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- Draft-Council conclusions on the state of preparedness of the
REPUBLIC OF SLOVENIA towards the implementation of all provisions of
the Schengen acquis except SIS-related issues

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

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

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THE EUROPEAN UNION**

**Brussels, 27 October 2006 (27.10)
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NOTE

from : the Presidency
to: the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- Draft-Council conclusions on the state of preparedness of the REPUBLIC OF SLOVENIA towards the implementation of all provisions of the Schengen acquis except SIS-related issues

PART I

a. Background applicable to all new Member States

1. The Schengen Evaluation Working Party has started evaluating the new Member States from 2005 on and has completed by the end of 2006 all non-SIS-related tasks. Altogether 58 themes were evaluated for the ten countries in the course of nineteen evaluation missions.
2. The evaluations were meant to ascertain whether the countries involved are able to apply all parts of the Schengen acquis with the ultimate goal of allowing the Council to decide on the abolition of controls at internal borders.
3. The evaluation task fits within the requirements of Article 3(2) of the 2003 Act of Accession which foresees that the provisions of the Schengen acquis and the acts building upon it or related to it, listed in the Annex referred to in that Article, shall be binding on and applicable in the new Member States from the date of accession.

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The provisions and acts not referred to in that Annex, although binding on the new Member States from the date of accession, will only apply in a new Member State pursuant to a Council decision to that effect in accordance with that Article.

4. The Council Decisions referred to in Art 3(2) of the 2003 Act of Accession will be taken on a Member State-by-Member State basis. Each Member State will be evaluated on its own merits.
5. The legal basis for the evaluations is the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (Sch/Com-ex (98) 26 Def.
6. The evaluation process started with a Declaration of Readiness for all non-SIS related evaluations by the Member States involved.
7. The Schengen Evaluation working party verified in writing the preparation of the new Member States for the application by them of all parts of the Schengen acquis through a questionnaire and a series of supplementary questions and answers.
8. These visits led to exhaustive reports containing factual descriptions as well as positive and critical assessments, and recommendations.
9. The purpose of the following Council Conclusions is to establish whether each of the new Member States subjected to the full evaluation procedure satisfies the conditions that are necessary for the application by it of all parts of the Schengen acquis, where additional follow-up measures are required and in which cases the necessary changes should be reassessed during inspection visits.
10. In taking the Decisions referred to in Article 3(2) of the 2003 Act of Accession, the Council may determine that all the new Member States will not be ready to apply the Schengen acquis as a whole from the same date. In such a case, it may be necessary to organise additional visits in order to evaluate the application of the Schengen acquis at borders between Members States at which the Council has decided not to abolish border checks and which have not already been evaluated. No such evaluation has taken place so far.
11. These conclusions should be read in conjunction with the detailed inspection reports. A list of the relevant reports and a follow-up table is annexed to these Council conclusions.

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12. The Council considers it necessary to require follow-up measures to remedy the weaknesses that were detected during the evaluation process, in particular as to the ones mentioned in the following Part II, in order to allow the Council to adopt the Decisions referred to in point 3 and 9.

b. Background for Slovenia

13. The Declaration of Readiness of Slovenia allowed to start the Schengen evaluation by 1 May 2006, without any reservation.
14. Inspections on site took place at the land, sea and air borders as well as in two Consulates. Police cooperation and Data protection have been assessed in situ, too.
15. (Slovenia has provided the Schengen evaluation working party with a follow up report, in which it states that it will be possible to remedy the weaknesses that have been detected without creating unnecessary delays.)

PART II - Specific findings

As stated before, the current conclusions should be read in conjunction with the evaluation reports. In these reports, many positive findings are mentioned in these, in some cases even best practices; However, for the purpose of the underlying conclusions and in particular with a view to defining which sites should be revisited, it is obvious that more focus has been put on weaknesses that should be remedied.

In the field of **border management**, Slovenia has in general been positively assessed. The Police is responsible for border management, but based on the geographic and demographic situation, the border police structures are partly merged with the general police. A special positive note was taken on the language skills of the personnel and on the cooperation with the local inhabitants at the border areas. Border surveillance is carried out using stationary and mobile units, patrolling at places known to be sensitive, supported by technical and electronic means.

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The operational human and technical resources however are so far not on the level of the strategic purposes as well as the possible risks and threats and should be enhanced. The operational effectiveness is suffering from a current shortage in human resources and electronic equipment. It seems that the border checks in international trains cannot fully be performed in line with the Schengen standards. The Slovenian authorities are invited to continue the process of increasing the specialised training of staff performing border surveillance.

While recognising the particular situation of Slovenia with Croatia, the current practice of allowing the entry of Croatian citizens to Slovenia with identity cards at the international border crossing points should be reviewed in light of the Schengen acquis and the Regulation on Local Border Traffic.

The overall concept of land border control requires further clarification, especially regarding resources available for border surveillance, and the border checking practices requires further reporting and a revisit.

The **Sea border** is not delimited between Slovenia and Croatia but this situation does not have any crucial impact for the implementation of the Schengen requirements. At the Port of Koper, the infrastructure was deemed to be not in line with the Schengen requirements yet (under construction).

The Slovenian **airborders** were inspected at Ljubljana (Brnik) and Portoroz. The professionalism of the staff and its training were appreciated; however additional resources are necessary at Brnik airport; the existing infrastructure for border checks does not fully meet the Schengen requirements for separation of Schengen and non-Schengen flights. Given the fact that the airport of Ljubljana is in an early stage of re-construction, the Council is of the opinion that an additional visit will be necessary to verify the compliance with the requirements of the Schengen acquis on the watertightness of passenger streams.

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Following the inspection of Slovenian **visa issuance** at its consular sections in Moscow and Belgrade, it was concluded that Slovenia may be in a position to implement the CCI/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work. General security, the computer system and the traceability of visa stickers as well as staff training and education was appreciated.

However, particular attention should be paid to the systematic exemptions from personal appearance, the low number of interviews in relation to the number of applications and the low rejection rate (Belgrade); a number of (inside) security features (Moscow) and the acceptance of group visa applications and collective passports (Belgrade). Finally, national legislation should take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal).

On **Data Protection**, both the legislation and the implementation practice meet the requirements of the Schengen acquis, although Slovenia is urged to develop its capacity (human resources) in order to be able to perform enough inspections.

Police cooperation

The main part of the tasks indicated in the National Action Plan for the Implementation of the Schengen Standards has already been achieved. It was concluded that international police cooperation is not only performed on regional and local level , but also within the central authorities, based on the recommendations and best practices of the Schengen Catalogue on Police Cooperation.

The Slovenian authorities should provide full 24/7 service in the central authority with the appropriate number of personnel and professional background.

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[PART III – conclusions

The Council is of the opinion that Slovenia has progressed in a substantial manner towards applying the Schengen acquis in full.

It is necessary to follow up the weaknesses that were detected, in particular to require correction of the weaknesses taken up in Part II, in order to allow the Council to take the Decisions referred to in Article 3(2) of 2003 Act of Accession. The Schengen partners must be kept informed of the measures adopted to this end. Among the weaknesses that will be re-visited in-situ, one can refer to the issues mentioned in Part II.]

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