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- POLAND: report on Sea Borders

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

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THE EUROPEAN UNION**

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**SCH-EVAL 78
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REPORT

from: the Evaluation Committee Sea Borders
to: the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- POLAND: report on Sea Borders

This report was made by the Evaluation Committee Sea Borders and will be brought to the attention of the Sch-Eval Working Party which will ensure a report and the presentation of the follow-up thereto to the Council.

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Working Party (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), the Sea Borders Evaluation Committee carried out a visit to Poland between 5 and 8 April 2006.

The visit was scheduled as shown below;

- 5 April 2006: arrival in Poland and presentation of the Polish Border Guard and the Morski Border Guard Regional Unit.
- 6 April 2006: - visit of BG post in Krynica Morska
- presentation of the border protection system at the Vistula Peninsula (Mierzeja Wiślana).
- presentation of the automated radar monitoring system of Polish sea areas (radar pole in Nowa Karczma)
- 7 April 2006: - visit of BG post in Gdynia and in Gdansk
- presentation of the border protection system in cooperation with BG Kaszubski Squadron
- 8 April 2006: departure of the Committee

The experts on the Committee's list consisted of :
Mr Andreas HOCHEGGER (Austria leading expert)
Mr Marios CHRISTOFIDES (Cyprus)
Mr Aldo RAUK (Estonia)
Mr Henrik WÄRNHJELM (Finland)
Mr Jacques LAINE (France)
Mr Helmut LENZ (Germany)
Mr Raimonds DEICMANIS (Latvia)
Mr Arne-Dag FRIVÅG (Norway)
Mr Sigitas RATKEVICIUS (Lithuania)
Mr Ramón CORTES MÁRQUEZ (Spain)
Mr Sven Åke ERIKSSON (Sweden),
Mrs Swaan ZONNEVELD (The Netherlands)
Mrs Monika MOSSHAMMER (European Commission)
Mr Erwin BUYSSSENS (EU Council SG)

The Committee would like to thank the Polish authorities for their hospitality during the visit and, in particular, extend its appreciation on the openness and close cooperation shown. The programme was considerably changed during the visit as the Committee asked to visit the port of Gdansk, which was not foreseen in the programme. The Polish hosts have shown great flexibility in amending the programme which was particularly welcomed by the Committee. Finally, it would like to thank all authorities involved for having sent the answers to the detailed questionnaire well in advance which allowed the Committee to prepare in the best possible way for the visit.

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2. MANAGEMENT SUMMARY

The Committee visited the Border Guard post of Krynica Morska, situated at the Vistula lagoon in the east of the country at the border with Russia as well as the ports of Gdansk and Gdynia. The Committee also visited a small stretch of the land border with Russia.

The Morski Regional Unit of the Border Guard is the competent authority to carry out border control and surveillance in this part of the border. This region is mainly affected by cross-border smuggling of goods and drugs. The illegal immigration threat is currently very low in this region. Taking into account this low migratory pressure, it appears to the Committee that the Border Guard gives particular attention to the combating of the smuggling of goods. It is to be pointed out that all cross border related criminal acts, whether they were detected in the border zone or elsewhere inside the country, fall within the competence of the Border Guard.

Only a few extra Schengen ferry connections exist. Both the ports of Gdansk and Gdynia have a ferry connection with Russia (Baltijsk).

An Automated Radar Surveillance System is currently under construction. This system which would cover the entire Polish coast and sea area, serves different goals: surveillance of the coast and the maritime traffic, coordination of search and rescue operations and protection of the sea environment. The system is in its pilot phase during which certain deficiencies were detected. The Polish authorities underlined that these deficiencies will be solved in order to have the system fully operational by the end of 2006, the beginning of 2007. Despite these deficiencies, the Committee noted that the blue border surveillance currently carried out is in accordance with the Schengen requirements since there are various patrol boats with radar equipment. This surveillance is complemented by patrolling on land.

The Committee invites the Polish authorities to keep the SCH-EVAL Working Party updated on the progress realised in setting up this system.

The infrastructure in the new port of Gdansk and most of the infrastructure in the port of Gdynia clearly meet the Schengen standards. The booths as well as the second line office are very well equipped. However, the Committee considers that the positioning and the construction of the booths in the port of Gdynia should be improved.

There is a good signposting at the booths which is in accordance with Article 9 of the Schengen Borders Code. Furthermore, a large number of state of the art equipment is available for surveillance tasks as well as for the detection of illegal goods such as weapons and drugs.

It is not envisaged to increase the number of personnel in these border crossing points. The Committee considers the current number of personnel as sufficient to carry out an efficient and effective border control.

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During the general presentation of the Border Guard, it was stated that the number of border guards currently deployed at the future internal borders will be reduced to 70%. The Committee notes the wide range of competences of the border guard but still questions why such a high number of officers will be continued to be deployed at the internal borders, in particular since they are specially trained to carry out border control tasks.

Various training programmes were set up to acquaint the personnel with the Schengen acquis. The Committee would recommend to continue giving special attention to language training.

In general, the border control and surveillance are currently carried out in accordance with the Schengen requirements. There is, however, one point which is of particular concern to the Committee i.e. the registration at entry of all information included in the machine readable zone of the passport.

Community legislation on free movement of Union citizens and their family members provides that Member States shall grant Union citizens leave to enter their territory on presentation of a valid identity card or passport and their family members who are not Union citizens with a valid passport. The collection of data figuring on the travel documents upon entry is not foreseen nor allowed by such legislation and is in principle incompatible with it. It should therefore not be continued. The registration of all persons crossing the borders also raises concerns regarding its compatibility with data protection rules, which needs thus to be further analysed.

In addition, the Polish authorities should ensure that EU citizens should not be systematically checked against national data bases (or in future the SIS).

Further on, upon entry into force of the Schengen Borders Code, the Polish authorities have to ensure that all third country nationals are submitted to a thorough entry check in accordance with Article 7 (3)¹ of the Schengen Borders Code.

Considering the low threat of illegal immigration, the high tech equipment, the infrastructure as well as the number of personnel the Committee is of the opinion that the ports which were visited meet the Schengen standards. It welcomes the very significant investments which were made to perform border controls in accordance with the Schengen standards.

¹ The Polish authorities pointed out that full control of third country nationals is ensured and carried out in accordance with Article 5 of the Schengen Convention, and that after the entry into force of the Schengen Borders Code, it will be carried out in accordance with Article 7 of the Schengen Borders Code.

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3. GENERAL INFORMATION

The information of a more general nature is contained in the answer from Poland to the questionnaire which was addressed to the Polish authorities with a view to the evaluation of the application of the Schengen acquis i.e. doc. 15563/05 SCH-EVAL 122 COMIX 827 (RESTREINT UE). The Committee used this information to complement the general part of the report. It also used the Polish replies to additional questions as set out in docs. 705306, 6557/06 and 6049/06. For reasons of clarity, the Committee recalls some of the main elements contained in these answers.

3.1. Strategy

3.1.1. Legislation

The main legislation with regard to border control is:

- the Act on State Border Protection of 12 October 1990 (Journal of Laws No. 78, item 461 with later amendments),
- the Border Guard Act of 12 October 1990 (Journal of Laws of 2002 No. 171, item 1399 with later amendments), founding the Polish Border Guard.

The Border Guard Act was amended in 2001 and 2005 giving more competences to the border guard. The 2001 amendment gave the Border Guard the possibility to use operational means similar to the Police i.e. the possibility to carry out undercover control and to register images, conversations etc. It also gave the power to the Border Guard to control the purchase of goods originating from organised crime in relation to illegal immigration as well as cases of corruption. The Border Guard was also given the competence to deploy activities beyond the border area when pursuing perpetrators of crimes and offences.

With the 2005 amendment, the structure of the organisational units of the Border Guard was unified and the competencies of the border guard were further enlarged i.a. certain limitation to the use of vested powers of the Border Guard beyond the border area were abolished. Furthermore, new possibilities were introduced to combat corruption and to reinstate border controls at the internal borders as foreseen in Art 2 of the Schengen Convention (Article 23 of the Schengen Borders Code).

3.1.2. General strategy for border management

The issue of national border security is covered by the “Integrated Border Management Strategy for 2003 – 2005”, adopted by the Council of Ministers. The document is a continuation of the “Integrated border management strategy” adopted by the Council of Ministers in 2000. It defines the objectives necessary for the Polish border with Russia, Belarus, Ukraine, as well as the state border sea section, and also sea and air border crossings to become an external EU border, as well as objectives to be implemented in the period just after the accession of Poland to the EU. It contains the tasks of the Ministry of Internal Affairs and Administration as well as other ministries and services, which take an active part in border management, to ensure effective surveillance and effective organisation of border control of persons, vehicles and goods which cross it.

On the basis of the Strategy the “National Border Development Plan for 2003 – 2005” and annual plans for particular years were developed.

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3.1.3 *The analysis of environments and threats:*

The Polish authorities use the CIRAM model for risk analysis (see point 3.4). The current migratory pressure seems to be very low and the region is mainly affected by the smuggling of goods.

3.1.4 *International cooperation (regional, bilateral and readmission agreements)*

Detailed information on the international cooperation can be found on pages 30-37 of doc. 15563/05 (RESTREINT UE). This cooperation takes place in different forms and at different levels. An important aspect of the cooperation is the exchange of information both at local level (via direct contacts) as well as at central level (i.a. regular meetings of the heads of the border control services of neighbouring countries). Another aspect of this cooperation are joint operational activities, which are carried out with some of the neighbouring countries i.a. Germany.

With regard to the international cooperation on maritime matters, special reference can be made to the cooperation between the Morski Unit of the Border Guard and the Federal Police in Germany. This cooperation is governed by an agreement signed by the Government of the Republic of Poland and the Federal Republic of Germany "On co-operation of police and border guards in the border region" dated 18 February 2002. This agreement covers various aspects;

- exchange of information (both reports on the actual situation in the form of statistical comparative data of analytical nature, information in the "ad-hoc" system, as required, as well as information of operational nature),
- joint border controls of travellers (the so-called "one stop control"),
- joint border patrols within the territories of both parties, both at the land order and the sea border (joint patrol cruises on BG vessels and the ones of Federal Police in the Southern Baltic and the Szczecin Lagoon);
- joint trainings and operations at sea and on land in the region of the Pomeranian Bay;
- quarterly and "ad hoc" (as required) working border meetings of the management staff at the level of the BG units, border organisational units and the co-operating service units (working border meetings are devoted to discussing the current service issues, joint solving of problem issues, planning and drawing conclusions from co-operation);
- joint training, expert visits and exchange of liaison officers;
- co-operation in relation to the exchange of experience and joint training of functionaries of a special platoon of the independent reserve unit of the Morski Unit of Border Guard with a special group of Federal Police of Germany – "GSG9";
- special training courses in the field of tasks carried out by the BG, conducted by the experts from the Federal Police within the framework of "Phare Twinning" training projects ;

Furthermore, the Morski Unit of the BG co-operates with organisational units of the Kaliningrad Unit of Border Service of the Federal Security Service of the Russian Federation within the framework of the Polish Border Delegate's Institution for the Baltic Section and the Russian Federation's Border Delegate for the Kaliningrad Section and on the basis of the provisions of the Agreement between the Government of the Polish People's Republic and the Government of the USSR on legal relations at the Polish – Russian national border and co-operation and mutual assistance in border issues.

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Co-operation with the Russian party is carried out smoothly and without any disruptions. The following forms of co-operation are carried out in this field:

- regular working meetings of Border Delegates and Deputy Border Delegates for the Baltic and Kaliningrad sections, devoted to discussing current activities within the framework of co-operation between the both parties, the border crime investigated by both services, the analysis, planning and conclusions from the co-operation between the both parties,
- working meetings of experts on border traffic control,
- working meetings of experts on operational intelligence (co-operation in the field of investigation),
- ongoing exchange of information (both statistical information, in the field of sailing traffic through the national border, as well as information in the “ad-hoc” system, as required),

The Morski Unit of the Border Guard participates in the implementation of projects in the framework of the Polish – Russian bilateral working group on discussing and solving problems related to the surveillance of the national border and the border traffic control.

3.2. Organisational (functional) structure

3.2.1. Centralised supervision and instructions

The Minister of Internal Affairs and Administration is responsible for border surveillance at land and sea as well as controlling the border traffic. The Minister of Defence is responsible for state border surveillance in the airspace of the Republic of Poland.

The Chief of the Border Guard, subordinate to the Minister of Internal Affairs and Administration, is the central body of government administration responsible for matters related to state border surveillance and control of border traffic. The Border Guard Commander-in-Chief performs his tasks with the assistance of the Border Guard Headquarters.

Local Border Guard authorities are subordinated to the Border Guard Commander-in-Chief. These are:

- commanders of Border Guard Regional Units,
- commanders of Border Guard posts¹ and divisions.

Commanders of Border Guard Regional Units, posts and divisions perform their tasks with the assistance of subordinate institutions i.e. unit headquarters, posts and divisions.

The organisational structure of the Border Guard includes:

- 12 Border Guard Regional Units, 5 of which at the external EU border (4 on the land section of the border and 1 on the sea section), 6 on the internal EU border and 1 having a territorial scope of action over the central voivodeship of Poland,
- 138 Border Guard posts, including 76 on the external EU border,
- 2 divisions (at the sea border).

¹ The Act amending the Border Guard Act as well as other Acts, adopted by the Parliament of the Republic of Poland on 15 April 2005 (Journal of Laws No. 90, item 757)

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As a result of the Border Guard re-organisation (carried out in 2002), a fully integrated system of state border surveillance and border traffic control has been created. It allows for the coordination of effective actions between different Border Guard bodies and units (in accordance with the principles and guidelines defined by the Border Guard Commander-in-Chief), both at central level (Border Guard Headquarters), as well as at district level – Border Guard Regional Units and border organisational units (Border Guard posts and divisions). Within the structure of the Border Guard Headquarters the above mentioned tasks are carried out by: the Border Department of the Border Guard Headquarters, supervising and co-ordinating tasks related to the state border surveillance and border traffic control, as well as the Operation and Investigation Department of the Border Guard Headquarters with competency in the field of operational and investigative procedures. The Border Guard Activities Co-ordination Centre is responsible for the co-ordination of activities carried out throughout the country. This structure is reflected at the BG Regional Units level with the following departments: border department, operation and investigation department, the Activities Co-ordination Centre subordinate to the commanders of BG Regional Units, as well as at the level of border organisational units. Detailed tasks and competencies of particular organisational units of BG Headquarters and BG Regional Units' headquarters are described in their rules of procedure.

3.2.2. Coordination and inter-agency cooperation, division of responsibilities

The Border Guard is the only authority competent to carry out border control.

When carrying out control on persons, the Border Guards co-operate with the Customs Service, which carry out customs control. The cooperation between the Border Guard and the Customs is based on Agreement No. 2 between the Commander-in-Chief of the Border Guard and the Minister of Finance of 28 January 2004.

The co-operation of the Border Guard and the Customs Service consists in particular of:

- providing assistance in detecting persons who try to cross the border against the regulations,
- carrying out joint actions aimed at streamlining the border traffic, preventing and combating crime,
- development of common positions in matters requiring agreements with the authorities of the neighbouring states,
- conducting mutual training courses,
- granting mutual assistance by providing:
 - special equipment document checking, drug identification, x-raying the luggage.
 - trained dogs used to detect weapons and drugs,
 - vehicles equipped with x-raying equipment of the Heimann type,
 - equipment for radiometric control.
- organising the service and control during the intensive traffic periods (holiday seasons).

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The co-operation of functionaries from the operational and investigative section with the Customs Service is based mainly on exchange of information, on undertaking administrative and maintenance, operational and intelligence as well as intelligence gathering joint operations, aimed at effectively ensuring security and public order in the border area, as well as disclosing, investigating and combating crime, carrying out customs searches at the demand of the Border Guards functionaries and carrying out recurring controls of vehicles entering the Republic of Poland. Within the framework of this co-operation, border control posts ask the Customs Service to carry out detailed control of persons, luggage and transportation means crossing the border, including those alerted or subject to investigation.

At local level, the prosecutor plays an important role in this cooperation as he/she will decide which authority will be in charge of the follow up of an operation.

The co-operation of the Border Guard and the Customs Service, both at the central level and locally, is considered as running smoothly, to a great extent because of the intensification of information exchange and constant monitoring of border crossing-points. Border organisational units of the BG, in co-operation with the Customs Service carry out intensified operations on roads leading to the border crossing-points and inside the territory of the Republic of Poland, aimed at controlling the legality of stay of foreigners.

Joint training courses on regulations binding for both services play also a very important role in this mutual co-operation.

3. 2.3. *Specialised services*

The organisational structure of the Border Guard units contains reserve units (in total 16). According to his competences, the Commander of the unit may organise a non-permanent reserve unit, composed of officers of the unit's headquarters. The Commander-in-Chief of the Border Guard may delegate the so-called central subordinate reserve unit to any place at the national border. The reserve unit is composed of students of the Border Guard training centres. The main task of the reserve units is to carry out border operations, independently or as a support to operations carried out by border organisational units of BG. The reserve unit is fully mobile.

The Independent Reserve Company operating within the structures of the Morski Regional Unit of the Border Guard has 2 reserve platoons, a special platoon and a diving platoon. It enters into action in emergency situations, and its role is to, among others:

- support Border Guard Posts in performing border activities,
- undertake interventions relating to re-establishing public order in the vicinity of border crossing points as well as in the areas under the responsibility of the Border Guard,
- ensure safety of international sea transport,
- giving support in activities relating to ensuring public order and public policy at the Polish Marine Areas.

Furthermore, it carries out co-operation with other authorities for the protection of the public order within the territory of the Republic of Poland on the basis of separate agreements concluded by the Commander of MOSG (Morski Regional Unit). Joint activities are carried out with: the Police, Customs Service, Tax Audit Office, Railway Protection Service (SOK), Military Police (ŻW), Central Bureau of Investigation (CBŚ) and Road Transport Inspection.

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The Independent Reserve Company of the Morski Regional Unit employs 37 Border Guard officers which amounts to 80.7 percent of available posts.

With a view to achieve the statutory objectives of the BG in the field of combating border crime at regional level, operational and investigation groups and teams, subordinate to the Operational and Investigation sections operate within the structure of the BG organisational units. Moreover, following the decision of the BG units' commanders joint ad-hoc operational and investigation groups may be created to fight border crime. Such teams' task is to increase the effectiveness of the operational and investigation activities carried out by the BG. Joint operational and investigation groups are directed at fighting organised criminal groups who operate at the area under the responsibility of at least two units. Such form of co-operation between the BG units should ensure more effective co-ordination of performed operations and increase of the capacity to undertake action.

In 2004, a department for fighting organised crime and special operations was created in the Operational and Investigation Board of the Headquarters of Border Guards. Moreover, on the basis of bilateral agreements with other national and foreign investigation authorities, the ad-hoc operational and investigation groups, composed of representatives of the parties to such agreements may be called upon, following the procedure and under conditions defined in the above-mentioned agreements.

3.3. Operational effectiveness

3.3.1. Resources

The Polish Border Guard has a total of 15.771 officers and 3802 civil servants. Between 2003 and 2005, 1.325 new border guard officers have been recruited. Over 80% of the newly recruited is and will continue to be deployed at the future external border. It is expected that the Border guard will be a full professional service by the end of 2006. Currently there are still about 117 conscripts in service. They are employed in the Orchestra and the Representative Company, near the border with Slovakia. There are no conscripts used for border control tasks.

In 2005 border controls and the protection of the state borders were carried out by 271 border organisational units: 19 at sea borders, 20 at air borders, 6 on the border with the Russian Federation, 2 on the border with Lithuania, 13 on the border with Belarus, 12 on the border with Ukraine, 55 on the border with Slovakia, 106 on the border with the Czech Republic and 38 on the border with Germany.

70% of the total number of border guards currently deployed at the future internal borders will continue to operate at these borders in order to carry out various competences attributed to the border guard i.a. the combating of smuggling of goods, cross-border criminality etc. There are also plans to extend the tasks of the Border Guard i.a. the protection of transport routes via mobile forces. There will be a "natural" decrease of the remaining 30% via:

- the reduction of the number of officers in the border units at the internal border
- vacancies will not be filled
- some unfilled vacancies will be transferred to the external borders.

The Border Guard expects that there will be no need to redeploy officers from the internal to the external borders of the European Union.

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As at 30 September 2005 the Border Guard has 23 boats and 28 light vessels. The Morski (Maritime) Border Guard unit has the following equipment:

For the surveillance in the (Exclusive Economic Zone) EEZ :

- 2 SKS-40 zone control vessels (speed 17.6 knots, length 42.5 m),
- 4 open sea boats: including 2 of the 918 type (speed 28.5 knots, length 28.8 m) and 2 of the 912 type (speed 25 knots, length 42.3 m),
- 2 hybrid boats of the SAR-1500 type (speed 35 knots, length 15.2 m),

For the surveillance in the territorial waters:

6 auxiliary boats of the 90type (speed 19.7 knots, length 21.1 m). These boats carry out assistance tasks in the area of port and roadstead : 1 of the MI-6 type (speed 12 knots, length 23 m), 1 tugboat of the M-35 type (speed 8 knots, length 10.5 m),

For the surveillance in the region of the Baltic Sea

2 open sea sailboats: "Galeon" (length 14,1 m), "Karawela" (length 13.9 m),

Along the coastline up to 6 Nm : 31 type –pontoon light vessels (1 of the S-7500 type, 5 of the S-7500K type, 6 of the S-6100 type, 3 of the S-5400 type, 5 of the MR-4800B type, 2 of the M-4800 type, 1 of the S-8900 type, 1 of the M-4500 type and 7 of the M-3100 type).

In the territorial sea, Vistula lagoon and Bay of Gdansk :

2 Griffon 200 TD Hovercrafts

A list of the floating vessels of the Morski Regional Unit of the Border Guard and the planned purchase of new vessels is set out in annex II.

An important element in the surveillance of the sea borders is the Automated Radar System for the Surveillance of the Polish maritime zone. This system is implemented in three different phases. In June 2005 the contractor of the II and III phase of the Automated Radar System for the Surveillance of the Polish maritime zone (ARSS) was selected. The system covers the entire central coastline and will also be connected with the VTS systems of the maritime administration, which function in the Gdańsk Bay, on the Szczecin-Świnoujście water route and in the Pomeranian Bay. The contractor will develop the system in such a way as to cover the entire coastline. In July 2005 a pilot section of the Radar System was added to the system of surveillance of the sea border.

Preparations to announce the tender procedure for the following projects are under way:

- construction of the Electronic System for supporting Border Surveillance,
- construction of mobile and fixed System of Perimetric Border Protection,

The Polish authorities informed the Committee about the cancellation of a call for tender concerning the transmission of data via fibre-optic tracks. This call for tender will be re-launched. The Polish authorities expect that the fibre-optic transmission will be nevertheless ready end of 2006/beginning of 2007. The Polish authorities underlined that the transmission of data is in any case possible via radio communication.

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3.3.2. Level of controls at external border

Sea border surveillance

In accordance with the law on state border protection the sea border lies 12 nautical miles from the baseline or at the external border of the roadsteads within the territorial waters. The surveillance of the sea section of the state border is carried out by the Morski Border Guard Regional Unit (MOSG) located in Gdańsk. Its operations are based on the “Programme for the implementation of the sea section of the state border protection concept and surveillance of the Polish maritime area”, adopted by the Border Guard Commander-in-Chief on 14 February 2002.

The following BG border organisational units are part of the sea border protection system:

- 13 BG stations, which perform tasks related to border traffic control at sea border crossing-points as well as to sea border surveillance outside of the border crossing-points,
- 2 BG divisions in Świnoujście and Gdańsk, which perform tasks in the Polish maritime area, supported by:
 - the air force department of the Morski Regional Unit of BG,
 - the Independent Reserve Company of the Morski Regional Unit .

Tasks related to the protection of the sea section of the state border and surveillance of the Polish maritime area by the above mentioned organisational units, are executed on the basis of border protection plans and directives of the Regional Unit Commander for the protection of the sea border, taking into account the available forces and measures, risk analysis of border crime threat, hydro meteorological conditions. When performing their duties, the officers apply principles laid down in the Directive No. Z-16 of the Border Guard Commander-in-Chief of 5 May 2003. They co-operate with maritime administration authorities, sea fisheries administration, Customs, Police and other services.

The posts in co-operation with the divisions protect the sea line from the sea (using light vessels - pontoons) as well as from the land, in accordance with the principles in force on the green border. They are supported to this end by a patrol plane of the BG air division and reserves.

Successively, following the construction of the Automated Radar Surveillance System in the Polish Maritime Area, the BG posts will additionally act as Local Surveillance Centres, carrying out technical observation of the territorial waters and part of the economic zone adjacent to their territorial scope of operation.

The BG divisions carry out tasks of protecting the border from the sea and surveying the Polish maritime area with the use of vessels. The BG divisions co-operate closely with the posts on land and the patrol plane of the BG air division. The vessels perform border duties and carry out border operations.

Performing border duties consists of:

- duties in selected sea ports, aimed at taking up necessary pursuit actions against suspicious ships (e.g. which left port without the required border control),
- surveillance in the internal sea waters of the Szczecin Bay (border with Germany) and the Vistula Bay (border with Russia) in close vicinity of the state borderline, aimed at preventing vessels to cross the border into Poland illegally and to inform the vessels crossing the border of the obligation to undergo border control in the selected sea border crossing-points.

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Border operations consist of:

- patrolling the Polish maritime area in order to identify and monitor vessels and the nature of their activity,
- controlling suspicious vessels or vessels breaking the law or checking whether the vessels are authorised to carry out the performed operations,
- pursuing vessels which do not obey orders issued by the commanding officers of the BG vessels,
- escorting, in the case of vessel apprehension and directing it to a Polish port or prevention of law-breaking by the crew in the Polish maritime area.

3.3.3. Situational awareness and reaction capability at different parts of the borders

Border surveillance, regardless of the size of the area, is carried out 24 hours a day.

Permanent surveillance is carried out by boats during the sailing season (change of crew every 4 – 14 days, depending on the existing risk) in waters of the Vistula Lagoon (the border with the Russian Federation) and in waters of the Szczecin Lagoon (the border with the Federal Republic of Germany), supported by technical resources. From 18 July 2005 a 24-hour radar supervision (except for the periods of technical maintenance) is ensured at the sea border with the Russian Federation as well as in the waters of the Gdańsk Bay and at the entry to the bay from the open sea. In selected ports located in the central part of the coast, depending on the current and foreseen situation at the border, the commanders of the BG divisions send the BG boats to service in the form of a duty in readiness to take up pursuit or to stop the vessels which violate the border regulations or regulations pertaining to sailing security or protection of the sea environment. The activities of the BG boats are supported by patrol flights of a BG plane as well as, in the framework of co-operation, the flights of a patrol plane of the maritime administration and the forces and resources of the Navy.

3.4. Risk analysis, intelligence and Data-flow management

3.4.1. Organisation

On the basis of all gathered information periodical situation evaluations are prepared, directions of operations are indicated and recommendations and guidelines as to the scope and method of implementation of these operations are being worked out.

Information related to illegal migration and other types of border crime are gathered by the Border Guard through a reporting system, in which occurrences related to state border surveillance and border traffic control are being registered, as well as the Integrated Registration System II (IRS II) and the Information Registration System (IRS). At present, a Border Guard Central Database is being created, which will integrate most of the so-far dispersed databases. The construction of the BG Central Database (CBD SG) is planned to be finished in September 2007.

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Entries and exits at the border are registered in the ZSE II Integrated Register System. The system gives access to the data on alerts on persons and vehicles, compares them with the data of the checked persons and vehicles and registers the fact of performing the border control. ZSE II contains information on all persons whose data were checked in an electronic system when crossing the border.

All categories of persons are entered into the system. Every person who has been checked in an electronic system when crossing the Polish border is entered into the system. Data on all persons who crossed the state border are entered into ZSE II. Such types of control are allowed by the Regulation of the Minister for Interior and Administration of 25 June 2002 on border control performed by Border Guard officers. In such cases data contained in the machine readable zone of the passport (name, family name, date of birth, number of the travel document, citizenship), the number of the visa, if required, the time and place of the border crossing, the means of transport and the code of the controller is collected in ZSE II.

The Border Guard also uses other sources containing information on cross-border crime. Among the most important ones are:

- the National Centre for Criminal Information (KCIK),
- POBYT – database on foreigners who have submitted applications to legalise their stay in the Republic of Poland,
- EURODAC database.

The Border Guard posts also have access to the Police database OPIS on wanted persons and lost objects.

Information acquired from border guard services of neighbouring countries, including contact points, is also used (3 contact points on the border with Germany, 1 on the border with Lithuania, 2 on the border with Ukraine and 1 on the border with Slovakia) as well as information gathered via the functioning focal points (2 on the border with Ukraine and 1 on the border with the Republic of Belarus). Information is exchanged, among others, in the framework of co-operation with EU countries (i.e. EUROPOL, Early Warning System CIREFI) and Interpol. Moreover, in the framework of co-operation of border guard services of countries in the Baltic Sea Region – with the use of the COASTNET system, the Morski Border Guard Regional Unit exchanges information with all border guard services of the Baltic countries in the form of weekly situational reports, as well as ad-hoc reports.

3.4.2. *Methods*

Risk analysis is used in the posts and divisions of the Morski Unit of the BG for current planning and to carry out direct border surveillance and border traffic control operations. Especially in the case of border control of persons coming on board passenger ships, ferries, cruise ships and commercial vessels, the BG functionaries prepare themselves before their arrival into the port. An analysis of the lists of crewmembers and passenger lists obtained in advance from the maritime administration authorities or agents as well as the information on the presence of “fare dodgers” is carried out. Data on sailing routes of vessels (ports where they come from), earlier suspicion of their use for criminal activities (illegal migration, smuggling of drugs, weapons, radioactive materials, weapons of mass destruction, goods subject to excise duty) are also subject to analysis.

RESTREINT UE

Risk analysis in the management of the sea border is used by the managerial staff to investigate into the situation and to take proper action in order to effectively prevent or eliminate the risk. It enables joint use of all types of measures at the disposal of the Morski Unit of the Border Guard. When making a decision on the use of these measures, not only simple statistical data is taken into account, but also the conclusions drawn up from the risk analysis, as well as from criminal analysis and the evaluation of the operational situation in the area.

The process of implementation of risk analysis according to the integrated CIRAM model (Common Integrated Risk Analysis Model) has been initiated in 2004 in the sea section of the national border, as well as in the other units of the Border Guard. In accordance with the schedule, an analytical unit - an Independent Section of Risk Analysis was set up in the Morski Unit of the BG which carries out risk analysis at tactical and operational level. The analysis serves the preparation of plans for the surveillance of the sea section of the national border, including determination of tasks for border organisational units, noting the new threats or intensification of the existing threats of border crime, its trends and modus operandi as well as finding adequate methods for combating it. On this basis, conclusions referring to the changes in the use of resources (human and technical ones) as well as possible organisational changes are developed.

When calculating the estimated level of external state border protection efficiency the Border Guard uses the following data:

- number of persons apprehended for attempting to cross or crossing the border illegally,
- number of persons readmitted to Poland,
- number of revealed tracks of illegal border crossing or other findings related to the illegal crossing of the state border.

		2004	Jan - Sept 2005
A	Persons apprehended by BG	1117	1009
B	Persons readmitted to Poland	3	-
C	tracks revealed or other findings related to crossing the state border illegally	59	112

Using the above data in the formulae:

$$\frac{A}{A + B + C} \times 100\%$$

The estimated efficiency of Border Guard actions amounted to, respectively:
in 2004 - 95 %
for January - September 2005 - 90 %

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3.4.3. Responsibilities

The central body of the Border Guard responsible for risk analysis with the use of the CIRAM model is the Independent Risk Analysis Section (SZAR) a part of the Border Guard Headquarters.

From the moment of the establishment of SZAR, the Unit co-operated with the Risk Analysis Centre (RAC) in Helsinki. It now co-operates with the FRONTEX Agency in the field of risk analysis.

The most important (priority) fields of interest for the SZAR are considered to be: threats of border crime and risks related thereto in the Border Guard Regional Units, personnel-related issues (recruitment, the level of professional development of the officers, the training system, etc) and corruption.

SZAR uses internal Border Guard resources in preparation of the analyses (including statistics collected and gathered by various organisational units of the Border Guard, information gained as the result of operational activities, conducted inquiries and investigations, reports from institutional control, audit, information received from independent risk analysis sections of the Border Guard Regional Units). It also uses such external resources as information from the central and local administration authorities, scientific and research institutes, press, the Internet, etc.

3.5. Investigation and alien policing

3.5.1. Legal background

The Act on Aliens foresees the following administrative sanctions:

- a) in case of control at a border crossing-point:
 - refusal of entry (Article 21),
 - refusal to issue a visa (Article 42),
 - annulling visa (Article 48)
- b) in case of control inland:
 - withdrawal of residency permit issued for a defined period of time (Article 58 paragraph 1),
 - withdrawal of residency permit (Article 67 paragraph),
 - deportation (Article 88 paragraph 1),
 - obligation to leave the territory of the Republic of Poland (Article 97 paragraph 1),
 - fine (Article 148 paragraph 1).

RESTREINT UE

A foreigner who illegally crossed the state border is subject to criminal liability, notwithstanding administrative sanctions, under Article 264 § 1 of the Penal Code (fine, limitation of freedom, imprisonment up to 2 years).¹

Under the current legal status there is no difference between control performed on the external border and the internal border. Both are conducted on the basis of unified principles and procedures.

However, the Act of 22 April, 2005 amending the Border Guard Act and some other Acts (Journal of Laws No. 90 item 757) contains provisions related to the internal border, which specify what authorities are permitted to abolish and reintroduce for a specified time border control of persons, define the types of objects and equipment, which should be maintained to enable quick reintroduction of this control and the principles of its execution. The above mentioned rules will enter into force on the day defined in the Council Decision on the full implementation of the Schengen acquis.

More information on the penalties can be found on pages 51-52 of doc. 15563/05 (RESTREINT UE).

3.5.2. Organisation

According to the regulations, the tasks related to combating illegal migration are carried out by: Border Guard and Police authorities controlling foreigners' legality of stay on the territory of Poland and the Chairman of the Office for Repatriation and Foreigners, voivodship offices and Customs authorities, in the scope necessary for these authorities to carry out proceedings in matters related to foreigners or customs (Article 85 and subsequent of the Act on Foreigners).

Control of foreigners' legality of stay is carried out by mobile groups of officers of the BG operational and investigation sector and reserve subdivisions in the framework of planned operations.

The control is carried out independently or in co-operation with the Police, Customs and the Employment Office. The area under control consists mainly of markets, farms, hotels, railway stations and bus stations.

A significant element of combating illegal migration is the deportation procedure, described in chapter 8 of the Act on Aliens where the grounds and procedure of foreigners' deportation or of obliging them to leave the territory of the Republic of Poland are laid down.

The deportation decision is taken by the voivode, appropriate to the foreigner's place of stay or the place where the fact or event considered as the basis for submitting a deportation request has been revealed. The decision is taken ex officio or at the request of the Minister of Defence, the Head of the Interior Security Agency, the Head of the Secret Service Agency, the Commander-in-Chief of the Border Guard, the Chief of the Police, the commander of a Border Guard Regional Division, Regional Chief of the Police, the commander of a Border Guard post or Customs authorities.

¹ From 24 August 2005, the Act mentioned in Article 264§ 1, will cease to be a criminal fraud and will become a violation defined in Article 49 a§ 1, added to the Violation Code.

RESTREINT UE

The control of the legality of stay and employment of foreigners on the territory of the Republic of Poland is also carried out by Customs authorities, as part of operations related to sealing the “green border” and counteracting smuggling of drugs or dangerous goods such as weapons and explosives. The powers of the Customs authorities to control the legality of stay and employment of foreigners have been conferred by the Act on creating Regional Revenue Offices of 27 June 2003 and by amending a number of laws which regulate authorities’ tasks and competences as well as the structure of organisational units subordinate to the minister responsible for public finance.

3.6. Staff and training

In 2005 the total number of Polish Border Guard was 15.771 officers and 3.802 civilians. The Sea Unit counted 1.756 officers and 382 civilians.

3.6.1. Recruitment

The recruitment of new border guards is based on a procedure, defined by internal regulations. Within this framework, all Border Guard candidates follow a two-stage qualifying procedure. Next to an interview, the first stage includes a psychophysical and medical examination and a verifying procedure. The second stage includes a written exam on general knowledge, a physical examination, a written exam in a foreign language, another interview and finally, an analysis of the results of the first stage of the qualifying procedure.

Border guards working as crewmembers on a vessel are usually graduates of the Polish naval or civil maritime academies.

3.6.2. Basic training

Basic training is mandatory for all Border Guard officers. This is carried out at a central level at the Border Guard Central Training Centre. They all undergo the trainings on the basis of the following educational model:

- basic training, duration 5 months
 - training in a non - commissioned officers’ school for persons with high school education, duration 3 months, following immediately after the 5-month basic training
- or
- training in a warrant officers’ school for persons with university education, duration 3 months, following immediately after the 5-month basic training.

Additional training is carried out at the central training centres for Border Guard officers in permanent service (after 3 years of service), according to the following educational model:

- 3.5 – month training in a warrant officers’ school for persons with high school or university education
- officer course for Border Guard officers with university education, duration 10 months.

The above mentioned training courses are carried out on the basis of national educational programmes for Border Guard officers, approved by the Border Guard Commander-in-Chief.

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According to the training system described above, all Border Guard officers admitted to the service after the launch of the new training model” in 2002, on admission to the service are referred immediately to the Border Guard training centres for the basic training programme and afterwards to the subsequent non-commissioned officer or warrant officer courses.

Starting from 2003 until the end of 2006 ca. 1 500 officers annually have been subject to the training programmes for officers newly admitted to the service (preparatory service officers). The training plans for the next year are drawn up in the last quarter of each year (i.e. numbers of trainees and types of training programmes for 2007 shall be determined in the last quarter of 2006).

The numbers of regular service officers trained (service academy courses, warrant officer courses) are the following:

- 2003 – 80 trainees,
- 2004 – 230 trainees,
- 2005 – 400 trainees,
- 2006 – 200 trainees.

The plans specifying the types of training programmes and the numbers of regular service trainees for 2007 and 2008 are drawn up in the last quarter of the year preceding the calendar year concerned.

Topics related to the implementation of the Schengen Acquis are discussed during proficiency and special training courses. The BG Training Centres in Ketrzyn and Koszalyn accomplish Schengen issues trainings in the following teaching hours system:

- basic training -24 hours
- non-commissioned officers’ training -21hours
- warrant officers' training during the preparatory service -15 hours

Border Guard Training Centres hold, among others, training courses for technicians – criminologists, pyrotechnics specialists, screeners (officers performing tasks related to air traffic security), document specialists, guides of trained dogs and multipliers.

The proficiency and special training courses planned by the Border Guard Central Training Centre and the Training Centre for 2006 will cover, among others, training in the field of: EU legislation; document forgeries, pyrotechnical reconnaissance, crossing the external and internal EU borders and stay in the Schengen territory, carrying out border control on the basis of the Community Code, special training of multipliers in the field of border control etc. The training courses will be held on the basis of programmes developed in the above-mentioned BG training centres.

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In order to reach the level of control required by Schengen, the Border Guard Training Centre in Kętrzyn organised and held the following courses:

- "EU legislation and resolutions of the Schengen Treaty, in particular taking into account the principles for border crossing and border control". From January 2004 until February 2005 the teachers of the BG Training Centre held 7 courses on the above mentioned topics. In total 541 officers from the following BG Regional Divisions: Bieszczadzki, Podlaski, Warmińsko-Mazurski, Nadbużański, Karpacki and the BG posts at the airport Warszawa-Okęcie were trained.
- In 2005 one training course was held (composed of 3 modules) for multipliers of the BG Regional Divisions in the field of border control – according to the training programme covering topics related to Schengen. The aim of this training is to present issues related to the control of border traffic and EU /Schengen legislation and to explain the problems occurring during the application of the EU regulations. The participants of the training are obliged to pass on the knowledge of the above mentioned topics in their own BG organisational units.

Training for officers on vessels

Special courses are organized for the crew of the vessels at the training centres of the Maritime Administration and at Sea Units. The courses concern self defence, vessel checking procedures and safeguarding of lives. In the framework of international cooperation and within the PHARE programme, special courses were also organized for the crews of the vessels. Cooperation also exists with Scandinavian and German Border Guards units.

Proficiency training courses ("Vocational improvement")

Border Guard officers also undergo proficiency training courses to improve their professional skills. This training is carried out in the Regional Division headquarters and Border Guard local units. The proficiency training is carried out throughout the calendar year, in the framework of the compulsory on-duty time and it covers all officers, in a time frame of no less than 5 hours - lessons per month (a lesson lasts 45 minutes). The training refers to EU legislation, administrative and criminal justice procedures as well as issues resulting from situation analysis in the field of cross-border crime and other issues resulting from current needs.

3.6.3. Further continuing education

The following numbers of hours are devoted to the courses covering EU legislation that are carried out in the Border Guard Training Centres:

- Elementary training – 24 hours
- Junior (non-commissioned) officer training – 21 hours
- Warrant officer training in the preparatory service – 15 hours
- Warrant officer training in the permanent service – 16 hours
- Officer training – 35 hours

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Furthermore, the following courses are organised within the framework of advanced training in the Central Training Centre of the Border Guard:

- EU Training Day – 12 hours
- “Crossing the external and internal border of the EU and staying within the Schengen territory” –(training for multipliers) – 35 hours
- “Schengen provisions in the field of control of the external border” (advanced training) – 21 hours

- Currently there is a new programme for multipliers prepared in the field of EU legislation. The programme will consist of 70 hours of training. After completing the course the multipliers will carry out five-day trainings (of about 35 hours) in their home BG units. The first trainings will begin in September 2006.

Also joint training courses are carried out in cooperation with other governmental services.

3.6.4. Linguistic training

During the recruitment procedure all candidates have to take a written foreign language test. The level of examination equals that of secondary school in Poland. The candidate chooses in which language he wants to be tested. Emphasis is given on improving the language skills of officers working at the airports.

When the officers are on duty additional language training can be provided. EU funds were used to set up new language trainings. 1.500 officers attended these trainings.

3.6.5. Specialised document checking training

All border control officers receive training regarding document examination. Moreover, specialised document checking training courses and skill improving courses are organized for officers of individual Border Guard units.

For the newcomers special on-the-job-training is organized. After three months, the commander decides when new officers receive full control authority.

3.6.6. Specialised training for different managerial levels

For the improvement of the professional qualification of the border guards, special courses are organized, such as logistics management, management of border protection, border traffic control, state border protection, securing border operations and investigation procedures.

Twinning projects:

By December 2005 ca. 1.328 Border Guard officers had been trained in the framework of the *Phare Twinning PL 2003/IB/JH/02* project implemented since March 2005 until August 2006. In 2006, the training of ca. 800 Border Guard officers is planned in the framework of the said project.

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3.7. Readmission, expulsion and illegal immigration, carriers' liability

With regard to readmission, agreements were signed with the following third countries: Bulgaria, Croatia, Moldova, Romania, Ukraine and Vietnam. However, no readmission agreement was signed with Russia and Byelorussia. The readmission of persons to these two countries takes place under the agreement signed between the Government of the Polish People's Republic and the Government of the Union of the Socialist Soviet Republics on the legal relations at the Polish – Russian national border and co-operation and mutual assistance in border issues, signed in Moscow on 15 February 1961.

In compliance with Article 23 paragraph 1 of the Act on Aliens of 13 June 2003, the Commander of Border Guard unit is the authority entitled to issue decisions on the refusal-of-entry into the territory of the Republic of Poland.

In the period between January –and September 2005 the Border Guard issued 28 732 refusal-of-entry decisions to aliens willing to enter Poland on the external EU border.

The carrier, who, by air or by sea, brought into the territory of the Republic of Poland an alien , who does not possess a travel document or visa required for crossing the border or who is not authorised to enter the territory of another country or to return to the country of origin, if such an authorisation is required, shall be subject to an administrative sanction in the amount equivalent to 3 000 up to 5 000 Euro for each transported person, whereas the total fine for one transport of a group of persons should not exceed 500 000 Euro (Article 138 of the Act on Aliens). This provision also refers to the operators of regular international coach services, except for local border traffic.

The carrier, which brought an alien to the border by air, sea or land shall be obliged to return the alien to the third country from which he / she was transported or - if it is not possible - to the third country which issued the travel document on the basis of which he / she travelled or to any other third country, which ensures admission of that alien, if:

- 1) the alien was refused entry into the territory of the Republic of Poland;
- 2) the alien transiting through the territory of the Republic of Poland was refused entry by the authorities of the country of destination or the authorities of the country adjacent to the territory of the Republic of Poland or if the carrier which should have carried the alien to that country refused to take him on board.

If the carrier is not able to fulfil the obligation referred to above, it shall be obliged to find means of transportation and to bear the cost thereof in order to ensure the alien's departure without delay from the territory of the Republic of Poland.

According to Article 139 of the Act on Aliens of 13 June 2003 the commanding officer of a Border Guard unit applies to the voivod competent with respect to the seat of the requesting Border Guard unit, for imposing a penalty on the carrier, who brought, by air or by sea, an alien to the territory of the Republic of Poland without a travel document or a visa, required for crossing the border. Such application is made individually for every alien. After examining the application, the voivod decides to impose a penalty or to refrain from imposing a fine. He shall inform the person submitting such application on the amount to be paid.

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The administrative fine is imposed on the carrier in the amount equivalent to not less than 3 000 up to 5 000 Euro for each transported person, whereas the total fine for one transport of a group of persons should not exceed 500 000 Euro.

In 2004, the commanding officers of the Border Guard posts submitted 488 applications to impose a penalty on carriers. In 13 cases, the voivods refrained from imposing a penalty on carriers.

In the period between January and September 2005, the commanding officers of the Border Guard posts submitted 73 applications to impose penalty on carriers. In 41 cases, the voivods refrained from imposing penalty on carriers.

The reasons, for which voivods refrained from imposing the penalties:

- Lack of notification of the interested party by the voivod on initiating the proceedings (1 case);
- Different interpretation of legal provisions related to the conditions of entry to Poland by the nationals of Switzerland (5 cases);
- The voivods' interpretation of Article 138 paragraph 1 of the Act on aliens according to which in order to impose an administrative fine on the carrier, he must bring an alien who is not in a possession of a travel document and a visa (both documents at the same time) (48 cases).

In 2004, the voivods imposed fines on carriers in the total amount of 1 459 534 Euro, and between January and September 2005 - in the total amount equivalent to 104 063 Euro. The above mentioned due fines were paid in 100 %.

Most fines were imposed on the air carriers: LOT, Air France and KLM.

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4. REPORT ON KRYNICA MORSKA

4.1. General information

4.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

The Border Guard Post (BGP) in Krynica Morska is responsible for the state border protection with the Russian Federation at land (855 metres) as well as at the sea border from the side of the land. The length of the sea border section along the coast line of the Gdansk Bay is 51 km and along the coast line of the Vistula Lagoon 41 km. 21.000 persons live in this area with tourism and fishery as main economical activities.

The main threats in this region are the smuggling and distribution of excise goods and "poaching" on the Polish sea area. Only a few cases of illegal or irregular border crossing were recorded. There were 2 cases of violating the border regulations by Russian fishing boats (cutters) in the last two years as well as one case in 2006 whereby two Russians tried to cross the iced Vistula lagoon by motorbike. At the land border, only two cases were recorded of irregular crossing of the state border by tourists.

4.1.2. *Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)*

The BGP in Krynica Morska cooperates with other regional units of the Morski Regional Unit of the Border Guard and with the BGP in Braniewo. There are detailed plans for this cooperation. Close cooperation also exists with the Police, the Customs, the Maritime Administration office, the Navy, the Internal Security Agency and other authorities.

There is also a cooperation with the Border Patrol post in Narmeln in Russia whereby information is exchanged on the border situation. There are regular meetings to evaluate the border protection and to jointly inspect the border signs.

There is also a daily exchange of information with the Police in Nowy Dwor Gdanski and Pruszcz Gdanski about aliens staying in this area. Furthermore, regular and ad hoc reports are sent to the Morski Regional Unit.

4.1.3. *Risk analysis and intelligence functions*

The Morski Regional Unit risk analysis is performed at operational and tactical level. The Border guard posts and squadrons only perform risk analysis at tactical level i.e. using information gained from different sources, profiling individuals and objects. This information is gained via mobile units both at land and on sea as well as via camera and video surveillance. The automated radar surveillance system also contributes to a the situational awareness.

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4.2. Infrastructure and equipment

The BGP Krynica Morska is not a border crossing point but is tasked with the surveillance and control of the sea and land border with the Russian Federation. The BGP in Krynica Morska has the following equipment:

- 3 all-terrain and passenger vehicles LAND ROVER (among them 1 adapted to transport detained persons)
- 2 cars (among them one plain)
- 1 Quad Honda TRX
- 1 pontoon of MR-4800 type
- 2 KTM motorcycles
- 2 Honda motorcycles
- 1 Mercedes equipped with thermovision/IR camera

Communication and encryption

All vehicles are equipped with VHF radio stations.

The local supervision centre which coordinates the missions in the field has the following equipment:

- VHF communication system,
- GMDSS/A1 communication system (Global Maritime Distress and Safety System)
- telephone with a direct line with the Russian BCP
- Internet and intranet access to different data bases

They also receive the VTS information from the Maritime Administration.

4.3. Border surveillance in Krynica Morska area

The area of responsibility of the Border Guard Post (BGP) in Krynica Morska includes the communities of Krynica Morska, Sztutowo, Stegna, situated in Nowy Dwor district and community of Cedry Wielkie situated in Pruszcz Gdanski district.

The BGP is responsible for the state border protection with the Russian Federation and the sea border from the land side. The land border is 855 meters long, the sea border considering the shore line of the Bay of Gdansk is 51 kilometres long. The shore line of the Vistula Lagoon is 41 kilometres long. The terrain of the Vistula Peninsula is shaped by sand dunes covered with forest whilst Vistula Marsh-Lands area is a flat lowland.

The unit responsible for the blue border surveillance in the region of Gdynia is located in Kaszubski.

4.3.1. Tactics applied, including system of border patrolling, command and control

The Border Guard plans the state border protection in such a way that a permanent surveillance is guaranteed. In case of increased tourist traffic and if, on the basis of risk analysis, information is received about possible threats the land border will be patrolled constantly by car, motorbike or quad. There are 2 or 3 patrols planned every day. Since the surface of the land border strip is kept clean, it is possible to detect crossings of the state border. Furthermore, reconnaissance activities are performed.

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Stationary thermovision cameras system are installed, allowing direct monitoring of the entire section of the land border.

Every day, during 24 hours, two study and analysis operators perform their duty.

The Border Service Team Manager communicates daily with Border Patrolling Post Narmeln of Russia to exchange information about present border situation. Moreover, Russian GFSS is informed about every border crossing by floating vessels at sea and the Vistula Lagoon during the shift. At the same time this information is transferred to Shift Managers of the BGPs in Elbląg, Gdańsk, Braniewo and the On Call/Duty Officer of Kaszubski Vessel Squadron of the Border Guard and commanders of vessels on duty at sea and the Vistula Lagoon. Every day the Shift Manager contacts the On Call/Duty Officer of the District Police Command in Nowy Dwór Gdański and Pruszcz Gdański about aliens staying in the area and about people whose identity papers were checked. Regular and ad hoc reports are sent to the Operational On Call/Duty Officer of the Morski Regional Unit of the BG informing him about the tasks fulfilled by the BGP in Krynica Morska tasks.

4.3.2. Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the borderline)

The BGP in Krynica Morska protects land border by foot patrols, motorcycle patrols, car patrols, hidden observations with the use of portable special equipment such as portable thermovision cameras, night vision goggles and binoculars.

Sea border protection is carried out by radiolocation surveillance of the Polish sea area, including stationary thermovision and day light cameras. There are also light floating units like pontoons and portable surveillance unit engaged in the sea border protection. Moreover, floating units of the Kaszubski Vessel Squadron of the BG and patrol hovercraft are in service of the state border protection at sea and the Vistula Lagoon waters as well as a reconnaissance aircraft of the Morski Regional Unit.

The Portable surveillance Unit (PSU) is an important element of the state border protection. It is used mainly at night.

The PSU is equipped with thermovision and day light cameras and Low Light Level (LLLVT) camera. Furthermore, it has a range - finder and GPS system with a digital map. Every observed incident is digitalized for further use (for example in reconnaissance proceedings and preparatory proceedings).

The PSU has permanent radio communication with the duty service at the Post.

4.3.3. Availability and permanency of the above mentioned (human and technical) resources

There are 57 working posts foreseen at the BGP in Krynica Morska including 56 officers and one civilian servant. At present there are 54 officers serving at the BGP. It gives 96,4 % of the possible staff employment.

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The organizational structure consists of three sections:

Commanding staff (6 officers) includes:

Commandant of the Post,
Deputy Commandant,
Specialist in Local Authorities Relations
IT Systems Specialist Engineer,
Senior Border Guard (logistic),
Border Guard (car driver and mechanic).

Border Service Team Section (45 officers) includes:

Border Service Team Manager,
Senior Border Guard - Border Service Team Manager (5),
Senior Border Guard - Automated Radar Surveillance System of Polish Sea Areas Operator (5),
Senior Border Guard (12),
Senior Border Guard – dog leader (2),
Border Guard (20).

Operation and Investigation Team Section (5 officers) includes:

Operation and Investigation Team Manager,
Specialist,(2)
Senior Border Guard (2).

Comments and recommendations of the Evaluation Committee:

The blue border surveillance is efficiently carried out with patrols at sea and on land using modern technical means. The automated radar surveillance system is still in its first phase and has some software problems that should be solved in the near future. The Committee is of the opinion that this system, when it will be completely deployed, will be an excellent tool to complement the current blue border surveillance.

The Committee observes that the cooperation with Russia is working at all levels so any problem with the border could be solved from both sides.

4.4. Staff and training

As mentioned under point 4.4.3, 54 Border Guard officers and 1 Civilian Servant are employed in Krynica Morska two vacancies are still to be filled.

Seven of the 54 officers are involved with vehicle surveillance. They work in three shifts of six hours a day, covered by two officers in each shift. The officers involved, receive a one week training.

The Radar Centre is operational 24 hours a day. The officers of the Radar Centre in Krynica Morska work in 12-hours shifts. In each shift one shift leader and one officer work together. Five shift leaders are employed in the Radar Centre. The officers of the Radar Centre receive special training by the company that provides the radar equipment.

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4.4.1. Adequacy and the level of professionalism

Krynica Morska Border Guard is a well established unit. Because of the funds of the European Union, the unit is well equipped and therefore has sufficient means to carry out their duty effectively. Furthermore, the personnel are well trained and are conscious of their duties and responsibilities.

4.4.2. Basic training

See: general information.

4.4.3. Further continuing education

See: general information.

4.4.4. Linguistic skills and training

Due to the location of the border station, it is especially valuable for the officers to be able to communicate with the Russian counterparts. In order to carry out their duties, the Radar Control Centre has a direct telephone line to the neighbouring Russian border post. The majority of the officers can communicate in Russian. Some of the personnel of Krynica Morska have the ability to communicate in other foreign languages, like English.

4.4.5. Specialised document checking skills and training

The border post of Krynica Morska focuses only on border surveillance. Since no passengers arrive at the border post, no document checking is carried out.

4.4.7. Specialised training for different managerial levels

See general information.

Comments and recommendations of the Evaluation Committee:

The number of officers is considered as sufficient. They are well trained, motivated and able to speak foreign languages, in particular Russian.

RESTREINT UE

5. REPORT ON THE PORT OF GDYNIA

5.1. General information

5.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

The port of Gdynia is an artificial pier and quay port, situated in the north-western coast of the Gdańsk Bay, between Oksywie and Kamienna Góra.

Its area covers almost 18 kilometres of berths, including almost 11 kilometres of loading berths.

The border crossing point in Gdynia is open to passenger and cargo traffic. It covers:

- The area of the commercial port in Gdynia
- The marina – for pleasure boats (plans to create a sea harbour “Marina” are currently being implemented)
- Port roadstead (in justified cases)
- Border clearance point on Nabrzeże Pomorskie (sea harbour “Żegluga Gdańska” in Gdynia) – for passenger vessels.
- Ferry terminal for ferries to Sweden (Stena Line)

The risk analysis at operational level shows that the threat of illegal immigration in the sea ports of the Gdańsk Bay is very small. This is based on statistical data as well as on observations with regard to the migration flows (from the East to the West in Poland).

Between 2003 and 2005, 24 cases of attempts to cross the border illegally were recorded (apprehensions of the perpetrators).

5.1.2. *Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)*

The Border Guard Post in Gdynia carries out its tasks in co-operation with:

- Kaszubski Division of Border Guard in Gdańsk,
- Border Guard Posts in Gdańsk, Władysławowo and Gdańsk-Rębiechowo,
- Independent Reserve Unit of Morski Regional Unit of the Border Guard
- Municipal Police Headquarters in Gdynia, Provincial (Poviat) Police Headquarters in Puck, Provincial (Poviat) Police Headquarters in Wejherowo and subordinate police stations and districts in the area of activity,
- Customs Office in Gdynia,
- Voivodship Inspectorate of Road Traffic in Gdańsk,
- Maritime Office in Gdynia,
- Regional Sea Fishery Inspectorate,
- Vision and Technical Observation and Communication Point of the Navy in Hel (POWTiŁ),
- Army Air Forces
- Regional self-government authorities in Gdynia, Rumia and Szemud and Kosakowo communes,
- City Guards in Gdynia,
- Other institutions and entities active in the area of the border crossing point.

RESTREINT UE

Joint patrols, activities and actions are carried out within the framework of the current co-operation, among others with the Police, Road Transport Inspection, Railway Protection Service, Military Police and Customs Office. Moreover, the exchange of information is carried out on a permanent basis. Periodical meetings take place and technical equipment as well as police dogs are made available on a reciprocal basis. Joint trainings are also organised.

The activity of the BGP Gdynia is regularly supported by the border services of Sweden in the field of checks and by receiving and transferring information of reference for border checks of persons and transportation means. Moreover, the Post receives assistance from contact points on land borders in order to carry out checks.

5.1.3. Risk analysis and intelligence functions

The officers of the Border Guard Post in Gdynia carry out border checks on persons arriving on board of passenger ships, ferries, tourist ships and commercial ships before the vessels enter the port, by analysing the information received from maritime administration services, the fishery administration and the Navy as well as the information received from the ship's agents i.a. the crew and passenger lists as well as information on the possible presence of stowaways. Data related to the sailing routes used by the ships as well as ports, from which they come, previous suspicions of their participation in criminal activities (smuggling of illegal migrants, drugs, weapons, radioactive materials, weapons of mass destruction and excise tax goods) are also analysed.

The have also access to the reports from patrol flights over the Polish maritime zone by the Border Guard and Maritime Office plane.

5.2. Infrastructure and equipment

5.2.1. Signposting, separation of flows, lanes of checks and control facilities in "Zegluga Gdanska"

The terminal building is fully dedicated to the departure and arrival control of pedestrians (this ferry – the only ferry to a non-Schengen country – only transports passengers). Separation of flows is organised correctly. There was signposting in accordance with Article 9 of the Schengen Borders Code as well as a separation of flows and different lanes for checks. Border checks are performed in two booths. which are used both for entry and exit controls.

It should, however, be noted that the booths do not fulfil the requirements. They are not correctly placed as they are not facing the queues. Unauthorised observation of the equipment by passengers is also possible.

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5.2.2. *Equipment: first line, second line, mobile*

a) first line

All booths are equipped with passport readers, fixed computers to consult the national systems, telephones and radio stations, retro-check with UV-lamp and magnifiers. Each of the officers is equipped with a stamp for arrival and exit. The control codes are changed every three months ¹.

b) second line

The equipment in the second line office was in line with the Schengen standards (Catalogue and recommendations). High quality equipment is available in the second line office: a Docu-center "VSC-4C" is used for the examination of the authenticity of travel documents, retro-check, UV-lamps, microscope with middle resolutions (25 times), computers terminals with electronic version of the Album of Document Forgeries, Album of documents specimens and with access to IT systems used by Border Guard, computer with internet connection, phones, computer with national databases.

The latest edition of the Common Manual was available in paper format in Polish. The manual was also available on intranet.

The staff has access to the police computer systems, including the domestic policy registry, internet, printers, a scanner, fax transmitter.

Border checks at merchant vessels are performed aboard the ships by using mobile terminals and kits.

A detailed list of the equipment can be found in the annex.

5.2.3. *Communication*

The BCP duty officer has an Intranet-Connection. The intranet covers different national databases. For communications during border checks the shift leader can be consulted via radio and phone.

5.2.4. *Access control / fencing*

The ferry points and the buildings of the border crossing point are fenced with a sufficiently high, adequately constructed and protected metal fence. The fencing of the passage between the ship and the booths at the BCP in the port of Gdynia is made of a light easily moveable fence. The fencing is however guarded by a border guard.

The incoming and outgoing foot passengers' flows are adequately directed to the passport control booths through corridors and the arrival/departure hall.

¹ The Polish authority informed the Committee after the visit that, as of 24.08.2005, new control stamps fulfilling the Schengen requirements were introduced and from then on, on a regular basis – at least once a month, the control digit in all Polish border crossing points is changed. The basis for this is the Ordinance No. PF 1 of the Director of the Border Management Department of 3 August 2005 on the shape and size of the control stamps as well as security features protecting the control stamps from falsifying or altering. The above remains in accordance with point 2 of Annex IV of the Regulation 562/2006 of 15 March 2006 establishing the Schengen Borders Code.

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5.2.5. Detention / readmission premises

In the second line there are waiting rooms for non accepted passengers.

5.2.6. Storage of blank visa

Blank visas are stored at the Border Guard post in a safe. The manager of the Border Guard group carries personal responsibility for the visas.

Conclusions and recommendations

The fencing of the passage between the ship and the control booths in “Zegluga Gdanska” port in Gdynia is made of a light fence that could be easily moved. The distance between the ship and the terminal is, however, only a few meters and the fencing is during embarkation and disembarkation secured by a border guard officer. Thus, the delimitation of the passage must be regarded sufficient.

The signposts in “Zegluga Gdanska” were sufficient but neither the location nor the construction of the control booths fulfil the Schengen requirements. The booths are not facing the passengers and the officer can not oversee the queue of passengers waiting. The construction of the booths does furthermore not prevent unauthorised observation of equipment and documents used in the booth. Therefore the Committee recommends that the booths should be replaced with new ones complying with the requirements¹.

The equipment is regarded as highly sufficient and totally in line with the recommendations laid out in the Schengen Catalogue. Regarding the security codes on stamps the Committee recommends that the code should be changed at regular intervals not exceeding one month, as outlined in point 2, annex IV of the Schengen Borders Code².

The Committee notes that enormous financial efforts were made both under the national budget and under EU funding, to purchase sophisticated border control equipment allowing for a highly efficient border control.

¹ The Polish authorities pointed out after the visit that the question of border crossing point infrastructure lies outside of the scope of the Border Guard’s competence. The authority responsible for this is the Voivod under whose territorial competence falls the given border crossing point (in whose voivodship it is located). The Border Guard will put forward a motion to the competent Voivod asking to adapt the border crossing point to the Schengen requirements in this field.

² See Polish comments on page 33 in footnote.

RESTREINT UE

5.3. Controls and procedures

5.3.1 Traffic handling/traffic modes

In Poland different procedures are followed according to the type of traffic concerned:

5.3.1.1. Ferries

There is one ferry line Gdynia - Karlskrona (Stena Line) with two arrivals per day in the summer season and 12 arrivals per week in the winter season. It moors in the ferry terminal.

In 2005, there were 671 ferries with 361.740 passengers, 70.268 passenger cars 72.781 lorries and 976 buses.

The main nationalities of passengers travelling on the ferries to and from Karlskrona are Polish, Swedish, Norwegian, Lithuanian and Ukrainian.

There is one ferry connection to Baltijsk (Russia). It moors in the passenger terminal (Zegluga Gdanska). There are 5 ferries per week in the summer season and 3 ferries per week in the remaining period. In the winter season the average of passengers is 150 per ferry, in the summer season the number of passengers is up to 350.

On the ferry connection to Baltijsk there are mainly Polish citizens. They travel to Baltijsk, where they are submitted to entry checks by the Russian authorities. After this entry check, they remain in the terminal of the Baltijsk port for shopping and return in the evening. There is the possibility to board the vessel also from the Russian territory but there is no interest to do so.

Only passengers can board this ferry and they are submitted to exit and entry checks by the Polish authorities (after the carrier has verified that the passengers are in possession of the travel document, Russian visa and the tickets).

5.3.1.2. Cargo vessels:

In 2005, 4573 cargos arrived and departed of which 74 Russian vessels. 2017 seamen signed on the vessels and 2052 signed off. The main nationalities were Polish, Russian, Ukrainian, Lithuanian and Norwegian.

5.3.1.3. Cruise ships:

In 2005, 92 cruises arrived and departed. The number of passengers on these cruises was 84.696 on arrival and 84.682 on departed. In 2006, 87 cruises are supposed to call in the port of Gdynia.

5.3.1.4. Pleasure boats:

Up until September 2005, 3.304 pleasure boats visited ports in Poland. In 2005, 83 pleasure boats called at the port of Gdynia, out of which 69 were Polish and 14 foreign.

5.3.1.5. Fishing vessels:

There are 9 fishing vessels based in the port of Gdynia. In 2005, 303 fishing vessels visited the port of Gdynia. There are only fishing boats registered in Poland which call in the port of Gdynia.

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5.3.2 Procedure of checking on and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

5.3.2.1. Ferries

The experts participated in an exit check on passengers travelling to Baltijsk. Only Polish citizens went on board, their passports have been checked on authenticity using an UV lamp. All passports have been checked in the national databases via the passport reading devices.

The experts have been informed that all passengers, including EU citizens are registered in the national database (ZSE II). EU and EEA citizens, as well as citizens of US, Canada and Japan are submitted to a minimum check. The Polish authorities explained that the latter are not requested on their financial means, but are checked in the national data bases. All other third country national are submitted to a full entry check, thus including the request on financial means, the verification of the visa, if required, for the entry into Poland and if there are subsequent journeys, for the countries concerned.

The passports of all third country nationals are stamped. The stamps are attributed by the shift leader to the border guards on duty. The security code is changed each three months¹.

The Polish authorities explained that EU citizens are not checked against national databases, but they are registered for statistical reasons via the machine readable zone of the passport. The following data is therefore registered: Name, surname, date of birth, passport number and citizenship. In addition, the place and time of border crossing, the means of transport and the personal code of the controller are registered. Access to this registration base is limited and recorded.

5.3.2.2. Cargos

The border guards receive normally information on the crews and passengers and on the vessel (name of the vessel, type of cargo, flag, previous ports, etc) three days, but minimum 24 hours in advance. Two hours in advance, the maritime authority indicates the exact time of arrival and the mooring quay. The shift leader carries out a risk analyses on the basis of the information received and determines the composition of the control team (up to four border guards). Upon arrival, the border guard officers go on board and check all crew members (and passengers) face to face. The captain is obliged to call all crew members to be present for this border check.

All vessels are submitted to this kind of checks unless they departed previously from another Polish port.

The border guards are in possession of mobile control terminals in order to check against the national data bases (see above).

5.3.2.3. Cruises ships

Each time before the beginning of the tourist season Commanders of Border Guard Posts meet with agents (shipowners' representatives) who are in charge of and prepare passenger ships for border control. Information on the applicable regulations in the field of border control and the procedures and methods of transferring information on the crew and passengers of the ship by agents are communicated during such a meeting.

¹ See Polish comments on page 33 in footnote.

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The agency assisting in clearing the ship notifies always the Border Guard on the presumed time of entering into the port and the time of departure from the port, giving, among others, the following data: the name of the vessel, its flag, the port of departure, the destination port. Apart from that, a list of crew members and passengers is handed over to the Border Guard. The following data shall be included on the list: names, citizenships and dates of birth, numbers of documents authorising to cross the national border, and, in relation to the crew members, also the position held. The Border Guard receives in principle the information on the crews and passengers three days and minimum 24 hours in advance.

After receiving the list of crew members and passengers, the Commander of the Border Guard Post checks the persons on the list performing risk analysis and, on the day of the ship's entry into the port, consulting available databases (administrative check). The risk analysis performed as part of the check has got direct impact on the composition of the control team and the number of control officers (4 to 9 Border Guards), as well as their technical equipment.

Border control of passengers is performed in control points prepared for that purpose, located at the passageways on exit from the ship. Border Guard officers carrying out border control receive the documents authorising crossing of the state border directly from the passengers and control them in order to verify the identity of the persons and genuinity of the documents as well as to check whether the passengers have the visas required under Council Regulation 539/2001 of 15 march 2001 (as amended).

The passengers are checked if they are on the list sent earlier by the captain of the ship in accordance with International Maritime Organization's Convention on Facilitation of International Maritime Traffic concluded in London on 9 April 1965 (Poland is a party to the Convention). In case of any irregularities in a passenger's documents or non-conformation to any other requirements for entry into the territory of the Republic of Poland, the passenger is taken for explanations into previously prepared premises (room) onboard of the ship and, possibly, is issued an appropriate administrative decision.

There were a few sporadic cases where the captain had collected the passengers' documents before the ship entered the port and prepared them along with the list of passengers for border clearance in designated premises of the ship. In such cases, Border Guard officers, bearing in mind the necessity of ensuring smooth and effective border control, performed their duties (control of validity and genuinity of the documents, compatibility of the passenger list with the actual state, etc.) in the premises prepared by the captain. Having that done, the BG officers asked the ship's crew to distribute the documents back to the passengers and the documents were returned to their owners. After that, Border Guard officers checked the identity of all the passengers and the presence of their names on the list when the passengers' were leaving the ship.

The number of personnel is not increased during the summertime. However, the border guards have the possibility to ask for support from the neighbouring units (in particular Gdansk) in case several vessels moor at the same time. The border guards explained to have used this support in the past. The Polish authorities confirmed that due to the early announcement of the arrival of the vessels, it is possible to adjust the resources in time.

5.3.2.4 *Pleasure boats:*

The harbour master informs the border guards of the arrival in advance (2 hours). There is no obligation to establish a passenger list. If no radio communication is available, the harbour master is obliged to call the border guards upon arrival of the pleasure boat and to verify that the passengers are not leaving the port area until the border guards arrive. The passengers are then submitted to the border checks.

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5.3.2.5. *Fishing vessels:*

The crews of fishing vessels sailing under the Polish flag are submitted to a full check at the first establishment of the crew list. Every three months, the crew list has to be submitted to the border guards. The crew is submitted to random checks independently whether the fishing vessels leave the territorial water.

5.3.2.6. *Issuance of visas, refusals of entry, stowaways:*

In 2005, 472 visas have been issued mainly to seaman signing off the ship. A significantly decrease of visas issued between 2004 and 2005 can be noted and explained by the fact that in 2004 all seamen who went ashore and remained within the port area were submitted to the visa obligation.

Parallel to the high number of visas issued in 2004, a high number of refusals of entries was noted in 2004. This high number decreased significantly in 2005 because of an amendment to the Border Guard Act which introduced a possibility to issue, in particular cases, special seamen passes for crewmembers covered by the visa obligation, including the nationals of Philippines and Sri Lanka.

Stowaways remain under the responsibility of the captain. During 2002 to 2005, 8 stowaways have been reported by the captain of the respective vessels. If the nationality of a stowaway can be identified, the captain is obliged to provide for the transport back with the help of the respective embassy. If identification is not possible, the person remains on board.

Comments and recommendations of the Evaluation Committee:

The Committee considers that the procedures are currently applied in accordance with the Schengen provisions.

However, the experts are concerned that EU citizens are registered in the ZSE II data base. Community legislation on free movement of Union citizens and their family members provides that Member States shall grant Union citizens leave to enter their territory on presentation of a valid identity card or passport and their family members who are not Union citizens with a valid passport. The collection of data figuring on the travel documents upon entry is not foreseen nor allowed by such legislation and is in principle incompatible with it. It should therefore not be continued. The registration of all persons crossing the borders also raises concerns regarding its compatibility with data protection rules, which needs thus to be further analysed.

In addition, the Polish authorities should ensure that EU citizens should only on a non systematic basis be checked against national data bases (or in future the SIS) in order to ensure that EU citizens do not represent a genuine, present and sufficiently serious threat to internal security, public policy and international relations of the Member States or a threat to the public health.

In addition, EU citizens figuring on passenger lists shall not be submitted to systematic administrative checks against data bases.

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Further on, upon entry into force of the Schengen Borders Code, the Polish authorities have to ensure that all third country nationals are submitted to a thorough entry check in accordance with Article 7 (3) ¹ of the Schengen Borders Code.

With regard to the security codes on the stamps, the Committee recommends that these codes are changed at regular intervals not exceeding one month as set out in point 2, annex IV of the Schengen Borders Code².

5.4. Border surveillance

See specific chapter on the Kaszubski vessel squadron which carries out blue border surveillance.

5.5. Staff and training

Staff

There are 96 BG officers and 3 Civilian Servants on duty in the Border Guard Post in Gdynia, 73 of the BG officers are involved directly in the protection of the national border. 6 officers are in the on-duty services, including the shift manager, his assistant and port shift with 4 persons.

The Committee was informed that there are 5 BG and 1 Civilian Servant posts empties. The BG posts are foreseen to be filled within the current year. However, the civilian servant post is not foreseen to be filled in this year.

¹ The Polish authorities pointed out after the visit that the procedure followed by Border Guard officers in case of entry control of EU nationals is based upon applicable national provisions ie. the Border Guard Act of 12 October 1990, Regulation of the Minister of Interior and Administration of 25 June 2002 on border control performed by Border Guard officers and the Ordinance No 22 of the Commander-in-Chief of the Border Guard on the methods and procedures for collecting and processing information within the field of state border protection and border traffic control. One of the purposes of registering of the data of persons crossing the external border is to ensure security and tightness of the EU border. Another question are the rules concerning the collected data, which, according to the draft report, should be analysed by the Polish Party.

However, considering the date of entry into force of the Schengen Borders Code and the Practical Handbook for the Border Guards, the Polish Party is currently preparing for adapting national provisions to the new requirements of the Community law. The changes to be introduced will make the national legislation comply with the European law regulating the freedom of movement of the EU nationals (Article 18 of the Treaty establishing the European Community), with the rules of border control of persons set out in the Schengen Convention as well as with the provisions of Article 7 (2) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), on the minimum checks in order to establish identities of persons crossing the border.

² See Polish comments on page 33 in footnote.

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Due to the implementation of a programme for making the Border Guard a professional service, the number of the staff employed in the Border Guard Post in Gdynia increased to 96% of the available posts. This fact had a considerable effect on the increase in the number of officers involved directly in border control (increase by approximately 40%).

The operational services on duty (shift manager, assistant to the shift manager) as well as the shift of controllers in the port are on duty for 12 hours. Border patrols are usually carried out in 8-hour shifts.

Follow up training

All officers receive the basic training (see for further information the general information). In accordance with the "Programme of professional training of permanent service officers and preparatory service officers of the Morski Regional Unit of Border Guard for 2006", training in the Border Guard Post is carried out on one training day per month for the entire staff, for minimum 5 class hours (one class hour lasts 45 minutes). During the last six months the number of training courses has been increased and now there are from 12 to 15 class hours per month, carried out in 2 or 3 sessions. These trainings are carried out by officers of the Border Guard Post in Gdynia, who have adequate education, expertise and experience or by experts in different fields from sectors of the Headquarters of the Morski Regional Unit of the Border Guard.

In addition, the officers take part in training courses organised by the Headquarters of the Morski Regional Unit of the Border Guard and in training centres of Border Guard.

All BG officers serving at Gdynia have received Schengen training.

Specialised document training

Specialist training courses for document control experts are organised in the Training Centres of the Border Guard. There are 5 document controllers specialised in forgeries at the Border Guard Post in Gdynia, and four of them have already undergone a specialist training for document forgery experts. In every shift there is one document expert.

Linguistic training

From September 2005 to January 2006, the 2nd stage of English language course at elementary level was carried out in the Border Guard Post in Gdynia, financed from the resources of the Schengen Fund. Ten officers of the Border Guard Post in Gdynia took part in the course (the course was carried out by a teacher from a Specialist Foreign Language Centre "Spectrum").

Since January 2006, 1 officer of the Border Guard Post in Gdynia has participated in modular second degree English language course for border guard officers, organised in the Border Guard Training Centre in Kętrzyn.

Moreover, 1 officer participates in an English language course organised by the School of European Languages "Universus" in Gdańsk.

On 8-9 November 2005 a special training course in the field of special terminology in German was launched, with the participation of 2 officers from the Border Guard Post in Gdynia.

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Peak periods

In the periods of increased border traffic the border post receives support from other organisational units of the Morski Regional Unit (on the basis of prior request for support sent to the Commander of the Morski Regional Unit). Officers from the Border Guard Posts in Gdańsk, Władysławowo and the Border Department are delegated to control the border traffic, whereas the officers of the Independent Reserve Unit carry out the physical protection of sites, or intervene in justified cases.

Adequacy and level of professionalism

The Committee considers the personnel at Gdynia border unit to be well trained and professional. The officers are conscious of their duties and responsibilities and they are well aware of the Schengen provisions. The Committee points out that there is room for improvement regarding the language skills.

Comments and recommendations on Gdansk, Gdynia and Krynica Morska

The number of staff in the three border guards units that were visited, is considered to be largely sufficient by the Committee.

The Committee notes that the tasks of the border guards are not limited to border control but also include police duties (i.e. investigation of crimes, intelligence), as well as customs duties (i.e. radioactive measurements, smuggling, drugs, weapons, harmful waste, ammunition and explosives etc.).

Furthermore, the personnel are well trained and are conscious of their duties and responsibilities.

The Committee recommends that special attention is given to continue improving linguistic skills of the Border Guard officers¹.

5.6. Readmission, expulsion and illegal immigration, carrier liability

No carriers were fined.

¹ Knowledge of foreign languages (especially English) by officers and civil employees of the Border Guard is a priority for the BG.

It should be stressed that candidates applying for work/service with the Border Guard are strictly selected according to the requirement of knowledge of at least one foreign language on a communicative level, especially English. The preferred candidates are those with documented, advanced knowledge of a foreign language.

Language courses are carried out in BG training centres and cover all levels, including the 8-month-long training for newly employed officers.

The importance attached to knowledge of foreign languages among the rank officers is proved also by the introduction of a foreign language test as part of the exam for the rank officer course. It means that those BG officers, who do not succeed in the test, will not be qualified for the course.

Another measure for improving the language skills of the BG officers is their participation of the regularly organised several-months-long courses arranged at the BG training centres, carried out at various levels.

Besides, as of March 2005 in all organisational units of the Border Guard there are special courses of English specially addressed to the staff carrying out border control tasks (sea, land and air border crossing points). Trainings, which will be completed in January 2007, are financed from the Schengen Fund.

RESTREINT UE

6. REPORT ON THE PORT OF GDANSK

6.1. General information

6.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

The Committee visited the "Gdansk nowy port" (Gdansk new port). This visit was not foreseen in the original programme but was added in the programme on the Committee's request .

The port of Gdansk has still two other border guards posts in the Northern port (cargo traffic) and the Western Hills (fishing vessels, pleasure boats). The port has two ferry terminals: the Westernplatte terminal and the ferry base of the Polish Baltic Sailing (PZB SA) New port. Ferries from and to Copenhagen and Gothenburg used to call at the Westernplatte terminal but this traffic was suspended in 2003. Ferries from Gdansk to Nynashamn (Sweden) and to Baltijsk (Russia) call at the New port terminal.

78 departures and arrivals as well as a total of 23.000 passengers were recorded. The main nationality of the passengers is Polish and German.

The ferry to Russia departs twice per week in the Summer season (May-September). However, if the number of passengers is less than 150 the ferry does not depart and the passengers are brought by bus to the port of Gdynia. It takes about 4hrs to reach Baltijsk where the vessels stays for approx. one hour. New passengers can board the vessel in Baltijsk, which is however rather rare.

Two main modus operandi were identified: stowaways and citizens arriving legally from the former Soviet Union and then try to travel to Sweden with false Lithuanian documents. In 2005 13 people were detected in the terminal using false documents. The main nationalities were Ukrainian and Russian.

A high number of visas were issued in the port of Gdansk in 2005: 1.135. In the large majority of cases these visas were issued to seamen disembarking the ship. Only in exceptional cases (5), visas were issued to passengers.

6.2. Infrastructure and equipment

6.2.1. *Signposting*

The signposting is in accordance with the provisions of the Schengen Borders Code.

6.2.2. *Separation of flows*

There are in total 5 workstations which are used for departure and arrival control. The time schedule of the ferries prevent that ferries would arrive at the same time in the port. Departing and arriving passengers are separated .

6.2.3. *Lanes for checks*

There are 5 lanes to the control booths.

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6.2.4. Control facilities

6.2.5. Equipment: first line, second line, mobile

a) First line

The booths are, as in Gdynia, equipped with passport readers, a UV lamp with spot light as well as a computer to consult the national database as well as a register of forged documents. Every booth has the same equipment. At the exterior, the booths have also a mirror to prevent that passengers could hide things. As in Gdynia, the security codes of the stamps are changed every three months¹.

b) Second line

The second line equipment consists of a Docucenter VSC-4C which is used for the examination of the authenticity of travel documents, a retro check, UV lamps, microscope and a computer terminal with access to the album of document forgeries as well as the national database.

6.2.6. Communication

The same findings as for the port of Gdynia.

6.2.7. Access control / fencing

The Terminal is completely fenced. There is, however, no camera surveillance available.

6.2.8. Detention / readmission premises

As in Gdynia, there are waiting rooms for non-accepted passengers.

6.2.9. Storage of blank visa

The visa are stored in a safety deposit box.

Comments and recommendations of the Evaluation Committee:

The Committee considers that the booths and the equipment in the booths are in accordance with the Schengen standards. The booths are correctly placed since they are facing the passengers and have correct signposting. The equipment is of a high standard and there is state of the art equipment to detect smuggling of goods.

As for the port of Gdynia, the Committee recommends changing the security codes on the stamps at regular intervals not exceeding one month².

¹ See Polish comments on page 33 in footnote.

² See Polish comments on page 33 in footnote.

6.3. Controls and procedures

The Committee could not assist the control of a ferry arriving or departing.

6.4. Border surveillance

See chapter on the Kaszubski squadron.

6.5. Staff and training

Staff

100 border guards and 2 civilians are employed in the border control unit of Gdansk. They can be shifted from one Gdansk border crossing point to another. 68 of these 100 border guards are involved with passport control. The officers are furthermore involved with logistics, investigation and management.

The main responsibilities of the officers are prevention and combating of illegal trafficking of drugs, prevention of smuggling of goods, passport control, investigation and intelligence, checks on illegal migration, radioactive measurements and logistic administrative duties.

The Gdansk border guard unit has four document specialists.

In the framework of the execution of their duties the officers of Gdansk border guard unit cooperate with customs and police authorities.

Training

Out of the 68 officers responsible with passport control, 55 officers have received special training on border control and are allowed to use the Schengen stamps. For the newcomers in the Gdansk border guard unit special on-the-job-training is organized. There is training officer responsible for this on-the-job-training. After three months, the commander decides whether the new officers receive full control authority. In order to get the full control authority the new officers have to pass a written test, prepared by the local training officer.

Every officer receives eight hours of training every month. The content of the training is decided by the commander of the Sea Unit. Extra training is authorized by the commander of the post.

Furthermore, the training officer assigns specific topics to the newcomers that they have to study in their private time.

Linguistic training

The vast majority of the officers (97) in Gdansk border guard unit have the ability to speak a foreign language (57 of them on a basic level). The main languages spoken are English, Russian and German.

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Comments and recommendations of the Evaluation Committee:

The infrastructure in the port of Gdansk new port meets the Schengen requirements. The terminal which was modernised in 2005 has very well equipped control booths which are correctly positioned as they face the passengers arriving and departing. The signs are in accordance with the provisions of the Schengen Border Code. The second line office has also high tech equipment to detect false or forged documents. Furthermore, the Border Guard has other state of the art equipment to detect smuggled goods.

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7. KASZUBSKI VESSEL SQUADRON

7.1. General information

The total length of the state border protected by the Morski Regional Unit is 481km. The Kaszubski Vessel Squadron (KVS) is a part of this unit and its responsibility area includes the Polish sea areas from 16° 30'E meridian to the state border with the Russian Federation in the area of Gdansk Bay and state border at the Vistula Lagoon. The section of the state border with the Russian Federation is 22,2km long and the section of the state border at the internal waters with the Russian Federation at the Vistula Lagoon is 10,1km long.

The Kaszubski Vessel Squadron of the Polish Border Guard is located at Westerplatte peninsula in Gdansk.

In general, the responsibility area of the KVS can be divided into 3 zones:

1) the Bay of Gdansk. The main places where threats occur are:

- Port of Gdansk, North Port and Port of Gdynia
- Roadsteads and anchorages of Gdansk and Gdynia ports
- Area adjacent to the state border at territorial waters with the Russian Federation

2) the Vistula Lagoon.

Due to periodic icing of the Vistula Lagoon waters and little depth special surveillance is executed on a 2 Nm wide strip, north-east part of the Vistula Lagoon directly adjoining the sea state border with the Russian Federation.

The main places where threats occur are:

- Ports: Ports of Elbląg and Frombork
- Roadsteads and anchorages of Elbląg and Frombork ports

3) the Polish territorial waters to the east of the 16° 30'E meridian and the EEZ.

Officers of the KVS perform their duties at the Squadron Headquarter and on the floating units.

The Commander of the KVS has two deputy commanders:

- The first is responsible for logistics commands the Communication and IT Group, the Maintenance Group, the Exploitation and Reconditioning Group .
- The second is responsible for state border protection commands Naval Services and the Coordination Group.

The commanders of the floating units are under the command of the Commander of the KVS.

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7.2. Border Surveillance :

The KVS performs the following border duties in the Polish sea areas

- identification of ships and patrolling
- controlling ships
- pursuing ships
- escorting ships

7.3. Human resources :

149 officers are on duty: 17 officers, 78 warrant officers and 54 petty officers.

120 officers are performing duties on floating units. The other 29 perform duties at the Squadron's Headquarters.

7.4. Technical resources :

- vessels of the Border Guard
- technical observation equipment (Automated Radar Surveillance System, night vision equipment, digital photo cameras, binoculars)
- transport equipment
- narcotics detecting equipment
- telecommunications equipment
- arms (personal)

The Kaszubski Vessels Squadron has various vessels:

- The SKS-40- type vessel with 14 crew members, is equipped with two rubber boats to perform inspections of other ships. SKS-40 usually goes on 3 day patrols in the Polish sea areas, mainly in the Exclusive Economic Zone. It is a "Zone control" vessel used for performing border operations aimed at protection of national economic interests, mainly in the Exclusive Polish Economic zone
- The 918-type vessel with 12 crew members, is equipped with one rubber boat to perform inspections and auxiliary activities.
It is a seagoing vessel used for performing border operations aimed at protection of national interests, mainly on territorial waters and the Exclusive Polish Economic zone up to 20Nm from the coast.
- The SAR-1500 vessel with 4 crew members, is a fast intervention boat tasked with border activities, mainly of the intervention-and-pursuit character, control of the Polish sea areas, especially to perform inspections independently and to rescue life at sea.
- The three floating units 90 with 6 crew members each, are equipped with one rubber boat to perform inspections, but the main task is supervision on the Bay of Puck and Vistula Lagoon. These vessels are used to perform border operations mainly in the territorial waters.

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This year, the squadron received two Hovercrafts (3 crew members each). These quite new floating units mainly work in the Vistula Lagoon and the Bay of Gdansk area.

The Griffon 200D-type hovercraft is a water-land unit for patrol-intervention operations, especially to control non-accessible and frozen waters and boggy shores of the Vistula Lagoon and Bay of Gdansk.

The other floating units perform mainly auxiliary roles.

The Border Guard plans to purchase one seagoing vessel and three intervention and pursuit vessels for this squadron.

7.5. Radar surveillance :

Automated Radar Surveillance System

In 2005 the pilot section of the Automated Radar Surveillance System was started, including, among others, Squadron Supervision Centre (SSC) in Gdansk-Westerplatte and Observation Point (OP) in Jastarnia.

The Operator has at his disposal:

- 4 monitors showing sea surface situation
- radio communication VHF/DSC set
- Internet – connected computer
- telephone

Unfailing system work is supported by:

- high class radar ATLAS 1000-VTS
- fibreglass communication (to be expected end of 2006)
- wireless communication (radio links)

The Automated Radar Surveillance System is used to perform the following tasks:

- protection of the sea section of the state border as an external border of EU
- surveillance and movement control of floating units
- supporting search and rescue operations
- environment protection

Information acquiring sources:

- Observation Posts of the Border Guard
- BG Mobile Observation Posts
- co-operating authorities

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7.6. Cooperation :

Kaszubski Vessel Squadron performs cooperation in three domains with:

1. the KVS own forces, other organizational units of the MRU forces and forces of organizational units from other Border Guard Units i.a. the Pomorski Vessel Squadron of the BG in Swinoujscie and the Independent Reserve Company of the MRU.

The cooperation is based on special contract between the Commandant of Posts of the MRU. However, the use of forces and equipments by the KVS is based on risk analysis.

The cooperation between the KVS and other organizational units is carried out on the basis of co-operation plans and consists in, among others, information exchange between floating units and service on duty at every border organisational unit of the MRU. Especially vital is the information coming from air patrols. However, information exchange between organizational units of the Sea Unit and cooperating institutions is also very important.

2. cooperating institutions i.a. the Customs Service, the Maritime Administration Offices and the Police

3. neighbouring countries institutions i.a. with the Russian Border Service Russia.

There is a direct and constant information exchange on the radio between the Kaszubski Vessel Squadron's vessels and the vessels of the Border Service FSB of the Russian Federation that are on surveillance duty on the internal sea waters of the Vistula Lagoon – maintaining constant radio contact and direct information exchange about ships crossing the state border on the Vistula Lagoon waters and information about other facts vital for both the state border protection and status in the region (e.g. danger to life at sea). The information exchange concerning this data domain is executed on the level of duty services and the BG vessels' crews, in strict co-operation with the BGP's in Elbląg, Krynica Morska, KVSBG and the RF Border Service organizational units.

There is also a direct information exchange on the radio with the vessels of the Border Service FSB of the Russian Federation while performing other border tasks and border activities with the use of the KVSBG vessels.

Collaboration with the Border Service FSB of the Russian Federation within the framework of the Border Delegate Office of the Republic's of Poland Baltic Sea Section both in the form of information exchange, periodic working meetings and immediate meetings, accordingly to the situation on jointly protected section of the state border. The Commandant of the KVSBG is an Assistant of the Border Delegate of the Republic's of Poland Baltic Sea Section.

Co-operation with the Russian side, among others, in the form of the KVSBG's resources participation in search & rescue operations at sea organized by the Sea Search & Rescue Service, and with the FR services collaboration

Furthermore reference can be made to the multilateral co-operation with the Baltic Sea Region Border Services .

Current and strict collaboration with the Polish National Co-ordination Centre situated at the MRU HQ – in order to conduct the exchange of information remaining within the KVSBG interest, and with the other Baltic Sea region countries' border services participation (within the multilateral co-operation of the border services framework).

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The KVSBG has a permanent possibility to exchange information on the multilateral level of the Baltic Sea region border services (Baltic Sea Region Border Control Co-operation – BSRBCC). The service on duty at the KVSBG can receive and transmit information via the NCC Poland on a daily basis. One example of this activity is a List Of Suspicious Ships (so called: LOSS list) used on a daily basis. The service on duty and vessels' commanders has permanent access to the constantly updated LOSS list. Information about detections, identifications and control results of ships in the LOSS list are transferred, within the BSRBCC framework, via the NCC to the relevant border services on daily basis.

The KVSBG resources participate in international sea exercises and operations carried out within the BSRBCC framework.

The KVSBG officers participate in international trainings for vessel commanders and crews (vessel control groups), border guard vessels (including trainings within bilateral and multilateral co-operation framework as well as PHARE training project framework).

The KVSBG officers participate in international sea operations and exercises (as observers) organized within the framework of the border services co-operation in protection of the external borders of the EU and counteraction illegal migration.

The KVSBG vessels participate in programs for expert seminars (on technical equipment used in sea border surveillance – vessels and radar surveillance systems) and experience exchange between vessels' crews – within the BSRBCC framework.

Comments and recommendations of the Evaluation Committee

As already stated elsewhere in this report, the Committee considers that the blue border surveillance is carried out with professionalism and efficiency. The capacity for rapid reaction was observed during a demonstration performed by members of the Independent Reserve Company of the MRU in very close cooperation with six squadron units.

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8. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

The Committee considers that the infrastructure and the equipment in the ports of Gdansk and Gdynia meet the Schengen requirements. Some shortcomings were identified with regard to the booths in Gdynia and the Committee invites the Polish authorities to remediate these small deficiencies. It is obvious in all places which were visited that Poland, supported by EU financing, has made great financial efforts to replace and modernise its border control equipment and to train its officers.

The number of personnel is considered as sufficient to carry out border checks in line with the Schengen requirements. However, the Committee questions why a high number of officers will continue to be deployed at the internal borders, in particular since they are specially trained to carry out border control tasks¹.

It notes that the Border Guard will be a full professional service by the end of 2006 and that the small number of conscripts currently deployed by the border guard, are not involved in border control related tasks. These conscripts will end their service by the end of the year and will not be replaced anymore.

The Committee noted that all staff have excellent professional skills and were very well familiarised with the EU acquis on border control. It calls on the Polish authorities to continue giving particular attention to language training.

The Automated Radar Surveillance system will be of great value for the blue border surveillance. Although the system is currently confronted with some deficiencies, it will, once fully operational, be an example for the surveillance of the blue borders.

The control procedures are in line with the Schengen requirements although the Committee has concerns with regard to the registration of EU nationals in the national database and its compatibility with EC law on free movement of persons. In addition, the Committee has concerns with regard to the registration of all persons crossing the border and its compatibility with data protection rules, which needs thus to be further analysed.

¹ See the Polish reply set out in doc. 6049/06 (RESTREINT UE) regarding the deployment of border guards at the borders.

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The Committee recommends that:

- **the booths in the port of Gdynia should face the passengers arriving or departing** ¹,
- **measures should be taken to avoid that passengers can have a look into the booths in the port of Gdynia,** ²
- **the terminal in the new port of Gdansk is equipped with a camera surveillance system** ³,
- **the SCH-EVAL Working Party is informed on the progress realised in the construction of the Automated Radar Surveillance System,**
- **the data of EU nationals should no longer be registered upon entry.**
- **EU nationals should not be systematically checked against national (future SIS) database** ⁴.
- **the security codes on stamps are changed at regular intervals not exceeding one month** ⁵.

¹ The Polish authorities recall that the question of border crossing point infrastructure lies outside of the scope of the Border Guard's competence. The authority responsible for this is the Voivod under whose territorial competence falls the given border crossing point (in whose voivodship it is located). The Border Guard will put forward a motion to the competent Voivod asking to adapt the border crossing point to the Schengen requirements in this field.

² See previous footnote

³ See previous footnote

⁴ The Polish authorities pointed out that the procedure followed by Border Guard officers in case of entry control of EU nationals is based upon applicable national provisions i.e. the Border Guard Act of 12 October 1990, Regulation of the Minister of Interior and Administration of 25 June 2002 on border control performed by Border Guard officers and the Ordinance No 22 of the Commander-in-Chief of the Border Guard on the methods and procedures for collecting and processing information within the field of state border protection and border traffic control. One of the purposes of registering of the data of persons crossing the external border is to ensure security and tightness of the EU border. Another question are the rules concerning the collected data, which, according to the draft report, should be analysed by the Polish Party.

However, considering the date of entry into force of the Schengen Borders Code and the Practical Handbook for the Border Guards, the Polish Party is currently preparing for adapting national provisions to the new requirements of the Community law. The changes to be introduced will make the national legislation comply with the European law regulating the freedom of movement of the EU nationals (Article 18 of the Treaty establishing the European Community), with the rules of border control of persons set out in the Schengen Convention as well as with the provisions of Article 7 (2) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), on the minimum checks in order to establish identities of persons crossing the border.

⁵ See Polish comments on page 33 in footnote.

List of equipment of the Sea Unit of the Border Guard

Equipment of working stations of the first control line:

- Stationary terminal 297
- Mobile terminal 37
- Document reader 56
- UV lamp (REGULA, TOPSCAN, BRATEK, ULTRATESTER, FLUOTEST, other types that are on stock) 79
- Magnifying glass/ lamp 45
- Magnifying glass with a millimeter scale and ground light 40
- 4 channel UK1M detector gates 06

Equipment of working stations of the second control line:

- Stereoscopic microscope (MBS-10, MST-131, MST 132) 14
- Mono-eyepiece microscope (BRINELLA) 51
- Document authenticity checking device (VSC-4, PROJECTINA-DOCUBOX, REGULA 4035) 14
- Infrared device for document scanning 01

Communications equipment:

- Personal short-wave sets 123
- Transportable short-wave sets 64

Transport equipment:

- Cars 55
- All terrain cars 33
- Motorcycles 39

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-

Special purpose vehicle
ATV class 06

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Observation equipment:

- Observation vehicle (OV) 02
- Cooled manual thermovision camera 06
- Non-cooled manual thermovision camera 16
- Night vision goggles 36

Stupefies detection equipment:

- Set of tests for narcotics detection and identification (6020 PORTA PAC, NIK 6050, 6060 PAC) 61
- Device for narcotics detection and identification (SABRE 2000, SABRE 4000) 10

Explosives detection equipment:

- Explosives detection set (testers) 09
- Special tools set (pyrotechnics) 05
- Explosives detection and identification device 01
- Pyrotechnic outfit – vest with equipment 01
- Pyrotechnic protective light outfit (reconnaissance) 01
- Pyrotechnics ejector 01
- SABRE 4000

Contamination and pollution detection and meter equipment:

- Toxic gases indicator (iTX) 40
- Gamma radiation indicator 62

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- Röntgenradiometer (DP-75, DP-66M, DP-66MS) 66
- Radiometer – radioactive contamination meter 20
(RKP-1, RKP-2)
- Device for human radioactive contamination control 14
- Device for vehicle radioactive contamination control 08
- Contamination monitoring device EKO-C 40

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Persons and luggage control equipment:

- Manual metal detector (METOR 28, METOR 22) 27
- Stationary metal detector 07
- Stationary RTG set for luggage scanning 02

Means of transport and other objects technical control equipment:

- Endoscope (video-endoscope, EVEREST VIT) 08
- Mini video-camera (MIS-3, 3002 S, REGULA) 16
- Mirror set used for searching 34
- Controller's tool kit (for dismantling hiding-places) 10
- Detectors (CO2) for detection of living organisms 14
(6PW 4814, AIR TECH 2500 PW)

Other equipment:

- Sets for marking dangerous zones 23
- Alcoholmeter 04
- Exhaust-gas analyzer with a smokemeter 03
- K
- K
- K
- Still cameras 10
- Video cameras 20
- Smuggle detector 30
- Dictaphone 10

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The list of a specialistic equipment in **BGP** in Gdynia
stored in Chief of the Shift's room and room nr 13th

No.	Name of equipment		23.02.06
1	Tear gas	pcs.	60
2	Straight jacket	Pcs	2
3	Straight belt	Pcs	2
4	Drug identification kit + instruction	Pcs	1
5	Radiation detector – Eco - C	Pcs	8
6	Microscope nr 4251	Pcs	1
7	Microscope mono-ocular	Pcs	8
8	handcuffs with holster	Pcs	18
9	guide-bars	Pcs	4
10	Topscan UV Lamp	Kit	1
11	Explosives detection device	Kit	1
12	Autotester + charger	Kit	1
13	Handheld metal detector Metor 28	Pcs	2
14	toxic fumes detector	Kit	1
15	Multi function radiation monitoring kit	Kit	1
16	endoscope Everest VIT	Kit	1
17	Hand held magnifying glass (5 x)	Pcs	1
18	Torch "SERPENT"	Kit	10
19	Krypton torch	pcs	5
20	M-3 Magnifying glass with a battery pack	kit	14
21	handheld "STOP" SIGN	Pcs	2
22	Gamma radiation detector	Pcs	8
23	Handheld black pepper thrower "EQUALIZER" + holster	kit	10
24	reflecting jacket with "STRAŻ GRANICZNA" SIGN	Pcs	8
25	Surface pollution detector RKP-1-2	Pcs	2
26	Handheld pepper thrower "DODYGUAD LE" + holster	kit	15
27	Mini video – camera kit	kit	1
28	torch „Polystinger”	kit	11
29	entry and exit stamps	PCS	68
30	Drugs narcotic substances and explosives detection and identification device "Smilhs Deteccion Sabre 4000" with software	Kit	1
31	video camera SONY CCD TGR 20	kit	1
32	photo camera MINOLTA DATA BODY DYNAX	kit	1
33	document checking UV tester "SELECTIC"	Kit	1
34	Kit for securing dangerous zone's	Kit	1
35	Heavy bullet proof jacket with a case	Pcs	2

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36	Light bulletproof jacket (worn on uniforms)	Pcs	13
37	Antibomb blanket	Pcs	1
38	anti-gas mask "PANORAMA NOVA RA"	Kit	30
39	protection garment L- IM/MW	Kit	12
40	bullet proof helmet	Pcs	25
41	Exploranium Radiation Detection Systems	Kit	1
42	Light bulletproof jacket (worn under uniform)	Pcs	3
43	thermo-vision camera	Pcs	1

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ANNEX II

Register of floating vessels of Morski Regional Unit of the Border Guard

lp .	PLACE OF DEPLOYMENT	TYPE OF VESSEL	HALL NUMBER	YEAR OF CONSTRUCTION	NUMBER OF THE CREW		
1	Kaszubski Vessels Squadron	Gdańsk	SKS-40	SG-311	1990	14	
2			918	SG-161	1973	12	
3			SAR 1500*	SG-211	2000	4	
4			90	SG-142	1973	6	
5			90	SG-146	1975	6	
6			90	SG-150	1977	6	
7			Yacht C-46		1986	4	
8			M-35	SG-036	1985	2	
9			MI-6	SG-008	1990	2	
10			S-7500	SG-005	1996	3	
11			S-7500/K	SG-003	1996	3	
12			S-7500/K	SG-007	2004	3	
13			S-6100 K	SG-063	2001	2	
14	Pomorski Vessels Squadron**	Świnoujście	918	SG-164	1975	12	
15			SAR 1500*	SG-212	2000	4	
16			90	SG-144	1975	6	
17			90	SG-145	1976	6	
18			90	SG-152	1977	6	
19			S-7500/K	SG-002	1996	2	
20			S-7500/K	SG-004	1996	2	
21			S-7500/K	SG-006	2004	2	
22			Kołobrzeg	SKS-40	SG-312	1991	14
23				912	SG-323	1973	17
24				912	SG-325	1975	17
25	Yacht C-45			1981	4		
26	BG Post	Ustka	S-6100 K	SG-061	2001	2	
27	BG Post	Międzyzdroje	S-6100 K	SG-062	2001	2	
28	BG Post	Kołobrzeg	S-6100 K	SG-064	2001	2	
29	BG Post	Darłowo	S-6100 K	SG-065	2001	2	
30	BG Post	Władysławowo	S-6100 K	SG-066	2001	2	
31	BG Post	Krynica Morska	M-4800B	SG-020	1997	2	
32	BG Post	Łeba	M-4800B	SG-021	1997	2	
33	BG Post	Rewal	M-4800B	SG-024	1997	2	
34	The	Gdańsk	S-8900	SG-009	1994	2	

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35	Independent Reserve Company		M-4800	SG-025	1993	2
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*purchase of floating units SAR– 1500 type was accomplished according to *The Conception of protection of the state sea border and Polish Sea Area surveillance* of 27th May, 1999

** floating units of Pomorski Vessels Squadron are deployed in Świnoujście and Kołobrzeg

There are also light floating units (pontoons of different types) carried on board of patrol vessels to secure activity of the boarding teams.

Ip	PLACE OF DEPLOYMENT	TYPE OF VESSEL	HALL NUMBER	YEAR OF CONSTRUCTION
36	Kaszubski Vessels Squadron	S-5400	SG-311	2004
37		MR-4800B	SG-311	1997
38		M-3100	SG-161	1996
39		M-3100	SG-142	1997
40		M-3100	SG-146	2004
41		M-3100	SG-150	2004
42	Świnoujście	M-4800	SG-164	1993
43		M-3100	SG-144	2004
44		M-3100	SG-145	1996
45	Pomorski Vessels Squadron	M-3100	SG-152	2004
46		S-5400	SG-312	2004
47		S-5400	SG-312	2004
48		MR-4800B	SG-325	1997
49		M-4500	SG-323	1993
50		M-4500	SG-323	1993
51		M-3100	SG-325	1993

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PLANNED PURCHASE OF NEW VESSELS

Purchase of new vessels is the consequence of the provisions of the “Concept of the protection of the sea border section and surveillance of the Polish marine areas” of 27 May 1999.

No	Type of vessel	Border organisational unit	Area of operation – home port	Planned time of introduction of the vessel into use
1	Hovercraft	Kaszubski Vessel Squadron	Vistula Lagoon - Tolkmicko	2006
2	Hovercraft	Kaszubski Vessel Squadron	Gdansk Bay - Gdansk	2006
3	Hybrid vessel	Kaszubski Vessel Squadron	Territorial sea - Wladyslawowo	2006 - 2007
4	Hybrid vessel	Kaszubski Vessel Squadron	Territorial sea - Leba	2006 - 2007
5	Auxiliary vessel	Kaszubski Vessel Squadron	Territorial sea and inter-territorial sea waters - Gdansk	till 2009
6	Auxiliary vessel	Kaszubski Vessel Squadron	Territorial sea and inter-territorial sea waters - Gdansk	till 2009
7	Sea going vessel	Kaszubski Vessel Squadron	Exclusive Economic Zone	after 2009
8	Hybrid vessel	Pomorski Vessel Squadron	Territorial sea - Darlowo	2006 - 2007
9	Hybrid vessel	Pomorski Vessel Squadron	Territorial sea - Kolobrzeg	2006 - 2007
10	Auxiliary vessel	Pomorski Vessel Squadron	Territorial sea and inter-territorial sea waters - Swinoujscie	till 2009
11	Auxiliary vessel	Pomorski Vessel Squadron	Territorial sea and inter-territorial sea waters - Swinoujscie	till 2009
12	Sea going vessel	Pomorski Vessel Squadron	Exclusive Economic Zone	after 2009