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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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**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 20 November 2006
(OR.en)**

**14526/2/06
REV 2**

RESTREINT UE

**SCH-EVAL 160
COMIX 878**

NOTE

from: the Schengen Evaluation Working Party
to: Coreper/Council - Mixed Committee

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. In 2005, the Schengen Evaluation Working Party started evaluating the readiness of the ten new Member States to implement the Schengen Acquis. All non-SIS-related evaluations of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia have now been completed, as is partially the case for Cyprus and for Malta. Altogether 58 themes have been evaluated for the ten countries in the course of nineteen evaluation missions.
2. The legal basis for the evaluation process in the new Member States is Article 3(2) of the 2003 Act of Accession in conjunction with 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).

RESTREINT UE

3. According to Article 3(2) of the Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met by the new Member States is a precondition for the Council to take Decisions on the abolition of checks at internal borders with those Member States.
4. The evaluations have been conducted new Member State by new Member State, and the Council Decisions referred to in Art 3(2) of the 2003 Act of Accession will also be taken individually.
5. In taking these Decisions, the Council may determine that not all the new Member States will 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 the borders between Member States at which the Council has decided not to abolish border checks and which have not already been evaluated.
6. The evaluation process started with a Declaration of Readiness for all non-SIS-related evaluations by the new Member States involved.
7. The Schengen Evaluation Working Party verified in writing the preparation for the application of all parts of the Schengen acquis by the new Member States through a questionnaire and a series of supplementary questions and answers.
8. The questionnaire was followed by evaluation visits by teams of experts which 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 the new Member State in question, subjected to a full evaluation procedure, fulfills all the preconditions for the practical application of the relevant parts of the Schengen acquis. In case the preconditions have not been completely fulfilled, the Council conclusions indicate where additional measures are required and in which cases the necessary changes should be reassessed during new evaluation visits. These conclusions should be read in conjunction with the detailed evaluation reports. A list of the relevant reports and a follow-up table are annexed to these Council conclusions (doc. 10765/3/06 REV 3 SCHEVAL 110 COMIX 572).

RESTREINT UE

b. Background for Slovenia

10. The Declaration of Readiness of Slovenia allowed to start the Schengen evaluation by 1 January 2006, without any reservation (doc. 5725/05 SCHEVAL 8 COMIX 59).
11. 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 on site, too.
12. 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 (doc. 15302/06 SCHEVAL 185 COMIX 954).

PART II - Specific findings

As stated before, the current conclusions should be read in conjunction with the evaluation reports which contain all weaknesses that should be remedied. Many positive findings are mentioned in these reports, which in some cases can be considered best practices. However, for the purpose of drawing conclusions and in particular with a view to defining which sites should be revisited, the focus has inevitably been put on the main weaknesses that should be remedied.

In the field of **border management**, Slovenia's state of preparedness to implement the Schengen acquis has 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. Special positive note was taken of the language skills of the personnel and of the cooperation with local inhabitants at border areas, although operational effectiveness suffers from a current shortage of human resources and technical equipment. The Slovenian authorities are invited to continue the process of increasing the specialised training of staff performing border surveillance.

Land border surveillance is carried out using stationary and mobile units, patrolling at places known to be sensitive, supported by technical and electronic means. 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. It seems that the border checks in international trains cannot be fully performed in line with the Schengen standards due to the number of passengers and time constraints.

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While recognising the particular relation between Slovenia and Croatia, the current practice of allowing Croatian citizens to enter 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.

Although the overall concept of land border control is satisfactory, additional reporting on the deployment and number of staff available for border surveillance and border checking practices, is required.

Regarding the **sea border**, further reporting is required on the improvements, which are necessary concerning the infrastructure at the Port of Koper.

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

Following the inspection of **visa issuance** at Slovenia's consular sections in Moscow and Belgrade, it was concluded that Slovenia may be in a position to implement the Common Consular Instructions/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 (in depth) interviews in relation to the number of applications and the low rejection rate (Belgrade).

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The Unilateral recognition of Schengen visas, national long term visas and residence permits issued by Schengen States for the purpose of short stay in Slovenia is not in line with the acquis, although Slovenia will repeal its governmental regulation at the latest when the visa facilitation agreement between the EU and Serbia enters into force.

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.

On **police cooperation**, the main part of the tasks indicated in the National Action Plan for the Implementation of the Schengen Standards has already been realised. It was concluded that international police cooperation takes place not only at regional and local level, but also at the level of central authorities, based on the recommendations and best practices of the Schengen Catalogue on Police Cooperation. Most of the preparatory work on police cooperation for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures. The Slovenian authorities should provide for full 24/7 service by the central authority with the appropriate number of personnel and professional background.

PART III – conclusions

In order to allow the Council to take the Decisions referred to in Article 3(2) of the 2003 Act of Accession, Slovenia is requested to implement the recommendations listed in the evaluation reports, especially those referred to in Part II of these conclusions.

Slovenia is requested to inform the Council in writing on the follow-up it intends to give to the recommendations referred to in Part II as well as those contained in the evaluation reports.

In addition, the Council requires a revisit of the airport of Ljubljana.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 November 2006

**10765/3/06
REV 3**

LIMITE

**SCH-EVAL 110
COMIX 572**

NOTE

from : Council Secretariat

to : Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- Overview of reports and follow-up documents

Delegations will find enclosed an overview of the reports which were presented in the framework of the Schengen evaluation of the new Member States and their respective follow-up.

This table will be updated on a regular basis. Additions and/or modifications will be indicated in bold.

RESTREINT UE

Country	Subject	References evaluation reports	adopted by Sch-eval	Follow-up docs	Council conclusions
CYPRUS	Data Protection	12748/2/06 REV 2 SCHEVAL 135	30.10.2006		
	Sea Borders (including airports)				
	Police Cooperation	14828/06 SCHEVAL 178	16-17/11		
	Visa <i>Follow-up (general)</i>				
CZ REPUBLIC	Data Protection	8399/1/06 REV 1 SCHEVAL 63	18.5.2006		
	Air Borders	12710/1/06 REV 1 SCHEVAL 129	30.10.2006	14554/06 SCHEVAL 169	
	Police Cooperation	8394/1/06 REV 1 SCHEVAL 60	18.5.2006	9295/06 SCHEVAL 83	
	Visa I (St. Petersburg)	12666/06 SCHEVAL 126	27-28.9.2006		
	Visa II (Kiev)	14097/1/06 REV 1 SCHEVAL 141	16-17/11	15301/06 SCHEVAL 184 (to be issued) 14817/06 SCHEVAL 175	
	<i>Follow-up (general)</i>			(including police cooperation, data protection, visa and air borders)	
ESTONIA	Data Protection	14179/1/06 REV 1 SCHEVAL 154	30.10.2006		
	Air Borders	12754/2/06 REV 2 SCHEVAL 137	30.10.2006		
	Land Borders	14175/1/06 REV 1 SCHEVAL 151	16-17/11		

RESTREINT UE

	Sea Borders	12745/1/06 REV 1 SCHEVAL 132	30.10.2006	
	Police Cooperation	14171/1/06 REV 1 + ADD 1 SCHEVAL 148	16-17/11	
	Visa I (St. Petersburg)	12667/06 SCHEVAL 127	27-28.9.2006	
	Visa II (Kiev)	14098/06 SCHEVAL 142	30.10.2006	
	Follow-up (general)			
HUNGARY				
	Data Protection	8400/1/06 REV 1 SCHEVAL 64	18.5.2006	
	Air Borders	12711/06 SCHEVAL 130	27-28.9.2006	
	Land Borders	10470/1/06 REV 1 SCHEVAL 99	27-28.9	
	Police Cooperation	8395/1/06 REV 1 SCHEVAL 61	18.5.2006	9443/06 SCHEVAL 95
	Visa II (Kiev)	14099/06 SCHEVAL 143	30.10.2006	
	Visa III (Belgrade)	14732/06 SCHEVAL 171	16-17/11	
	Follow-up (general)			
LATVIA				
	Data Protection	14181/1/06 REV 1 SCHEVAL 156	30.10.2006	
	Air Borders	12755/1/06 REV 1 SCHEVAL 138	30.10.2006	

RESTREINT UE

	Land Borders	14178/06 SCHEVAL 153	30.10.2006	
	Sea Borders	12746/06 SCHEVAL 133	27-28.9.2006	
	Police Cooperation	14174/1/06 REV 1 SCHEVAL 150	16-17/11	
	Visa I (St. Petersburg)	12668/06 SCHEVAL 128	27-28.9.2006	
	Visa II (Kiev)	14101/06 SCHEVAL 145	30.10.2006	
	<i>Follow-up (general)</i>			
LITHUANIA				
	Data Protection	14180/06 SCHEVAL 155	30.10.2006	
	Air Borders	12756/1/06 REV 1 SCHEVAL 139	30.10.2006	
	Land Borders	14177/06 + COR 1 SCHEVAL 152	30.10.2006	
	Sea Borders	12747/1/06 REV 1 SCHEVAL 134	30.10.2006	
	Police Cooperation	14173/1/06 REV 1 SCHEVAL 149	16-17/11	
	Visa I (Moscou)	12662/1/06 REV 1 SCHEVAL 122	30.10.2006	
	Visa II (Kiev)	14100/06 SCHEVAL 144	30.10.2006	
	<i>Follow-up (general)</i>			

RESTREINT UE

MALTA	Data Protection	12749/1/06 REV 1 SCHEVAL 136	30.10.2006		
	Sea Borders (including airports)				
	Police Cooperation	14830/06 SCHEVAL 179	16-17/11		
	Visa I (Moscou)	12663/1/06 REV 1 SCHEVAL 123	30.10.2006	14579/06 SCHEVAL 170 (to be issued)	
	Visa III (Tunis)	14733/06 SCHEVAL 172	16-17/11		
	<i>Follow-up (general)</i>				
POLAND	Data Protection	6897/06 SCHEVAL 31	21.4.2006		
	Air Borders	10473/1/06 REV 1 SCHEVAL 101	27-28.9.2006	12152/06 SCHEVAL 119	
	Land Borders	14819/06 SCHEVAL 177	16-17/11		
	Sea Borders	8832/1/06 REV 1 SCHEVAL 78	30.6.2006		
	Police Cooperation	9064/1/06 REV 1 SCHEVAL 80	30.6.2006		
	Visa I (Moscou)	12665/06 SCHEVAL 125	27-28.9.2006		
	Visa II (Kiev)	14102/06 SCHEVAL 146	30.10.2006		
	<i>Follow-up (general)</i>				

RESTREINT UE

SLOVAKIA	Data Protection	6898/06 SCHEVAL 32	21.4.2006		
	Air Borders	10474/1/06 REV 1 SCHEVAL 102	27-28.9.2006	12153/06 SCHEVAL 120	
	Land Borders	14818/06 SCHEVAL 176	16-17/11		
	Police Cooperation	9065/2/06 REV 2 SCHEVAL 81	27-28.9.2006		
	Visa II (Kiev)	14102/06 SCHEVAL 146	30.10.2006		
	Visa III (Belgrade)	14734/06 SCHEVAL 173	16-17/11		
	<i>Follow-up (general)</i>				
SLOVENIA	Data Protection	8401/06 SCHEVAL 65	18.5.2006		
	Air Borders	12712/06 SCHEVAL 131	27-28.9.2006		
	Land Borders	10471/1/06 REV 1 SCHEVAL 100	27-28.9.2006	12604/06 SCHEVAL 121	
	Sea Borders	8830/06 SCHEVAL 77	30.6.06	10735/06 SCHEVAL 109	
	Police Cooperation	8396/1/06 REV 1 SCHEVAL 62	18.5.2006		
	Visa I (Moscou)	12664/06 SCHEVAL 124	27-28/09		
	Visa III (Belgrade)	14735/06 SCHEVAL 174	16-17/11		
	<i>Follow-up (general)</i>			15302/06 SCHEVAL 185 (all subjects are covered) (to be issued)	