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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out recommendations addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out recommendations addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 7739/17

Council Implementing Decision setting out a

RECOMMENDATION

addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen², and in particular Article 1(b) and 15(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this decision setting out a recommendation is to recommend to Croatia remedial actions to address the deficiencies identified during the Schengen evaluation of the conditions necessary for the application of the Schengen acquis in the field of management of the external border, carried out in 2016. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2017)780.

² OJ L 295, 6.11.2013, p. 27.

- (2) The National Border Management Information System (NBMIS) used by the Croatian border police is a well-developed tool supporting the border guards in their daily activities. Through the system, entry and exit are registered, data of persons and their vehicles crossing the border are collected and the relevant databases are checked automatically. In addition, the system provides an e-learning platform for border guards to update their border control knowledge. Furthermore, the six month orientation period under guidance of an experienced mentor which new border guards need to undergo and finalise with an exam at national level, provides a solid basis for border guard work.
- (3) In light of the importance to fulfill all the conditions to comply with the Schengen acquis, in particular the staffing level, the checking procedures, the land border surveillance capacity and infrastructure and the separation of Schengen/non-Schengen passenger flows, priority should be given to implement the following recommendations: 1, 4, 5, 9, 10, 13, 32, 37, 39, 56, 92, 94, 95 and 98.
- (4) This decision should be transmitted to the European Parliament and to the national parliaments. Within three months of its adoption, Croatia should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and submit it to the Commission and the Council,

HEREBY RECOMMENDS:

that Croatia should:

A) Integrated Border Management

Integrated Border Management Concept

1. implement, and if need be update, the development projects related to the Integrated Border Management strategy, especially projects on surveillance of the green border and border crossing point infrastructure, to bring the level of border control in line with the Schengen requirements;

2. strengthen and streamline the Croatian border police command and control system in order to guarantee: a direct and effective chain of command between the national, regional and local level; centralised resourcing and supervision and clear and effective coordination for border management; a common approach and a unified planning system for border control; border control staff should operate under specialised trained border guard management;
3. further develop and update the existing contingency plans, at the national, regional and local level and ensure sufficient reception and registration capacity (technical and human) of migrants in all situations;

Human resources, professionalism and training

4. increase the number of staff responsible for performing practical border control tasks to fulfil the Schengen requirements (Article 15 Schengen Borders Code);
5. update the national training plan to raise the level of professionalism and performance of border control by: focussing especially on language skills, border surveillance tactics and training of dog handlers; making full use of Frontex' training tools in the dog handlers training; contacting and gaining knowledge from Member States that have extensive experience in the use of dogs for border surveillance and have a well-established dog handlers training programme for border guards; ensuring that the updated training on fundamental rights is followed by all border guards;

Risk analysis

6. increase the capacity and capability to prepare risk analyses on the strategic and operational/tactical level by; deploying analysts who are especially trained in common integrated risk analysis model (CIRAM) 2.0 in the analytical units; providing specific training to the risk analysis unit in the National Coordination Centre and the risk analysis department for national risk analysis at land, sea and air borders in the CIRAM 2.0 methodology to enable the unit to carry out its activities on a sufficient level;

7. improve the quality of risk analysis documents by allowing border guards involved in the production of risk analysis products at regional and local level, to devote sufficient time to this task;
8. provide access to analytical documents from the central level to all border guard officers at all levels;

Foreign terrorist fighters

9. ensure the full application of the Commission recommendations related to foreign terrorist fighters and common risk indicators by implementing the 'Common Risk Indicators at External Borders' as adopted by the Council on 15 June 2015 and further developed by Frontex and Europol, in a unified way;

B) Recommendations on individual sites visited

Horizontal issues

10. increase the number of staff at the land border crossing points in order to provide for effective border checks during peak times, based on risk assessment and analysis;
11. increase the participation of border guards in language courses (especially English) and organise additional training to improve the knowledge on the provisions of the Schengen Borders Code, Schengen Handbook and the Schengen Catalogue;
12. ensure that the risk analysis products at local level are available in the intranet network to support all border guards' daily activities (especially profiling);
13. implement border checks in line with Article 8(2) and 8(3) of the Schengen Border Code;
14. ensure more systematic checks against the relevant national and European data bases of EU citizens and other persons enjoying the right of free movement (especially at Pula and Zadar Airport);

15. bring the refusal of entry form and the form for 'approval of the evidence regarding the respect of the condition of the duration of a short stay in cases where the travel document does not bear an entry or exit stamp' in line with Annex V, Part B and Annex VIII of the Schengen Borders Code respectively; make the uniform format for forms for affixing a visa, as laid down by Council Regulation (EC) No 333/2002 available to the border guards; integrate the missing information from the Visa Information System in the first line software application by the time Croatia will join the Schengen area;
16. equip the first line control booths with fingerprint scanners for the verification of biometrics in the Visa Information System;
17. ensure that the travel documents of third-country nationals are stamped in accordance with the Schengen standards and increase the level of security of the handling of entry/exit stamps by instructing and controlling that border guards at all border crossing points are handling the entry/exit stamps in a secure manner;
18. improve the cooperation between the border police and the customs administration at the land border crossing points by implementing joint working arrangements and consider applying the 'one-stop' principle;
19. improve the level of border checks at road border crossing points (BCPs) by having two border guards carrying out the check, one border guard inside the booth and one border guard outside of the booth in order to ensure the safety of the staff and to detect persons hiding inside vehicles;
20. increase the number of properly trained dogs for supporting border checks at external land BCPs;
21. put an advanced passenger information (API) system in place at all major airports in accordance with Council Directive 2004/82/EC;

22. register all persons who crossed the border illegally and equip the land border crossing points with extensive traffic and high risk of illegal migration with EURODAC devices with direct access to the EURODAC system; ensure that border guards are trained to use the EURODAC devices and system; develop the national system to also have access the national AFIS data base;
23. ensure the correct application of Directive 2001/51/EC by imposing fines on all carriers (air and sea) which do not respect the relevant legal provisions including with regard to the amount provided for in the Directive and the Croatian legislation and ensure that fines may also be imposed on carriers in case third-country nationals travel with false documents which are easy to detect;
24. ensure that the General Declaration is made available to the border guard officers at least 24 hours in advance of the arrival or departure of private and business flights in accordance with Annex VI, point. 2.3.1 of the Schengen Borders Code;
25. provide the third country nationals who are subject to a thorough second line check with written information about the purpose and procedure for such a check in a language he or she can understand (even if there is no language barrier between the border guard on duty and the third country national);
26. bring the Croatian visa fee in line with the existing EU-Visa facilitation agreements;

Land border

Border crossing point (BCP) Bajakovo

27. place the necessary technical equipment to perform second line checks, including the thorough examination of the security features of travel documents, in the second line office;

BCP Tovarnik

28. provide the relevant infrastructure for the border check of lorries, when reconstructing BCP Tovarnik;

BCP Jasenovac

29. implement at BCP Jasenovac a 24/7 monitoring system (for example by using thermo-vision surveillance cameras, to cover the bridge and road leading to the BCP) and install fences along the road from the BCP to the bridge to prevent unauthorised border crossing;
30. provide the Croatian Border Police with full access to the CCTV (closed circuit television) system at the BCP;

BCP Ličko Petrovo Selo

31. ensure direct access for the Croatian border police to the video surveillance system installed at BCP Ličko Petrovo Selo;

BCP Metkovic

32. finalise the new construction of the BCP Metkovic in line with the Schengen requirements;
33. register complaints from persons subject to a border checks at the BCP, in accordance with Annex II point (g) of the Schengen Borders Code;

BCP Klek and BCP Zaton Doli (Neum corridor)

34. ensure proper border checks in line with the Schengen requirements during peak times and in the summer season at BCP Klek and Zaton Doli by e.g. providing the necessary infrastructure tailored to the passenger flow;
35. stamp the travel documents of the citizens of Bosnia and Herzegovina living in the municipality Neum systematically on entry and exit as laid down in Article 11(1) Schengen Borders Code;
36. provide the Commission once a year with a report on the cases of relaxation of border checks as stipulated in Article 9(4) of the Schengen Borders Code;

BCP Gornji Brgat

37. provide the necessary infrastructure, equipment, second line functionality and proper working conditions to guarantee border checks in line with Article 8 and Article 15 of the Schengen Borders Code;

BCP Karasovici

38. increase the number of equipment for thorough checks of vehicles and lorries including the use of sniffer dogs and consider the use of a mobile x-ray device at Karasovici BCP;

BCP Vitaljina

39. provide for appropriate facilities, working conditions, infrastructure and a second line functionality with the necessary equipment at BCP Vitaljina for carrying out border checks in line with the Schengen requirements, including the constant availability during all shifts of a document expert and fast and uninterrupted access to the data base and electricity;
40. ensure that border guards working at BCP Vitaljina are specialised and properly trained professionals, able to conduct border checks in line with the Schengen requirement and provide them access to all relevant border control documents and legislation;

Sea border

BCP Port of Rijeka

41. provide an upgrade of the night vision coverage in the area of responsibility of the maritime police at the Port of Rijeka;
42. enhance the cooperation with other agencies involved in maritime surveillance in order to share the actual position of different assets, thus improve the reaction capability;
43. increase the number of staff allocated for maritime services in line with the Maritime Police Development Strategy for Blue Border Surveillance;

BCP Port of Zadar

44. take adequate measures to prevent any unauthorised observation of personal data on the computer screen of the border guard at the control booth in the Port of Zadar;

BCP Port of Split

45. define and implement clear operational guidelines to establish who is responsible for the identification and assessment of detected targets in the territorial waters;

BCP Port of Ploce

46. enhance the working conditions of the border police; ensure proper security of the infrastructure at the border crossing point and properly store the stamps and the visa stickers in line Schengen standards;

BCP Port of Dubrovnik

47. equip the BCP sufficiently to perform an adequate border check of vehicles in line with the Schengen standards, especially for the detection of hidden persons;
48. install barriers at the control lanes and appropriate mirrors to enhance the visual capability of the border guard to monitor the traffic flow at the BCP when sitting in the control booth and increase the level of protection of the control booth in order to prevent unauthorised visualisation of data;
49. enhance the operational activities with the Montenegrin authorities to ensure situational awareness and compliance with the Schengen Borders Code provisions on entry checks of pleasure boats;
50. complete the level of the planned staff for the patrol vessels for carrying out border surveillance;

51. improve the level of knowledge on integrated border management and the Schengen acquis for the management staff;
52. improve the collection of statistics on passengers' nationalities crossing the border to improve the situational awareness and risk analysis made at the BCP, in line with the Schengen standards;

BCP Port of Cavtat

53. Provide for a direct exchange of information by phone or terrestrial trunked radio (TETRA) between the patrol vessel and the BCP about pleasure boats that crossed the sea border line with Montenegro to ensure that every vessel crossing the sea border of Croatia coming from Montenegro will be checked and to improve the situational awareness;

Air border

General

54. ensure the availability of interpreters for all second line activities/procedures (*Zagreb- and Pula Airport*);
55. bring the signposting above the control booths fully in line with Annex III of the Schengen Borders Code, including the blue colour of the flag of the European Union (*Zagreb- and Zadar Airport*);
56. ensure full separation of the Schengen and non-Schengen areas in accordance with Annex VI, point 2.1.1 Schengen borders code (*Zagreb, Zadar, Split and Dubrovnik Airport*);
57. improve the way the border guard officers are profiling by using a combination of the different existing indicators and to also make the best possible use of Frontex' training tools (*Pula- and Dubrovnik Airport*);

58. ensure more database checks based on a specific risk assessment and profiling of the arriving passengers and bring the border checks of the EU nationals and other persons enjoying the right of free movement, including the persons arriving from other Member States, in line with Annex 4, Part II, Section I, paragraph 3.1 of the Schengen Handbook (*Pula- and Zadar Airport*);
59. ensure systematic stamping of the document of the third-country nationals only after completing a thorough border check and ensure that the documents of the third-country nationals (with and without visa obligation) are stamped in accordance with the provisions of Schengen Handbook (*Split- and Dubrovnik Airport*);

BCP Zagreb Airport

60. increase the number of document experts in the second line and ensure that all members of the Working Group for Delivering Risk Analysis at Zagreb Airport are trained in risk analysis and that more staff is assigned to risk analysis tasks;
61. ensure that border guards receive feedback from cross-border crime investigators when they identify a case and are informed of the further proceedings;
62. improve the awareness and knowledge about the phenomenon of over-stayers and ensure regular examination of the possible over-stayers in the first line;
63. consider the introduction of an automated notification system in the first line which can be triggered by the reading of the travel document in the passport reader;
64. ensure privacy of the persons subject to second line checks; that the demarcation line in front of the control booths at arrivals is respected and that passengers at departure stop at the adequate line in front of the booths;
65. ensure that the checks on transit passengers are carried out on the basis of risk assessment and in accordance with Annex VI, point 2.1.3 of the Schengen Borders Code;

66. ensure that no visas are issued at the external border to nationals of the countries for which prior consultation is required, and only issue visas exceptionally in accordance with Article 35 of Visa Code;

BCP Pula Airport

67. ensure that all border guard officers on duty have a direct access to the national border management information system at their desk and that the system is operational 24/7;
68. ensure that all first line officers are familiar with the foreign terrorist fighters' indicators and use them in the process of profiling;
69. increase the number of second line officers and ensure that each of them is properly trained and equip the interview room with the appropriate technical means;
70. increase the attendance at training provided at regional/national level;
71. ensure proper privacy protection and data security in the first line by properly covering the side walls and the back side of the booths and ensure better sun protection on the windows in the arrival hall;

BCP Zadar Airport

72. increase the number of border guards permanently assigned to border checks activities and consider to decrease the number of mid-level management posts;
73. improve the knowledge of first line officers on the national border management information system functionalities as regards risk profiles and ensure more use of risk indicators;
74. ensure that all border guard officers dealing with risk analysis, including all members of the Working Group for the risk analyses, are trained;
75. place the first line control booths at the arrival fully in front of the passenger flow in order to ensure good visibility on all incoming passengers and ensure that in all booths border guards are able to overlook the queuing passengers;

76. ensure proper privacy protection and data security at the general aviation terminal by implementing appropriate measures (for example by placing a border control booth at the general aviation terminal and ensure that privacy of the persons subject to the second line checks is respected and provide a better and bigger location for interviewing;

BCP Split Airport

77. ensure that the documents of the third-country nationals (with and without visa obligation) are stamped in accordance with the provisions of the Schengen Handbook;
78. ensure better surveillance of the apron area in order to prevent the mixing of the passengers and ensure a proper privacy protection and data security by implementing appropriate measures;

BCP Dubrovnik Airport

79. increase the number of officers permanently assigned to border checks duties and ensure that staff in the first line rotates during their shifts and is assigned to different tasks;
80. provide dedicated training to the border guard officers developing risk analysis based on CIRAM 2.0 methodology; ensure that persons responsible for delivering risk analysis products use all available sources of information in order to draft complete products supporting daily border control activities and; improve the way the border guard officers are profiling by using a combination of the different existing indicators and to also make the best possible use of Frontex' training tools;
81. ensure a secure storage of visa stickers in the second line office (by storing them in a secure closet or safe box);
82. ensure permanent access to all necessary forms and documents for border check procedures and prepare hard copies for emergency cases;

83. ensure a proper privacy protection and data security at the general aviation terminal and first line control booth by implementing appropriate measures (for example by placing a border control booth at the general aviation terminal) and; improve the communication between the passenger and the border guard by adjusting the glass at the front side of the booths;
84. install proper physical barriers in the area between the second and first line in order to prevent possible circumventing of border checks;
85. ensure that in the event of a temporary disparity in traffic flows at a particular border crossing point, the rules relating to the use of the different lanes may be waived for the time necessary to eliminate such imbalance;

C) Border surveillance and situational awareness

National Coordination Centre

86. integrate the 'National Coordination Centre' and the 'Border Police Directorate of the Police Operations' physically in one location to guarantee a fluent and coherent functioning of the 'National Coordination Centre and Risk Analysis Department' in all situations and implement operational and analytical layers;

Land border surveillance

87. update the 'National Concept for the surveillance of the green border' taking into account the latest developments in the EU (e.g. Regulation 1052/2013(EUROSUR));
88. extend the access level of the Automatic Vehicle Location (AVL) system to guarantee that the duty officer is able to see the location of patrols of neighbouring police stations, better situational awareness and management of incidents;
89. update and implement regional and local plans for the surveillance of the external land borders and develop working conditions in Border Police Stations;

90. install physical barriers and a surveillance system along the external land border on all former cross border roads to prevent and detect unauthorised border crossings;
91. improve the land border surveillance capacity and situational awareness by: implementing the existing plans concerning integrated technical surveillance systems along the entire external borders of Croatia as a priority; increasing the number of mobile thermo-vision vehicles/car-based surveillance capacity and adapting the border surveillance tactics accordingly; making better use of modern technology; consider developing new elements for border surveillance (e.g. drones in line with the national legislation);
92. increase the reaction capability and situational awareness by developing air support capacity for border surveillance (e.g. helicopters, drones, fixed wing);
93. develop the concept of mobile units by enhancing their mobility and increasing the staffing level; establish the planned additional sub-units to guarantee quick reaction in due time and; consider to position a mobile sub-unit and aviation support at the same location, to increase the reaction capability;
94. develop national capacity to purchase, train and use service dogs as part of the border control system; increase the number of properly trained dog handlers and tracking dogs to ensure that at least one tracking dog is available per shift in every police station responsible for border surveillance and; make full use of available Frontex training tools and manuals for dog handling;

Sea border surveillance

95. provide the National Maritime Centrum for Data Collection with operational access to the radar stations to make adjustments to the radar picture and ensure the upgrade of the surveillance cameras with night vision and infra-red cameras as planned for 2016;
96. improve the coverage of the TETRA network in respect of the AVL system;

97. provide access to the database of suspicious vessels, suspicious ship's agents and suspicious ship owners at the regional and local level;
98. provide sufficient technical means for carrying out adequate maritime border surveillance and for improved situational awareness in the area of responsibility of the Dubrovnik Maritime Police Station, in line with Article 13 of the Schengen Borders Code.

Done at Brussels,

For the Council

The President
