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## DECLASSIFICATION

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

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

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# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 26 September 2002**

**11450/02**

**RESTREINT UE**

**SCH-EVAL 20  
COMIX 483**

## **NOTE**

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from : the Dutch delegation  
to : the Working Party on Schengen Evaluation

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Subject : Replies from the Netherlands to the questionnaire put forward to the Benelux countries with a view to the evaluation of the application of the Schengen acquis

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*In the answers to the questions, the name River Police has already been replaced by the new name Rotterdam-Rijnmond Seaport Police, which will be the official name as of 1 September 2002.*

*Where necessary, a distinction is made between answers from the Royal Marechaussee (KMAR) and answers from the Rotterdam-Rijnmond Seaport Police (SPP).*

## **I. Control and surveillance of external borders**

1. Which authorities are charged with protecting/controlling borders in your country? Which ministry are they covered by and how are they structured?

How is co-ordination between the different bodies carried out?

*The Minister of Justice is responsible for the enforcement of the Aliens Act, which provides for the control of the external border. Under the authority of the Ministry of Justice (Immigration and Naturalization Service, IND) the KMAR and the SPP are each responsible for a share of the protection and control of the border. The KMAR is covered by the Ministry of Defence and the SPP by the Ministry of Interior. The SPP is charged with the control of the border at the port of Rotterdam, while the KMAR is charged with the control of the other 10 maritime border crossing-points as well as the coastal area between those points. The KMAR also carries out border control at the 7 airports, designated as border crossing-points (BCP).*

*Co-ordination between the different bodies takes place on a strategic level, a policy level and an operational level (both nationally and regionally).*

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

*KMAR:*

*The information is presented to a central bureau of the KMAR which collects all information regarding illegal immigration. This bureau analyses the information and trends and routes are distributed to internal and external services. The useful information is also stored in the national police registers.*

*The KMAR has a special department concerned with combating organized crime, located at the Amsterdam Airport, Schiphol. This bureau consists of detectives (both technical and tactical), intelligence officers and analysts, who all operate within the legal department of the KMAR.*

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SPP:

*All information about illegal immigration, cross-border crime and organized crime, is handled by the Criminal Investigation Department (CID) covered by the Ministry of the Interior*

Do the authorities responsible for the control and surveillance of borders have information concerning suspicious vessels, vehicles and persons, and if so, which procedure is followed or mechanism employed to allow them to obtain and use this information?

*The different police organizations in the Netherlands (including the KMAR) use several computer systems to collect and distribute all kinds of operational information. Furthermore, the authorities responsible for the control and surveillance of borders regularly receive a list of suspect vessels from the Coastguard, and information about persons and travel routes from the Immigration Liaison Office of the IND (ILO). When information such as passengers' files of airline companies is required from databases, authorization from the district attorney is necessary. Information from police registers can be used in investigations without further authorization.*

*The Ministry of Transport Public Works and Water Management, responsible for the approval of flight plans informs the IND of the Ministry of Justice in the event of suspicious flights.*

3. What kind of legislation (or administrative practice or instructions) is foreseen to combat illegal immigration and, in particular, concerning the exercising of controls on persons within the territory?

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

(Commissions proposal)

*The existing legislation to combat illegal immigration is provided for by Section 197a of the Penal Code, according to which people are liable to punishment for bringing illegal immigrants into the Schengen territory for financial benefit. The smuggling of illegal immigrants from the Netherlands into a non-Schengen country is not liable to punishment; this includes transit areas of airports. The smuggling of illegal immigrants from the Netherlands to another country and aiding or abetting illegal residence in the Netherlands for financial profit, is also punishable by the same Section 197a of the Penal Code.*

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Legislation is furthermore foreseen that will punish the smuggling of persons in the transit areas of airports and that will deprive offenders of any profit gained in these circumstances.

The surveillance of the rest of the territory is divided among the inner territory and along the internal borders.

The Aliens Department of the National police is generally responsible for carrying out inspection of controls on immigrants already in the territory. This surveillance is covered by the Aliens Act and checks are currently being conducted with respect to information on illegal residence.

The KMAR carries out the surveillance along the internal borders referred to in section 2.3 of the Schengen agreement, including intra-Schengen flights to airports. This surveillance is based on the Aliens Act and checks are conducted if there are any indications of illegal residence.

4. What is the number of staff present at border crossing-points? What are the figures for green borders, blue borders and air borders? What is the total number of staff posted at green borders and blue borders?

**Table 1 - Total number of staff of the KMAR present at the 18 BCPs**

<i>Air border crossing-points</i>	<i>Number of staff</i>
1. Amsterdam Airport Schiphol	522
2. Eindhoven	25
3. Enschede-Twente	2
4. Groningen-Eelde	8
5. Lelystad	10
6. Maastricht-Aachen	8
7. Rotterdam airport	29
<i>Total number of staff present at airports</i>	<i>604</i>
<i>Maritime border crossing-points</i>	<i>Number of staff</i>
8. Amsterdam-IJmond (Amsterdam/IJmuiden)	70
9. Delfzijl	23
10. Den Helder	20
11. Dordrecht	15
12. Harlingen	24
13. Hoek van Holland/Europoort	77
14. Moerdijk	15
15. Rotterdam harbours (SPP)	55 <sup>*</sup>
16. Scheveningen	15

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17. Terneuzen	22
18. Vlissingen	44
Total number of staff present at harbours	380

*\*) The total number of staff of the SPP present at the BCP Rotterdam harbour is 360, of which 55 are border control officers, 45 officers employed by the CID, 179 police officers (border security is one of their four main tasks) and 81 overhead.*

*The total number of staff present at the Green (internal) border is 650 (they are charged with the implementation of the task referred to in Section 2.3. of the Schengen agreement). Though normally conducting the mobile surveillance of aliens along internal borders, these officers also assist with border control if necessary, especially in the high season.*

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

*7 Airports are designated as BCPs and 11 harbours are designated as BCPs. 10 of these BCPs are controlled by the KMAR and 1 is controlled by the SPP (Rotterdam harbours). The Netherlands has no land BCP.*

What is the point of departure for the control of the green border with respect to combating illegal entry and departure? What are the statistics on all known cases of illegal border crossing?

*Not applicable (see answer to question 3)*

What is the estimated level with respect to the detection and the apprehension of persons crossing the border illegally? How is this estimate justified?

*The Dutch immigration services do not keep records of persons that leave the Schengen area and who have resided in the Netherlands/Schengen illegally.*

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5. What kind of training has been and is being provided to ensure that the level of control required by Schengen is maintained?

*KMAR:*

*Every officer of the KMAR receives training for the duration of one year (sergeant 1). After this year, they are authorized to perform all police duties. Officers charged with border control also follow a specific additional course of 3 weeks. This training deals with all the legal and practical aspects of border control including additional training to detect forgeries of (travel) documents. At this moment, not all officers have followed this training, but we are occupied with making up the arrears. This is expected to have been completed at the end of 2003. Throughout the Netherlands, specialists in the detection and investigation of false or falsified travel documents are active. Within their region, these specialists are the contact persons for forgeries. They are also responsible for the further development of knowledge and the skills of the other officers.*

*Especially for Amsterdam Airport Schiphol:*

*After the year's training and additional 3-week course, officers receive continuous on-the-job training from more experienced immigration officers. Two days a week, approximately, together with the commanding officers, 30 immigration officers take part in theme day sessions. Approximately every 3 months, there is a new theme. Some of these themes deal with updates of and changes to the Aliens Act, new routes & trends, the latest falsifications, information about common mistakes, the cultural backgrounds of aliens, contact with the IND etc. Physical training is given every two months. Part of this training concerns the use of force.*

*SPP:*

The Border Security Unit of the SPP provides the Primary Border Security Training Course, followed by regular update and refresher courses.

6. Have the new officials responsible for border control been briefed on the Common Manual and prepared for applying it?

*KMAR*

*Yes. The Common Manual is included in the 3 weeks course. (See answer to question 5)*

*SPP:*

*Yes.*

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7. New intervention concepts introduced or planned, such as:
- organizational units with competence at a regional level, operating in different zones (border crossing-points and green/blue borders) and equipped with mobile units capable of rapid deployment in the context of organized interventions;
  - what is the operational activity of the organizational units at local level and of the special investigation groups?
  - formation of special investigation groups with a view to combating international organized crime;
  - surveillance of blue/green borders on the borderline itself and in border regions together with the participation of general police services.

*One of the missions of the KMAR is to respond rapidly to all kinds of incidents e.g. the immediate implementation of Section 2.2. of the Schengen agreement, if necessary. The organization of the KMAR and the way in which it is equipped makes this possible.*

*One of the tasks of the KMAR is to assist the Nation Police Force in combating cross-border crime. For this task, officers of the KMAR are deployed in several operational units of the National Police Force. This concept entails the optimal use of information and expertise provided by both services.*

*Besides these more general concepts, the KMAR at Amsterdam Airport Schiphol has a team of specialists named Sluisteam. Their task is to detect and arrest the facilitators behind illegal immigration.*

*To aid the combating of cross-border crime, for instance drug smuggling, together with the Customs Service, the KMAR at Amsterdam Airport Schiphol has a team of specialists named the Schiphol Team. The advantage of this team is that it combines the legal powers and expertise of both services.*

*At Rotterdam harbour, the Port Security Development Group is operational. In this group the Public Prosecution Service, the police and the port authorities co-operate closely in order to guarantee security at the port.*

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

- terminals for consulting SIS (fixed or mobile),
- Schengen entry and exit stamps,
- equipment for checking documents?

*KMAR:*

*All border crossing-points have at their disposal terminals for consulting SIS, except the BCPs at Groningen-Eelde and Lelystad. At these two BCPs, checks are performed via a wireless transmission (MOBIPOL). At the major airports, the personnel carrying out the controls have access to the SIS terminal in the control booths. Furthermore, the control booths are equipped with Schengen entry and exit stamps and technical instruments to perform a first check on documents e.g. UV lamps, retro-viewers and magnifying glasses. All border crossing-points moreover have docu boxes and Edison systems. Amsterdam Airport Schiphol is additionally equipped with photographic equipment for the intelligence department and machine-readable devices in every control booth.*

*Assigned at PCB Amsterdam Airport Schiphol, the National Bureau for Documents of the KMAR is highly equipped with technical apparatus and knowledge employed to detect forgeries of (travel) documents. The IND and the National Police Force furthermore each have their own specialized unit to document research. Expertise between these units is exchanged.*

*Since last year in October 2001, biometrics has been introduced at Amsterdam Airport Schiphol as a means of performing border control. In co-operation with the airport operator, an automatic rapid and secure border passage system (AGP) has been developed. The biometric used for AGP is the iris scan. During registration, carried out by the KMAR, the iris is scanned onto an electronic pass. Using this pass, the person concerned can cross the border. All users are automatically be checked in the SIS terminal each time they make use of the AGP. After a one-year pilot of AGP (ending in October 2002) the Dutch authorities will decide whether AGP can be installed at airports on a permanent basis. According to Schengen regulations, AGP is and can only be available to EU and EEA nationals.*

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*SPP:*

*The border crossing-point is equipped with several SIS terminals, which are also on board the patrol vessels. Schengen entry and exit stamps (250 in total) UV lamps, magnifying glasses and retro-viewers are part of the officers' personal equipment. The border crossing-point uses the Edison system (fixed position as well as two mobile systems) and ZUIS (automatic risk-analysis system), which were made operational in June 2002. The mobile system of ZUIS will become operational in mid September 2002.*

9. Which technical equipment has been supplied to the forces responsible for controlling green and blue borders, for instance:

- helicopters/aeroplanes,
- ships/boats; how many patrol boats are available for monitoring sea borders [by category according to length and maximum speed in knots],
- night vision/infra-red detection equipment?

*Green border not applicable.*

*With regard to the control of the blue border, 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. 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.*

*At the Rotterdam harbour the following technical equipment is 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 of the Corps of the National Police Force (KLPD) can be made use of.*

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10. What is the number, broken down into type, of the monitoring facilities at sea and land borders?

*The different regional harbour information systems (NHIS, WATIS, CESAR, Dirkzwager, ZHIS and ENIGMA), radar systems of the different port authorities, pre-arrival information systems such as ZUIS/CREWLISTER/BICS and cameras with a view at the harbour area.*

11. What are the means of communication between the operational units assigned to monitor sea borders and their operational centre?

*Communication takes place by means of radiotelephone, walkie-talkie, VHF maritime radiotelephone, facsimile and mobile data transmission (ZUIS).*

12. With respect to combating illegal entry and exit, what is the point of departure employed to control vessel movements outside the official border crossing-points?

*The point of departure is coastal surveillance. Ships within the territorial zone of the North Sea are only physically controlled when there is information that supports the possibility of illegal border-crossing. The surveillance patrols are carried out with 4-Wheeldrives, vessels and aeroplanes.*

Approximately, how many hours a day are external sea borders monitored by resources available (broken down into different areas)?

*The Coast Guard monitors the territorial zone of the North Sea by radar 24 hours a day. Surveillance patrols with vessels, vehicles and aeroplanes are used according to need and depending on the amount of traffic.*

What is the number of physical controls conducted on board vessels approaching the coast in other locations than at official BCPs? What are the results of these controls? How are decisions on such controls made?

*In practice, it is rare for physical controls to be conducted at high sea. The last physical control of this kind took place shortly after the incident in Southern France with the "East Sea", at the beginning of 2001. For the answer on how decisions are made on these kind of controls, see the answer to question 17.*

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

*KMAR:*

*A study will be conducted to decide on the acquisition of a new model and more sophisticated machine-readable equipment.*

*Due to the increase in passengers at Amsterdam Airport Schiphol during the last few years, the KMAR will be increased with 76 officers for performing border control. These officers will be deployed before the end of 2003.*

*After the terrorist attacks in the United States on 11 September 2001, the KMAR received additional financing of € 27 million per year. € 2.4 million of this is needed for the reinforcement of the expertise on travel document forgery in the field of border control and the mobile surveillance of aliens along the inner borders.*

*SPP:*

*In response to terrorist threats, investments will be made in equipment to detect falsifications and the number of staff is set to increase this year.*

14. Do customs services also take part in border controls? What is their role? How available is the staff? How is the co-operation and the co-ordination of actions with border control authorities carried out?

*As of 1 July 1999, the Dutch custom service stopped all border control activities that they were using to check persons. At Amsterdam Airport Schiphol, the KMAR and Custom Service subsequently formed the Schiphol Team previously referred to in the answer to question 7. The SPP regularly carries out checks on board of vessels together with the Custom Service, but both parties carry out separate checks on goods (custom officers) and persons (SPP). The co-ordinators of the SPP and the Dutch custom service prepare operations jointly.*

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

**Table 2 - Total number of refusals in the Netherlands in 2001**

<i>BCP</i>	<i>Non-asylum</i>	<i>Asylum</i>	<i>Total</i>
<i>Amsterdam Airport Schiphol</i>	<i>6802</i>	<i>2661</i>	<i>9463</i>

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Rotterdam harbours	89	10	99
Other BCPs	--	--	108
Total			9670

**Table 3 – Total number of refusals broken down according to main nationalities**

Amsterdam Airport Schiphol		Rotterdam harbours (SPP)		Other BCPs refusals	
Nationality	Number	Nationality	Number	Nationality	number
1. Ecuador	533	1. Morocco	26	1. Somalia	25
2. Nigeria	502	2. Ukraine	11	2. Afghanistan	13
3. P.R. China	468	3. Sri Lanka	9	3. Ghana	8
5. Turkey	190	4. Tanzania	8	4. D.R. Congo	7
6. Brazil	182	5. Tunisia	6	5. Iraq	6

16. How does the Netherlands deal with exceptional situations such as the situation in St. Maarten/St Martin, Antilles?

*The Dutch Antilles (including the islands of St. Martin) and Aruba form part of the Kingdom of the Netherlands. However, only the territory of the Kingdom located in Europe is signatory of the Treaty of Schengen. This means that all traffic between the Dutch Antilles and Aruba on the one hand and the territory of the Kingdom located in Europe on the other hand (or any other signatory of the Treaty of Schengen for that matter) is considered extra-Schengen traffic.*

17. Are cargo boats controlled by the authorities when they enter territorial waters? Under which conditions and according to which procedures are these controls performed?

*Under the terms of border control, authorities control those cargo vessels with respect to which there is a well-founded suspicion of illegal border-crossing at the moment that they enter territorial waters. In these circumstances the conditions and procedures according to which the control is conducted is in conformity with the international maritime legal standards and the Aliens Act. (See also the answer to question 12).*

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18. What is the procedure concerning the control of pleasure craft when they are in port of call within territorial waters?

*Persons on board pleasure crafts are obliged to report to the BCP on arrival. Due to the insufficient information on the positions of crafts and the fact that it is the responsibility of the person on board to report at the BCP, it is, in practice, difficult to implement effective border controls. Surveillance and additional controls on board of pleasure crafts are therefore performed on an ad hoc basis. Further studies are being undertaken in order to increase the effectiveness and efficiency of border control in relation to this kind of traffic.*

### A. Airports

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

*At Amsterdam Airport Schiphol, Rotterdam airport, Eindhoven airport, Maastricht-Aachen airport and Groningen-Eelde airport, there is a physical separation between the Schengen and the non-Schengen area. At the other (smaller) airports, operational procedures are employed to ensure that they are separated.*

20. Are passengers on extra-Schengen flights channelled in such a way as to ensure the separation between persons subject to European Community legislation and persons from third countries? How many airports has this separation of persons been implemented by physical measures?

*In accordance with the Executive Committees decision of December 22nd, 1994 special lanes exist for EU nationals.*

*At Amsterdam Airport Schiphol, Rotterdam airport, Eindhoven airport, Maastricht-Aachen airport and Groningen-Eelde airport, a physical separation exists between the Schengen and the non-Schengen area. (See answer to question 19).*

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21. How does the Netherlands deal with flights from particular countries of flights of origin such as the Antilles?

*All flights are handled according to their status (intra-Schengen or extra-Schengen). Flights that are known as potentially carrying illegal immigrants are, in principal, submitted to a so-called gate check.*

22. Do airports have separate areas for asylum applicants and inadmissible passengers?

According to the Aliens Act, persons that apply for asylum at any BCP and that fail to fulfil the entry requirements are also considered "inadmissible". However, these asylum applicants are not mixed with other inadmissible passengers during the processing of the asylum application. They are transported to the Asylum Application Centre near Amsterdam Airport Schiphol.

## **B. Sea ports**

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

*As there are no ferries arriving/departing from/to other Schengen countries, no separation as mentioned is foreseen. There is, however, a physical separation of arriving and departing ferry passengers.*

24. Are passengers on extra-Schengen crossings channelled in such a way as to ensure the separation between persons subject to European Community legislation and those from other countries?

*In accordance with the Executive Committees decision of 22 December 1994 special lanes exist for EU nationals.*

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

*See below at the end of the question.*

With regard to the combating of illegal entry and exit, what is the point of departure employed in controlling vessels during their stay at ports?

*The point of departure with respect to controlling vessels during their stay at ports is (while they are not sailing) to conduct controls by means of patrols at water by vessel or patrols on land by vehicle.*

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

How much physical control is carried out on board these vessels (can be substituted by permanent monitoring)? What are the results of these controls? How are decisions made to carry out these controls?

*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 type of vessels. In response to this, the KMAR and the SPP were obliged to adjust their reports and to install new systems. There are consequently no figures available over the years 1999 and 2000.*

*The administrative control, which implies 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 of the entire crew and passengers and may require to see them in person. These controls are carried out on the basis of risk-assessment.*

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**Table 4 – border controls carried out by the KMAR in 2001**

Type of vessel	Total number of entries		Number of vessels boarded to perform border control		Number of persons controlled face to face	
	EU	Non EU	EU	Non-EU	EU	Non-EU
Cargo vessel	9895	12614	4928	4753	41541	72745
Cruise ships	--	--	N/a. *)	N/a. *)	8586	5454
Ferries	256632	1784	N/a. *)	N/a. *)	764091	14351
Fishing and pleasure boats	--	--	--	--	2655	228

\*) Passengers arriving enter the territory via a terminal

**Table 5 – border controls carried out by the KMAR in 2002 (January – April)**

Type of vessel	Total number of entries		Number of vessels boarded to perform border control		Number of persons controlled face to face	
	EU	Non EU	EU	Non-EU	EU	Non-EU
Cargo vessel		6526		3393		30043
Cruise ships		3		0		0
Ferries		1528		N/a. *)		352220
Fishing and pleasure boats		--		--		3817

\*) Passengers arriving enter the territory via a terminal

**Table 6 - border controls carried out by the SPP over 2001**

Type of vessel	Total number of entries		Number of vessels boarded to perform border control		Number of persons controlled face-to-face	
	EU	Non EU	EU	Non-EU	EU	Non-EU
Cargo vessel		21487		13386		92121
Cruise ships		1		1		1200
Ferries		None		None		None
Fishing and pleasure boats		--		--		--

**Table 7 - border controls carried out by the SPP in 2002 (January - April)**

Type of vessel	Total number of entries		Number of vessels boarded to perform a border control		Number of persons controlled face to face	
	EU	Non EU	EU	Non-EU	EU	Non-EU
Cargo vessel		7.263		5.029		39.052
Cruise ships		None		none		None

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<i>Ferries</i>	<i>None</i>	<i>none</i>	<i>None</i>
<i>Fishing and pleasure boats</i>	--	--	--

## C. Land borders

26. With reference to Article 2(2) of the Schengen Convention, are border controls still carried out at the land borders with other Schengen states? If so, how and to what extent, and how does your country justify the temporary reintroduction of border controls under Article 2(2) of the Schengen Convention, which is designed for exceptional situations lasting for a limited period of time?

*No, the Netherlands does not carry out the border controls as referred to in Section 2.2 of the Schengen Convention. Until now, the Netherlands has only reintroduced border controls according to Article 2.2 of the Schengen Convention once, for a limited period of time. This was during the European Football Championship in 2000. The reason for the reintroduction was the serious threat of disruption of the public order and national security.*

## II. Schengen Information System.

### A. Schengen Information System

#### - **Organizational conditions**

27. Geographical location of the N.SIS.

*N.SIS the Netherlands consists of two parts, the database and application itself, and a communication part. The operational systems and the backup computer systems for the communication are located at the KLPD, Hoofdstraat 54, Driebergen. For the database and the application, the operational system is located at the ITO, Odijkerweg 25, Driebergen. The backup system for this part is located at the KLPD site. The backup system for the communication will be transferred to Odijk when both SIRENE and SIS traffic are on SISNET. In case something happens to one of the communication systems before this time, there is a test system in Odijk, which can be configured and made operational.*

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28. Describe the structure, hierarchy and organization of the N.SIS.

*N.SIS Netherlands is operated by the ITO.*

*ITO is a semi-autonomous executive agency of the Dutch Ministry of the Interior and Kingdom Relations, at the Directorate-General for Public Order and Safety.*

*The BackOffice Applications, BOA, is responsible for development and maintenance. The BackOffice Infrastructure, BOI, is responsible for the operational exploitation of the N.SIS.*

29. General presentation of the organization of the services responsible for police functions in relation to the SIS.

*The services responsible for police functions in relation to the SIS are The Netherlands police, divided into 25 regional police forces, one National Police agency called “Korps Landelijke Politie Diensten” (KLPD), and the Royal Military Constabulary, referred to as the “Koninklijke Marechaussee” (KMAR) which is responsible for border controls and the functioning of the police at airports*

*Each of these police forces have Regional input centres, where a small group of operators is occupied with the input of alerts and the handling of hits on receiving information from the SIRENE.*

30. List of services with access to SIS data. Is this list in accordance with Article 101 of the Schengen Convention and with the latest published version of the users' list?

*Yes, is in accordance with the latest list: Police, Public Prosecutors, Royal Military Constabulary, Customs, Immigration and Naturalization Service and the Ministry of Foreign Affairs.*

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## - Technical conditions

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

- (a) the police forces, including non-police forces with a control function;
- (b) the border control authorities;
- (c) diplomatic missions and consular posts;
- (d) the authorities responsible for aliens and asylum;
- (e) customs authorities?

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

*Approximately 3.000*

**(b) Border control authorities;**

*Approximately 300*

*There are approximately 10,000 authorized end-users for a and b.*

**(c) Diplomatic missions and consular posts;**

*2 terminals for direct access at the Ministry of Foreign Affairs. For the embassies, indirect access via CD-ROM.*

**(d) Authorities responsible for aliens and asylum**

*Approximately 40*

**(e) Customs authorities?**

*Approximately 15*

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32. Presentation of the computer architecture of national police systems which are connected to the SIS.
33. Description of data flows between national systems and the N.SIS in connection with input of data according to each of the articles 95 to 100.

*This question has already been functionally answered in the SIRENE evaluation. The booklet on the SIRENE evaluation will be given to the members of the evaluation committee during the visit.*

*With respect to the answer ton this question, we concentrate exclusively on the technical connections between N.SIS and other systems.*

*The GBA (Dutch inhabitant's registration) registers ID documents. Via an automatic download the missing/stolen issued documents are entered into the SIS.*

*The CRB (Dutch drivers license database) registers missing/stolen drivers licenses; via an automatic download, these documents are entered into the SIS.*

*For the input of stolen vehicles, a semi-automatic procedure is used. The user enters a "stolen marker" in the national vehicle register. The system will then ask him whether or not he also wishes to enter this alert in the SIS. If so, most of the information is copied from the national vehicle register.*

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

## RESTREINT UE

*The end user logs into a decentralized or centralized application and then sends a consultation request to the N.SIS database and other national databases. The response is returned to the specific user making the request after which the results are added to those of other national databases.*

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

- *Radio*
- *Mobile terminals fitted in vehicles*
- *(Mobile) Phones*
- *WAP (specially written application on a mobile phone)*
- *PDA, with GSM connection (Pilot project)*

DECLASSIFIED

## RESTREINT UE

36. What is the procedure followed by users in the field when wanting to consult the national system and the SIS database.

*See question 34 for on-line queries. For indirect requests, eg. radio and (mobile) telephone, a user will send a request to the operation room where the request for information is responded to. The operator logs in who the request was from.*

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

*Approximately 2,800 fixed terminals are used. Approximately 500 mobile terminals have been brought into operation in various police forces, "de Koninklijke Marechaussee" (Royal Military Constabulary) and Customs.*

*Approximately 70 WAP mobile telephones and PDAs are used in pilot projects by some police forces.*

*The SIS is consulted approximately 25,000,000 times per year.*

38. How many requests are made to the national SIS database per year? If possible, please state the number of queries per category.

*See question 37. The statistics per category are not recorded.*

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

*See question 34.*

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

*All relevant organizations have access through numerous access points. Average response time for both consultations is 2 - 5 seconds depending on the type of terminal.*

# RESTREINT UE

41. What is the volume of the data transmitted to the SIS database and involved in transfer procedures?

*NL sends 1,000 to 1,500 requests per day to the C.SIS.*

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

*The embassies receive a CD-ROM with all Article 96 alerts each month. In case of a hit, the VISA request is send to the Ministry of Foreign Affairs where an on-line check is carried out.*

43. What practical arrangements have been made for transferring data updates to the consular posts?

*See question 42.*

44. How frequently is data be updated? By online and offline links.

*Data is, in general, updated on-line. The updates of GBA and CRB, see question 33, are processed once a day. The embassies receive a CD-ROM with all Article 96 alerts each month.*

## - Data

45. What is the number of alerts loaded per category (Articles 95 to 100), per ultimo 2000 and 2001?

Article	Ultimo 2000	Ultimo 2001
95	402	400
96	8.213	7.913
97 Adult	449	526
97 Under Age	597	619
98	21	28
99.2 Observation WP	33	33
99.2 Check WP	1	1
99.2 Observation VE	20	11

# RESTREINT UE

99.2 Check VE	23	8
100 – VE	41,936	40,149
100 – BK	685	602
100 – DB	5,945	6,090
100 – FA	1,112	1,197
100 – ID	1,057,901	1,148,663

## 46. Entering SIS alerts

- (a) Do the competent authorities enter the alerts centrally or locally?
- (b) If data entry is decentralized, do uniform criteria apply?
- (c) If there are uniform criteria, are checks carried out at a national level to ensure proper application and do the criteria apply to all categories of alert?
- (d) Are there national criteria governing the number of alerts entered per category that, for example, take account of category-related offences?
- (e) If entry is decentralized (regional), and is the number of alerts entered at regional level monitored to facilitate evaluation in the light of national criteria?
- (f) Are the data in the national systems synchronized with those entered in the N.SIS?
- (g) If so, is data synchronized locally or centrally?

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

*The competent authorities enter the alerts locally.*

### **(b) If data entry is decentralized, do uniform criteria apply?**

*Uniform criteria apply by standard forms.*

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

*SIRENE is responsible for the last check according to the instructions and for giving advice on legal and practical possibilities. All alerts-except Article 96 and a substantial part of Article 100 pass through SIRENE. After approval, the alert follows its way to CSIS. If disapproved, SIRENE contacts either the local police or the Public Prosecutor to explain and assist in finding the right solutions. Any intended alert has to be checked according to the conditions for an international (NSIS) alert. If according to the instruction there is no freedom of 'inserting policy' and the alert has to be inserted in NSIS.*

## RESTREINT UE

**(d) Are there national criteria governing the number of alerts entered per category that, for example, take account of category-related offences.**

*No.*

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

*The number of alerts is not monitored per region.*

**(f) Are the data in the national systems synchronized with those entered in the N.SIS**

*The input of the Netherlands NSIS is decentralized. From the access points in the regions (at 25 police forces and the KMAR) all necessary information to execute and support the alert is introduced and will show up at SIRENE level in a temporary database. Every alert includes a screen with details about the case-officer (local file number, phone number, unit etc.) and the possibility of mentioning whether the alert should also be distributed by Interpol and in case of 95, a screen with details according to the A form. It is worth mentioning that the Dutch NSIS is also being considered for use as the 'national system', as the information introduced by Dutch authorities will not be copied and the second screen (and in case of Article 95 also the 3rd screen) shows enough information to execute a case on a national level. The Netherlands nevertheless has its own national search system (OPS) including minor offences (not "Schengen worth alerts" ) and international searches for non-Schengen countries.*

**(g) if so, is data synchronized locally or centrally?**

*For vehicles see question 33.*

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

*No. The responsibility for take-up rates is a local responsibility.*

48. Give a description of measures to check that data conform to the requirements of the Schengen Convention.

*The following measures have been taken:*

- *The Prosecutor General has issued instructions on how to use the SIS.*
- *The input of alerts is carried out via obligatory fields in the local input screens.*
- *The SIRENE checks alerts.*

# RESTREINT UE

49. Which measures are taken by the Ministry of Justice to increase the number of SIS alerts issued pursuant to Article 95 of the Convention (statistics on national/international arrest warrants, directives)?

*The Prosecutor General issues written instructions with respect to when and how to use the SIS for setting out alerts, Articles 95, 97, 98, 99 and 100. In addition, the Ministry of Justice, the General Prosecutor and the Chief Public Prosecutors offer guidelines in the regions for public prosecutors, who are responsible for setting alerts.*

50. Management of SIS alerts

- (a) Are lists kept of alerts entered per region or per authority?
- (b) How are these lists broken down (e.g. alert category, date of entry)?
- (c) Are the lists drawn up by computer or manually, centrally or locally, regularly or occasionally?
- (d) Are these lists compiled centrally or locally?
- (e) How is deletion of the data guaranteed if action has been taken in response to an alert?
- (f) What kind of checks are carried out?
- (g) At what stage of implementation is an alert deleted?  
(e.g. immediately after notification of an arrest, after notification of a person's whereabouts, after the reported discovery of an object, or after all measures have been taken, e.g. actual extradition, dispatch of documents to the place of residence, retrieval of the object)
- (h) How does the authority responsible for central or local management carry out its duty of preventing the data files from becoming clogged with data (non-deletion of alerts after a hit)?
- (i) Which measures are taken to cope with such a situation if detected?

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

*There are no lists kept concerning alerts entered per region. The only list kept is a list of 95 alerts.*

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

*See (a)*

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

*The list is drawn up manually and centrally.*

# RESTREINT UE

**(d) Are these lists compiled centrally or locally?**

Centrally

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

The regional Input Centres are fully aware of the consequences (e.g. claims based on Article 116) of hits on alert that should have been deleted. At SIRENE level, there is co-ordination with Interpol and a time-to-time monitoring on alerts bearing G forms (Article 96 and national documents excluded) older than 2 or 3 weeks. Special branches for missing persons and stolen vehicles also assist on checking the actuality of alerts

**(f) What kind of checks are carried out?**

see (e)

**(g) At what stage of implementation is an alert deleted?**

*(e.g. immediately after notification of an arrest, after notification of a person's whereabouts, after the reported discovery of an object, or after all measures have been taken, e.g. actual extradition, dispatch of documents to the place of residence, retrieval of the object)*

Alerts are deleted after all measures have been taken.

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

Article 95 and 96 alerts are automatically deleted after three years. Automatic deletion of Article 99 alerts after one year, banknote and identity documents 5 years, other alerts on Article 100 after 10 years. One month before the expiry date, the system automatically generates a warning. SIRENE checks with the authority which entered the alert as to whether the alert should continue to apply.

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

See (h).

## - Data protection and other legislation

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

*The Schengen Convention, the Police Registers Act, The Data Protection Police Files Act and the instructions issued by the Prosecutor General (in revision)*

# RESTREINT UE

52. Security measures at the N.SIS pursuant to Article 118 of the Schengen Convention.

Controls on:

- (a) entry;
- (b) data carriers;
- (c) users;
- (d) access;
- (e) transmission;
- (f) input.

**Controls on:**

**(a) entry**

*Access control and logging*

**(b) data carriers**

*Internal procedures*

**(c) users**

*Access control and logging*

**(d) access**

*Private network, access control and internal procedures*

**(e) transmission**

*Private network, access control and logging*

**(f) input**

*Logging*

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

*Physical access control by means of electronic passes. Computer centre in different security zone only accessible by authorized personal. Buildings protected with alarms, video cameras and 24- hour guards. Paper archive storage not applicable.*

# RESTREINT UE

54. What is the level of protection and what are the protective measures applied to computerized police applications. In connection to this, which special measures are taken in relation to the SIS application?

*See question 53.*

55. Control of computerized access to SIS data.

*By authorization of schemes and logging.*

56. Which measures are carried out in order to ensure that each user has access only to the categories of data for which he or she is authorized, in accordance with Article 101.

*By authorization of schemes and logging.*

## - **Education and information**

57. Give a description of the specific training given to operators and to those responsible for the N.SIS.

*New operators and system engineers are trained on the job. Personnel of the Customer Service Desk (CSD) receive an introduction on the SIS. The CSD functions as first-line support for end-users and the C.SIS.*

58. Training and information for end-users. In particular:

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

*The regional police forces and the KMAR have so-called Schengen Input Centres. The people working in these input centres are trained in the use of the SIS. This is a local responsibility, and each regional police force has its own way of educating its staff. End-users are trained on the job in the use of the SIS.*

*The KMAR has a course for new officers, in which the use of SIS is taught by one of the senior operators of SIRENE in one day.*

# RESTREINT UE

*Judges and Public prosecutors learn about Treaties and Conventions as part of their formal education, and in this way, are informed about the Schengen Convention. They learn about the SIS and SIRENE when they are confronted with alerts or extradition in the course of performing their professional duties.*

*See also questions 84, 85 and 86.*

59. Which measures are being taken to ensure the level of competence of new users?

*See 58.*

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

*The instruction of the Prosecutor General will be spread widely. Articles are written in police journals and police magazines. A project called "SIRENE ON TOUR" in which operators of SIRENE visited regional police forces, was carried out in 2001. New KMAR officers receive training on how to use the SIS.*

*See also question 58.*

61. What are the alert procedures for the prosecuting authorities and procedures following a hit:

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

*Answered during SIRENE evaluation.*

# RESTREINT UE

## B. SIRENE

### - Organizational conditions

#### 62. Geographical location of the SIRENE Bureau.

*The office is at Europaweg 45, Zoetermeer, The Netherlands.*

#### 63. Administrative organization of the SIRENE Bureau and practical organization of the work of the SIRENE Bureau (staff, administration represented, day and night teams, specialization of operators...).

*The SIRENE is part of the International Police Services of the National Police Agency. This police force supports the other 25 region police forces on some areas which are more efficiently and effectively organized nationally (e.g. air-patrol, water police, highway patrol and the international channels). The International Police Service is one of the 4 police investigation & intelligence services in addition to 8 other services operating in the field of police and providing support. The International Police Service consists of three geographical units including the international channels as SIRENE, Interpol, Europol and the Liaisons network. The SIRENE bureau is now one of the old units and will be managed later this year by two units, namely the Southern European Unit and Northern European Unit. The security level and efficiency level will be maintained at the same level at least. The purpose is, however, to improve the level of service. At a regional level, the international police and input and output of legal aid are supported and co-ordinated by 8 International Information Centres. For the time being, all police forces have an Input centre at a regional level for NSIS, but in the future, the integration in these International Information centres is foreseen. In conclusion, the SIRENE is currently involved in a reorganization.*

*The number of staff employed by SIRENE is 24. During non-office hours in the evening and weekends, this number can decrease to approximately 6. In nightshifts (from 23.00 to 07.00) the number varies from 3 to 2. In addition to the head of SIRENE, operationally responsible for the bureau, there are 3 other levels; team co-ordinator: responsible on the work floor during his shift and also competent in interpreting manuals, legislation and languages. The second level is a senior operator: he or she is thoroughly informed on the contents of manuals and of applicable legislation and has to translate SIRENE messages on his own. The responsibility of the person at the lowest level, the operator, is to be aware of the broad outlines of the manual and legislation. His language competence should be at the same level as the others.*

# RESTREINT UE

64. What are the limits of the respective spheres of competence of operators and end-users.

See 63.

65. What practical steps have been taken to carry out checks referred to in Article 95(2) of the Convention? Are there any agreements with the legal authorities, particularly with a view to ensuring that SIS alerts take priority over Interpol alerts?

*The team co-ordinator, who is responsible on the work floor during his shift, is fully competent to interpret manuals and legislation. In cases of doubt, a legal expert can be consulted.*

*International alerts are entered in the NSIS. The end-user must enter: Interpol Y or N in the input screen. After receiving the alert, SIRENE will compile an Interpol message if required. Interpol alerts cannot be created in any other way.*

*The court l decide on the basis of Dutch law whether a person will be extradited or not and to which state.*

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

- (a) Which authorities in your country issue the alerts referred to in Article 96 for purposes of refusing entry?
- (b) Which authority performs the role of the national SIRENE Bureau with regard to the alerts referred to in Article 96? Are there clearly defined channels of communication between the national authorities involved?
- (c) Which measures have been taken to give the SIRENE Bureau access to background information (for example, a decision on expulsion/ban on entry) which is not recorded in the SIS?
- (d) Which national authority liaises with the Schengen partners for purposes of sending and receiving of requests for consultation under Article 25 of the Convention?

# RESTREINT UE

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

*The Immigration and Naturalization Service (IND), of the Ministry of Justice is the responsible service in these matters.*

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

*With respect to the implementation of Article 96, the immigration service has the same facilities as the local police, but only has the authorization to implement this article. SIRENE acts as the SIRENE in these matters.*

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

*There is a close contact between the IND and SIRENE. Consultations are made by telephone.*

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

*The IND via SIRENE.*

67. What is the Sirene Bureau's position and how much space does it have to manoeuvre at a national level

- (a) Can the Sirene Bureau directly consult and enter data in the national police system when running SIS searches, or initiate procedures for this to be done, (such as gathering intelligence concerning an abductor in an alert on a missing minor)? If not, are steps being taken to this end?
- (b) Is the Sirene Bureau able to access data from and enter data into other databases (vehicle registration databases, aliens' registers, population register)? Is there any co-ordinated and effective co-operation with the corresponding departments?
- (c) Is the Sirene Bureau well known to and accepted by the national police? Does information generally still get through quickly and effectively? Can the Sirene Bureau issue instructions or does it have any other ways of influencing co-operation? Do the police provide the Sirene Bureau with training?
- (d) Are the Sirene Bureau's empowered to conduct investigations or act as coordinators? (such as in Articles 39 and 41).

# RESTREINT UE

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

*SIRENE* can consult data in the national police system. Local authorities are always responsible for entering more data.

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

*SIRENE* has no direct access to aliens registers. *SIRENE* has direct access to all national police files and the Dutch residents' registration, vehicle registration database etc.

- (c) Is the Sirene Bureau well known to and accepted by the national police? Does information generally get through quickly and effectively? Can the Sirene Bureau issue instructions or does it have any other ways of influencing co-operation? Do the police provide the Sirene Bureau with training?**

The *SIRENE* is always involved in alerts and requests for arrests abroad. It is therefore known to the relevant police bodies. Information generally gets through quickly and effectively. The *SIRENE* cannot issue instructions, but can convince others of its standpoint by reasoning and arguments. There is often direct telephone contact with the public prosecutor involved. In general, the police do not provide the *SIRENE* with training.

- (d) Are the Sirene Bureaux empowered to conduct investigations or act as co-ordinators? (Such as in Articles 39 and 41).**

Although all *SIRENE* operators are special law enforcement officers, they are not empowered to conduct investigations or act as co-ordinators. These tasks are carried out by the local police. In cases of border-crossing Surveillance, the National Public Prosecutor is the competent authority. A special co-ordinating unit, the Landelijk Coördinatiepunt Grensoverschrijdende Observatie (LCGO), is responsible for co-ordinating these tasks..

# RESTREINT UE

68. What are the working relations between the Sirene Bureaux, and what kind of basic and further training is provided?

- (a) Is the time taken to respond in the course of processing a hit generally assessed as being good / acceptable / inadequate  
variable depending on the alert category concerned / unacceptable for certain alert categories (state which categories)?
- (b) Is the substance of the responses given when processing hits generally assessed as being good / acceptable / inadequate  
variable depending on the alert category concerned / unacceptable for certain alert categories (state which categories)?
- (c) Are the duties of the staff working in the Sirene Bureau well defined and do they appear clearly structured to an outsider?  
Is the level of staff training generally good / acceptable / poor (regarding knowledge of police affairs, legal affairs, language skills, familiarity with the SIS and the Schengen Convention)  
Are there any basic training / specialized training / exchange programmes?
- (d) Is the staff informed of recent developments/ changes in co-operation ensuing from decisions taken at higher levels, notices etc.?
- (e) Is such joint training desirable?

*(a) Is the time taken to respond in the course of processing a hit generally assessed as being good / acceptable / inadequate  
variable depending on the alert category concerned / unacceptable for certain alert categories (state which categories)?*

*The time taken to respond in the course of processing a hit is good.*

*(b) Is the substance of the responses given when processing hits generally assessed as being good / acceptable / inadequate  
variable depending on the alert category concerned / unacceptable for certain alert categories (state which categories)?*

*The substance of the response is good*

## RESTREINT UE

**(c) Are the duties of the staff working in the Sirene Bureau well defined and do they appear clearly structured to an outsider?**

**Is the level of staff training generally on the whole good / acceptable / poor (regarding knowledge of police affairs, legal affairs, language skills, familiarity with the SIS and the Schengen Convention)**

**Is/are there any basic training / specialized training / exchange programmes?**

*Yes, duties are well defined and clearly structured. The level of the staff is good. Two staff members followed the course in Madrid. Course International Co-operation, Criminal intelligence, special law enforcement officer are given to all staff. New staff will follow a two weeks training program followed by a three months period of learning on the job.*

*By mid January 2003, 30 officers will be able to deal with SIRENE matters.*

**(d) Is the staff informed on recent developments/ changes in co-operation ensuing from decisions taken at higher levels, notices etc.?**

*The staff is informed on recent developments.*

**(e) Is such joint training desirable?**

*Joint training is always good for educational purposes as well as with a view to promoting good co-operation.*

69. In which areas does the Sirene Bureaux co-operate with Interpol and which areas does it not.

- (a) Problem areas in co-operation as a result of the fact that the bodies connected to Interpol and to the Sirene Bureaux are not the same (other ministries, other police services) in the exchange of information, clashes in areas of competence and responsibility).
- (b) Information exchange between the national Sirene Bureau and Interpol is assessed as being good / acceptable / unsatisfactory.

*Interpol and SIRENE are fully integrated. There are no problems in this field, and there is a good exchange of information.*

70. How will legal authorities respond in the event of a hit regarding Article 95 alerts? (Interpol alert requirements, awareness of role of accompanying papers, request for additional information, translation of national arrest warrants)

*Legal authorities act according to legislation.*

*See also SIRENE evaluation.*

# RESTREINT UE

## - Technical conditions

71. Which technical arrangements have been made to enable the uninterrupted operation of the SIRENE Bureau in exceptional situations such as natural disasters, power cuts, disturbances or in case of interruption of traditional telecommunications systems, etc.

*Answered during SIRENE evaluation.*

## - Data

72. Follow-up action

- (a) Are hits following alerts recorded manually or by computer?
- (b) If they are recorded by computer, how is this done?
- (c) Are the consequences of a hit, e.g. the results of an investigation, recorded? If so, is this done centrally or locally?  
How long are the results of an investigation stored?
- (d) Is the number of SIS searches logged at central or local level?
- (e) Are the results analyzed and used as a basis for policy evaluation?
- (f) Is it possible to indicate, in the context of external border control, the number of SIS searches as a percentage of the total number of persons subject to checks under Article 6 of the Schengen Convention?

**(a) Are hits following alerts recorded manually or by computer?**

*A substantial part of the communication with local police is carried out by means of the NSIS application itself. However, messages concerning hits are (still) transmitted by fax. Both incoming and outgoing faxes are transferred into x-400 messages and are centrally processed by the main NSIS computer (gateway). The telephone is also used, but normally if, a current alert is concerned (and not general information), telephone calls have to be confirmed by fax.*

**(b) If they are recorded by computer, how is this done?**

*N/A.*

# RESTREINT UE

(c) *Are the consequences of a hit, e.g. the results of an investigation, recorded? If so, does this take place centrally or locally?*

*How long the results of an investigation are stored?*

*Responsibility for the investigations and consequences of hits is local*

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

This is done both centrally and locally.

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

No.

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

*In 2001, 18 million people were controlled at Schiphol, EU citizens included.. The number of SIS searches is not known. There were, however, 452 hits on the basis of Article 96.*

## - Data protection and other legislation

73. Legislative and regulatory provisions adopted to set up the SIRENE Bureau, including subsequent legislative measures.

*The Schengen Convention, the Police Registers Act, The Data Protection Police Files act and the instruction of the Prosecutor General (in revision)*

74. Security measures at the SIRENE Bureaux pursuant to Article 118 of the Schengen Convention.

Controls on:

- (a) entry;
- (b) data carriers;
- (c) users;
- (d) access;
- (e) transmission;
- (f) input.

See 79.

# RESTREINT UE

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

*See 79.*

76. What is the level of authorization of SIRENE staff and all staff with access to SIS data.

*See 79.*

77. What is the level of protection and which protective measures are applied to computerized police applications. In connection with this, which special measures are taken in relation to the Sirene application?

*See 79.*

78. What control is there with respect to computerized access to Sirene files?

*See 79.*

79. Which measures are carried out to ensure that each user has access only to the categories of data for which he or she is authorized, in accordance with Article 101.

***Give a description of measures taken to ensure and monitor that only authorized persons can enter the premises:***

*All staff of the National Police Agency are in possession of a pass authorizing them to enter the building. Access to the wings of the building is restricted to authorized persons. Depending on the restrictions for the area concerned, authorization is granted via the passes of the employees. E.g. only authorized employees are allowed to enter the SIRENE room. When employees enter the room, this is logged centrally and monitored by the Security Section.*

## RESTREINT UE

***Give a description of guidelines and procedures for assigning authority to access SIS information regarding physical archives***

*In addition to a few maps including hit notices about with respect to stolen vehicles, (stored in order of date of receipt) SIRENE Netherlands has no physical archives.*

***Give a description of the guidelines and procedures for assigning authority to access SIS information regarding computer records***

*Access to any (police) system of the national police agency has to be requested by means of a special form, stating the reason for the request and giving the signature of the operator concerned coupled with a declaration that he is familiar with the safety procedures per system and including the approval of the manager concerned.*

***Give a description of measures taken to ensure and monitor that only authorized persons can access IT systems. To enter the systems, several levels of authorization have to be granted.***

*The list of persons with authorization to enter the computing centre is regularly actualized and only these persons have access to the IT systems.*

***Give a description of measures taken to monitor access (logging routines etc)***

*Every Monday, the names of users who have not accessed the systems for over 90 days and the users with a pre-expired password are reported to the functional controller.*

*The accounting files are concluded weekly and inspected monthly.*

***Give a descriptions of measures taken to avoid distortion of data (assess and meet risks for distortion due to user errors etc)***

*As far as possible, this is managed by the levels of authorization and double checks. In any case, containing a 'filled in' logbook (either attached to a national alert or to alerts from other countries) the system will give a print out of the alert in case of deletion. A (re-) check will be made by the SIRENE.*

80. Who, in your country, is the national supervisory authority referred to in f Article 114 of the Convention?

*The "College Bescherming Persoonsgegevens" (Dutch Data Protection Commission)*

# RESTREINT UE

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

*After the deletion of an alert, the corresponding documents will last for a maximum of 9 days in the 'actual' archive system. Hereafter, these documents will be stored in the 'historical' archive for one year. After one year, the documents will be deleted completely. During the period of one year, these documents are only accessible to authorized personnel of SIRENE (not all of them) and the archived documents are only accessible with the Schengen ID number with a view to making the use of the stored information as exclusive as possible.*

- **Education and information**

82. Give a description of the specific training given to operators and to those responsible for the SIRENE Bureau.

*New operators will have followed the following courses:*

*a: The course "Special Law Enforcement Officer " This is not a course providing training participants to become police officers, but officers with restricted competence. The course includes information on the Penal code and the Law on Criminal Proceedings.*

*b: In-house training on International Law and Co-operation;*

*c: An in-house course on criminal intelligence;*

*d: An in-house course "SIRENE", During this last course, in addition to the theory on Schengen and the SIS, new operators are taught how to handle alerts and hits based on Articles 95 to 100, how to use the IT solutions, etc.*

*After this course, training on the job will take place. During two to three months, new operators work close together with a senior operator, who is responsible for the training on the job. The guidelines for this training have been attached to this questionnaire as an appendix.*

# RESTREINT UE

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

*The end-users concerned, the staff of the regional input centres are very well informed. The police officers working on the streets are informed by means of training and additional courses. Working on the job generates experience and knowledge of Sirene and the SIS. During their training, special units such as surveillance teams and detective squads are also well informed about International Co-operation in general, including the Sirene and the SIS.*

84. Training and information for end-users. In particular:

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

*Newly recruited police officers are trained in the use of the Schengen Convention and the SIS. Co-operation between the contracting partners is explained in 40 lessons (40 hrs.). In an additional course for a period of three days that includes training on International Assistance in Criminal matters, , 6 hours is devoted to studying the Schengen Convention and international co-operation between the contracting parties. The Schengen Convention is also discussed in training for new members of surveillance teams...*

*Experience gained by working on the job also generates knowledge of the Schengen Convention.*

85. Which measures are taken to ensure the level of competence of new users?

*The people working in the regional input-centres are well trained and educated The level of competence is a local responsibility.*

## RESTREINT UE

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

*See also question 84. Police officials on the ground are also informed by articles in police journals and magazines, and in some cases, meetings are arranged with the SIS. The training of KMAR officers includes a presentation about SIRENE and the SIS.*

87. What are the alert procedures for the prosecuting authorities and procedures following a hit:

- (a) How are courts and public prosecutors informed about the SIS (familiarity with the SIRENE Bureaux, the role of the SIRENE Bureaux, differences between SIS and Interpol searches)? (by specific training, in the course of ordinary training, multiplier effect from trainers, publications, through specific brochures, through general public relations work)? Are they informed regularly, just once or not at all? Are there regional differences?
- (b) Do the SIRENE Bureaux have any influence (by information and training measures)?

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

*During their formal education, judges and public prosecutors receive information on treaties and conventions and subsequently also on the Schengen Convention. In performing their job, they learn about the SIS and SIRENE when confronted by alerts or extradition. They are also informed via the Instruction of the Prosecutor General.*

***(b) Do the SIRENE Bureaux exercise any influence (by information and training measures)?***  
*see 87(a)*

# RESTREINT UE

## III. Vision network

88. How are other states consulted? Which technical means are implemented?

*The representatives enter the data of visa applications in a local visa system with which consultations are automatically transmitted to the central system at MFA through a closed network. The central system of MFA subsequently transmits the consultations to the central authorities of the Schengen state that must be consulted through the Sirene-II network, according to the Schengen specifications.*

89. What is the estimated time that it takes to respond to a consultation?

*14 days, 7 days for the transmission between the representatives and MFA and 7 days for consulting the Schengen states.*

90. Under which circumstances do the consuls of the your country consult their authorities?

*Obligatory for nationalities on Annex 5A. Obligatory for individuals that are on hit lists. In all other cases, the representatives can consult the national authorities to check circumstances in the Netherlands, such as the party making the request, guarantees, lodgings.*

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

*On the basis of local arrangements. The number of international consultations is 85,835, the number of national consultations is 80,695 (in the year 2001).*

92. What provisions have been made to ensure that Schengen visas are only issued by permanent consular posts?

*No specific provisions. Under strict conditions it is possible to issue territorial limited visas.*

# RESTREINT UE

93. Is there any technical equipment for detecting false documents (travel documents, supporting documents, etc.)?

Yes, the retro check and UV light equipment.

94. Is any specialized training given in the detection of false documents?

Yes.

95. Are there any manuals of specimen documents so that checks can be carried out to ascertain whether the documents presented are genuine?

*There are no manuals, but specimens of the original documents are available.*

## **IV. Legal co-operation**

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

*Yes. On the basis of Article 49 we especially receive requests concerning traffic offences and "ordnungswidrigkeiten". For requests for legal assistance, the Dutch authorities use Article 50 of the Schengen Convention, in addition to the applicable articles of the European Mutual Assistance Treaty. Informal contacts between fiscal authorities are of great use in practice. The Dutch fiscal authority (FIOD) often experiences Article 50 as a restriction as it deals with indirect taxes only.*

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

*The application of Article 50(3) does not present any difficulties.*

*We would like to request attention for situations where information obtained in criminal investigations is to be used in fiscal/administrative cases, and vice versa. To be able to do so, the explicit agreement is necessary from the foreign authorities concerned.*

## RESTREINT UE

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

*No.*

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

*In the near future, guidelines will be issued with respect to the channelling of incoming and outgoing requests via so called International Co-operation Centres (IRC).*

100. Have the legal authorities received the directory of the cities of the other member states enabling them to forward direct requests for mutual assistance as provided for in the Convention?

*The Netherlands are still waiting for a connection to the European Legal Atlas, but will be connected very soon. Dutch authorities maintain regular contact with their colleagues from Belgium and Germany.*

101. Have any requests for extradition been authorized under Article 66 of the Schengen Convention? How many have been authorized to date?

*In the majority of extradition cases, extradition takes place according to the summary proceedings referred to in Article 66.*

102. How are the forms for requesting the transmission of extracts from legal records (SCH/III (97) 41 4 rev) distributed and used?

*This is handled by the National Dutch Police Organization (KLPD). Extracts can be supplied according to Dutch legislation concerning Police Information and Registers (Wet Politierregisters, Wet op de Justitiële Documentatie).*

# RESTREINT UE

103. Are the possibilities for mutual legal assistance in criminal matters and extradition cases provided for by the Convention implementing the Schengen Agreement used satisfactorily?

*In day to day international assistance, the possibilities provided by the Convention are used as much as possible. It can therefore be concluded that the Convention is used satisfactorily.*

## **V. Legislation on firearms**

104. Have the contents of the EU Directive (91/477) on firearms been transposed into national legislation? If so, what stage is the legal process at? Have the model common forms been adopted for the control of firearm purchases?

*The Directive has been implemented in Dutch legislation and regulations by law on 27 January 1994 (Bulletin of Acts and Decrees [Stb.] 1994, 84). This law entered into effect on 1 April 1994.*

*At the moment of the realization of the EU Directive on firearms, the Netherlands already had an extensive system of licences for firearms that met the requirements made by the EU Directive.*

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

*In Directive 91/477/EEC of the European Council of 18 June 1991 on matters of control with respect to the acquisition and possession of arms, the choice was made for harmonization on the basis of minimum requirements. In view of the fact that the Dutch legislation on arms and the corresponding regulations are traditionally restrictive, (and therefore exceed the minimum requirements of the directive) and in connection with Schengen in most of the surrounding countries a clearly restrictive legislation has meanwhile been realized, the effect of the directive has not intensified the restrictive character of the policy in the Netherlands.*

## RESTREINT UE

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

*Article 8, section 2 of the Directive is implemented in Article 32, section 2 of the Weapons and Ammunition Act by the inclusion of an obligation to disclose on acquisition of a weapon by a resident of another member state, in so far as the weapon concerned qualifies as a weapon that must be reported in that state. In the Netherlands, the National Police Services, the Central Criminal Intelligence Agency, the Firearms Department, Postbus 3016, 2700 KX Zoetermeer, the Netherlands, is the Dutch central authority that plays a role in the exchange of information. In the future, the Dutch central authority shall possibly be changed. The Netherlands does not have any information with respect to the volume of this exchange of information.*

*As became clear from the evaluation procedure of the European Weapon Directive 91/477/EEC initiated by the European Commission at the end of June 1999, the exchange of information (e.g. lists of prohibited weapons or lists of weapons for which permission is required in advance) between the member states needs to be improved. This could, for example, be achieved by means of an institutionalized structure involving all the pillars of the European Union, distributing a document on the national regulations with respect to weapons, drawn up by the European Commission, or by institutionalising a computer system. In connection with this inventory, it has moreover appeared that a substantial number of member countries (particularly Germany, France, Ireland, Italy, Portugal, Greece and the Netherlands) are satisfied with the exchange of information with respect to permanent transfers.*

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

*The Netherlands has fairly strict legislation and regulations in the area of firearms and ammunition. This aims to combat the illegal possession of weapons and ammunition and as far as possible, to control legal possession. With a view to the importance attached to the objective and with a view to the fact that the same demands for obtaining a licence for possession do not yet apply in all countries, the Netherlands is not yet prepared to specify the European firearms pass as the only document for transfer to another member state.*

# RESTREINT UE

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

*In Article 18 of the weapons and ammunition regulations, exemption is granted (among other things) to bring in:*

- *firearms that, according to the Dutch criteria, have definitely been rendered unfit for use;*
- \* *in accordance with the Schengen Implementation Agreement, firearms that were manufactured before 1870;*
- *firearms in the form of rifles, pistols and combination-weapons that were designed and intended to be loaded with loose cartridges, black gunpowder, except for calibre .22 rimfire cartridges and central firing cartridges, manufactured prior to 1 January 1945;*
- *firearms in the form of rifles and pistols, that are not revolvers, that were designed and intended to be loaded with cartridges the propelling load of which consists of black gunpowder or only “ontstekingsas” (ignition), with the exception of calibre .22 rimfire cartridges with a cartridge length of over 18 mm, manufactured prior to 1 January 1945;*
- *artillery that was designed and intended to be loaded with loose projectiles and black gunpowder, loose or in cartridges, manufactured prior to 1 January 1945;*
- *apparently used loose cartridges and cartridge shells intended for or as part of a collection;*
- *cartridge magazines and cartridge holders in so far they belong to persons with a licence to possess the arms or ammunition that these objects are intended for;*
- *ammunition and parts of ammunition of category II, exclusively for holders of a licence to possess ammunition of category III, in so far as the ammunition or parts of ammunition are included in the specialization described in connection with this licence, ammunition with a calibre of over 12.7 mm (.50) not equipped with highly explosive loads and munition of a calibre of over 19 mm that is not equipped with highly explosive loads and moreover does not contain propelling loads, in the understanding that with respect to the ammunition of category II, the authority of the holder of a licence for possession of ammunition in category III does not exceed ammunition of category III;*
- *missiles and shells, possibly combined to form cartridges that form a part of a sample, collection or overview board, in so far as they are not equipped with a firing, propelling or highly explosive load and in so far as they are thoroughly and permanently attached to the board.*

# RESTREINT UE

## V. Issuing of visas / consular co-operation

109. What/which authority(ies) in your country is/are authorized to issue visas?

*The Ministry of Foreign Affairs is responsible for the visas policy and implementation.*

*The border control authorities are authorized to issue visas upon arrival in the Netherlands.*

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

- (a) availability of Schengen visa stickers,
- (b) Access to SIS (consultation terminals, CD-ROMs...)?

Which equipment is available to detect forged documents?

*a) all diplomatic and professional consular missions (excluded honorary consulates) are equipped with a computerized visa system which enables them to issue visas according to Schengen regulations. The visa stickers are printed by special equipment.*

*b) the missions have access to SIS via CD-ROMs*

*To detect forged documents retro-check detection equipment is available.*

111. Which security measures have been taken with regard to Schengen visa stickers?

*Visa stickers are transported by diplomatic pouch. The main stock is kept in a safe in a secured area. A limited number are stored in a safe in the consular/visas section. Only diplomatic staff have access to the stock. After having been received, the numbers of the visa stickers are entered in the computerized Visa Information System.*

## RESTREINT UE

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

*Common Schengen Visas Instructions and annexes are available. Diplomatic staff follow training courses in the Netherlands on a regular basis organized by the Ministry of Foreign Affairs. In addition to training on the job by diplomatic staff, local staff in the so-called 'high-risk countries' in the field of visas are trained locally by trainers of the Ministry of Foreign Affairs.*

113. How is the data transmission from your country's diplomatic and consular missions to the respective central authorities processed (with special reference to consultation)?

*For the transmission of data a closed network is used.*

114. How would you characterize consular co-operation between your country's diplomatic and consular missions and those of other Schengen states?

*In general, consular co-operation can be characterized as sufficient. The frequency of consular co-operation meetings depends on the initiative of the presidency.*

115. How does your country participate in the automatic consultation process set out in Article 17(2) of the Convention (VISION network)?

*Consultation takes place automatically. The computerized Visas Information System automatically indicates whether the central authorities concerned should be consulted*

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

*The total number of visa applications in 1999 was 473,467, in 2000 423,037 and in 2001 399,706, divided into main regions:*

## RESTREINT UE

	1999	2000	2001
<i>Africa</i>	75,575	71,043	73,698
<i>Asia</i>	113,689	120,453	109,787
<i>Europe</i>	134,910	112,472	93,231
<i>Former SU</i>	78,053	54,914	53,774
<i>Middle East</i>	22,514	18,127	20,368
<i>Middle America</i>	3,253	3,802	4,783
<i>North America</i>	15,298	12,087	14,521
<i>Oceania</i>	512	595	659
<i>South America</i>	29,663	29,544	28,885

*The decrease in visa applications has been caused by the economical recession in Eastern Europe and Asia.*

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

*In 2001 then Netherlands sent 85,835 consultations to the Schengen partners and received 25,358 consultations.*

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

*The number of refusals in 1999 was 45,338, in 2000 31,678 and in 2001 33,605*

118. Have the bodies responsible for the exceptional issue of visas at the border, pursuant to Article 17(3)(c) of the Schengen Convention and Part II, Section 5, and Annex 14 of the Common Manual, been briefed on the relevant Schengen arrangements and prepared to apply them? Which authorities will be responsible for this?

*The relevant Schengen arrangements have been incorporated in the Aliens Regulations and*

*Border Control Regulations. The Ministry of Justice is responsible for the border control.*

# RESTREINT UE

119. Do the authorities of the Antilles have the possibility of issuing visas at the border?

*Schengen visas are only valid for the territory of the Netherlands and not for the Netherlands Antilles and Aruba. The Netherlands' Antilles and Aruba have their own visas and visa policy. In principle, visas for the Netherlands' Antilles and Aruba should be issued by the Netherlands' missions abroad.*

## **VI. Readmission**

120. What readmission agreements exist with

- (a) other Schengen states?
- (b) third countries?

*a) The Netherlands has concluded readmission agreements with the following Schengen states: Germany, France and Austria.*

*b) The Netherlands has concluded readmission agreements with the following third countries: Bulgaria, Slovenia, Rumania, Croatia, Estonia, Latvia, Lithuania and Slovakia*

121. How many persons have been sent back every year under these agreements since 1996.?

*There are no figures available.*

122. What is the percentage of foreigners readmitted (figures per state)

- (a) to other Schengen states?
- (b) to neighbouring states?
- (c) to the countries of origin of the persons concerned?

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

*There are no figures available.*

## RESTREINT UE

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

*The national legislation includes the Aliens Act 2000, the Aliens Decree and the Aliens Regulation. Article 63 of the Aliens Act determines the legal bases for non-voluntary repatriation.*

*Article 63:*

*1. An alien who is not a legal resident and who has not left the Netherlands of his own volition within the time limit prescribed by law may be expelled pursuant to section 25, subsection 1 (b), or section 43, subsection 1 (b).*

*2. Our Minister is authorized to make an expulsion order.*

*3. If the operation of the decision rejecting the application or cancelling the residence permit is suspended, the alien may be required to co-operate with the preparations for his/her own expulsion.*

*No distinction is made between rejected asylum seekers, persons no longer benefiting from temporary protection, illegal aliens or criminals.*

124. What are the residence arrangements for foreigners who, for various reasons, cannot be expelled?

*If the alien is unable to depart for reasons beyond his control, he will continue to be offered refuge. 'Beyond his control' should be regarded here as an objective criterion, i.e. the alien should be unable to obtain a document he can use for travel purposes.*

125. Is instant refoulement a legal possibility in the case of foreigners detected upon entering the country illegally or immediately after crossing the borders?

*Subsection 3 of article 3 of the Aliens Act determines that an alien requesting the protection of the Netherlands authorities on the grounds of asylum may be refused entry only in accordance with a special order issued to that end.?. Officers in charge of border control shall not, except acting on specific instructions from Our Minister, refuse entry to the Netherlands to aliens who claim that, as a result of such refusal, they would be forced to return to a country where they have well-founded reasons to fear persecution due to their religious or political persuasion or their nationality, or because they belong to a certain race or social group.*

# RESTREINT UE

126. Is there a central body responsible for issuing travel documents for repatriation? What experience does it have in this field?

*There is no central body responsible for issuing travel documents for repatriation in the Netherlands. Laissez Passers for repatriation are issued by the representatives of the countries of origin.*

## VII. Entry

127. Which administrative and criminal law penalties have been introduced under your national legislation for

- (a) persons entering the national territory illegally?
- (b) persons involved in assisting illegal immigration?
- (c) persons using labour of illegally resident aliens?

*a. There are no penalties for persons who enter the national territory illegally. However, a person crossing a border outside an authorized border crossing-point is liable to prosecution by criminal law or administrative penalties. See answer number 134.*

*b. The smuggling of humans is a criminal offence. Human smuggling is punishable under Art. 197a of the Criminal Code and is described as “ aiding another person for profit to enter or stay in the Netherlands or any state that is obliged to carry out border checks, partly on behalf of the Netherlands, or to provide him for profit with the opportunity, means or information, in the knowledge that or having serious grounds to suspect that the entry or stay is illegal. In the event that human smuggling is carried out on a regular basis or in the case of organizations, there is a prison sentence of up to eight years.*

*Human trafficking is also a criminal offence. Human trafficking is punishable under Article. 250 of the Criminal Code and is described as “ hiring, bringing or kidnapping a person in order to put this person to work as a prostitute in another country. The maximum sentence is eight years.*

## RESTREINT UE

*c. Serious crimes such as recruiting or employing foreign workers with a view to material gain are punishable under the Code of Criminal Law (Articles 197b and c). An offence can lead to detention of maximum one year in case of illegal employment, and a maximum of three years for recruiting or employing foreigner workers without a work permit, or the court can order payment of a fine of a maximum of 100,000 guilders.*

128. Which measures are employed for the application of Article 27 of the Convention against those who assist an alien to enter the territory of one of the other Schengen states illegally?

*The following national measures/strategies have been adopted and/or are planned in order to prevent and combat human smuggling:*

- *In 1997 a taskforce to combat human smuggling was established to improve intelligence sharing and co-ordination among effected government agencies;*
- *Intensification of the gate-controls at Schiphol airport;*
- *Stationing of Immigration Liaison Officers (ILOs) in the countries of origin and transit countries;*
- *Part of the definition of human smuggling is profit. Legislation with respect to this part is currently underway.*

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

*In general, our criminal law applies to everyone who commits any crime in the Netherlands. In case of alien smuggling this is extended to anyone who commits the crime of alien smuggling within the Schengen area. Moreover the effect of article 197a of the Criminal Code is extended through Article 5 of the Criminal Code to any Dutch citizen guilty of smuggling aliens outside the Netherlands. This means a person who does not have the Dutch nationality and who is not inside Schengen territory is not punishable for the smuggling of aliens in the Netherlands.*

## RESTREINT UE

130. In accordance with the provisions of Article 26 of the Convention, does the law oblige sea or air carriers or operators of international coach services to take all necessary measures to ensure that aliens are in possession of the travel documents required for entry into the territories of the contracting parties at the point of departure?

*Article 4 of the Aliens Act determines that a carrier that has transported an alien to an external border or into the territory of the contracting parties must take the necessary measures and exercise such supervision as may reasonably be expected to prevent a situation arising whereby the alien does not comply with section 3, subsection 1 (a). A carrier may be required to make a duplicate of the travel document relating to the alien and to hand this over to the border control officers.*

131. Have criminal law or coercive measures been introduced in the event of non-compliance with this obligation?

*The carrier can be prosecuted for violation of Article 4 of the Aliens Act. The penalty could be that the carrier is obliged to pay a fine.*

132. Are carriers legally obliged to return aliens who are not in possession of the required documents?

*Yes. Articles 5 and 65 of the Aliens Act determines that the carrier is obliged to return aliens who are not allowed to enter the territory of the contracting parties.*

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

*In 2001 a total amount of 276.267,84 Euro's was paid by 18 different carriers in settlements out of court for non-compliance with the duty as referred to in article 4 of the Aliens Act. In 2001 court cases took place against 4 carriers. In these cases penalties were imposed for a total amount of 71.016,60 Euro's.*

## RESTREINT UE

134. Is a person crossing a border outside the authorized border crossing-points liable to criminal law or administrative penalties?

*Yes. A person crossing a border outside the authorized border crossing-points is liable to criminal law or administrative penalties. The penalties could be detention not exceeding six months or a category 2 fine (5000 guilders). See article 108 of the Aliens Act.*

135. Which forces are involved in combating illegal immigration inside the territory, and what are their exact powers and the legal and practical means at their disposal to carry out their tasks?

*The following forces are charged with the supervision of the observance of the statutory provisions relating to aliens:*

*(a) the police officers referred to in section 3, subsection 1 (a) and (c), and subsection 2 of the Police Act 1993;*

*(b) the officers of the Royal Netherlands Military Constabulary;*

*(c) officials designated by order of the Minister of Justice.*

*The police officers referred to in section 3, subsection 1 (a) and (c), and subsection 2 of the Police Act 1993 shall perform their duties with regard to aliens supervision under the direction of the chief of police. The supervision of aliens shall be performed by the Royal Netherlands Military Constabulary under the direction of the commander of the Royal Netherlands Military Constabulary.*

*The aliens supervision officers are authorized to stop persons in order to check their identity, nationality and residence status either because there is, on the basis of objective criteria, a reasonable suspicion that such persons are illegally resident or in order to prevent illegal residence of persons after they have crossed the border. A person who alleges that he has the Dutch nationality but is unable to prove this may be subjected to coercive measures as referred to in subsections 2 and 5. The documents which an alien must possess in order to establish his identity, nationality and residence status shall be designated by Order in Council.*

*If the identity of a person who has been stopped cannot be immediately established, he may be transferred to a place of interview. He shall not be detained there for longer than six hours, for which purpose, however, the period between midnight and nine o'clock in the morning is not counted.*

## RESTREINT UE

*If the identity of a person who has been stopped cannot be immediately established and if it transpires that this person is not legally residing in the Netherlands or it is not immediately established that he is a legal resident, he may be transferred to a place of interview. He shall not be detained there for longer than six hours, for which purpose, however, the period between midnight and nine o'clock in the morning is not counted.*

*If there is still a basis for suspecting that the detained person is not a legal resident of the Netherlands, the period referred to in subsections 2 and 3 may be extended for a maximum of forty-eight hours in the interests of the investigation by the commander of the Royal Netherlands Military Constabulary or, as the case may be, the chief of police in the place where the person is present. The officials are authorized to search the clothing and body of the detained person and his belongings. This task is laid down in Article 50 of the Aliens Act.*

*If the aliens supervision officers have, on the basis of objective criteria, a reasonable suspicion that persons with respect to whom they have a supervisory duty are being carried in a means of transport, they shall be authorized to search this means of transport. In such a case, the officers concerned shall be authorized to instruct the driver of the vehicle or the captain of the vessel to stop the means of transport and take it to a place designated by them in order that the means of transport may be searched. This task is laid down in Article 51 of the Aliens Act.*

*The aliens supervision officers are authorized, in the performance of their duties, to take possession of, temporarily retain and make entries in travel documents and identity cards of persons. Rules on this shall be laid down by or pursuant to an Order in Council. The travel document or identity card concerned shall be returned to the alien if he has indicated that he wishes to leave the Netherlands and actually leaves in practice. In the event of expulsion, the travel document and identity card may be handed to the border control official in the country to which admission is guaranteed. This task is laid down in Article 52 of the Aliens Act.*

*The aliens supervision officers are authorized to enter a dwelling without the consent of the occupant if there is, on the basis of objective criteria, a reasonable suspicion that an alien who is not a legal resident of the Netherlands is staying there. The officers referred to in subsection 1 are also authorized to enter every place, including a dwelling (without the consent of the owner), in so far as this is necessary in order to expel an alien or to remand an alien in custody, with a view to expulsion. This task is laid down in Article 53 of the Aliens Act.*

## RESTREINT UE

136. Have photocopies of the residence documents contained in Annex 13 to the Common Consular Instructions been circulated to the Passport Control Services in order to facilitate passport controls? How often is this circulation updated?

*The updates (6 times a year) of the Annex 13 to the Common Manual have been distributed to the Passport Control Services.*

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

*Entry and exit stamps are produced by a single company contracted by the government.*

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

*Every two months the Aliens Department of the headquarters of the KMAR issues a new security code for the uniform stamps.*

139. Is there a memorandum governing co-operation between the competent authorities involved in combating illegal immigration within the country?

*In December 1997, the Dutch government announced in a letter to the Parliament (Tweede Kamer) a new cross department task force governing co-operation between competent authorities in the field of combating Human Smuggling. This Human Smuggling Task Force consists of the Human Smuggling Unit (police investigation team), the Centre for Information and Analysis (police) and three special teams concerned with transnational organized crime (police and KMAR).*

*Furthermore, based on the same document, all involved authorities (the Co-ordinating Public Prosecutor on Human Smuggling, Human Trafficking and prostitution, intelligence-services, police, KMAR, IND and the Ministry of Foreign Affairs) work closely together at two different levels ("OGO" and "AOM"), by co-ordinating their separate activities in this field.*

## RESTREINT UE

140. How many illegal immigrants have been detected and what were their countries of origin?

*In 2001, the number of refusals of entry at Amsterdam Airport Schiphol by the KMAR was 9463 (asylum seekers and non-asylum seekers). The total number of passengers using Amsterdam Schiphol Airport was 39 million in 2001.*

*In 2001, the SPP detected and refused entry to 65 illegal immigrants (stowaways) at Rotterdam harbour. Their countries of origin were Morocco (26), Ukraine (11), Ghana (4), Saudi Arabia (2) P.R. China (1), Liberia (1), Surinam (1), Iraq (3), Nigeria (2), Tanzania (8), Tunisia (6), Algeria (5), Sierra Leone (3), Namibia (1), Bulgaria (1). Of these persons, 10 applied for political asylum. In total 99 persons were refused entry at Rotterdam harbour.*

*(see also answer to question 15)*

141. How many aliens have sought political asylum?

*In the year 2000, 438,95 aliens sought political asylum. Of these 4076 aliens requested political asylum upon arrival at Amsterdam Airport Schiphol from a non-Schengen country.*

*In the year 2001, 32579 aliens sought political asylum. Of these, 2,661 requested political asylum upon arrival at Amsterdam Airport Schiphol from a non-Schengen country (see also answer to question 15). Broken down according to nationality: 13 % from Angola, 11% from Afghanistan, 7 % from Sierra Leone, 5% from Iran, 5% from Guinea and 59% of others nationalities.*

# RESTREINT UE

## VIII. Police co-operation

142. With which countries have agreements been concluded or are agreements being prepared in matters of police co-operation?

*Germany and Belgium.*

143. 143. With which Schengen states have agreements been concluded, or are agreements in preparation or under study in matters of police co-operation in border zones under the provisions of Article 39(4) of the Convention (see Executive Committee Decision SCH/Com- ex (98) 51 Rev. 3 of 16.12.1998)?

Describe the co-operation.

*1) Agreement between the Ministry of the Interior and the Ministry of Justice of the Netherlands and the federal Ministry of the Interior of the Federal Republic of Germany in matters of political co-operation in the border area between the Netherlands and the Federal Republic of Germany, signed on 17 April 1996 in The Hague.*

*This agreement aims to strengthen political co-operation in the Dutch-German border area in agreement with the member states Nedersaksen and Noordrijn-Westfalen. The main points concern the exchange of information, contact points, the co-ordination of police performance in the border area, instructions of competent authorities in connection with cross-border observation and pursuit, the carrying of duty weapons and other equipment, the exchange of training and practice activities. The basis for this Agreement was the Schengen Implementation Agreement, Article 39, section 4.*

*2) Memorandum of Agreement on matters of co-operation in the area of police, the law and immigration between the ministers of Justice of Belgium, the Netherlands and Luxembourg, the Ministers of the Interior of Belgium and the Netherlands and the Minister of the Force Publique van Luxembourg, signed in Senningen on 4 June 1996. The memorandum concerns the strengthening of co-operation in the area of police, the law and immigration by an intensification of mutual consultation between the Benelux countries.*

## RESTREINT UE

144. With which other Schengen states has the exchange of liaison officers been agreed (Articles 7 and 47 of the Convention)?

*France, Spain*

145. How have police officers been trained, or how are they being trained in the application of the provisions of the Convention? Have instructions, administrative provisions, etc. been prepared with a view to the entry into force of the Convention?

*The Dutch Public Prosecutions Department has drawn up a number of instructions that partly correspond with and partly add to the content of the Schengen Manual. The Manual as such has not been included in the national instructions.*

*Moreover, several training courses have been set up to train and inform the police forces and their administrative personnel. The Dutch Police Education Centre has prepared a course for police forces which also was attended by German colleagues.*

146. Have your country's police officers been briefed on the handbook on Cross-Border Police Co-operation and prepared to implement it?

Is the handbook available and in use in all police units?

*The handbook has been sent to several Police Units. The Public Prosecution Department has issued some instructions. The Handbook is generally used by the Police Units close to the national borders and by the Dutch International Co-ordination Center (ICC), for international criminal co-operation.*

147. Within the framework of cross-border co-operation pursuant to Article 39(1-3) of the Schengen Convention, does national law empower your police services to authorize and execute, without the involvement of the legal authorities, the measures listed in the document adopted by the Executive Committee of Schengen on 28 April 1999 () on principles for police co-operation in the prevention and detection of offences? If not, what measures are the police not authorized to take?

*Within the limits as mentioned in document SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5 and under Dutch law, the police are authorized to take the measures referred to in the document.*

## RESTREINT UE

148. Which additional measures, if any, are the police authorities in your country authorized to take without the involvement of the legal authorities, which are not mentioned in this Executive Committee Decision?

*The police are authorized to exercise all measures within the general limits as mentioned in document SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5*

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

*Yes, under article 552i of the Dutch Penal Procedural Code the police should forward requests as mentioned to the Dutch prosecution service.*

150. Do the legal authorities accept requests for authorization according to Article 39(2) of the Schengen Convention by fax or e-mail, as provided for in the Executive Committee's decision (SCH/Com-ex (99) 18)?

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

*Legal authorities accept requests for authorization by fax. Email is not widely used as yet.*

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

*The data supplied must be for the purpose of investigation and prevention of criminal offences.*

# RESTREINT UE

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

*According to the Dutch guidelines concerning this matter, these type of requests should be sent certified copy to the KLPD.*

153. How many cross-border surveillance operations pursuant to Article 40 of the Schengen Convention have the competent authorities in your country carried out over the last three years (broken down by year, by Schengen state, by normal case/urgent case and by offence giving rise to the observation).

*Incoming*

*The number of requests has continued to grow over the last few years. The figures given are intended only to give some insight in the number of requests and where they come from. Our neighbouring countries are our biggest clients: Germany asked 198 times for cross-border surveillance (c-b.s.) in 2001. Belgium requested c-b.s. assistance in 21 cases in 2001 and the United Kingdom, although not yet a member of the Schengen Agreement, sent us 58 requests in 2001. The number of requests from other countries such as France, Spain or the Scandinavian countries can be counted on one hand.*

## *OUTWARD BOUND OPERATIONS*

*In accordance with the Directive for Procurators General, the local Public Prosecutions Department must report to the national authority (LovJ) any outward bound observations sent to foreign countries. Reporting takes place by sending a copy of the request for legal assistance to the National Coordination of Cross-border Observation (LCGO) Reporting Centre in Zoetermeer.*

*In practice it seems that this duty to report is not always complied with and this is the reason why the data below concern outward bound observations that were reported to the LCGO Reporting Centre.*

## RESTREINT UE

<i>YEAR</i>	<i>Total number of case files</i>	<i>GERMANY</i>	<i>BELGIUM</i>	<i>UK</i>	<i>OTHER</i>
<i>1999</i>	<i>94</i>	<i>38</i>	<i>102</i>	<i>4</i>	<i>17</i>
<i>2000</i>	<i>181</i>	<i>32</i>	<i>81</i>	<i>2</i>	<i>17</i>
<i>2001</i>	<i>115</i>	<i>33</i>	<i>68</i>	<i>2</i>	<i>12</i>
<i>2002 (up to and incl. 17/6)</i>	<i>50</i>				

*Explanation:*

*The figures under the various countries are the number of operations over the total number of case files.*

*The LCGO Reporting Centre does not register whether an operation was urgent or normal.*

*Total number of outward bound operations during the period 1999-2002 can be divided according to their nature into:*

<i>NATURE OF THE OPERATION</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
<i>CONTROLLED DELIVERIES</i>	<i>182</i>	<i>102</i>	<i>128</i>
<i>INVESTIGATION/ARREST</i>	<i>13</i>	<i>21</i>	<i>19</i>
<i>DETERMINING CONTACTS</i>	<i>187</i>	<i>191</i>	<i>236</i>
<i>DETERMINING PLACE OF STAY</i>	<i>NONE</i>	<i>3</i>	<i>NONE</i>
<i>DIVERSE</i>	<i>11</i>	<i>6</i>	<i>3</i>

## RESTREINT UE

154. Which measures has your country taken/which provisions must be observed regarding the use of technical means in cross-border surveillance?

*The use of technical means, whether to simplify/accompany the observation or to totally replace the physical observation (e.g. by using only GPS),- can only be allowed if the request is sent to the competent authority mentioned in the Schengen Convention. The most common technical means used are photo/video-registration and equipment to localize the car of the suspect. If the use of these means is requested, permission is generally granted on the condition that conversations between suspects in the car will not be listened to and no records will be made of the conversations between suspects. Only with the assistance of Dutch police officers and the use of Dutch equipment is it permitted to listen to conversations between suspects.*

155. Under national law, is an attempted offence sufficient to warrant measures being taken pursuant to Article 40(1) and (2)/Article 41(1) and (2) of the Schengen Convention?

*Yes.*

156. Except in cases of hot pursuit pursuant to Article 40(2) of the Schengen Convention, where it is obviously not possible to seek prior authorization from the central authority concerned designated in Article 40(5), are the officials of the Schengen states authorized to conduct cross-border surveillance also allowed to carry their service weapons in your country for standard surveillance operations pursuant to Article 40(1) as provided for under Article 40(3)(d) of the Schengen Convention?

*In the case mentioned in Article 40 (1), a prior request for legal aid must be directed to the competent Dutch authorities. The competent Dutch authority will review per case whether the officials concerned shall be permitted to carry duty weapons. The observation will, however, generally be taken over by the Dutch Schengen Observation Teams (SOT) specially set up for this purpose.*

## RESTREINT UE

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

*In the above-mentioned case, information on the type and number of the duty weapon shall possibly be obliged to be provided to the Dutch competent authority.*

158. How many cross-border hot pursuits pursuant to Article 41 of the Schengen Convention have the competent authorities in your country carried out over the last three years (broken down by year, by neighbouring Schengen state(s) and by offence giving rise to the pursuit)?

No information on this subject available. The competent authorities in this case are the local public prosecutor's offices.

159. If so, which solutions are under consideration and which tactical and operational requirements from the common catalogues of requirements of the Schengen states, set out in the Executive Committee Decision of 28 April 1999 (SCH/Com-ex (99) 6), could be met?

*The Dutch authorities have developed three systems for direct cross-border communication.*

*1. Operational in the Dutch / German / Belgium border-region is the Korte Termijn Schengen-system, or KTS-system (Short Term Schengen System in English). This KTS-system (a special radionetwork in the borderarea) makes it possible for the Dutch and German Police-forces to switch to a shared radio-frequency in the case of a cross-border hot pursuit or another calamity. Due to a difference in radio-standards this system is only partly operational in the Belgium / Dutch border-region but the installation of extra radioequipment gives almost the same functionallity .*

## RESTREINT UE

2. Last year the Dutch police have started the nation-wide implementation of digital radio communication-systems. In this far-reaching development, named C2000, the cross-border radio-communication has been given a prominent place. In the first stages of the roll-out of the digital radio communication-systems, a pilot in the southern border-region is enclosed. The pilot, called the 3 country Tetra-pilot, will start iend 2002 in the southern region of Limburg in a Dutch, German and Belgium co-operation. In the three countries mentioned above, cross-border digital radio-systems will be tested from police control-rooms to patrol-cars.

The radio communication-systems tested, are in accordance with the latest Tetra-developments.

3. A different form of cross-border communication is via an intra-network.

The Euregional Multi Media Information-system, or EMMI-system, is operational throughout the entire Dutch, Belgium and German border-region and reaches as far as the northern regions of France.

With this protected computer-network the Dutch police are able to make direct contact with its foreign counterparts via e-mail. The EMMI-system is also equipped with a website. On this site an announcement-board can be found, which holds professional information relevant for the police-organizations in the Dutch, German, Belgium border-region.

Currently there are 20 police-forces connected to the EMMI-network in the Netherlands, Germany and Belgium. In 2003 a substantial expansion of the number of operational EMMI-workstations is planned (especially in Belgium).

# RESTREINT UE

## **IX. Drugs**

160. Which specific organizational measures have been adopted at the external borders (land, air and sea) to combat drug trafficking?

- (a) New structures
- (b) Staffing measures
- (c) Creation of new customs services specialized in surveillance
- (d) at sea borders
- (e) at air borders
- (f) at land borders
- (g) Do the customs authorities have any vessels or aircraft (launches, planes, helicopters) for detecting illegal shipments?

*a. Within the existing structure of Customs, many measures have been taken to effectively combat the smuggle of drugs.*

*b. A few analysts have been added to the Customs Information Centre (DIC) whose specific focus is combating drug smuggling. A department has been set up as well to support the implementation of drug inspections. A special cluster has also been formed to improve inspections for smuggle of synthetic drugs.*

*c. Customs surveillance units have been substantially expanded in recent years. Moreover, a special surveillance team has been formed to inspect outgoing air freight. In addition, cooperation has been set up with the Public Prosecutions Department, the Police and the Fiscal Intelligence and Investigation Service-Economic Investigation Service (FIOD-ECD) in so-called HARC teams which conduct active criminal investigation as soon as a shipment of drugs is encountered by Customs during its inspections.*

*d. On the North Sea, customs carries out supervision using two new customs vessels with up-to-date equipment. These customs vessels primarily carry out this supervision in a strip 15nm wide off the Dutch coast. The vessels have been brought under a single organizational unit, the Coast Guard. This is a joint action of Police, Navy and Customs. Customs also carries out supervision in cooperation with the coast guard by means of air surveillance. The objective to be achieved by the end of 2002 is nearly full-time surveillance.*

# RESTREINT UE

*Finally, surveillance on the water also takes place in the ports.*

*e. Customs has further strengthened outer border controls of air transport by means of a system of pre-arrival inspection of incoming freight. On the basis of risk analysis, passenger flights are selected for personal inspections and aircraft search. In addition, a special surveillance team has been formed to inspect outgoing air freight.*

*f. Mobile control teams are active to inspect road transport (land) along the inner borders.*

*g. Yes, Customs has two new vessels with up-to-date equipment on board. On sea and in the air, ships and aircraft are used in a collaborative effort involving Customs, Police and Navy (Coast Guard).*

## 161. Technical aspects

- (a) Which specific measures and tactical methods have been adopted at the external borders to combat drug trafficking?
- (b) Which special measures have been taken to guarantee that controls are effectively targeted (targeted controls)?
- (c) Which new methods have been introduced to obtain relevant information?
- (d) Have any steps been taken with a view to concluding protocols and agreements with international carriers and to obtain information on suspect activities, in accordance with the recommendations issued by the World Customs Organization (WCO)?
- (e) Have the following conventions been ratified?
  - Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs,
  - the 1971 Convention on Psychotropic Substances,
  - the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988?

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a. External border controls take place on the basis of risk analysis. Two reports describe the smuggle methods used by criminal organizations to smuggle drugs into the country by air and by sea respectively. Specialists do research of techniques and methods to intercept drug shipments on the basis of indicators. The purchase of large permanent containers used for scans in Rotterdam and at Schiphol airport, mobile scans, hand luggage scans and scans for parcel post has provided significant support to external border controls.

Moreover, the number of drug detection dogs, both active and passive, has been extended.

Finally, it is essential that close cooperation and information exchange take place with all involved enforcement services.

b. The DIC conducts an ISG investigation in order to draw up of a list of risk indicators that ensure that the analysis has the best guarantee of selecting containers and/or shipments that contain drugs. The selection is supported by expertise which has been combined in RISICO, the automation system developed for this purpose.

c. The development of new methods is an ongoing process.

d. Several covenants have been concluded with shipping companies and shipbrokers and their umbrella organizations. For air transport, this has been done through the ATAN platform, a collaborative organization in which all parties are represented that are active at the airport.

e.

*Single Convention on Narcotic Drugs as amended by the 1972 Protocol*

*Ratified by the Netherlands*

*Into force as of 28 June 1987 by accession to the 1972 Protocol*

*Convention on Psychotropic Substances 1971*

*Accession: 8 September 1993*

*Into force: 7 December 1993*

*UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988*

*Signing: 19 January 1989*

*Adoption: 8 September 1993*

*Into force: 7 December 1993*

# RESTREINT UE

162. Which technical means have been deployed at the external borders to detect drugs illegally smuggled into the country?

For each of the following categories of border

- land borders
- sea borders, and
- air borders

please indicate the type and number of means of detection deployed and the frequency with which these are used, drawing a distinction between

- a. sniffer dogs
- b. X-ray machines
- c. permanent equipment for controlling shipping containers and air freight
- d. mobile facilities
- e. endoscopes
- f. systems for analysing urine to detect the presence of drugs concealed inside the human body
- g. any other technical means

*Land: for flexible use such as control of road traffic, Netherlands Customs is in the possession of a mobile laboratory. Five scanning vans are also in use. Scanning equipment (x-ray) is present at post sorting points and at courier organizations.*

*Sea: both in Rotterdam and at Schiphol airport, containers with scanning equipment have been placed. The number of scans (in Amsterdam and Rotterdam, among others) is currently being expanded. A method has been developed for the electronic selection of goods in cases when the unloading manifest is submitted to Customs electronically.*

*Air: the pre-arrival selection of air freight shipments is supported by automated applications.*

*a. Netherlands Customs has enlisted 34 sniffer dogs that are used to trace drugs.*

*b. Permanent X-ray machines conducted 132,338 inspections in 2001.*

*c. The two permanent container scans (Rotterdam and Schiphol) conducted 57,650 inspections in 2001.*

# RESTREINT UE

d. Netherlands Customs is in the possession of a mobile laboratory. Five scanning vans are also used for inspection of small shipments. In 2001, 111,050 inspections were conducted by these scanning vans.

e. n.a.

f. The Schiphol team uses the Rapid-Drug-Screen test for urine tests.

g. n.a.

163. Which measures have been taken to obtain information within the framework of international external border co-operation?

- a) international agreements (specific bilateral agreements, MARINFO etc.)
- b) participation in international working groups
- c) communication and information systems
- d) criminal tactics measures
- e) others

b. - *Mar-info meetings (sea-side inspections of drugs etc.)*

- *International Subgroup (ISG) meeting (subgroup of Mar-info)*

- *Pompidou Group (Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs)*

- *Customs Collaboration Group (international customs supervision operations)*

- *Briefings and debriefings for international operations*

c. - *Balkan-info*

- *Cargo-info*

- *Mar-info*

# RESTREINT UE

164. What results have you attained in terms of seizures between 1997 and 2000 at the land, sea and air borders?

- a) nature and volume
- b) country of origin
- c) destination
- d) means of transport
- e) means of concealment used by the trafficker

1997 (XTC in tablets)				
Type of Drug	By sea	By air	By land	Total
<i>Heroin</i>	3	42	40	85
<i>Cocaine</i>	3321	1711	621	5653
<i>Cannabis resin</i>	857	1614	13	2484
<i>Herbal cannabis</i>	7735	1677	14	9426
<i>Opium</i>	0	7	1	8
<i>XTC</i>	4902	222418	23923	251243

1998 (XTC in tablets)				
Type of Drug	By sea	By air	By land	Total
<i>Heroin</i>	6	39	90	135
<i>Cocaine</i>	1738	2971	552	5261
<i>Cannabis resin</i>	2160	1929	735	4824
<i>Herbal cannabis</i>	20489	880	357	21726
<i>Opium</i>	0	4	0	4
<i>XTC</i>	2422	77360	6	79788

1999 (XTC in tablets)				
Type of Drug	By sea	By air	By land	Total
<i>Heroin</i>				45
<i>Cocaine</i>				7827
<i>Cannabis resin</i>				6933
<i>Herbal cannabis</i>				20640

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<i>Opium</i>				0
<i>XTC</i>				137

2000 (XTC in tablets)				
Type of Drug	By sea	By air	By land	Total
<i>Heroin</i>				258
<i>Cocaine</i>				5456
<i>Cannabis resin</i>				7231
<i>Herbal cannabis</i>				5955
<i>Opium</i>				0
<i>XTC</i>				434

2001 (XTC in tablets)				
Type of Drug	By sea	By air	By land	Total
<i>Heroin</i>	0	4	8	12
<i>Cocaine</i>	1602	4092	27	5721
<i>Cannabis resin</i>	517	103	58	678
<i>Herbal cannabis</i>	8303	204	53	8560
<i>Opium</i>	0	0	0	0
<i>XTC</i>	0	184	20	204

Over the years 1999 and 2000 there are no details of drug seizures per transportmode available.

*b./c. The main countries involved in the smuggling of drugs are:*

	Countries of origin	Countries of destination
<i>Heroin</i>	Turkey India Pakistan	Germany The Netherlands
<i>Cocaine</i>	Dutch Antilles Colombia Brasil Surinam Venezuela	Spain Italy Austria

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	Panama	
<i>Cannabis resin</i>	Marocco South Africa	Germany The Netherlands
<i>Herbal cannabis</i>	Jamaica South Africa	The Netherlands Germany Great Britain
<i>XTC</i>	The Netherlands	U.S.A. South Africa Spain Canada Mexico

e.

<b>Main means of concealment</b>	
<i>Heroin</i>	In the luggage of airline travellers
<i>Cocaine</i>	The smuggling by air is done by swallowers, body-packers or hidden in luggage, in so-called airbags, in airfreight or aboard planes (usual hiding places are catering trolleys, dustbins and the board computers area). Transport by sea takes place by concealment in containers, aboard ships and attached to ships (under the waterline).
<i>Cannabis resin</i>	Luggage of airline passengers, airfreight and seacontainers are the main transportmodes of cannabis resin.
<i>Herbal cannabis</i>	Herbal cannabis is mainly found in luggage of air travellers, airfreight and seacontainers.
<i>XTC</i>	Almost all the confiscated XTC was found in luggage of air travellers and air freight.

*There are no details of modii operandi in roadtraffic.*

# RESTREINT UE

## X. Data protection

165. Who is in your country the national supervisory authority referred to in Article 114 of the Convention?

*The 'College bescherming persoonsgegevens', the Dutch Data Protection Commission.*

166. Has the supervisory authority used its right of access to the national part of the SIS? Is access occasional or frequent?

*As a mediator in conflicts: in 1999: 3 cases, 2000: 9 cases, 2001: 4 cases.*

*As a supervisor: an inspection report concerning NSIS in 2000.*

167. Is this right of access used in situ? Has any supervision been organized in parallel (one person in the SIRENE Bureau and the other with the end-user)?

*Yes, the inspection focused on the SIRENE bureau, the NSIS and the users.*

168. When there is access on the basis of Article 109 of the Schengen Convention, does the national supervisory authority also play a supervisory role or does it simply act as the authorized representative of the applicant? What exactly does the national supervisory authority supervision of an alert relate to: the legality of the procedure or the validity of the grounds for the alert also?

*No, there is a direct right of access. The individual that invokes his right has direct contact with the controller of the NSIS. The National supervisor can be asked as a mediator in case of conflict. The individual can also file a complaint with the supervisor stating that his rights have been violated and request an investigation. The supervisor, as an independent authority, is never the representative of the applicant. The supervision covers all aspects of an alert including the legality of the procedure and (marginally) the validity of the alert.*

## RESTREINT UE

169. How is co-operation between your national supervisory authority and other national supervisory authorities if it transpires that another Schengen country has registered a person and your national SIRENE Bureau does not have the complete file?

*This situation has not occurred yet. In general the co-operation with other national data protection authorities in Schengen matters functions well. This co-operation is carried out in conformity with the guidelines of the Joint Supervisory Authority.*

170. Is every tenth transmission of personal data recorded for the purposes of supervizing the admissibility of the query?

*No, 100% recording.*

171. Which rules are applied for retaining data in the national system? What happens to the paper files relating to the SIS alert? Are they archived? Are they destroyed? After how long?

*All data supplied directly and automatically to the national SIRENE bureau is recorded by means of the automatic processing of messages. Data supplied indirectly and automatically by persons not active for the SIRENE bureau is recorded unless it is supplied to fixed users in conformity with the purpose. Recorded data is removed and destroyed after 6 months. There are no specific rules for paper files.*

172. Has the list of authorities authorized to consult the SIS been amended recently?

*No*

173. Do the authorities responsible for recording vehicle registration have access to the SIS?

*No, This problem has been solved by placing police officers in the service for vehicle registration (RDW). These police officers have access to the SIS.*

## RESTREINT UE

174. How should the conflict between the transparency of public action and the protection of data entered in the SIS be resolved? How many people have asked to be informed of data concerning them? In how many cases did corrections have to be made?

*The number of requests made by people wanted to be informed is answered under 166. Of these requests, corrections had to be made as a part of the mediating process in three cases.*

175. How is access to the SIS supervised by local staff in the consulates?

*The consul or ambassador authorizes the staff. Application is protected by user name/password.*

176. Have rules been established concerning duplication of SIS data? Is there a technical copy or a copy "for technical purposes" which would allow user services to access the SIS?

*There is a kind of duplication of the NSIS database at Schiphol Airport, hit/no-hit database, which only contains some information of wanted persons and issued and blanc documents. This is for performance reasons. When there is a hit, the real NSIS database is queried.*

*See also question 42 for the CD-ROM of the Ministry of Foreign Affairs.*