, which will eventually result in the signing of a Memorandum of Understanding.

RESTREINT UE

- Hoverspeed Terminal

* vehicles:

Upon exit, cars are submitted to two checks; the first check is carried out by the company and the second one by the SPNO. The checks by the company are carried out in order to comply with the UK legislation (Carriers Liability Act). In order to avoid sanctions by the British authorities the shipping company's personnel checks both tickets and passports as well as the trunks of the cars.

The Committee noted that the officers on duty are well trained and have a good knowledge of the Schengen procedures. The control was thorough, but at the same time polite towards the passengers.

* pedestrians

The exit checks are carried out by the shipping company and the police in the same way as described above.

The Committee noted that the passport of a passenger from New Zealand was not stamped.

Bus passengers have to leave the bus and are checked as pedestrians.

The entry check consists, in general, of an identity control and, for third country nationals, a consultation of the SIS and stamping of passports.

- Transeuropa Ramsgate terminal:

The control booth is manned 24 hours a day. During the day, there are two or three officers on duty whereas during the night there is only one officer in charge. The Committee was unable to attend the control procedures as there were no departing nor arriving lorries at the time of the visit.

- Ferryways terminal

This terminal serves mostly for traffic of unaccompanied freight, whereby lorry drivers leave the area after the delivery of the freight. A maximum of 12 lorry drivers are allowed to accompany the freight. They are controlled at the gate, when the ship is leaving.

RESTREINT UE

The freight is controlled by the company (see infrastructure and equipment). There are only police officers present in the terminal when the above mentioned checks take place.

- Fishing vessels:

The Committee was told that there is a decreasing number of fishing boats which only operate in the coastal zone. There is no special procedure or control.

- Pleasure boats

The captains of the pleasure boats have to fill in a standard form ("Controleformulier Schengen Plezierhavens België") which is deposited in a mailbox and collected by the harbour master. There is always a daily check of the marinas by the same team of police officers so that changes in traffic can be noticed. The officers get additional information from the local authorities i.e. the harbourmasters. The experts were told that illegal migrants are increasingly using pleasure boats to reach the UK.

- visa delivery

Visa delivery is possible only after consultation of the central authority in Brussels. There is one special trained officer in charge to do that¹. Group visas for seamen are delivered in the form of a list. Seamen in possession of a seaman's book need a visa for transit if their countries are submitted to the visa regime.

- Access to shore for seamen

Crew members going ashore are not in possession of any documentation (passport or seaman's book). The question arises whether this is compatible with the Common Manual.

c) Blue border surveillance

Use is being made of the aeroplanes and/or helicopters of the federal police, *BMM (Beheerseenheid Mathematisch Model Noordzee)* and, if the need arises, there is a possibility of air support by/from the Army.

¹ The Belgian authorities informed the Committee after the visit that there is always an officer present on a 24 h basis to issue visas.

RESTREINT UE

The sea fleet presently consists of 3 RIBS (Rigid Inflatable Boats) and 2 Conventional Patrol Boats. One patrol boat is on duty 24hrs a day whilst the second one operates between 8h00 and 20h00. One of these patrol boats will be replaced in the near future.

- The SPN also uses (hires...) 5 patrol/surveillance vessels from the Waterways and Maritime Affairs Administration and a RIB belonging to the Forestry Department.
- Apart from their own (SPN) technical monitoring facilities, (outer-) sea border traffic is being monitored (radar, video camera, ...) by the port Vessel Traffic Service(s) and different radar observation stations of the Navy. Although the SPN has no direct access to radar information, it has a legal right to use the VTS-information, request certain images (tape) for analysis, ...etc. and can even place own personnel at the radar stations when needed. They are planning to place personnel permanently at the radar installations.

d) Human resources and training:

The total number of staff of the Maritime and River Police is 396 officers.

The overall number of SPN officers at Ostend is 83 Police Officers (2 seniors Officers - 19 Chiefs Inspectors – 59 Police Officers – 3 civil staff) who are appointed for the following missions :

- Frontier Controls at the terminals Hoverspeed, Ferryways, Europeans Ferries, Marinas, Cruise and Fishing vessels,
- Law and Order
- Fight against the trafficking in human beings
- Arrest of illegals and stowaways,
- Removal of illegals to the Zaventem Airport.

If necessary, the SPNO can be supported by the local police, especially for law enforcement.

Regarding border control, only two posts are manned 24 hours a day : the supervising officer, at the so-called “second line control”, and the control booth at the Transeuropa Ramsgate terminal.

RESTREINT UE

All other control posts are only manned when ships arrive or depart. For this purpose, 6 officers are deployed. During peak hours, from 13h00 to 15h00, there is an overlap of the morning team and the evening team, making a total of 12 people altogether.

At the time of the visit, 3 officers were posted at the entry control for vehicles and 3 officers at the exit control for vehicles at the Hoverspeed terminal, and 4 in the terminal for the control of pedestrians.

At the local police station, 4 police officers were dealing with investigations, intelligence and, if necessary, were capable of supporting their colleagues in the port.

Conclusions:

The Committee considers the actual number of personnel as sufficient. It should, however, be stressed that this number does not allow a flexible response to unforeseen circumstances such as a high number of suspicious documents, an increase of traffic or intrusions or removals to the airport.

e) Training :

All officers of the Maritime and River Police receive basic police training. After the basic training they must follow the functional training programme on border control. The Committee was told that, after the reorganisation of the border police, officers will receive a 500-hour training in maritime border control.

After the functional training, a subsequent training is organised for a duration of four days a year.

f) Cooperation between the different forces and services:

The Committee was informed that the cooperation between the SPNO and Customs, as well as with the Port Authority and private companies was good. One example of this cooperation is the shared use of the Customs' X-ray equipment. However, there is no written agreement regarding the cooperation between the different authorities operating in the port. The Committee recommends that the responsible authorities in the port should meet on a regular basis.

It remained unclear to the Committee how intelligence gathering and exchange of information between the authorities concerned is managed.

RESTREINT UE

g) EISICS (European Information System on Immigration Control in Seaports)

EISICS is not used by the SPNO due to the fact that, in principle, no vessels go to or come from EISICS partners.

3.1.1.3 Conclusions and recommendations for this site

As with other channel ports, the port of Ostend is confronted with outgoing migratory pressure towards the United Kingdom. This special situation forces the authorities to concentrate on the exit controls and to take important measures to secure the premises at the ferry terminals.

In this context, ongoing investments are being considered in order to enable the port to cope with the migratory pressure, e.g. OPTICS which is expected to be operational in 2003.

The Committee noted that since the visit in 1996, considerable efforts have been made both in terms of infrastructure and personnel by the Port Authorities and the Police Force. These efforts now allow a border control which is in accordance with the Schengen requirements. It is, though, the Committee's opinion that further attention should be given to the number of personnel deployed at the actual border controls in order to efficiently combat the ongoing increase of illegal migration. In this connection, the Committee recommends that the increase of technical support should be accompanied by an increase in manpower.

The Committee also recommends the following:

- the purchase of machine readable passport devices,
- a better fencing of the Transeuropa Ramsgate terminal,
- putting SIS terminals in all workstations,
- responsible authorities in the port should meet on a regular basis,
- the border control authorities should ensure a close cooperation with the private companies controlling certain premises of the port,
- the Common Manual should be available in all sites where border checks are being carried out.

3.1.1.4 Remarks from Belgium for this site

RESTREINT UE

3.1.2 port of Antwerp

Date : 3 September 2002

3.1.2.1 Presentation

a) Location

The port of Antwerp is one of the main ports in the world (4th world-wide), and the 2nd main port in Europe after Rotterdam. It is an inland port, situated at the River Scheldt, with a total surface of 13.455 ha, 7.655 ha of which are in use on the right bank of the Scheldt, and a further 5.800ha, which are in the course of phased development on the left bank. It has a total quay length of 127,2 km, a railway network of 960 km, a total road length of 276,5 km and a total covered storage area of 480 ha.

The total volume of general cargo handled in 2001 was 130.050.413 tons. Antwerp has two sets of docks, one on each bank of the Scheldt. These docks are entered via sea locks. The majority of the terminals are located in the docks.

It has the second largest petrochemical complex in the world and is the largest port in Europe in fruit, steel and forest products. Over recent years the container traffic increased considerably and in 2001 totalled to 46.409.921 tons.

17.000 ships call into Antwerp port every year. The liner business offers 300 regular services to 800 destinations. There are daily sailings to 50 different ports. The majority of ships are general cargo ships (6.711 in 2000), container carriers (2.469) and tankers (2.666). There are no ferry or fishing activities. Only 9 cruise ships called into the port in the period January - August 2002. A new cruise terminal is being built in the city centre.

b) Competent authorities

Border control in the port of Antwerp is carried out by the Maritime and River Police Antwerp, the so-called "SPNA".

RESTREINT UE

3.1.2.2 Observations for this site

a) Infrastructure:

No ferry or cruise terminals exist in the port of Antwerp. The container terminals are all fenced in and guarded internally and externally by security companies. The arrival of cargo and trucks is pre-announced. Access to the terminal is only possible with a booking code received in advance. Chemical plants are also fenced in, however, bulk and steel storage areas are not fenced in and are accessible by public roads, which run through the whole harbour area (276,5 km).

The border control is administered from, the so-called "border crossing point" near the main lock. It is responsible for border checks of embarking and disembarking seamen, passengers and for delivering visas. These tasks are carried out at one counter. Although there is only one counter, it seems to be sufficient for this post taking into account the small number of persons to be checked.

b) Equipment :

In the border crossing point, there were two SIS terminals, a waldman, UV lights with spotlights, retroviewers, magnifying glasses and a scanner. If there is any suspicion about a document it is sent to Brussels for a more thorough analysis.

Stamps were in common use, without attribution to a specific person. Personnel have access to APICS (Antwerp Port Information and Control System) and to the Website of the Home Affairs.

A special program is currently being developed to computerise files of ships calling at the port, including information on embarking and disembarking crews. The Committee was told that this system would be operational within 1 month in Antwerp, where it will be tested. When successful, the system will be expanded to other Belgian ports. It is not foreseen to link the new system with the SIS which would, however, in the Committee's opinion, increase the efficiency of the system. Currently different forms of different colours are being used to permit embarkation or disembarkation.

The Common Manual was available at this office, although the paper version was an old version (one part of 1996 and one part of 1998) which should be updated. However, the officers have access to an electronic updated version of the Common Manual.

RESTREINT UE

The Committee had the possibility of accompanying a patrol, which carried out a detailed control of the crew upon arrival of their ship. The patrolling officers were equipped with a kit for the detection of false and falsified documents, consisting of an UV lamp, a magnifying glass and a retroviewer. They have no direct access to the SIS as they have no portable SIS terminals nor SIS terminals in the cars. Patrols can make use of dogs to search boats for illegal immigrants.

The Antwerp police have one patrol boat, rent three further patrol boats from the Flemish government and has one RIB. If necessary, they can request 3 fast RIBs, night vision devices, a drug detector, a thermal camera, a DKL scanner and a bio radar, which is available on central level.

Recommendation: The Committee recommends equipping patrols either with a portable SIS terminal and/or installing these terminals in cars. The attribution of an individual stamp to each officer in the BCP would facilitate the identification of the person who dealt with the file. Finally, the Committee recommends linking the new computerised system for embarking and disembarking persons to the SIS.

c) border control procedures:

- cargo ships

The Maritime and Border Police carry out administrative controls on every crew member and passenger of cargo ships arriving at the port of Antwerp. When the group visited the Schengen border crossing point there were 4 officers carrying out administrative controls. These controls consist of the following: checking the crew list, which the shipping companies or the captain of the ship send via fax in advance or at least 6 hours after the arrival in the SIS. Up to 15 names can be introduced simultaneously in the SIS for consultation. In addition, the lists are checked in the APICS system which is a local system of the Antwerp port authorities. It contains a variety of information regarding the ship and its history. When there are passengers on board of the cargo ship, they will be subject to a physical control on board.

RESTREINT UE

In case of suspicion, there will be a physical control or even a thorough check based on risk analysis. The physical control consists of going on board, cross-checking crew lists with the passports and a face to face control of all crew members. After control, the crew lists are stamped. During a control on board, crew members are not allowed to go ashore. Crew members being checked receive a specific form, after which they can work on board while the control is still ongoing.

The Committee was informed that the aim is to perform approx. 6 000 physical checks on ships per year.

Every crew member embarking or disembarking has to go to the border control point to be controlled.

Crew members are allowed to exercise their right to shore leave without carrying any documentation (passport or seaman's book) (see also Ostend). The question arises whether this is compatible with the Common Manual.

The Committee was told that, when a crew member has no valid document, there are two possible solutions: either the person is allowed to go to his diplomatic representation in Brussels after depositing a bank guarantee of € 5.000 or a laissez-passer is issued, which is valid for the transit countries. It is issued with a fiscal stamp (value € 20) but without fixing a visa sticker. The question arises whether a visa is issued without fixing it in the laissez-passer¹.

The Belgian authorities mentioned some isolated cases of disappearing crew members (20 in 2001). The Belgian legislation has no provisions for penalties in case of the disappearance of a crew member. The Committee was informed that this matter would be included in the next revision of their national legislation.

¹ The Belgian authorities clarified that in accordance with art. 12§1 of the Royal Decree of 8.10.1981, the crewmember who is not in the possession of a valid document, and does not require a visa and lives up to all the conditions and requirements of art. 12§1, can be given the possibility to meet with his diplomatic representation in Brussels in order to obtain a new travel document, through the issuance of a "Bijzonder Doorlaatbewijs" limited to Belgium (Laissez-passer special). Prior to delivery by the SPN of the aforementioned "Bijzonder Doorlaatbewijs" the ship's agent concerned must stand bail for all possible expenses by signing the "Bail for the Maritime and River Police".

RESTREINT UE

- Stowaways/Illegal immigrants:

The captain informs the authorities about the presence of a stowaway. An individual form will be filled in according to the IMO FAL Convention. If the stowaway applies for asylum, he is brought to Brussels to the Aliens office. If the decision is negative, the stowaway is sent home, either by plane or by a ship from the same company that brought him in. In this case, the captain has to give a guarantee for his security.

If a stowaway disappears after notification by the master of the vessel, the shipping company will be fined € 3.750.

The Committee was told that stowaways remain on board under the surveillance of the Police.

Illegal migrants detected in the port area are handed over to the local Antwerp police.

- visa delivery

About 7.000 visas are delivered at the border. They are filled in manually. All visas issued contain a sticker and a fiscal stamp. Group visas are issued from 5 up to a maximum of 50 persons of the same or different nationalities.

Recommendation: **Taking into account the high amount of visas delivered, it is recommended to fill them in electronically.**

d) Human resources and training:

Since the recent re-organisation of the police in Belgium, the Maritime and River Police are now responsible for border control in the port of Antwerp. The number of police officers carrying out border control has increased from 60 in 1996, to 147 in 2002.

RESTREINT UE

The tasks of the Maritime and River Police are as follows:

- maritime and river police
- border police
- police tasks in the port of Antwerp
- port community policing.

There are 3 main divisions: the Permanent Services also dealing with port related policing (100 officers), the Detective Squad (20 officers) and the Left Bank Team (10 officers), directed by commissioners and deputies, and supported by 9 civilians.

- The Permanent Services mainly deal with border control, surveillance, intervention teams and river police. These activities are carried out on a 24 hour basis, 7 days a week.
- The border control office is permanently manned with 1 dispatcher and 1 to 3 officers, depending on the shift.
- Surveillance is permanently being carried out by a team consisting of 2 specialised officers. Its only task is the execution of detailed and thorough controls aboard vessels. The aim is to control six vessels per shift of 8 hours (6.570 per year).
- Border controls on board ships are mainly carried out by 3 intervention teams consisting of 2 police officers each. The intervention teams take care of all interventions, they execute surveillance and apprehend illegal immigrants while patrolling in the port, assist the surveillance team if needed, sometimes execute detailed controls on board vessels and assist in the execution of thorough controls of vessels. If needed, the intervention teams can be assisted by other officers of the SPNA.
- The River Police has one team consisting of 2 or 3 specialised police officers. They patrol in the port and on the river, execute surveillance, assist the surveillance team when needed, execute detailed control aboard vessels and assist in the execution of thorough controls of vessels.

RESTREINT UE

Conclusion:

The Committee considers the number of personnel in the port of Antwerp to be sufficient to carry out border controls in accordance with the Schengen standards, taking into account the nature of the traffic. However, due to the size of the port and the variety of tasks, the police officers are confronted with a heavy workload.

e) Cooperation between the different forces and services:

The Committee was told that, as in Ostend, the cooperation between the different authorities involved was good. Also in Antwerp, the SPN can use the X-ray machine owned by the Customs. In addition, the authorities of the ports of Antwerp, Rotterdam, Hamburg and Bremen meet once or twice a year.

f) Blue border surveillance:

The Maritime Police in Antwerp have no responsibility on the high sea, only on the river and in the port. There are 20 radar installations along the river Scheldt and the docks. There are also a number of surveillance cameras.

Private companies in the river/harbour area have CCTV (closed circuit television) and guards, and are deeply involved in harbour/river security matters. They cooperate with the police in security work.

Conclusion:

The Committee observed that the harbour/river area is very large, and therefore impossible to fence in completely, even though critical areas are fenced and can be considered secure to a certain extent. One way to compensate this is for the police to continue with their development of security methods including intensifying exchange of intelligence information with local authorities e.g. the customs and to use mobile patrols according to risk analysis.

RESTREINT UE

g) EISICS (European Information System on Immigration Control in Seaports)

EISICS is an integrated part of the border control procedure in the port of Antwerp. This is proved by the high number of messages sent to other ports linked to the EISICS system. The authorities informed the Committee that EISICS facilitates control and supplies the police with a considerable amount of important information which can be used to make a risk analysis. The authorities informed the Committee that the efficiency of the system would increase substantially, if the system was computerised.

3.1.2.3 Conclusions and recommendations for this site

The port of Antwerp is not confronted with a high migratory pressure as it has no ferry connections with non-Schengen countries. The number of personal has increased since the previous visit in 1996 and new electronic systems have been developed, or are being developed. The Committee was pleased to notice that the interaction of the electronic systems has led to an effective use of manpower whereby physical controls are made on board of a large number of ships based on risk analysis. The Committee therefore concludes that the port of Antwerp fulfils the Schengen requirements.

The Committee welcomes the fact that the responsible local authorities meet on a regular basis and suggests formalising the structure of this cooperation.

In order to further increase the efficiency of the controls, the Committee recommends that:

- portable SIS computers should be purchased and/or that SIS computers should be installed in vehicles,
- the new system for embarking and disembarking persons should be linked to the SIS,
- computerisation of EISICS,
- visa stickers should be issued electronically,
- the number of personnel should be periodically evaluated in view of the traffic.

3.1.2.4 Remarks from Belgium for this site

RESTREINT UE

3.1.3. General observations, conclusions and recommendations for Belgian sea borders

Based on the visits in Ostend and Antwerp it is the impression of the Committee that the control of the sea border in Belgium in general is carried out in accordance with the Schengen regulations.

The Committee did, however, find a few minor points, which should be corrected or improved. Reference is here made to the comments on the specific ports. In this connection, it is important to keep in mind that the position of the Belgian coast line attracts illegal migrants trying to get to the UK and that control in this respect is also a matter of the border control authorities. The Committee welcomes the fact that a future revision of the legislation will include provisions for penalties in case of disappearance of crewmembers.

The Committee especially welcomes the introduction of computer programs in order to establish risk analysis according to which physical checks on cargo vessels are carried out and it supports a general use of such programs.

The Committee also welcomes the fact that it is possible to enter up till 15 persons at a time when searching the NSIS and the relevant national registers. This function saves time especially when it comes to administrative checks of crew and passenger lists.

It is the opinion of the Committee that electronic document readers should be introduced at all border crossing points which carry out controls on passenger ferries. General experience – including experience from the visits to the Belgian ports - has proven that it is next to impossible to apply the Schengen regulations on checks in the SIS to the letter when the checks are done by a manual entry of personal data in the computer.

The Committee, finally, points out that attention should be drawn to the procedures on the control of pleasure boats.

3.1.4 General remarks from Belgium for its sea border

RESTREINT UE

3.2 THE NETHERLANDS

3.2.1. Port of Rotterdam

Date : 4 September 2002

3.2.1.1 Presentation

a) Location

The port of Rotterdam is the biggest port of the world and handles 320.000.000 tons of cargo per year. It covers an area of 40 kilometres from the city centre to the North Sea. The port and the industrial area stretches over a total surface of 10.500 ha of which 5.500 are water. Around 35.000 ships call into the port of Rotterdam every year, of these 25.000 fall under the responsibility of the Seaport Police. In 2001, 5 cruise ships, all coming from Schengen States, called in. Rotterdam is Europe's most important port for oil and chemicals, containers, iron ore, coal, food and metals.

b) Competent authorities

Border control in Rotterdam port is carried out by the Seaport Police (from 1 September 2002, the name "River Police" was changed into "Seaport Police", the so-called SPP). The Seaport Police is one of the 9 divisions of the Rotterdam Rijnmond Police. The tasks of the Seaport Police are as follows;

- border controls
- investigation
- port policing
- emergency response
- shipping law and regulations
- environment

RESTREINT UE

Whereas the SPP is charged with border control at the port of Rotterdam, the Royal Marechaussee (KMAR), is charged with the control of the other 10 maritime border crossing- points as well as the coastal area between those points. One of these maritime border crossing points is Europoort-Hook of Holland which is located in the Rotterdam area. The KMAR is under the responsibility of the Ministry of Defence and the SPP comes under the Ministry of Interior.

c) Type of control:

The SPP introduced a computer program, called ZUIS, which, based on risk analyses, defines the different types of control.

At the end of 1998, special arrangements were made regarding the concept of controls with reference to the different types of vessels. These arrangements introduced a distinction between administrative and physical controls for different types of vessels. In response to this, the KMAR and the SPP were obliged to adjust their reports and to install new systems. Consequently, no figures of the KMAR were available for 1999 and 2000 as they were not reliable for this period.

The administrative control, which consists of consulting the SIS on the passenger and crew list of vessels, is 100% for cargo, cruise, ferry, and fishing vessels. Physical controls entail the immigration authority boarding the vessel to perform border controls. In practice, the officer asks for all travel/identity documents belonging to the entire crew and passengers and may require to see them in person. These controls are carried out on the basis of risk-assessment.

3.2.1.2 Observations for this site

a) Infrastructure :

Like other international ports, the Rotterdam port is easily accessible except for most of the cargo terminals which are surrounded by fences. Most of the roads leading to the harbour area are controlled by the Port Authorities.

RESTREINT UE

There are two border crossing points, one located in the eastern part and one located in the western part of the port. The Committee visited the eastern border crossing point.

All operative and administrative premises are located on the ground floor of the headquarters building. In these premises, the Seaport Police carry out risk analysis operations and issue visas. The premises where stowaways are kept are situated in a different building located in front of the headquarters.

Conclusion:

The premises of the Seaport Police located in the eastern border crossing point are in accordance with the Schengen standards and are suitable for an efficient border control. The Committee noted that the magnitude of the Rotterdam port area makes fencing in this area impossible and mobile units are the only way of discovering illegal activities. The Committee therefore underlines the importance of operations based on risk analysis.

b) Equipment

All administrative procedures regarding border control are carried out in the headquarters of the Seaport Police. The following equipment is available for document examinations: UV-lights, retrocheck compact and magnifying-glasses. In addition, every officer is issued with a set of personal equipment including Schengen stamps, UV-lights and magnifying-glasses (x8). Officers also have a pocket-size local manual containing various regulations regarding border control. The Edison system, as well as specimens of passports are available to compare passports with genuine ones.

Several terminals to consult the SIS, as well as national registers, were available in the office. However, the Common Manual was not available¹.

The office issues about 7 000 visas per year. All visas are issued electronically. Only 200 stickers are available for daily use, the rest are stored in a safe.

¹ The Committee was informed after the visit that the Common Manual can be consulted in the terminals on every workstation in and out the office. However, not every officer is aware of this. This will as soon as possible be communicated to all the border control officers.

RESTREINT UE

The Seaport Police has developed a special software for crew, passengers and stowaway lists, based on IMO FAL 5 and 6 forms. These forms are available on the internet (www.dutch-immigration.nl). These lists can be sent by e-mail or by fax. In the future, this information will be gathered via the ZUIS system which automatically consults the SIS and national registers. The ZUIS software has been specially developed to make risk analysis based on all information available including the crew list.

The authorities run another system on the internet called DIRK which allows the collection of all necessary information on arriving and departing vessels.

The Seaport Police use the EISICS system only when it is necessary to inform the authorities in other Schengen ports linked up to the system.

The Police has access to Lloyds' Sea Searcher System.

At the Rotterdam port the following technical equipment is also at the disposal of the SPP: 38 vehicles, 14 patrol vessels (of which 4 can be used on open sea). The vehicles and vessels have mobile data communication equipment such as ZUIS, walkie-talkies, telephones, radar, video camera and night vision. If necessary, a helicopter from the Corps of the National Police Force (KLPD) can be used.

The Committee recommends that :

- **The Common Manual should be available in all sites where border checks are being carried out (see foot note page 27);**
- **Police should have more sophisticated equipment to examine falsified or forged documents in the second line office¹;**

¹ The Netherlands authorities informed the Committee after the visit that on the budget of the SPP for 2003 money is reserved for more sophisticated equipment to examine falsified or forged documents in the second line and also for better working UV lamps.

RESTREINT UE

c) Human resources and training:

At the date of the visit of the Committee, the Rotterdam-Rijnmond Seaport Police had 347 officers;

- manager (1)
- deputy manager (1)
- management support (6)
- staff (27)
- Port area police care – unit East - (70)
- Port area police unit – unit West – (90)
- Criminal investigation department (56)
- Border Control (BOA) (60)
- Operational Support (36)

The officers of the Border Control Unit (BOA's) are not police officers but civilians who have limited police powers, i.e. only with regard to administration of the Aliens act and within the area of the port.

The eastern and western crossing points are manned on a 24-hour basis with a minimum of two teams with 2 officers each. The central border control office is manned with between 1 to 4 officers, depending on the time of the day.

There is a possibility of mutual assistance within the 9 divisions of the Rotterdam Rijnmond police, but more often, it is the SPP who assists the other divisions (e.g. for football games).

Observation: The Committee was informed that with the available resources it was possible to carry out a physical control of more than 60 % of the incoming vessels and 20 – 30 % of the outgoing vessels. Therefore, taken into account the nature of the traffic, the Committee considers that the resources are sufficient in order to meet the Schengen requirements. In case of frequent use of personnel for other police activities than border control, it is recommended to re-evaluate the number of personnel.

RESTREINT UE

Training

As mentioned above, the SPP consists of both police officers and border control assistants (BOA).

- All police officers receive basic police training, which includes 4 years of combined theoretical and practical training.

When joining the SPP, the police officers are given an additional training of 6 months including a special 3 week training on sea border control which covers aliens legislation both in theory and in practice, etc. This training has been developed by the SPP itself, since there is no general national training regarding border control.

After the 3 week training programme, new police officers will team up with an experienced police officer for 2-3 months.

- The BOA personnel are civilians who are given a 4-6-month training programme which deals with all aspects of border control according to the Aliens act. Following this training, the BOA's can carry out all kind of police powers according to the Aliens act, but they do not carry arms and they never work on the patrol boats.

d) Border control procedures:

The Committee was told that the Seaport-Police in Rotterdam performs 5 different kinds of border control, based on risk analysis. This risk analysis comprises of the following aspects: the flag of the ship, the ship's port of origin, the ship's country of registration, the nationality of the crew, high-risk ships following information, high risk shipping lines, the ship agent's risk and, finally, the berth risk.

RESTREINT UE

This risk analysis is carried out by the “ZUIS” program that includes i.a. a check of the crew list in the NSIS (this function is foreseen to be operational in one month after the visit) and the national database. In addition to these databases, the program also contains a database on the ship’s history and agencies’ background. It indicates whether the ship has been in Rotterdam before, if it has been checked, the results of the check and if there is a risk analysis on the above risk items. In the future an automatic link with EISICS is foreseen

In accordance with the above mentioned risk criteria, the 5 different kinds of border control are the following:

- 1.- “A check”: This is a comprehensive control measure carried out by 10-20 officers on board of suspicious ships. It is planned beforehand and carried out in co-operation with Customs and is based on the special risk of the vessel. This control lasts about half day. The number of A checks are limited and is performed one or two times a week.
- 2.- “B check” for ships with an increased risk. This is a physical check on board with 100% checks of documents and at least 50 % + 1 face to face check of crew members. According to internal standards determined by the IND¹, at least 50% of the incoming ships have to be checked in this way (about 40 ships a day). The Committee was told that SPP currently control about 65% of all incoming ships.
- 3.- “C check”: these checks are carried out on ships with a lower risk. The border crossing documents are compared with the crew list, without a face-to-face control.
- 4.- “D check”: this is purely an administrative check and is carried out on all incoming vessels.
5. – “E check”: this check is carried out on cruise ships and consists of a 100% administrative check and a face-to-face check on 30% of the in- and outgoing passengers.

The Committee was told that the crew list must be sent to the SPP when the ship reaches the territorial waters (12 NM) or at least 6 hours in advance². A fine of 75 euro can be imposed when the captain does not fulfil this obligation.

¹ IND is currently revising the % of this standard.

² The Netherlands authorities underlined after the visit that the words “at least 6 hours in advance” should be deleted as it is not correct and not mentioned in national legislation.

RESTREINT UE

The Police informed the Committee that, since national legislation does not oblige of the captain of an outgoing vessel to hand over the crew list and passenger list on departure, it is difficult to obtain information of the crew composition when a ship is leaving. However, IND informed the Committee that the law provides for an obligation to notify all changes of the crew.

Committee was told that currently 30% of all outgoing ships are subject to control (the internal standard is 20%), that includes the check of 50% of the crew. The Committee was also told that of the 400 000 crew members reaching the port of Rotterdam, only 50 had disappeared.

With regard to the permission to go ashore, the crew is allowed to access the port area, after entry control. When the police officers have not carried out these controls within 6 hours after the arrival of the ships, then the crew can go ashore. Crew members going ashore are not in possession of any documentation (passport or seaman's book). The question arises whether this is compatible with the Common Manual.

If a cargo ship carries passengers, they will be subject to a border control on board the ship. Passengers submitted to visa obligations, should have a visa, which they obtained before the journey started, if they want to go ashore. Family of crew members can be issued with a visa on arrival.

People on board pleasure boats are obliged to report to the border crossing point on arrival. Surveillance and additional controls on board pleasure boats are performed on an ad-hoc basis.

- Visa procedure

A special database, called VISA Information System is available in the Schengen crossing point in order to issue visas at the border. In this respect, a special sticker printer is being tested, which, if successful, is planned to be used as standard, at least for the Rotterdam area. Group visas may be issued for groups of 5 to 50 persons of the same, or even different nationalities. If a seaman wants to disembark and stay in Holland for a holiday, he can receive a visa type C which can be extended to a maximum of 3 months. This procedure is not in accordance with the Schengen provisions on the issuance of visas at the border. Seamen in possession of a seaman's book need a visa for transit if their countries are submitted to a visa regime.

RESTREINT UE

The Committee was told that if a crew member has an expired passport, 3 solutions can be found. The person can go to his Embassy to get the document extended.

If the Embassy is not available and the person has to transit through the Benelux countries, a laissez-passer special will be produced, which will be stamped by the police.

If the person transits through other Schengen countries, a visa will be issued on a separate paper.

e) Cooperation between the different forces and services:

A practical co-operation between the different administrations involved in the harbour activities exists. However, there is no clear structure as to how the daily cooperation should be handled between the authorities concerned. The Committee was informed by the Seaport Police that the cooperation with Customs and Port Authorities is good whilst the cooperation with the Royal Marechaussee, however, could be improved. The Committee recommends that the authorities involved should have regular meetings with the purpose of mutual planning.

f) Surveillance of the port area

The standards for this surveillance are:

A vessel makes one patrol trip by sea along the coastline every day. This surveillance is complemented by a patrol by car along the coastline once every day which lasts for four hours. In practice, this is not always feasible, and it does not produce any major results. The major part of the area is covered by radar and CCTV, but neither the Seaport Police nor the KMAR have direct access to these technical devices. However, this information is available if so requested.

The CCTV surveillance of the docks is in the hands of private companies but it is available to the police on request.

g) EISICS (European Information System on Immigration Control in Seaports)

The Committee was told that EISICS was a valuable system, however, as it is not sufficiently being used by other countries, this limits its results.

RESTREINT UE

3.2.1.3 Conclusions and recommendations for this site

Border control and surveillance in the port of Rotterdam are performed according to the Schengen requirements. The number of personnel has been increased significantly, in particular by the deployment of BOA's in border control activities. These BOA's have, however, limited competences which can sometimes hinder them whilst they perform border controls. The Committee also welcomes the use of modern technologies in particular the ZUIS system and also the use of the Sea Searcher system. The ZUIS system developed by the SPP sets out a high standard of risk analysis and the Committee welcomes the information that the ZUIS system will be linked to the SIS and national registers. This system could serve as an example of modern high-tech equipment significantly facilitating the tasks of the border control officers. The SPP also developed special software for crew, passengers and stowaways lists whereby the forms are available on the internet. Some controversial information was received during the visit with regard to the control of the crew lists upon departure¹. It seems to the Committee that cooperation between the border control authorities could be improved i.a. by organising regular joint meetings and the interaction of systems.

The Committee finally recommends the following:

- better distribution of the Common Manual,
- regular joint meetings between the various responsible authorities and possibly formalising the structure of such meetings,
- more sophisticated equipment for the second line control (see footnote page 28),
- computerisation of the EISICS system,
- to issue visas at the border in accordance with the Schengen provisions.

3.2.1.4 Remarks from the Netherlands for this site

¹ The Netherlands authorities informed the Committee after the visit that information on possible changes of the crew has to be sent to the SPP.

RESTREINT UE

3.2.2 Hook of Holland and Europoort

Date : 5 September 2002

3.2.2.1 Presentation

a) Location

- Hook of Holland

The Hook of Holland port is a border crossing point (BCP) located on the river Maas, about 30 km outside the city centre of Rotterdam in the so-called “Hoek van Holland”, next to a railway station. This port only handles passenger ferries and cargo ferries and cargo ships. The cargo ferries (4 per day) and passenger ferries (1) operate from the Hook of Holland to Harwich and Killingholme in the UK. A passenger ferry (Catamaran) operates twice a day. The border crossing point, which is manned on a 24-hour basis, is located in the Stena terminal.

There are about 2 million passengers arriving and departing every year.

- Europoort:

Europoort BCP is based in Rozenburg on the left side of the Maas, on the opposite site of the Hook of Holland port. It can be reached within 15 minutes by boat from the Hook of Holland. Cargo and ferry services operate to Hull, Teesport and Felixstowe (UK).

b) Competent authorities

The Hook of Holland brigade of the KMAR is responsible for border control in the port of Hook of Holland and in Europoort.

RESTREINT UE

3.2.2.2 Observations for this site

- Hook of Holland

a) Infrastructure :

Two central booths exist for the exit control of passenger cars. These booths have 2 workstations each. Vehicles pass through this control via 4 lanes without being separated into EU and non-EU. There is only one booth for the entry control of vehicles with two workstations.

Lorries and coaches are controlled at a central booth upon departure and at two separate booths on arrival.

In the ferry terminal there are two booths, each with two workstations for the exit control of pedestrians. One of these booths was at the time of the visit not in use.

Two possibilities are foreseen for the entry check of passengers arriving on board or ferries:

There are two control booths with 3 workstations on the first floor, which can be linked with a footbridge to the ferry.

The Committee was told that the overwhelming part of passengers arrive via this footbridge.

If the ferry docks further away, passengers are transported by bus to the terminal and are guided to a counter adjacent to the control booths used for exit control. The same procedure is used for passengers arriving on cargo ships.

No infrastructure is in place to avoid that passengers leave the terminal without being checked.

Those passengers arrive from behind the exit control booths. The controlling officer can not face the passengers waiting to be controlled. In addition, these arriving passengers are able to see the information displayed on the screen of the SIS computers.

Inside the terminal on the first floor signs were used to make a distinction between EU countries and non-EU countries, indicating "Euro" and "Non-Euro". The Committee was informed that about 95% of all passengers are EU nationals. There are, however, no signs outside the terminal for the control of vehicles.

RESTREINT UE

The car ferry terminal is completely fenced in by a 2-metre high fence. This fence is secured by an intelligence system which sends an electronic signal to the authorities when touched.

There is also an infrared camera system (about 6-7 cameras).

b) Equipment:

All workstations which were in use on the time of the visit were sufficiently equipped with a SIS computer, UV-light, retroviewer as well as magnifying glasses.

Each desk had digital cameras for documentation.

In the second line office, situated on the ground floor in the terminal close to the exit control, there was an UV-light, retrocheck compact, Edison, microscope (X21) and a Waldman box. Visa stickers are stored in this office. The Committee was told that a Projectina document examination device is available in the "third line" office in the Police station.

The Common Manual and the Schengen Convention provisions were not at the disposal of the officers on duty when requested by the Committee. The officer informed the Committee that, if necessary, it is available in the Police Station situated some hundred meters away from the border crossing point.

Conclusion:

The Committee noted that the terminal of Hook of Holland meets the Schengen requirement both in terms of infrastructure as well as equipment. However, the counter for arriving passengers from cargo ships and for arriving passengers from other ferries transported to the terminal by bus, adjacent to the exit control booths is wrongly positioned and no infrastructure is in place, which avoids that passengers leave the terminal without being checked.

It recommends that more and better signs indicating "EU, EEE and CH" and "All passports" are used. Furthermore, it recommends that the Projectina document examination device should be available in the second line office and that the Common Manual should be available. It also recommends the installation of passport machine readable devices.

RESTREINT UE

- EUROPOORT:

The P&O terminal is surrounded by a 2-meter high fence which can, however, due to the construction be crossed easily.

There is no camera surveillance in the area.

a) Infrastructure

Inside the terminal, there are two booths, each with one workstation which are used for the control of both exit and arrival. They are wrongly positioned as the officers cannot face the passengers departing nor arriving. These booths have signs indicating "Non EU +EU/EER" and "EU/EER" and the positions of the signs is far from optimal.

Upon exit vehicles are controlled at two booths with two workstations each (but only one was equipped at the time of the visit). Upon entry, two booths exist with two workstations each (only three were used at the time of the visit).

The booths for the exit control of vehicles were not locked and computers were inside without staff being present.

Conclusion:

The positioning of the booths in the terminal is not entirely satisfactory and should be reconsidered as passengers should come straight towards the booths and police officers should be able to face the queuing passengers in order to be able to profile the waiting passengers. It recommends alternative positioning of the booths inside the terminal and locking the control booths and other premises when they are not used. The Committee is, however, satisfied with the general infrastructure at the P&O terminal.

RESTREINT UE

b) Equipment:

All control booths (but not all workstations) were equipped with computers for consulting national registers and N-SIS, UV-lights, retroviewers and magnifying glasses.

In the second line office on the ground floor, there was a UV-light, retrocheck compact, Edison, microscope (x21) and a waldman box.

Visa stickers are stored and secured in a safe. The Common Manual was available without the annexes.

Conclusion:

The Committee considers that the equipment meets the requirements taking into account the nationality and number of passengers. However, a more up-to-date and complete version of the Common manual should be available.

c) Human resources and training:

- Human resources :

The overall number of KMAR officers at Hook of Holland and Europoort is 77 but the Committee was informed that, at the date of the visit, the actual number was only 65.

The operational work of the Hook of Holland Brigade is led by an Operational Commander who is the overall Commander of 6 operational teams. These teams are composed of a team leader and 7 – 8 officers.

During the day 3 teams are on duty, but not at the same time. During the night only 1 team leader and 2 officers are on duty. Late in the evening and in the afternoon teams overlap in order to have sufficient resources to carry out the controls.

The Committee witnessed an exit control of the fast ferry at Hook of Holland. This control involved 2 officers at the exit booths for pedestrians, 2 officers controlling exiting vehicles, 2 officers carrying out controls of departing trucks and 2 officers working at the 2nd line control.

RESTREINT UE

After completing the exit control of the fast ferry at Hook of Holland 4 officers immediately left by boat to carry out entry controls at the P&O ferry from Hull at Europoort . This control involved 2 officers working at the entry booths for pedestrians, 2 officers controlling entering vehicles and 1 officer controlling entering trucks.

Conclusion:

At the time of the visit sufficient resources were deployed to carry out the controls at the border crossing points of Hook of Holland and Europoort in order to meet the Schengen regulations. This is possible by sending officers from one border crossing point to the other. The Committee points out that this situation could lead to problems in case of the delayed departure of a ferry in Hook of Holland.

It was the impression of the Committee that due to the extensive tasks the Royal Marechaussee have to perform and especially taken into consideration the frequent and rather time consuming transport between the two border crossing points, it was hard to cover these tasks when staffing levels are down from 77 to 65. It should, however, be stressed that this number does not allow a flexible response to unforeseen circumstances such as a high number of suspicious documents and an increase of traffic.

- Training

The officers of the Royal Marechaussee receive a basic 1 year police training.

When stationed at a border crossing point the officers receive an extra 3 weeks of training. Following this training, the officers receive other specific courses such as foreign languages, extensive courses in border control and fraud detection.

RESTREINT UE

d) Border control procedures:

Hook of Holland

- Cargo ships and ferries are subject to 100% administrative controls. These controls consist of checking the crew list in the NSIS system as well as in the national investigation system (OPS).
- Physical controls of people on board cargo vessels (a face-to-face control) are carried out on the basis of risk analysis.
- In the Terminal of the Stena line, departing passengers must present their travel documents when obtaining their boarding pass. Afterwards, they are subject to an exit border check at the two booths of the border police, situated on the ground floor of the terminal.
- When illegal immigrants are detected in the port area, they are delivered to the local police .

- Control of vehicles:

The car passengers are controlled in a special fenced area of the port where the two booths for exit control and entry control are situated. There is no separation between EU and non EU nationals.

The Committee was told that passengers on board coaches are not obliged to alight from the coaches for controls. These passengers are controlled in the coach which is not in accordance with provision 3.4.4.5 d) of the Common Manual which stipulates that "Ferry passengers travelling by coach are to be considered as foot passengers. These passengers shall alight from the coach for the controls".

- Control of lorries;

There is a special booth to perform border control for lorry drivers. Members of the carrier company check the trailers in order to avoid the embarkation of illegal immigrants in the vessel.

RESTREINT UE

Visas, including collective visas, are issued. An officer stated that these collective visas may be delivered to persons of different nationalities and have no limitation on the number of persons. Emergency passports may be also issued for Dutch nationals with expired passports. For foreign passengers with expired passports, a laissez passer special is issued for the stay in Holland which is to be returned to the authorities when leaving the country.

EUROPOORT

In the Europort terminal there is one daily arrival and departure of a combined passenger and cargo ferry (the biggest in the world). The daily arrival is at 08h15 and the departure is at 19h00 p.m. The experts were told that the crew and passenger lists are sent to the KMAR between 3 and 9 hours in advance.

During the visit, controls were made on an incoming ferry.

There are two control booths for foot and bus passengers: one for EU nationals and one for "EU and NON EU" nationals. These booths are for the incoming as well as for the outgoing traffic, which is sufficient because of the time between arrival and departure. During the visit, two doors leading into the terminal were not locked.

The Committee noticed that passports belonging to two United States' nationals were not checked in the SIS.

The Committee also noted that 3 motorbike riders arrived at the booth for entry control outside the terminal where they were controlled without them having to take off their helmets, so that a cross check with the pictures on the travel documents was not possible.

The booths for exit controls were unlocked, although the computers were inside. It was stated, that for departing passengers employees of the company carry out the initial checks on tickets and passports and afterwards border control takes place.

RESTREINT UE

The control of lorries takes place on the spot when the lorry leaves the ship. There is no control booth. A minimum 95% of the drivers are EU nationals. Consultation of the SIS are made by radio.

The cargo area for outgoing lorries is surveyed by security personnel from the shipping company who patrol with dogs.

The visa stickers to be issued are filled out by hand.

e) Cooperation between the different forces and services:

The cooperation with the Rotterdam Port Police was described as good. Yearly meetings with the Mayor, the National Prosecutor and the two Police Authorities take place.

3.2.2.3 Conclusions and recommendations for this site

Hook of Holland is a sensitive point in terms of illegal immigration because of the short travel time of the catamaran, the relatively low price of the journey and the presence of the railway line. The procedures concerning the control of passengers transported by bus from the ferry to the terminal might allow passengers to avoid checks. In addition, controls on bus passengers are not carried out in accordance to the provisions of the Common Manual.

In general the Committee noted that the infrastructure and equipment in Hook of Holland and Europoort allows to carry out border controls in accordance with the Schengen standards. The positioning of some booths, in particular the booths for pedestrians in the Europoort terminal should, however, be reconsidered.

The overall number of personnel of the KMAR (77) is sufficient to deal with migratory flows at the ports of Hook of Holland and Europoort, in particular due to the fact that most passengers arrive or depart at a certain period of time which allows to concentrate the resources on one spot. This is done by sending officers from one border crossing point to the other. This situation could, however, lead to problems in case of the delayed departure of a ferry in Hook of Holland. The staffing level at the time of the visit was down to 65 which seemed rather low.

RESTREINT UE

The Committee recommends the following:

- to change the positioning of the control booths in Europoort so that the officer can face the passengers arriving and departing,
- to use more and better signs indicating "EU/EEA/CH" and "all passports" to help separating the passengers flows,
- to evaluate periodically the number of personnel in view of the traffic,
- to install machine readable passport devices
- to improve the fencing with technical surveillance in the Europoort terminal,
- a better distribution of the Common Manual,
- regular joint meetings between the various responsible authorities.

3.2.2.4 Remarks from the Netherlands for this site

DECLASSIFIED

RESTREINT UE

3.2.3 port of Amsterdam - IJmond (IJmuiden)

Date : 5 September 2002

3.2.3.1 Presentation

a) Location

The port of Amsterdam - IJmond, located at the North Sea Canal, covers 18 Nautical miles (Nm) from the locks in "IJmuiden" to Amsterdam. The coastline has an approximate length of 11 Nm.

It has a variety of traffic: ferry, cargo, fishing and pleasure boats as well as cruise ships. A new harbour area is being built, close to the marina, where a planned ferry connection to Great Yarmouth will dock. At present a daily ferry connection exists with Newcastle. This ferry is run by the DFDS shipping company.

The cruise ship activity is concentrated between April and October (about one hundred calls a year).

b) Competent authorities

Border control in the port of IJmond is carried out by the Amsterdam-IJmond Brigade of the Royal Marechaussee.

3.2.3.2 Observations for this site

a) Infrastructure :

Arriving and departing pedestrians are controlled at the same control booths, with one workstation each. This is possible as no ferries call in or depart at the same time, but it does not allow to face the arriving or departing passengers. No separation is made between EU and non-EU passengers.

RESTREINT UE

Two central booths exist with two work stations each for the control of vehicles.

The whole area was well fenced and guarded by the shipping company. However, no video surveillance was available in the terminal.

There is no office in the terminal to carry out second line control. The necessary controls are carried out in the police headquarters which are close to the terminal.

The headquarters of the Amsterdam/IJmond KMAR is located close to the terminal and is well secured.

It hosts the second line office, the operation centre, the administrative detention room, two cells and a room for anthropometric operations.

Conclusion:

The Committee considers that these premises meet the Schengen requirements taking into account the intensity and the nationalities of the passenger flows. The positioning of the booths is not entirely satisfactory and should be reconsidered to allow to face passengers and signs separating passenger flows should be added.

b) Equipment:

The booths are equipped with a SIS terminal and UV-lights. The booths for the control of vehicles have only one computer terminal for two workstations. The officer can consult the system from outside the booth but this makes it possible for the passengers to see the screen.

The Common Manual was present in the second line office and a local manual has been made available to the officers. There was also a Projectina document examination device with video printer as well as other equipment such as retrocheck compact, UV light, Edison system, microscope (x8-x5) and Keesing passport catalogue.

RESTREINT UE

In the operation centre, several computers are available with a large variety of programs:

- CESAR (information concerning ships movements, arrivals and departures, in the Amsterdam port available from the port Authorities);
- Sea-searcher (run by the Lloyds company);
- BICS (communication of the crew list by e-mail or fax);
- ESICS;
- A data base containing details of all the boats that have entered the port.

All visas are filled in manually (2 331 in 2001) with a special pen to avoid forgeries. The visa stickers are stored in a drawer for daily use but this drawer is not locked. However, it is located in the main office which is manned 24 hrs a day.

Conclusion:

The Committee considers the equipment as satisfactory. It, however, recommends, taking into account of the high amount of visas issued by the brigade, that these visas should be issued electronically. In addition, all work stations should be equipped with a SIS terminal. Further on, visa stickers should be locked.

c) Human resources and training:

The Royal Marechaussee of Amsterdam – IJmond serve the same tasks as the Marechaussee of Hook of Holland.

The Royal Marechaussee of Amsterdam – IJmond is structured as 1 brigade with an overall resource of 70 people (15 staff, 47 operational officers and 8 shipscrew). In practice, however, about 60 persons are on duty.

The operational staff is led by an Operational Commander and is split into teams consisting of 1 team leader and 7 officers.

RESTREINT UE

During the day one team is on duty, but it is always supported by extra officers. Also, the patrol boat is staffed on a daily basis with members of the ships crew sometimes assisted by other officers. The Committee did not receive information on the number of officers working during the night.

The Committee attended the departure control of the DFDS ferry to Newcastle. This control involved 2 officers at the exit booths for pedestrians, 2 officers controlling exiting vehicles and 2 officers carrying out controls of exiting lorries.

At the time of the visit, two persons were apprehended with forged Greek passports and two officers were called from the brigade station to transport these persons to the brigade station.

The Committee was told that it is an overall goal to physically control 50 % of all incoming cargo vessels and 20 % of all outgoing cargo vessels. This is currently not possible due to a lack of resources.

Conclusion:

At the time of the visit, sufficient resources were deployed to carry out the controls at Amsterdam - IJmond in order to meet the Schengen regulations.

The Committee was informed about another ferry connection which is currently being considered. If this is the case, the current resources will have to be reconsidered.

Training:

See the description of the training of the Royal Marechaussee at Hook of Holland.

RESTREINT UE

d) Border control procedures:

The Committee was informed that, in accordance with orders given by the Dutch "IND", the number of controls are based on percentages, which are established on the current entry and exit movements.

- Ferry boats

There is just one ferry boat daily sailing between IJmond and Newcastle.

Controls are 100% performed with physical checks on in- and outgoing passengers.

About 250.000 incoming passengers are controlled every year and this number is expected to increase in 2003 up to 300.000 passengers.

- Cruise Ships

The "high season for cruise ships is between April and October. The Committee was told that police officers control in general 30 % of all cruise ships physically and 100% administratively (arrivals/departures) coming from both intra- and extra-Schengen destinations. IJmond receives about 90 cruise ships by year with a total of 50.000 passengers.

The Committee was informed that the disembarking crew is 100% submitted to physical controls.

- Cargo Ships

All cargo ships are controlled 100% administratively. The aim for physical checks is to control 50% of incoming ships and 20% of outgoing ships. List of arriving crews are checked but not sent back to the ship's captain.

The crew of high risk cargo ships (in terms of illegal immigrations) is submitted to 100% physical controls.

RESTREINT UE

Crew members going ashore are not in possession of any documentation (passport or seaman's book). The question arises whether this is compatible with the Common Manual.

- Pleasure boats

Pleasure boats call in IJmond port between April and October. Every year all pleasure boats are submitted to physical checks during 10 days, at different places. During the rest of the year police officers collect the forms filled in by the people on board yachts coming from third countries.

- visa issuing

The Committee was informed that police officers issue about 2 200 visas per year and 200 emergency passports to Dutch citizens travelling abroad. Passengers without visas will not be issued a visa and will be refused entry except in special circumstances.

Seamen on possession of a seaman's book need a visa for transit if their countries are submitted to the visa regime.

After the ship's departure the crew and passenger lists are maintained in files ordered by number of registration.

The Committee was told that there is a fine of 3000 Euro for carriers involved in transporting of illegal migrants.

f) Blue border surveillance:

With regard to the control of the Dutch blue border in general, the coastal areas between the border crossing-points are guarded by patrols in vehicles (approx. 14 in total) and vessels (approx. 9 in total) of brigades of the KMAR to whom these areas have been allocated (10 patrols per month). Moreover, the Coast Guard, consisting of personnel of the KMAR and six other national services, conducts aerial and nautical surveillance. The Coast Guard has at its disposal 1 aeroplane and 20 patrol vessels.

- Surveillance of the river

The 18 Nm port area from IJmuiden through to the Oranjesluizen locks in Amsterdam, are also under the responsibility of the brigade.

RESTREINT UE

- Surveillance of the docks

KMAR has no responsibility for the surveillance of the docks which is a Police task.

- Co-ordination

There exist a practical co-operation between the different administrations involved in the harbour activities. However, there is no clear structure as to how the daily co-operation should be handled between the authorities concerned.

The Committee recommends that the authorities involved should have regular meetings with the purpose of mutual planning.

g) EISICS (European Information System on Immigration Control in Seaports)

The Committee was told that EISICS messages were received with regard to 10% of all incoming ships.

The Committee was not informed on how many EISICS messages were sent.

DECLASSIFIED

RESTREINT UE

3.2.3.3 Conclusions and recommendations for this site

The Committee noted that the infrastructure, equipment and resources meet the Schengen requirements. The electronic systems contribute significantly to a successful border control and the personnel seemed to be very familiar with their use. The first line equipment could, however, be improved as well as the technology to issue visas. The booths are wrongly positioned in the terminal and signs should be used to help separating the passengers flows.

Like in other ports handling ferries the Committee recommends installation of passport machine readable devices. Furthermore it recommends the following:

- to reconsider the number of personnel if a new ferry connection is set up,
- to change the positioning of the booths in the terminals,
- to use signs indicating "EU, EEA and CH" as well as "All Passports",
- to organise regular meetings between the different authorities involved in border control,
- to send back the stamped crew lists,
- to have one SIS computer for every workstation in the control booths,
- to lock visa stickers and to use printers to fill in visa stickers.

3.2.3.4 Remarks from the Netherlands for this site

RESTREINT UE

3.2.4 General observations, conclusions and recommendations for the Netherlands sea border

Based on the visits to the 4 border crossing points (Rotterdam, Hook of Holland, Europoort and Amsterdam IJmond) it is the impression of the Committee that the control of the sea border in the Netherlands in general is carried out in accordance with the Schengen regulations.

The Committee did, however, find a few points which should be corrected or improved. Reference is here made to the comments on the specific ports. In this connection it is important to keep in mind that the position of the Netherlands coast line attracts illegal migrants trying to get to the UK and that control in this respect is also a matter of the border control authorities.

The Committee especially welcomes the introduction of computer programs in order to establish risk analysis according to which physical checks on cargo vessels are carried out and the Committee supports a general use of such programs. When more than one authority is competent when it comes to border control of the sea ports it is important to ensure compatibility if the same system is not used by all the relevant authorities.

It is the opinion of the Committee that electronic document readers should be introduced at all border crossing points which carry out controls on passenger ferries. General experience – including experience from the visits to the Dutch ports - has proven that it is next to impossible to apply the Schengen regulations on checks in the SIS to the letter when the checks are done by a manual entry of personal data in the computer.

The Committee, finally, points out that attention should be drawn to the procedures on the control of pleasure boats.

3.2.5 General remarks from the Netherlands for its sea border