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- Draft-Council conclusions on the state of preparedness of the
REPUBLIC OF SLOVAKIA 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)**

**14527/2/06
REV 2**

RESTREINT UE

**SCH-EVAL 168
COMIX 886**

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 SLOVAKIA 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).

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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).

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b. Background for Slovakia

10. The Declaration of Readiness of Slovakia allowed to start the Schengen evaluation by 1 January 2006, without any reservation (doc. 5425/05 SCHEVAL 3 COMIX 36).
11. Inspections on site took place at the land and air borders as well as in two Consulates. Police cooperation and Data protection have been assessed on site, too.
12. (Slovakia 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.)¹

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 general, although the responsibility towards **border management** was well understood by the Slovak authorities, border surveillance in Slovakia is currently not organised and implemented according to the requirements of the Schengen Borders Code.

Concerning **land borders**, the organisational, budgetary and financial statutes of the Border and Aliens Police Bureau as well as its subordinate logistic and operational statute seem to be substantially limiting the operational capacity of the Border Police.

The regional management structure has limited or no capabilities in such areas as intelligence, investigation, risk analysis, planning and supervision of border control and training activities.

Inter agency cooperation should improve in order to enhance and facilitate cross border traffic, to reduce waiting time and to add to the overall efficiency of border control. The relations/cooperation between Customs and Border Police should be reviewed from a legal and operational point of view so as to render the full, autonomous operational and logistic capacity to the Border Police.

¹ To be confirmed by 24 November 2006.

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The number of visas issued at the border is very high ². Visas should in principle be issued at the appropriate consular post and only in limited cases defined in the Schengen acquis, at the border. Cooperation between the Border Police and consular authorities to guarantee effective pre-frontier control measures and prevent the use of false documents is essential in this respect.

The infrastructure, procedures and equipment do not meet many of the Schengen requirements in the road crossing point Vysne Nemecke and the crossing point should be revisited.

The current infrastructure at the **airports** is not fully in line with the Schengen requirements. At the airports, there is also room for improvement in terms of language skills, statistics, managerial skills and border checking procedures. Bratislava airport should be revisited.

Following the inspection of **visa issuance** at Slovakia's consular sections in Kiev and Belgrade, it was concluded that Slovakia 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.

Access management, information and staff training were appreciated.

However particular attention should be paid to certain security issues (regarding premises in Kiev and Belgrade, regarding storage of visa stickers in Belgrade); proper assessment of individual applications including personal appearance and interviewing, particularly in light of the low current rejection rate and the risk of illegal immigration and misuse of visa; the current practice of accepting group visa applications; the traceability of visa stickers, and the reviewing of bilateral agreements including waiver of the handling fee and other differences in fees. Monitoring of accredited travel agencies should be introduced. Finally, national legislation should take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal).

The introduction of **data protection** requirements complying with the Schengen acquis faces problems of staff and budget to perform its duties with respect to the SIS, but it is equally important to establish and reinforce a real functional independence. This balance of competence should be verified during a revisit.

² SK: this is due to the high number of transit visas issued.

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On **police cooperation**, important parts of the tasks indicated in the National Action Plan for the implementation of the Schengen standards have already been realised, although concrete measures to implement it are still in an early stage. The National Action Plan gives a clear time schedule for the implementation of the Schengen Acquis.

Close cross-border cooperation is an integral part of day-to-day police work. Introduction of the European Criminal Intelligence Model (ECIM), as specified in the Police Cooperation Handbook, is to be considered.

The ratification procedures for bilateral agreements should be accelerated and a bilateral agreement with Poland on hot pursuit should be concluded. The establishment of new Police Cooperation Centres is recommended.

The **SIRENE** bureau should continue recruiting and training of personnel at the earliest possible time.

Access should be provided to the Handbook on International Police Cooperation.

PART III

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

Slovakia 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 revisits of the airport of Bratislava, road crossing points, i.a. Vysne Nemecke, border surveillance and data protection.

The Council underlines the considerable challenge Slovakia will be facing to bring its land border controls at the border with the Ukraine up to EU standards.

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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.

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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		

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	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	

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	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>			

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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>			

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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)	