



Council of the  
European Union

Brussels, 8 June 2018  
(OR. en)

10471/06  
DCL 1

SCH-EVAL 100  
FRONT 119  
COMIX 538

## DECLASSIFICATION

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of document: ST10471/06 RESTREINT UE/EU RESTRICTED  
dated: 26 June 2006  
new status: Public

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Subject: Schengen evaluation of the new Member States  
- SLOVENIA: Report on Land Borders

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THE EUROPEAN UNION

Brussels, 26 June 2006

10471/06

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## REPORT

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

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Subject : Schengen evaluation of the new Member States  
- SLOVENIA: Report on Land Borders

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## *Participants:*

Austria	Werner FASCHING (leading expert)
Belgium	Georges PIJL
Estonia	Harli TALTS
Finland	Arto NIEMENKARI
France	Bernard KALCK
Germany	Peter KAROHL
Greece	Petros TSESMETZIS
Latvia	Jurijs LIVDÂNS
Lithuania	Antanas DUBIKAITIS
Norway	Svein URDAL
Poland	Marek ADAMCZYK
Portugal	Francisco COELHO
Spain	Rosario MARTINEZ TORNAY
European Commission	Laura CORRADO
Council Secretariat	Julio VIJANDE RIVERA

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## 1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (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 Land Borders Evaluation Committee visited Slovenia from 14 to 19 May 2006.

During the mission, the experts visited the following sites:

- The General Police Directorate in Ljubljana and the Foreigners Centre in Postojna, on 15 May 2006.
- In Krško Police Directorate, the road border crossing points Obrežje, Slovenska vas, Dobova railway border crossing point, Rakovec road border crossing point and Brezice Police Station (border surveillance) on 16 May 2006. In Koper Police Directorate, the road border crossing points Sečovlje, Dragonja, Rakitovec, and Piran Police Station (border surveillance) on 17 May 2006. This day, the Committee also made an unexpected visit to Sočerga BCP.
- In Maribor Police Directorate, the road border crossing points Gruškovje and Zavrč and Ormoz Police Station (border surveillance) on 18 May 2006.

This report is the result of what the Evaluation Committee saw and heard; of what was shown and explained and what the Committee was able to evaluate, depending on the available information given by the central and local authorities, the available time on the spot and the period of the year in which the visits took place.

The Evaluation Committee would like to thank the Slovenian authorities and specially the Ministry of the Interior and the Police for their organization and cooperation and for the hospitality shown by the local authorities. All the information requested during the visit was put at disposal of the Committee and the additional documentation provided was of great value for the experts.

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## 2. GENERAL INFORMATION

The Republic of Slovenia has an external land border of 670 km with the Republic of Croatia. The state border with Croatia has, in some parts, not been finally defined and accordingly marked, which results in difficulties to recognize the beginning and the end of areas of application of national laws on both sides of the border. On the other hand, however, the specific relationship between the two countries enables a very fruitful cooperation.

### 2.1. STRATEGY

#### 2.1.1. Legislation

The organization and the method for implementing border control are defined by the State Border Control Act which also contains provisions on the implementation of police measures within the country and international police cooperation. This Act is complemented by the Rules on the implementation of the State Border Control Act. They provide for the indication of the border line; the issuing of the Ministers' Order on Prohibiting any Activities along the border line, border crossing-point areas, the installation of automatic photograph and recording devices, the method of implementing border checks, as well as designating entry and exit points.

The Police powers, both at land and at sea, are defined by the Police Act and are complemented by the so-called Rules on Police powers.

The Aliens Act defines the conditions for and ways in which aliens enter, leave and reside in the Republic of Slovenia. The Act defines the powers of state authorities in procedures with aliens, as well as rights and obligations of aliens entering, residing in and leaving the country.

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## 2.1.2. *General strategy for border management*

The general strategy for border management is widely based on the Schengen 4-tier integrated border security model. This means international cooperation with third countries, activities at the external borders in cooperation with the third countries, border surveillance and border checks at the external borders and inland activities.

Border control and border surveillance are part of the Police Border Management Strategy, governing in detail, the fields of border checks and state border surveillance. The strategy even more concretely covers the fields of state border control and cross-border crime.

The main objective of the state border surveillance is to prevent illegal migration (illegal entries and exits, illegal transit through the territory of the Republic of Slovenia) and related security phenomena of organised crime, illegal residence and illegal work. With regard to the configuration, physical dimensions and communications, effective state border surveillance outside border crossing-points is considered possible only if, in addition of the measures carried out on the border line itself, operational measures are implemented within the country as well.

State border surveillance outside border crossing-points targets the following three main segments:

- controlling the movement of persons at and along the state border (patrols);
- operational and technical activities conducted along the border and within the border zone, and
- operational and technical activities conducted within the country.

State border control and surveillance are performed by the Slovenian police throughout the territory of the country, carried out by police officers who obtained, during their education and advanced training, suitable qualifications for performing the tasks of state border control and surveillance.

The control of the movement of persons at and along the state border is carried out by police groups for state border protection from police stations located along the state border with deployment of the available technical means and equipment.

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On the basis of risk assessment relating to individual parts of the state border, other police structures may also be assigned to carry out state border surveillance, i.e.:

- police dog handlers,
- mounted police,
- crime investigators,
- airport police,
- Specialised Unit for State Border Control,
- Special Police Unit.

Thorough controls for the prevention, detection and investigation of cross border crime within the country are performed by police officers of the Specialised Unit for State Border Control, patrols of general police stations within the country, police officers of traffic police stations on international and other road lines and police observers at important railway and bus stations on lines in the direction of the internal borders.

Tactics employed in state border surveillance are regularly changed, adapting them to security conditions and available information. It implements state border surveillance of the state border in such a way that it presents a serious risk for anyone who attempts to avoid border checks of being apprehended while crossing the green border. Measures following the apprehension, however, are designed to ensure special and general prevention.

The organisation of police work for state border control and surveillance is based on a division into segments (a part of the state border falling within the area of a Police Directorate), sectors (a part of the state border falling within the area of a police station) and sections (the smallest operational part of the state border). Police Directorates and police stations conduct risk analyses for each sector and section that are based on geographical data, data concerning the infrastructure and population density, as well as the already known data concerning illegal and smuggling channels.



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On the basis of the analysis, the level of criticality is determined, i.e.:

- I level of criticality (particularly important for state border surveillance),
- II level of criticality (important for state border surveillance), and
- III level of criticality (of minor importance for state border surveillance).

Intermediate levels of criticality are also possible. On the basis of the level of criticality, average norms of state border surveillance are set out defining the minimum time of the police presence in individual areas:

- for I level of criticality: 24 hours/day
- for I/II level of criticality: 12 hours/day
- for II level of criticality: 8 hours/day
- for II/III level of criticality: 32 hours/week
- for III level of criticality: 12 hours/week.

On the basis of the above mentioned parameters, police units prepare activity plans of the police along the state border and concrete plans for performing police services. The plans are kept up to date and altered in the light of the results of the analyses.

### 2.1.3. *Analysis of environment and threats*

A special emphasis is put at the border in the cooperation of police officers with the local population. During border surveillance, police officers maintain daily contacts with the population of the border regions, specially with members of associations and people with specific professional and occupational profiles.

At local and regional levels, analyses and situation evaluations are performed progressively by activity area (illegal migrations, vehicle theft, drug smuggling, etc), allowing for a quick response time. At national level, the data on illegal migration and cross-border crime are monitored daily, and regional authorities receive daily reports on these controls.

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There is a regular information exchange on border crossings with the authorities in charge of border checks in the neighbouring countries and between the different services involved in border control (customs service, inspection services, etc.).

The most exposed areas for illegal border crossings lie at the internal borders within the areas of the Nova Gorica and Koper Police Directorates, due to the short distance existing at those points between Croatia and Italy. The area of Maribor Police Directorate is also a serious exposed area as it is a part of the so-called "Balkan Route" that runs from the Balkans via Croatia towards Slovenia. A large number of illegal border crossings have also been detected within the country, in the Ljubljana area, where international road links intersect.

In 2005, 5890 illegal crossings were detected at all borders. Out of them, 4647 (almost 79%) were detected at the Croatian border. The same year 960 facilitators were arrested for a total of 1497 facilitated aliens.

During the first 4 months of 2006, 1182 illegal immigrants were apprehended. The main countries of origin are Serbia and Montenegro, Albania and FYROM.

The number of persons detected residing illegally within the country (without residence permit or visa and after the expiry of their validity) was:

- 383 in 2002
- 406 in 2003
- 323 in 2004
- 245 in the first nine months of 2005.

## 2.1.4. *International cooperation (regional, bilateral and readmission agreements)*

Slovenia has concluded bilateral agreements on police cooperation with the four neighbouring countries, namely Austria, Hungary, Croatia and Italy. There is also cooperation both at regional and national level in the field of prevention of illegal crossings of the national border and of traffic in human beings.

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In the framework of multilateral cooperation in the area of border management and foreigners the Slovene police is actively involved in the activities of the International Conference of Border Police and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

For many years Slovenia and Italy have been carrying out mixed patrols for the protection of common borders on the basis of bilateral agreements. A memorandum of cooperation signed in December 2000 details the forms of implementation of the joint control on the Slovene-Italian border area.

There is also cooperation with the Italian National Police, the Carabinieri and the Guardia di Finanza, and the Austrian Police at the trilateral centre for police cooperation established in Thörl Maglern/Vrata Megvarje. It is based on an agreement signed by the Governments of Italy, Austria and Slovenia.

Slovenia and Austria as of 1st May 2004 introduced joint border controls at 13 border crossings points of the common national border after the so-called "ONE STOP CONTROL SYSTEM" based on an Agreement signed between both countries. In addition Slovenia and Austria conduct mixed patrols at the common borders.

With Hungary as of 1st May 2004 the "ONE STOP CONTROL SYSTEM" was introduced at all border crossing points along the common border.

With Croatia there is an agreement on cross-border police cooperation. On the basis of this agreement several protocols were concluded in order to conduct mixed patrols and official transit (already implemented in practice) and on seconding a liaison officer in Croatia. This officer will be seconded in Zagreb in the near future.

Two other implementing protocols are still in the phase of technical coordination for the establishment of a common contact point and setting up a common working group.

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Another Agreement on Border Traffic and Cooperation with Croatia, signed in 1997 and entered into force on 1<sup>st</sup> April 2003, aims at facilitating and regulating passenger traffic between border regions ("local border traffic"), while improving living conditions of border region population, and ensuring economic cooperation between subjects of the contracting countries in border regions.

The said agreement designates settlements belonging to border regions on both sides of the border, as well as the list of the border crossing points for local border traffic. On the basis of such agreement, permanent residents of the border region may acquire a border pass, which allow them to cross the border at international, interstate and local border crossing points.

Border residents holding a border pass and a special authorisation ("confirmed border crossing permit" or, in relation to farmers/owners of land, an "agricultural form") can cross the border also at designated locations outside authorised border crossing points. This mainly applies to farmers and other persons needing to transit through the territory of the two countries – crossing the border several times - to reach their place of work, study or residence.

As of 1<sup>st</sup> May 2006, 17390 permits have been issued by Slovenia to Slovenian border residents. On the Croatian side, as of 1 March 2006, 9337 border passes have been issued to their own border residents. A procedure of certification by the neighbouring State is in place prior to the issuance of the border pass (i.e., border passes issued by Croatia have to be 'countersigned' by Slovenian authorities and vice-versa).

Border passes issued by Slovenia and by Croatia are recorded in a database to which the police has access at border crossing points.

Very few misuses of this system of border permits were reported by Slovenia: two border passes were withdrawn in 2003. In 2004, no permit was withdrawn, but the Slovenian authorities refused to certify two border passes to be issued by Croatian authorities. In 2005, neither the Slovenian nor the Croatian authorities did confiscate any border crossing permit, but Slovenia refused to certify four border passes to be issued by the Croatian authorities.

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The agreement also allows the issuance of border crossing permits to persons non resident in the border area (Slovenians, Croatians but also third-country nationals), which is valid for a single crossing of the border at a local border traffic BCP. This permit may be issued only upon presentation of a valid travel document; the issuance is recorded at the BCP.

The provisions of the agreement related to tourist permits – for crossing the border within tourist zones – are for the moment not implemented.

## *2.1.5. Cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*

In the framework of the former Centre for Land Borders, Slovenia established the Border Crossing Points Gruskovje and Obrezje as so-called Focal Point Offices (FPO) which hosted guest officers from several countries of the EU Member States.

After FRONTEX became operational in October 2005 and since the FPO system was not taken over by it, this cooperation has continued on a bilateral basis.

With regard to the cooperation with FRONTEX, the Slovenian Border Police has implemented the following activities:

- Establishment of a National FRONTEX Point of Contact.
- Participation in FRONTEX Management Board meetings.
- Participation in Joint Operations at the land borders in 2005, 2006 and in Torino in 2006.
- Participation in different meetings (RAU-Meeting, Meeting on Research and Development, MEDSEA Support Group).
- Implementation of a Common Core Curriculum and EU-Training Day.
- The secondment of a National Expert to FRONTEX is in progress.

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## 2.2. ORGANISATIONAL (FUNCTIONAL) STRUCTURE

### 2.2.1. *Centralised supervision and instructions*

Pursuant to the State Border Control Act, the implementation of state border control falls within the jurisdiction of the police. In accordance with the Police Act, the police is also competent to protect the state border, as well as carrying out border checks and the tasks specified in the aliens regulations.

The Police, under the Ministry of the Interior, is organised at national, regional and local levels in the General Police Directorate, regional Police Directorates (PD) and Police stations. The Police is headed by the Director General of the Police, who also directs the activities of the General Police Directorate. The internal organisation is defined in the Decree on the Internal Organisation, Systematisation, Posts and Titles within the Police.

At the national level, the Border Police Section within the Uniformed Police Directorate of the General Police Directorate plans, organises, provides professional guidance and monitors the implementation of duties concerning border affairs. The State Border Division performs tasks related to state border crossings, as well as the protection of land borders. Operating within the Division is the Specialised Unit for State Border Control, which performs tightened and pre-designed target controls for the prevention, detection and investigation of cross-border crime, illegal migration, smuggling of drugs, weapons, ammunition, stolen vehicles, as well as the use of forged and stolen documents. The Illegal Migrations and Aliens Division ensures the efficiency and effectiveness of the work of the police in connection with illegal migration and aliens. The Compensatory Measures Division is involved in international border police cooperation, participation in work carried out by EU institutions responsible for border police work and in classic compensatory police measures (intensified, targeted police controls on main transport connections both within the country and along the areas of the future internal Schengen borders).

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The 11 Police Directorates, of which 8 are involved in land border control and surveillance, at the EU external border, represent the organisation of the police at the regional level. At each Police Directorate, within the framework of the Uniformed Police Sections, the tasks in the field of state border control are performed by groups for state border control and inspectors for state border control, respectively. On the external border, 916 police officers are assigned to border crossing points. State border surveillance outside the border crossing points is conducted by 19 general police stations where groups for state border surveillance, with a total strength of 1.135 officers have been established. They are supported on a regional level by the police stations with police dog handlers, the mounted police stations in Ljubljana and Maribor and the flight police unit station at Brnik.

Stricter targeted controls are performed by the Specialised Unit for State Border Control (present staff of 33 officers) on main road communications and international trains aimed at combating illegal migration and cross-border crime.

## 2.2.2. *Coordination and inter-agency cooperation, division of responsibilities*

While the Police is competent to perform border checks and border surveillance, Customs carry out control over the entry and removal of goods into and from the customs area of the Community. Those controls are carried out on the entire national territory and at the land border crossings at the external border with Croatia and at the international border crossings for airline and maritime transport.

The National Border Control Act stipulates that *"If the security situation so permits, the Government of the Republic of Slovenia shall, on grounds of economy, determine with a decree on which border controls the control may be carried out by the customs authority"*. The second paragraph of Article 5 of the same Act stipulates that *"If the national border control is carried out by another national authority, the employees of this authority, in addition to their powers, also have the powers of the police necessary to carry out tasks laid down in the decree from the second paragraph of the previous article"*.

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The government has not yet made use of this power and is not planning to use it in the future.

In 2003 the Directors General of the Police and Customs signed an agreement on mutual cooperation. It contains provisions on forms of cooperation, in particular mutual cooperation and the exchange of information, offering technical assistance, common planning and coordination of the operational activities in exercising border and customs control as well as common forms of training. Cooperation between both services is carried out at national, regional and local levels.

Some operations are carried out jointly between Police and Customs but the risk analyses are performed individually by each institution.

### 2.2.3. *Specialised services*

At national level, the Specialised Unit for State Border Control exists since July 2002, and performs “standard” compensatory measures. These measures are strict, targeted police controls on main road communications and international trains. The Unit conducts stricter controls at external border crossing-points and performs tightened and pre-designed target controls for the prevention, detection and investigation of cross-border crime, illegal migrations, smuggling of drugs, weapons, ammunition, stolen vehicles, as well as the use of forged and stolen documents. At central level one of these units is already operational with 33 officers.

Seven mobile units will be created at regional level in the Police Directorates with internal borders with a total number of 240 officers. The units will be created gradually but completed before the full implementation of Schengen acquis. The Slovenian authorities underline that these police units for "compensatory measures" will act within the remits of Article 21 a) of the Schengen Borders Code.



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In order to react on specific interventions, a Call-Up unit has been created with 727 officers. The police officers assigned to it perform their regular work at various police units and are specially qualified as well as equipped for carrying out intervention activities. In the case they are needed, an adequate number of these police officers are “activated” and for a shorter or longer period target-deployed to perform specific intervention tasks. The number of police officers assigned to this Unit varies between individual Police Directorates, ranging from a minimum of 30 to a maximum of 132.

The Special Unit (Swat unit) is available in case of major incidents at the border crossing points or at the green border, but without competences in border management.

In addition to these “specialised” groups, police stations have set up local crime investigation groups into which crime investigators are assigned. They are composed of police officers who are specially qualified to work in the field of detecting and investigating criminal offences. As in the case of the crime investigation groups at police stations, staff reinforcements were also provided to the criminal investigation police at the regional and national levels, which ensures the coordination of work between local crime investigation groups, as well as detects and investigates cross-border crime within a wider area.

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## 2.3. OPERATIONAL EFFECTIVENESS

### 2.3.1. Resources

The number of border crossing-points in the Republic of Slovenia amounts to 144. They are distributed as follows:

Category	LAND								AIR.	MAR.	TOTAL
	Road				Railway						
Type	Ita	A	Hu	Cr	Ita	A	Hu	Cr			
<b>International</b>	12	14	7	17	2	3	1	6	3	3	<b>68</b>
<b>Interstate</b>	0	4	0	10							<b>14</b>
<b>Local border</b>	24	16	0	22							<b>62</b>
<b>Total</b>	<b>36</b>	<b>34</b>	<b>7</b>	<b>49</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>144</b>
<b>TOTAL</b>	<b>126</b>				<b>12</b>				<b>3</b>	<b>3</b>	<b>144</b>

Interstate border crossing points are BCPs open in principle only to nationals of the two neighbouring countries; however, since Slovenia's accession to the EU, such border crossing points are also open to EU-EEA-CH nationals.

In the period subsequent to 2003, there were 28 newly constructed border crossing-points, i.e. 6 international border crossing-points, 2 border crossing-points for interstate traffic and 20 border crossing points for local border traffic.

All new border crossing-points were constructed on the border with the Republic of Croatia and they are enclosed in their entirety. Border crossings points for international railway traffic on the state border with Croatia, except the railway border crossing-point Dobova, are not fenced.

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## Human resources

The following number of police officers present at border crossing-points is based on the analysis of the situation of 1 April 2006.

Slovenia has a total number of 9680 employees in the Police. Out of these, 2769 are Border Police officers.

The total amount of Customs staff for customs controls amounts to 880.

On the external border, 916 police officers are assigned to border crossing-points.

On the external border at the local level (police stations), 1852 police officers are assigned to the land border, 51 police officers to the maritime border and 88 police officers to the air border.

Police officers at the regional and state levels, amounting to 177, are not specifically included into any of the borders, but the vast majority of them cover the area of the land border.

From the end of 2005 to, most probably October 2007, staff reinforcements are envisaged by employing new police officers and transferring police officers from the interior of the country to the external border.

With regard to the redeployment of staff from future internal borders, most positions at the future internal borders will be closed (except for those necessary to carry out compensatory measures) and transferred to future external borders to be filled by police officers as well as administrative and technical personnel.

The decisions on personnel transfers will be taken in early 2007. Most personnel will be transferred to the future external border within the same Police Directorate (PD), i.e. Koper PD, Maribor PD and Murska Sobota PD. Some personnel however will be transferred from their PD to the nearest PD at the future external border, i.e. from Slovenj Gradec PD to Celje PD, from Nova Gorica PD to Koper PD and Postojna PD, and from Kranj PD to Ljubljana PD and Krško PD.

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## Technical resources

The type and amount of technical equipment for each category of border crossing point is defined by the Rules on the Systematisation of Material-Technical assets and Equipment. The police officers performing the border checks are using all the necessary equipment for an effective border control in accordance with the actual Schengen standards, with among others, portable computers with OCR-B readers and the Automatic Number Plate Registration system (ANPR).

Land border surveillance is supported by technical equipment in the air and on land by the use of a fixed thermo vision system, mobile thermo vision systems (installed in combined vehicles), hand thermo vision systems, monocular and binocular night vision systems and the use of helicopters for state border observation.

At present, 6 mobile thermo-vision systems are in use; 1 fixed thermo-vision system is used in the Police Directorate Krsko. In addition to mobile and fixed thermo-vision systems, 16 hand thermo-vision systems Sagem Matis are currently in use.

Five helicopters are used for the purpose of state border control, i.e.:

- two helicopters Agusta Bell 206 Jet Ranger,
- one helicopter Agusta Bell 212,
- one helicopter Agusta Bell 412, and
- one helicopter Agusta A109E Power.

The helicopter Agusta A109E Power is equipped for night flying and state border observation; the Air Support Unit also uses video-surveillance system LEO 400, which is used in helicopters AB 206 Jet Ranger.

Radio communications between the mobile units monitoring land borders and their local operational centre are enabled by the use of different radio equipment.

In one part of the border (Police Directorate Koper), the digital radio system Astro is used for radio communication, which has an enhanced encrypting capacity.

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The digital radio system TETRA is currently being installed all over the country. By the end of 2008 all Police Directorates involved in the external border surveillance will be fully equipped. In the interim period, analogue radio systems are used for the purpose of communication between mobile units.

In the mean time, all operational units assigned to monitor land borders were equipped with digital telephony systems, allowing communication between units through fixed telecommunication lines. In this manner, all units were incorporated into a functional police communications network. Since, in addition to the police communications network, these units are now also incorporated into the public telecommunications network, a complete redundancy has been achieved in the field of voice services. For the purpose of voice transmission, the VoIP technology was used enabling the protection (encrypting) of the entire, i.e. both voice and data traffic.

## 2.3.2. *Level of controls at external border*

Through the measures of state border control implemented both at the border and within the country, the Slovenian police endeavours to increase the so-called filtration level (detect as much as possible of illegal entries of those aliens who attempt to travel illegally to other EU countries) and thus reduce the “grey” field.

On the basis of determined and statistically comparable data, Slovenia has concluded that the level of detecting and apprehending persons illegally crossing the state border has been as follows in the last four years:

Year	Illegal crossings	Readmitted from foreign security authorities	Filtration rate
2002	6.926	1.369	80,2 %
2003	5.018	948	81,1 %
2004	5.646	768	86,4 %
2005 (9 months)	4.059	529	87 %

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The filtration level evaluation is based on the share of persons who were returned to Slovenian authorities by foreign security authorities in relation to the number of recorded illegal crossings of the border in the Republic of Slovenia.

### 2.3.3. *Situational awareness and reaction capability*

Reference is made to point 7 (Border Surveillance) of this report.

### 2.3.4. *Availability and permanency and communication - encryption*

Reference is made to point 7 (Border Surveillance) of this report.

## 2.4. RISK ANALYSIS, INTELLIGENCE AND DATA-FLOW MANAGEMENT

### 2.4.1. *Organisation*

The handling of police information is generally governed by the Police Act, the Act on the Access to Information of Public Character, the Public Media Act and other legal instruments. Information handling procedures are also laid down in appropriate secondary acts and internal instructions applying to the handling of data and information contained in all statutory police records.

The risk analysis is based on a brand new administrative order, dated in May 2006, which defines the reporting system, the methods of data collection and upgrades the previous system.

All information on border control and surveillance is recorded in the police database on all levels of the organization (state, regional, local). The Telecommunication System of the Slovenian Police connects all Police Directorates, numerous Police Stations and Border Check points to the General Police Directorate in Ljubljana.

# RESTREINT UE

The broadest access is afforded to criminal analysts who have an overall view of all information in the system. At the national level, crime analysis employs a special analyst for the field of illegal migration. In handling the information relating to illegal migration, cross-border crime and organised crime it is necessary to distinguish between general information, such as statistical data, trends and directions of illegal migration, on the one hand, and individual (operational) information on each suspect, organised groups, phenomena and other elements of criminal offence in the field concerned, on the other.

General information is, to a large extent, also accessible to the public and serves to elevate the general public's awareness on the existence and the problem of illegal migration, as the basis for the shaping of common measures of several state services in this area (e.g.: Ministry of Labour, Family and Social Affairs, Ministry of Foreign Affairs...). In combination with risk analysis and evaluation being quarterly transferred from the national to the regional level, it also serves to plan the measures to control the state border and detect any illegal residence in the country. The risk evaluation is thus carried out at both the national and regional levels, following the end of each quarter. At the national level, risk evaluation is based mainly on the experience gained in the preceding quarter and takes into account the "push" and "pull" factors in the countries of origin, transit and final destination. At the regional and local levels, the risk evaluation covers current trends in its field, taking into consideration the conclusion of the risk evaluation at the national level. At the local level, police officers design and implement appropriate measures on the basis of these evaluations in order to prevent and detect the above mentioned forms of crime.

Individual (operational) pieces of information, however, are reserved exclusively for police officers who develop such information (input) and also have the opportunity to use them (output), or are subject to special analytical treatment.

Through cooperation, the police ensures information exchange and verification on the local (cooperation with administrative units, employment offices), regional (cooperation and designing common measures with inspection services responsible for individual fields), as well as national levels (cooperation with other Ministries and government services, up-dating and presentation of problems).

# RESTREINT UE

The tactical method of analysing illegal migration flows employed by the Slovenian Police is the calculation of percentage filtration. This means that at the local, regional and national level, the data on how many aliens have successfully crossed the state border at individual locations are monitored, how many of these aliens were apprehended within the country and how many of them managed to cross the territory of the Republic of Slovenia. In compliance with the internal instructions, the data concerning the place where an alien crossed the state border must be entered into the computer system, irrespective of the location where the alien was apprehended. On the basis of these data, the units calculate the percentage of apprehension effectiveness.

## 2.5. INVESTIGATION AND ALIEN POLICING

### 2.5.1. *Legal background*

The aliens entering the territory of the Republic of Slovenia illegally are committing an offence under Article 98 of the Aliens Act, for which a fine of between SIT 20.000 and 100.000 (€ 83 to € 417) may be imposed. Apart from the said fine a further sanction of deportation from the country for a period of six months to five years may be imposed on such an alien under Article 24 of The General Offences Act.

Under Article 43 of the State Border Control Act a fine of at least SIT 100.000 (€ 417) shall be imposed on:

- A natural person crossing the state border outside the designated border crossing point or in contravention with its intended purpose, outside its working hours or range;
- A natural person crossing the state border due to “vis major”, but failing to immediately notify the police about it;
- A natural person avoiding the border checks;
- A natural person attempting to avoid the border checks or arbitrarily abandoning the border crossing area before the completion of the border checks, or attempting to avoid the border control in any other way.



## RESTREINT UE

Persons engaging in facilitating/assisting or attempting to facilitate/assist an alien to enter, travel in transit or reside on the territory of the Republic of Slovenia commit an offence under Article 99 of the Aliens Act for which a fine of between SIT 100.000 and 240.000 (€ 417 to €1001) shall be imposed. In the case of the said offence being committed by a legal person, a fine of between SIT 500.000 to 1.000.000 (€ 2086 to € 4172) shall be imposed on such a person and a fine of between SIT 150.000 to 300.000 ( € 626 to € 1252) on the responsible person of the legal person.

Anyone engaged in unlawfully bringing aliens to the territory of the Republic of Slovenia, transporting them on the said territory, helping them to hide or bringing a group of such aliens over the border or territory of the state for payment shall be liable for up to five years imprisonment and fined under Article 311 of the Penal Code. An official who abuses his official position or rights by enabling an alien to unlawfully enter the territory of the Republic of Slovenia or unlawfully reside in the said territory shall be subject to the same fine specified in the preceding paragraph.

If, by committing the offences from the preceding paragraph of this article, the perpetrators obtain, for themselves or for another, a disproportionate pecuniary advantage, procures an illegal labour force, or commits such offences as a member of a criminal association, they shall be sentenced to between one and eight years imprisonment and fined.

Offences regarding illegal labour are specified in the Employment and Work of Aliens Act.

A further fine of SIT 100.000 (€ 417) is prescribed for an alien engaging in work for which no work permit has been issued.

Article 311 of the Penal Code (Official Gazette of the RS, No. 95/04 – official consolidated text 1) defines the offence of illegal crossing of the state border or state territory.

## 2.5.2. *Organisation*

The Ministry of the Interior plays the leading role in combating illegal immigration in Slovenia. Within the Ministry, illegal immigration is combated by the Police and the Internal Administrative Affairs Directorate. The police survey the legality of residence and, in the event of verified violations, initiate legal procedures for the removal of an alien from the country. In exercising their surveying tasks, the Police and the Internal Administrative Affairs Directorate, which is authorised for managing citizenship related matters and residence permits, as well as the procedures for refugees, directly cooperate and shape the measures while ensuring the flow of the required general and individual information.

In compliance with Article 64 of the Aliens Act, a group of representatives from all the aforementioned services is working at the Ministry of the Interior in order to facilitate and coordinate the shaping of immigration related measures.

## 2.6. STAFF AND TRAINING

### 2.6.1. *Adequacy and the level of professionalism*

As Slovenia does not have an independent border police, the State border surveillance and border checks are the responsibility of the National Police, by officers who are specially qualified and equipped to perform such tasks and, as a rule, perform only one of these two tasks.

Slovenia has been preparing for the establishment of the external Schengen borders since 1999. In the field of training, several Twinning projects were undertaken between 1999 and 2004, covering among others issues the following:

# RESTREINT UE

- Establishment of an Efficient State Border Control (The aim of the project was to define all necessary measures that the Slovenian police should implement in the field of state border control). The object was to train and employ approximately 2300 police officers. In other projects the aim was to organise and implement workshops and seminars for executive and senior police personnel at the national, regional and local levels, train multipliers for training police officers who already perform state border control, train teachers of specialisation subjects.
- Police Personnel Training for the adoption of the Schengen Standards. (The object was to ensure suitable qualifications of police officers for the performance of tasks at the external Schengen border and cross-border police cooperation at the internal borders by means of seminars, the assistance of multipliers and cooperation with other Member States' border guards.

During the last years, the training of border police officers has been the priority of the Slovenian police. Under a single programme that was developed within the framework of the Twinning Light Project and with the assistance of multipliers, training activities have been and are still implemented at the regional and local levels.

The permanent training programmes for border police officers that are implemented by the Police Academy at the national level and the number of participants by year is shown in the following table:

Programme	2003	2004	2005
Training of multipliers for detection and prevention of document abuse at border crossings	66	101	75
Training of multipliers for use of special equipment to control state border outside border crossings	20		
Traffic in human beings	89		
Detection of smuggling of stolen vehicles at border crossings	22	23	50
Training of heads of shifts at border crossings	50	21	30
State border monitoring from a helicopter	22	23	25

## RESTREINT UE

Programme	2003	2004	2005
Removal of aliens from the state	20	19	
Humanitarian law and human rights	26		
Training for entry and use of data from the computer application ISPP – MEJA		22	
Conducting an interview with illegal immigrants		109	
Rights of aliens, who in the procedures with police officers apply for asylum		20	
Basic training of police officers-controllers at border crossings			60
Basic training of police officers for state border control			275
Total:	315	247	515

*Training activities at the regional and local levels by year and the number of participants:*

Programme	2003	2004	2005
Training for detection and prevention of document abuse at border crossings	250	170	140
Training for entry of data in the FIO computer records, application ISPP – MEJA	72		
Schengen border – responsibility for common security	73		
Training for work at border crossings for local border traffic	12		
Use of special equipment to control the state border outside border crossings	26	20	25
The EU acquis			110
Border checks		1643	
State border surveillance		2200	
EU training day			440
Total:	433	4033	715

Also, trainers from other Member States were invited to provide lectures on EU and Schengen issues to the Slovenian police officers (for instance Austrian, Italian, German and Spanish).

### *2.6.2. Responsibilities of the Police officers involved in border management*

At the external borders the Police carries out border checks at BCPs, surveillance of the green/blue borders and readmission of foreigners. Inland, police officers combat illegal immigration and irregular work, remove foreigners and combat crime. At the internal borders they combat illegal migration, cross-border crime and ensure public safety.

# RESTREINT UE

## 2.6.3. *Selection criteria*

The selection criteria for entering the Police include among other requirements the following: Slovenian citizenship, secondary education, clearance on criminal records, driving license, and adequate psycho-physical conditions.

The candidates undergo a special pre-selection test, a test of physical capabilities, a medical check and a selection interview.

## 2.6.4. *Basic training*

Training of candidates for police officers (new employees) in Slovenia is carried out on the basis of the curriculum for adults for attaining a secondary education degree – Police officer. Prior to assuming their duties, all candidates must fulfil certain conditions and obligations laid down by the curriculum.

The curriculum consists of 2180 hours (64 weeks) and is divided into technical and theoretical part consisting of 1160 hours, practical training in the school, consisting of 300 hours, and practical training in the police units, consisting of 720 hours.

Police officers candidates learn about the provisions of the Schengen acquis also from the national legislation implementing certain solutions regarding the EU external borders, in particular: State Border Control Act, Rules on the Implementation of the State Border Control Act, Asylum Act, Aliens Act, Rules regarding the Signs identifying a Border Crossing and a Border Crossing Zone, Act Ratifying the European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe. 50 hours are envisaged for the above-mentioned contents within the curriculum Police Officer. These are divided into two training modules, Module 1 – 20 hours and Module 2 – 30 hours.

The EU Common Core Curriculum for Border Guard Training is being implemented in Slovenia and it has been verified that the border police curriculum meets by large those requirements.

## RESTREINT UE

At the Police College, during the first year the medium ranking officers receive a compulsory education on border matters and foreigners consisting of 60 lessons. In the second year, those officers who will continue to work in the field of Border Police receive 156 lessons on this matter.

The training of officers that perform state border check tasks was organised also at the regional and local levels. Whenever individual police directorates find the need for additional training, they organise and conduct training according to verified programmes. They include subjects as detection and prevention of document abuse, entry of data in FIO computer database, application ISPP-MEJA, use of equipment for border surveillance, EU training day.

The table below shows the number of participants in the training courses at state level:

<i>TRAINING</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>TOTAL</i>
FORGED DOCUMENTS.	66	101	75	<b>242</b>
STOLEN VEHICLES	22	23	71	<b>116</b>
SCHENGEN ACQUIS	/	240	51	<b>291</b>
SHIFT LEADERS (BCP)	50	21	30	<b>101</b>
BORDER CHECKS	/	/	57	<b>57</b>
BORDER SURVEILLANCE	/	/	297	<b>297</b>
HELICOPTER OBSERVATION	22	23	10	<b>55</b>
<b>TOTAL</b>	<b>160</b>	<b>408</b>	<b>591</b>	<b>1.159</b>

In 2005 at regional level, 1101 officers participated in training activities related to the Schengen acquis, 717 officers in document examination, 53 in stolen vehicles and 605 in drugs.

## 2.6.5. *Further continuing education*

The Police Academy regularly updates the training material and the contents of lectures taking into account the amendments to the national legislation, the Schengen acquis and the related operative instructions at the national, regional and local levels.

The teachers or the representatives of the Police Academy regularly participate in operative consultations organised by the Border Police Section together with the regional level.

The follow-up training for the Schengen acquis is provided through the train-the-trainer system. Slovenia has trained 60 multipliers.

## 2.6.6. *Linguistic training*

The Police Academy organises courses on foreign languages (English, German, Italian) in which all the recruited officers are obliged to attend as part of the basic training. Furthermore advanced training courses are organised by the Police Academy for police officers, depending on their duties and personal necessities.

Many of the currently present officers can speak Croatian and the vast majority are able to speak English, Italian or German.

## 2.6.7. *Specialised document checking training*

The Police have a planned system to train the officers in document abuse detection. It is called PROGLIS programme. This programme is conducted in 4 modules:

a) Training of police officers who begin working at border crossing points:

All police officers who begin working at border crossing points and mobile police units for the control of the state border are obliged to complete, within 4 months, the initial training course in document abuse detection (PROGLIS I).

# RESTREINT UE

b) Continuing training for police officers-controllers:

Subsequently, all police officers-controllers engaged in border checks at border crossing points and mobile police units for the control of the state border are obliged to attend at least one course in continuing training for document abuse detection (PROGLIS II) within five years-time.

c) Training of senior police officers

The programme also envisages the possibility of training for senior police officers in charge of criminal offences at border crossing points (police middle management) (PROGLIS III)

d) Training for police officers- multipliers

The programme envisages training for police officers-multipliers who are then commissioned to conduct training at regional and local levels (PROGLIS I in PROGLIS II). The programme also envisages continuing training for police officers-multipliers. Such continuing training is held at least once a year. The police officers-multipliers also attend seminars abroad. By 2005 the Police had trained 71 police officers-multipliers from all police directorates in the Republic of Slovenia.

The PROGLIS programme also prescribes compulsory content-components which are comprised in all the aforementioned modules (one-year training). All of the presentations used by police officers-multipliers in their training have also been prepared.

A CD-Rom is also used in training, which was produced under the auspices of the ad-hoc Centre for border police training.

## 2.6.8. *Specialised training for different managerial levels*

Senior police officers receive an advanced level of education that is related to management and leadership. This training takes two years, the last of which is devoted to special subsidiary subjects, for example border management.



# RESTREINT UE

## 2.7. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION. CARRIERS LIABILITY

### 2.7.1. *Administrative structures and coordination*

Although there is no memorandum on cooperation between different governmental bodies on the field of migration management, the Parliament in accordance with Article 5 of the Aliens Act and following the governmental proposal, adopted a Resolution on migratory politics. In the said document (the last one was adopted in 2002, and at the moment an inter-ministerial group is preparing amendments to this document) the interagency cooperation is presented as an obligation of all the interested ministries (Internal Affairs (Police), Social Affairs and Employment, Foreign Affairs...). Hence the cooperation between different bodies is one of the defined measures to achieve the aims of the Resolution.

### 2.7.2. *Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)*

In the area of illegal migration and traffic in human beings Slovenia is largely regarded as a transit country.

It has concluded agreements on return and readmission with the following EU Member States: Austria, Belgium, Luxembourg, the Netherlands, Denmark, France, Greece, Italy, the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland and the Slovak Republic.

In addition, Slovenia is at the negotiation stage in concluding an agreement with Bosnia and Herzegovina, having already concluded agreements on readmission with the following countries: Bulgaria, Croatia, Canada, FYROM, Romania, the Swiss Confederation and Serbia and Montenegro.

# RESTREINT UE

In 2005, 1.394 persons were sent back to Croatia, 25 to Italy, 22 to Hungary and 3 to Austria.

Besides aliens removed within the scope of the implementation of the readmission agreements, 1.533 aliens have been removed from Slovenia over the past two years and in the first nine months of 2005. Almost all were removed to their countries of origin.

The percentage of foreigners expelled is as follows (figures per state):

	2003	%	2004	%	2005	%
Other Schengen states	3	0,5	2	0,4	1	0,1
Neighbouring states	0		2	0,4	0	
Countries of origin	587	99,5	462	99,2	476	99,8
Total	590		466		477	

Most aliens are removed from Slovenia based on the existing readmission agreements.

The countries of origin were: Albania, Bulgaria, Bosnia and Herzegovina, Czech Republic, Ecuador, Philippines, Georgia, Guinea-Bissau, India, Iraq, Iran, China, Lebanon, Liberia, Lithuania, Macedonia, Morocco, Moldova, Mongolia, Nigeria, Pakistan, Poland, Romania, Russia, Sierra Leone, Slovakia, Serbia and Montenegro (directly to Kosovo), Thailand, Tunisia, Turkey and Ukraine.

Under the State Border Control Act, the Asylum Act and the Aliens Act, the Police is responsible for the removal of an alien if the alien was side sentenced to expulsion or if the protective measure of removal was pronounced against him.

### 2.7.3. Means deployed to combat illegal immigration networks

The Police and the Internal Administrative Affairs Directorate are the competent bodies to fight against illegal immigration.

In addition, police stations have also set up local crime investigation groups. In the last two years, they have received additional staff.

# RESTREINT UE

As in the case of the crime investigation groups at police stations, staff reinforcements were also provided to the criminal investigation police at the regional and national levels, in order to ensure the coordination of work between local crime investigation groups, as well as to detect and investigate cross-border crime within a wider area.

## 2.7.4. *Implementation of carriers liability*

The Aliens Act specifies that a carrier may bring an alien to the state border or the territory of Slovenia by land, air or water, only on condition that they are in possession of an appropriate document and entry permit, if this is required from them as citizens of a specific country.

Article 24 of the Aliens Act, establishes that the carriers are legally obliged to return the aliens not in possession of the required documents. Article 95 of the same Act prescribes a fine ranging from SIT 850.000 to 1.500.000 (€ 3.547 to € 6.259) for non-compliance with this duty.

According to the 2004 Statistics on misdemeanours there were:

- 976 misdemeanour cases received under the State Border Control Act. 744 admonitions and fines were pronounced, and 34 protective measures of removal of foreigners from the country taken;
- 2749 misdemeanour cases were received under the regulations governing foreigners, temporary protection and asylum. 2366 admonitions and fines were pronounced, and 389 protective measures of removal of foreigners from the country taken.

Since 1 January 2005, the Police and the courts are the bodies competent for taking action in case of misdemeanours.

The competent body for implementing judicial control over the legality of administrative acts passed by the administrative bodies of Slovenia regarding decisions concerning the asylum, temporary protection or rights under the Aliens Act is the Administrative Court of the Republic of Slovenia.

In 2002 fines were imposed on 6 carriers, in 2003 on 77, in 2004 on 68, and in the first nine months of 2005 on 14.

# RESTREINT UE

## REPORTS ON THE VISITED SITES

### 3. REPORT ON THE VISIT TO THE CENTRE FOR ALIENS LOCATED IN POSTJNA

This centre is one of the two centres available in Slovenia for the reception, accommodation and care of foreigners detected staying illegally in the country and asylum seekers. The other one is located in Prosenjakovci. They are under the competence of the Uniformed Police Directorate of the National Police.

The centre has a capacity for 220 persons with separate areas for men, women, minors and families. It is equipped with high security police surveillance for unruly foreigners. The building is surrounded by fences and the technical security consists of cameras outside and inside the building, as well as burglar alarms on the doors leading in the building. In addition Police officers patrol the surrounding area.

There are 25 civilian employees and 42 uniformed employees in the centre.

From the centre the police have access to the following databases: phonetic index of persons, internal applications “foreigners” and Eurodac.

Fingerprints of foreigners over 14 years old are taken here and the data are stored for 2 years

There is a close cooperation with Interpol, different Ministries and external humanitarian organizations. The Ombudsman monitors regularly the activities of the centre.

# RESTREINT UE

## 4. REPORT ON POLICE DIRECTORATE KRŠKO (OBREŽJE BCP, SLOVENSKA VAS BCP, DOBOVA (RAILWAY) BCP AND RAKOVEC BCP)

### 4.1. GENERAL INFORMATION

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

During the evaluation, the Committee visited the following Border Crossing Points (BCPs) in PD Krško: Obrežje, Slovenska vas, Dobova railway BCP and Rakovec (used only for local border traffic).

Police Directorate Krško is responsible for a 91.7 km stretch of land along the Slovenian – Croatian border and 9 Border Crossing Points. Some main routes of illegal immigration towards the EU (the Balkan route) affect strongly this Directorate.

The flow of passengers at the BCPs in the whole Directorate during the last 3 years almost reached 15 million of passengers, with slight variations from year to year.

The statistical data for the Slovenian-Croatian border section at this Directorate are as follows:

	PD KRŠKO	
	2004	2005
<b>Illegal crossings</b>	330	422
<b>Refused foreigners</b>	7953	8809
<b>Forged documents</b>	661	584
<b>Issued Visas</b>	219	140
<b>Asylum seekers</b>	118	51

In 2005, the top five nationalities for refusals of entry were: Bulgarian, (42%), Croatian (22%), Serbian and Montenegrin (15.7 %), Bosnian, and Romanian.

## RESTREINT UE

The top nationalities involved in illegal crossing of the green border were: Serbian and Montenegrin, Albanian, Bosnian, Croatian and Turkish.

The cooperation with the Croatian authorities, and in particular with the Croatian police, seems to be very good (144 joint patrols were organized in 2005). The readmission procedures with Croatia are effective with regard both Croatian and third-country nationals having crossed the border illegally; apparently the readmission rate is very high (more than 90%).

- Obrežje is the second biggest BCP at the border with Croatia with more than 8 million travellers crossing the border every year (2 million are Slovenians). It is located only 25 km from Zagreb. The number of passengers in 2005 was 8.2 millions.

Concerning the number of detected irregularities, the figures are as follows:

	<b>2004</b>	<b>2005</b>
Refused entries	5916	7425 (increasing)
False documents	534	497
Asylum seekers	12	1

Obrežje is also a Focal Point Office (FPO) for the EU cooperation on border management. The local authorities consider that the illegal crossing of the green border and the use of false or falsified documents are the main threat at this point. Illegal immigration inside trucks seems not to be a serious threat.

- Slovenska vas is an interstate BCP dependent of Obrežje Border Police Station (BPS). In 2005 the total number of travellers was about 2.8 million (2.3 million in 2004); out of this number 40% were Slovenians. Most of the third-country nationals are Croatians.

Although since the accession to the EU this BCP has also been opened to EU-EEA-CH citizens, the flow of traffic remains very much "local". Most of the travellers are Slovenian and Croatian nationals, living in the border region (there is a high percentage of Croatian cross-border workers, land owners etc).

## RESTREINT UE

Concerning the number of detected irregularities, the figures are as follows:

	2004	2005
Refused entries	568	458 (decreasing)
False documents	1	3

- Dobova railway BCP belongs to Dobova BPS and is the biggest Slovenian railway BCP. It has around 12.000 passenger trains per year, which makes an average of 33 trains per day, (14 of them are international trains). The rest are 'local trains' (including trains between Slovenia and Croatia) and about 4500 cargo trains. The number of passengers is around 500.000 a year out of which 120.000 are Slovenians. About 80% of the passengers come from Balkan countries and most of them are Croatians.

Concerning the number of detected irregularities, the figures are as follows:

	2004	2005
Refused entries	452	346 (decreasing)
False documents	129	83
Asylum seekers	11	60 (whole BPS)

- Rakovec is a small BCP used only by Croatian and Slovenian citizens for local border traffic. EU-citizens, Slovenian and Croatian people without the local travel document can use this BCP but after having been issued a single-entry border permit. Other third-country nationals are not allowed to use it.

The number of crossings in 2005 was 15.269; there were 7 refused entries and one false document seized.

# RESTREINT UE

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

The regional strategy for border security is based on risk analyses and the analysis of the environment. This strategy follows the guidelines used at national level. The Police Directorate has the main responsibility for the border security in its area of competence as a part of the general police tasks. The strategy covers international cooperation with the Croatian border police, border checks, border surveillance and inland immigration control.

The cooperation with Customs is based on a national agreement between the General Police Directorate and Customs. At regional and local level the cooperation is mostly practical at the BCPs. Border and customs checks are separated and there are no joint risk analysis structures at any level of the system. The communication systems between customs and police are not interoperable.

The cooperation with the Croatian Border Police is based on an agreement and can be regarded as very functional. The relationship between these two organisations seems to be good and close. This cooperation consists of joint patrols, joint investigations and regular meetings.

The communication systems are available 24/24 h. According to the Slovenian authorities their Croatian colleagues are ready to react rapidly if a Slovenian border patrol detects any suspicious movement at the Croatian side.

## 4.1.3. *Risk analysis and intelligence functions*

The risk analysis is based on a brand new administrative order (5/2006) which defines the reporting system and the methods of data collection at all levels of the organisation. Reports at regional and national level cover all kind of crime (not only cross-border crime). The Police Directorate collects information from all reasonable sources and all major BCPs have intelligence officers. The information is delivered via data network to all relevant clients (horizontally and vertically). The system of reporting and analysing the situation is clearly structured and the information is also available on intranet.



# RESTREINT UE

A risk analysis based on the gaps or weak points in the organization was not clearly presented. Profiling seems to be known in theory but some border police officers seemed not to be well aware yet of the current risk indicators.

## 4.2. INFRASTRUCTURE AND EQUIPMENT

### 4.2.1. *Infrastructure*

The BCPs visited in this Directorate are equipped with signposting in order to separate cars from other type of vehicles, but there are no special lanes for EU-EEA-CH nationals.

All of them have different lanes for entry and exit controls as well as booths to perform border checks. Obrežje is the biggest BCP of this Directorate with up to 10 lanes for cars, 6 lanes for trucks, and 8 passport control booths. Rakovec is a small BCP with only one lane for entry and one for exit.

Both in Obrežje and Sloveska vas, the infrastructure is fixed, brand new and counts with special rooms for second line activities. In Rakovec, the premises are also stationary and consist of a small office suitable for the activities of this post. There is no special room for second line activities.

In Dobova railway BCP the premises used by the Police were built in 2005 and have all the necessary facilities.

### 4.2.2. *Equipment: first line, second line, mobile*

At this Directorate the equipment used in the first and the second line is standard and meets the Schengen requirements.

# RESTREINT UE

All BCPs are connected by radio and telephone with the Border Police Station and patrols.

Obrežje is the unique BCP totally fenced in the Directorate. The others are not fenced but they are clearly marked and defined. Dobova railway station is partially fenced and is kept under video surveillance. There are stationary and mobile cameras with vision over the railways and the surrounding area.

Rakovec BCP is open for the local border traffic from 06h.00 to 22h.00. Out of the opening hours the premises are locked and connected to a security system.

## 4.3. CONTROLS AND PROCEDURES

### 4.3.1. *Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)*

In Obrežje and in Slovenska vas the control procedures were carried out in a similar manner. Usually only one officer per lane has to check the documents, verify the identity of the person, question him/her and make enquiries in the databases. In this regard, the Committee considers that when possible, these checks should be done at least by two officers, one outside the booth and the other inside, in order to check the documents and the databases. Specially in summer time, when the traffic practically doubles, the number of officers performing border checks seems to be insufficient in order to carry out thorough checks on third-country nationals fully in line with the Schengen standards.

Most of the third-country national travellers were Croatian. Based on a bilateral agreement, they are allowed to cross the border by presenting a Croatian ID card instead of a passport, which is the general rule for third-country nationals. This means that their travel documents cannot be stamped as foreseen, already in the Stamping Regulation and in the Schengen Borders Code. In addition, checks on Croatians are in most cases limited to a visual check of their travel document, the person and the car. Searches in the national databases and in-depth questioning are performed randomly.

## RESTREINT UE

These practices, to the extent that they are not limited to border residents and regular cross-border commuters, are not in line with the Schengen standards.

The other third-country nationals were systematically checked against the national databases.

The registration and storage of the stamps were made correctly.

There seems to be a good cooperation with Customs, specially in relation to the check on trucks (about 300.000 crossings every year).

In Dobova railway BCP, checks are carried out inside the train during the “technical stop”, where the train engine is replaced. This operation requires at least 12 minutes.

These checks are carried out jointly by the police and customs (whose officers check the luggage.) The locked areas of the train are only checked (and opened where necessary) by the police.

The officers have no portable devices to make searches in the national databases (and as a result not in the SIS in the future). The Committee was informed that, due to electronic interferences such devices cannot be used properly. The unique way to perform such checks is via radio, communicating the BCP the name of the person. In case of high number of passengers, (specially in summer) and because of the time constraints, (the train is retained at the station between 17 and 25 minutes) this procedure may only be done on a random basis or in case of suspicion. The Committee was informed that, if necessary, the train can be delayed by the Police, but in general, when further inquiries are necessary, the passenger is asked to get off the train and checked in the second line, so that the train can continue the journey.

There are ongoing discussions with Croatia on the possibility to carry out border checks inside the trains during the transit between both countries. Despite the fact that a bilateral agreement exists in this regard, no implementing regulation has been finalised so far.

## RESTREINT UE

In Rakovec, daily commuters are not subject to in-depth checks as these persons are well known to the officers. At this BCP, border temporary permits may be issued to non-residents who have a valid passport and legitimate grounds to stay in the border area (i.e. to visit relatives) for a price of 200 SIT (€ 0,83). These permits are registered manually, they have a maximum validity of 7 days and they are stamped both on entry and exit. 36 of these permits were issued in 2005 (22 in 2006 so far).

### 4.3.2. *Processing of refusals, asylum applications and issuance of visas*

The refusals of entry are correctly registered, the standard form for refusal of entry is in use and the persons concerned are informed about the appeal procedures. These appeals can also be lodged directly at the border.

The procedure for asylum applications is also known by the officers.

Only Obrežje is authorised to issue visas at the border. These visas are stored in a locker located at the second line. 140 visas were issued at the border in 2005 (most of them "C" visas) and 22 in the first 4 months of 2006. In most cases they were issued to Bosnian or Serbian citizens for humanitarian reasons. The visas issued are correctly registered and the empty visa stickers kept in a safe.

People without visa and with valid grounds for being issued visas at the border are not refused entry at other BCPs but "re-directed" to Obrežje.

# RESTREINT UE

## 4.4. STAFF AND TRAINING

### 4.4.1. *Further continuing education*

The personnel follow the continuous training that is offered by the Police Directorate in form of train-the trainer programmes at regional and local levels. The following chart shows the courses and the number of officers that attended the courses last year at the different Border Police Stations.

	<b>BPS Obrežje</b>	<b>BPS Dobova</b>	<b>BPS Brežice</b>	<b>BPS Krško</b>	<b>Multiplicators</b>
EU and Schengen law	99	100	69	60	5
PROGLIS I	28	46	1	20	8
PROGLIS II	66	63		5	
Drugs	76	68	1		2
Trafficking in persons	16	9			2

### 4.4.2. *Linguistic skills and training*

Most of the officers spoke the languages of the Former Republic of Yugoslavia (i.a. Croatian or Serbian). Other languages spoken were Italian, German or English. These skills are considered as very adequate to perform their daily work at the Croatian border.

### 4.4.3. *Specialised document checking skills and training*

Programmes to train officers in document checking are in place and regular trainings are prepared at local level in this field. Continuous education in this matter is ensured through the multipliers, who are tasked to train the other officers of the BPS.

In general all officers know how to use the technical equipment despite the fact that in each BCP there is at least one specialist on this field.

# RESTREINT UE

## 4.4.4. *Availability and permanency of staff*

At Krško PD there is a total number of 593 employees; out of them 546 are Police officers. In general all officers, both at the BCP and the ones in charge for surveying the borders, can be regarded as professionals and trained in accordance with the education programmes, both at national and regional levels. They also seem to be motivated and adequate to perform their tasks adequately.

The availability and permanency of personnel is ensured in the BCPs visited.

In Obrežje the total number of staff was 116 officers. There are 3 shifts composed of 12 to 20 officers depending on the days. In every shift there is a shift leader, a document expert and one intelligence officer.

The staff deployed at Slovenska vas belong to the Police Station Obrežje. In every shift there are between 3 and 5 officers.

The number of personnel may be considered adequate for the traffic flow observed during the visit. However, and keeping in mind that border checks should, where possible, be performed by two officers, the Committee considers that during peak seasons the current number of personnel may not be sufficient to guarantee an adequate level of performance.

Dobova has 120 police officers distributed in shifts of 11 officers as average. During the visit only a few passengers were on board of a train coming from Croatia. Taking into account the information received about the time constraints under which the officers have to perform the check of the train and the passport control of passengers, normally between 17 and 25 minutes, the Committee considers that, in case of higher number of passengers, the police should ensure that the number of personnel is adequate to perform border checks, within such limited time, in accordance with the Schengen standards.

# RESTREINT UE

Alternative solutions should be studied in order to enable the officers to carry out searches in the databases by means of portable devices from the interior of the train.

At Rakovec BCP there is only 1 police officer and 1 customs officer per shift during the opening hours. Since it is a small BCP used just for Local Border Traffic this number is considered adequate.

## 4.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION. CARRIERS LIABILITY

Reference is made to point 2.7 of this report.

DECLASSIFIED

# RESTREINT UE

## 5. REPORT ON POLICE DIRECTORATE KOPER (SEČOVLJE BCP, DRAGONJA BCP, RAKITOVEC BCP (LBT) AND AN UNEXPECTED VISIT TO SOČERGA BCP)

### 5.1. GENERAL INFORMATION

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

During the evaluation, the Committee visited the following Border Crossing Points: Sečovlje, Dragonja, Rakitovec and made an unexpected visit to Sočerga.

Police Directorate Koper is located at the most southern part of Slovenia. The distance between Italy and the Croatian border very short is in this area. The reaction time is therefore very limited and underlines the necessity of effective border surveillance in the close vicinity of the border and a rapid reaction capacity inside the country.

In 2005, the number of travellers who crossed the borders with Croatia was around 13 million, and the traffic distributed as follows: 4.6 million cars, 27.000 buses and 100.000 trucks.

The statistical data for the Slovenian-Croatian border section at this Directorate are as follows:

	PD KOPER	
	2004	2005
<b>Illegal crossings</b>	511	503
<b>Refused foreigners</b>	762	545
<b>Forged documents</b>	23	22
<b>Issued Visas</b>	11	0
<b>Asylum seekers</b>	174	144

Most of the refused persons were nationals from Croatia, Bosnia-Herzegovina, Bulgaria and Albania.



# RESTREINT UE

- Dragonja BCP is located at the Slovenian – Croatian border. It is one of the three crossing points of the Police Station Sečovlje.

Most of the traffic is composed of EU citizens and Croatians. In 2005 there were 6.3 million passengers (6.4 million in 2004) and the volume of truck traffic is increasing.

According to the local authorities the main threats in this area are the illegal crossing of the green border and to a certain extent the illegal immigration inside trucks and vans. This assessment is based on some cases detected in the past.

The number of refused persons was 362 in 2004 and 293 in 2005.

- Sečovlje is also one of the three BCPs under the Command of Sečovlje BPS.

90 % of the travellers are EU citizens or Croatian. In the summer season the traffic flow increases considerably with many Italian, Austrian and German citizens. There is a daily bus line connecting both sides of the border. Most of the traffic consists of daily workers, shoppers and tourists.

During the visit it seemed that the intelligence or the investigation capacity available was very limited or inexistent.

In 2004, the number of refused persons was 261 and in 2005 the number was 149.

- Rakitovec is a singular BCP opened in 2004 that is used only for local border traffic. The opening hours are from 06h.00 to 22h.00. The volume of traffic is relatively small; in 2005 there were 7.269 border crossings and in 2004, 4.906.

It is a so-called "joint BCP" as the Slovenian and Croatian authorities work together on Slovenian territory. This model of cooperation is based on a bilateral agreement. The legal bases and the powers of foreign officers are laid down in the State Border Control Act (Article 37). Slovenian and Croatian authorities work in the same building but they are physically separated.

# RESTREINT UE

Croatian authorities (Border police and Customs) work in a clearly defined zone. They have normal police powers but they can not arrest Slovenian citizens.

There is no permanent technical surveillance system for border surveillance of the crossing point or adjacent area.

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

The analysis of environment and risks are used systematically at all levels of the organisation. Intelligence gathering, division of tasks and report models are defined by an administrative order. Specialised officers in the Directorate collect information from all possible sources and create different periodical reports. Risk analyses are also carried out together with the Croatian border guards. Statistical data is based on information gathered in the databases. Analysis and reports are sent to the BCPs via Police intranet.

## *5.1.3. Risk analysis and intelligence functions*

Most of the intelligence officers are posted at the Police Stations. Due to the fact that the officers are occupied performing checks at the first line, they do not have time to do any real intelligence work. Situational awareness at the local level is based on shift leader's briefing before the shift. Customs are not involved in these briefings.

According to the local officers, there are no specific risk profiles in use at the moment.

## 5.2. INFRASTRUCTURE AND EQUIPMENT

### 5.2.1. *Infrastructure*

The BCPs visited in this Directorate are equipped with signposting in order to separate cars from other types of vehicles, as trucks or buses, but there are no special lanes for EU-EEA-CH citizens and All passports.

In Sečovlje and Dragonja there are several lanes for entry and exit checks on cars, as well as lanes for checks on trucks and buses.

The infrastructure of all BCPs is in place. The booths are fixed but the premises used for second line activities are temporary, both in Sečovlje and Dragonja. The space available for second line activities or to perform thorough checks on cars is very limited. It does not allow the officers to carry out checks in optimal conditions. None of them have premises for inadmissible persons or rooms for detention. The Slovenian authorities informed the Committee that the infrastructure of these BCPs will be entirely replaced by new buildings before the end of 2007.

In the case of Rakitovec, the infrastructure consists of one stationary office with capacity for 4 officers, (two Slovenian and two Croatian) from the Police and Customs. The Slovenian and Croatian booths are separated and each authority has access to its own databases.

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

The equipment provided by the Police Directorate to all BCPs is standard, both for first and second lines, and similar to the one mentioned in the previous Directorate.

In Rakitovec the equipment available in the BCP is more limited but adequate to the needs. It also has a computer with access to the national databases.

# RESTREINT UE

None of the BCPs are fenced, but they are clearly marked and defined. The video surveillance is provided by mobile and fixed cameras.

In Rakitovec, there is an alarm system that protects the premises when the BCP is closed.

## 5.3. CONTROLS AND PROCEDURES

### 5.3.1. *Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)*

All officers, at the beginning of their daily shift, receive a briefing given by their shift leaders.

Usually, border checks are carried out by one officer in each line, who takes care of the entire procedure, even in case of doubts.

Border checks were performed, in general, in accordance with the Schengen standards, but as in the previous Police Directorate, Croatian nationals are permitted to cross the border on the basis of their identity cards and usually they are not questioned about the purpose of their trip. This practice does not allow the officers neither to stamp the passports nor to verify the period of stay. Stamps are used only when Croatian nationals present their passports. The documents and cars are checked thoroughly on a random basis.

In general all travel documents were systematically checked against the databases.

Deeper checks on vehicles and passengers are performed randomly or based on profiling at a special place. The simultaneous controls with Customs are carried out.

Bus passengers are checked in the bus by one officer, who collects the documents and checks them against the national databases. In-depth checks on these passengers are carried out randomly.

# RESTREINT UE

During the visit in Sečovlje, one Croatian national travelling by bus was refused entry due to the fact that he wanted to work in Italy without the necessary visa/work permit. In these cases, the bus is obliged to return to the Croatian BCP to permit the refused persons to re-enter Croatia. Bus drivers always accept this procedure in order to avoid possible fines.

The Committee considers that checks on trucks and mobile homes should be done more thoroughly.

The registration and the storage of the stamps were done correctly.

The officers have access to various databases, both from the booths and the second line, as well as to a research function via intranet (DOKIS/ EUVID).

## 5.3.2. *Processing of refusals, asylum applications and issuance of visas*

The standard form for refusal of entry is in use but it is only available in the Slovenian language. The refusals of entry are registered and the personnel are aware of the procedures to be followed in case of asylum applications at the border.

In Sečovlje it seems that after the registration of the refusal no paper copy with the signature of the refused person is stored, either at the BCP or at the Police Directorate, but is simply destroyed. Dragonja BCP is usually informed by phone about these refusal. A computer database on refused persons is available.

Only in Dragonja visas can be issued at the border. In case a person fulfils the grounds for being issued a visa at the border and arrives at another BCP, he or she is re-directed to Dragonja. No visas have been issued since 2005.

The shift leader was aware of the requirements for issuing visas at the border and the visa stickers were stored in a secured place.

# RESTREINT UE

## 5.4. STAFF AND TRAINING

### 5.4.1. *Further continuing education*

The training is provided at this Police Directorate both at regional and local levels in accordance with the following programme:

<b>Programme from 2003-2004</b>	<b>Nr. of police officers</b>
Detection and prevention of documents abuse on the border crossings – PROGLIS	184
The EU Acquis and Schengen Acquis	341
The sphere of illegal drugs on Police Stations that perform border control	130
Detection of stolen vehicles smuggling	29

Within the police stations there were further forms of training for police officers according to the above mentioned programmes.

In addition, there are multipliers for the training at local level on the following fields: detection and prevention of document abuse (PROGLIS), the EU and the Schengen acquis, detection of stolen vehicles (PROAVTO), and people smuggling and trafficking in human beings. There are also multipliers for special equipment used for border surveillance and detection of illegal drugs at the BCPs.

### 5.4.2. *Linguistic skills and training*

Many officers were able to speak English, and some others spoke German, Italian, Spanish or French. Most of them were able to use languages of the Former Yugoslavian Republic (Croatian, Serbian etc.). This is considered a very adequate tool in order to allow in-depth questioning and control of persons in doubtful cases.

# RESTREINT UE

## 5.4.3. *Specialised document checking skills and training*

Special trainings are ensured through the multiplier training system at local level. A total number of 9 multipliers are available at the Police Directorate in order to train the other officers on this matter.

## 5.4.4. *Availability and permanency of staff*

PD Koper has 582 police officers. Out of them 201 are border police officers.

In general, the staff can be regarded as professional and trained in accordance with the education programmes, both on national and regional level. They also seem to be motivated and able to perform their tasks properly. Additional training on profiling could be an asset in order to improve the effectiveness of border checks.

The permanency of the personnel is ensured at these border crossing points. When there is a need of reinforcement, additional officers are sent from the nearest Border Police Station.

Sečovelje BPS has 63 officers that are used to cover Sečovelje, Dragonja and Portoroz airport BCPs. During the visit in Sečovelje and Dragonja the number of officers seemed to be adequate to the volume of traffic observed at that moment. However, in rush hours or summer time when traffic increases considerably, this number could not be sufficient to guarantee an adequate level of control at the border.

In Dragonja the shift leader can ask for reinforcement to the patrols deployed at the green border in unexpected situations.

Rakitovec is used only for Local Border Traffic and has just 1 border police officer that shares the premises with 1 Slovenian officer of Customs and 2 Croatian officers from the Police and Customs.

# RESTREINT UE

## 5.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION. CARRIERS LIABILITY

Reference is made to point 2.7 of this report.

## 5.6. UNEXPECTED VISIT TO SOČERGA BCP

The visit to this BCP was not included in the official programme and was added to the initial plan upon request from the Evaluation Committee.

It is located in a hilly area about 1 Km from the Croatian border. The traffic flow consists of around 2 million travellers per year (both entry and exit). 80% of such traffic is composed of daily or weekly migrants from Slovenia, Croatia and some other EU neighbouring countries. Only 20% of this traffic comes from risk countries (Serbia and Montenegro or Bosnia-Herzegovina).

On average, 200 trucks cross the border each day (120 on entry and 80 on exit). In summer the traffic increases up to 5.000 cars per day.

The infrastructure is in place, clearly marked and defined despite it is not fenced. The second line premises are installed in prefabricated structures, but the Slovenian authorities informed the Committee that in the next months the current facilities will be entirely replaced by new ones. There is an automatic counter of vehicles both on entry and exit. The surveillance is provided by mobile and fixed cameras.

There are several lanes for entry and exit checks including separated lanes for trucks. There are no special lanes for EU-EEA-CH nationals.



## RESTREINT UE

Border checks were performed by a single officer in each lane. On average there are 4 officers in each shift. This number could be considered enough to cover the cross border movement observed during the visit and taking into account that 80% of traffic is composed of EU nationals.

The Committee considers, however, that this number could be regarded as very limited at peak times and particularly in the summer season where there is a considerable increase in the number of border crossings.

Like in the other BCPs, Croatian nationals are not checked thoroughly and may enter on the basis of ID cards, even those who are not local residents. Italian nationals travelling on the basis of the “laissez passer” foreseen in the framework of the agreement SI/IT on local border traffic were authorised to pass although this was not one of the BCPs foreseen in that agreement.

In accordance with the risk assessment and profiling, only a few trucks are searched thoroughly every day.

Visas can not be issued at this BCP. During the first four months of 2006, 17 persons were refused entry, most of them Bosnian and Serbian without the necessary visas. The procedures for refusals were applied in line with the Schengen standards.

Personnel seemed to be well trained and motivated. Many officers spoke Croatian and Serbian and some others had knowledge on Italian, English and German.

# RESTREINT UE

## 6. REPORT ON POLICE DIRECTORATE MARIBOR (GRUŠKOVJE AND ZAVRČ BCPS)

### 6.1. GENERAL INFORMATION

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

During the evaluation, the Committee visited the BCPs Gruškovje and Zavrč.

Maribor PD is responsible for 90 km of the Slovenian-Croatian border. The distance from the Croatian to the Austrian border is only 40 to 60 kilometres. The reaction time in this area should also be relatively short and underlines the need of an efficient border surveillance capacity at the border and an inland rapid reaction system. Border traffic is very intense and the number of illegal border crossings across the green border is high (874 in 2005). Many trucks come from places that can be regarded as potential and high risk areas for illegal immigration and drug trafficking.

This Directorate has 8 BCPs located at the border with Croatia and the number of passengers at this border was around 14.5 million during 2005.

The statistical data for the Slovenian-Croatian border section at this Directorate are as follows:

	PD MARIBOR	
	2004	2005
<b>Illegal crossings</b>	520	749
<b>Refused foreigners</b>	1977	1756
<b>Forged documents</b>	254	235
<b>Issued Visas</b>	33	13
<b>Asylum seekers</b>	121	204

# RESTREINT UE

- Gruškovje BCP is located on one of the main routes between Belgrade and Austria. It is considered as a "Border Inspection Point" that covers Customs, Phytosanitarian and Veterenian checks round the clock. It is also one of the Focal Point Offices for the border cooperation between Member States.

The number of travellers was approximately 10 million in 2005 (9.9 million in 2004). From June to September the traffic can reach up to 1.9 million travellers per month. Most of them are third-country nationals. The number of trucks is considerable high (289.241 in 2004 and 293.555 in 2005), many of them come from Turkey, Romania and Bulgaria.

The local authorities consider that the most common modus operandi used by people trying to cross illegally at this BCP is the use of false documents.

In the non-tourist season the travellers are composed of 30 % EU citizens and 70 % non- EU citizens (mainly Croatian, Serbian-Montenegrin, Turkish and Bosnian nationals). There are in average 10 to 15 buses per day. During the weekend this figure rises up to 60 and in summer reaches 100 buses per day.

Concerning the number of detected irregularities, the figures are as follows:

	<b>2004</b>	<b>2005</b>
Refused entries	1283	1054 (decreasing)
False documents	199	160

The main reasons for the refusals are: lack of visa, forged documents and expired documents.

- Zavrč is a medium size BCP. Most of the passengers are Croatian who work in Slovenia or other EU countries. The number of passengers in 2005 was 1.9 million (2.4 in 2004) and the number of trucks was 127.160 (146.979 in 2004). Despite the number of passengers has decreased, the numbers of refusals and false documents detected have increased.

# RESTREINT UE

There are usually 10 to 15 inbound buses every day. Most of the passengers are Croatian working migrants on their way to their workplaces in Austria and Germany. Once per day a regular bus from Bosnia crosses the border.

Concerning the number of detected irregularities, the figures are as follows:

	<b>2004</b>	<b>2005</b>
Refused entries	278	355
False documents	18	26
Asylum seekers	0	0

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

Reference is made to point 2.1.2 of this report.

6.1.3. *Risk analysis and intelligence functions*

Reference is made to point 2.1.3 of this report.

## 6.2. INFRASTRUCTURE AND EQUIPMENT

6.2.1. *Infrastructure*

The infrastructure permits a clear separation of entry and exit flows at the visited BCPs. The signposting is used to separate cars from other types of vehicles as trucks or buses. Only in Gruškovje there are special lanes for EU-EEA-CH citizens, on the one hand, and All passports, on the other hand, both on entry and exit.

# RESTREINT UE

In Gruškovje some of the lanes can be used both for entry and exit checks, in accordance with the needs. The premises were newly built in 2005 and have a special area for second line activities and rooms for informal inquiries but without detention premises. There is a special lounge to carry out border checks of third-country nationals travelling by bus. It has two special booths fully equipped.

Zavrč BCP was built in 1991. The infrastructure is fixed despite the facilities used for second line activities are temporary. There are no detention facilities. The Slovenian authorities informed the Committee that this BCP will be entirely rebuilt during 2006.

## 6.2.2. *Equipment: first line, second line, mobile*

All booths are equipped with the standard material mentioned in previous Police Directorates and meet the Schengen standards.

In Gruškovje at the entry lanes for trucks there are 2 very well equipped booths. They have infrared cameras, endoscope, a camera with vision over the trucks' roofs and radioactivity detectors. At the second line, in addition to the standard equipment, it was also available a digital camera and a device to take fingerprints.

The communication means to contact the patrol cars on duty at the green border were available.

Both BCPs are monitored permanently by stationary and mobile cameras from the police offices. Despite only Gruškovje is totally fenced off, the two BCPs are clearly marked and defined.

# RESTREINT UE

## 6.3. CONTROLS AND PROCEDURES

### 6.3.1. *Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)*

Border checks are usually performed by one officer, who is in charge of the verification and examination of documents, searches in the available databases, questioning and stamping the passports.

The majority of Croatian nationals presented passports that were stamped but those who just presented Croatian ID were also allowed to enter the country. Like in other visited BCPs, they are usually not questioned about the purpose of the trip or their means of subsistence, and their documents are checked against the available databases only on a random basis.

Bus passengers are checked differently according to their nationality. EU citizens are checked inside the bus while non- EU citizens have to get off the bus and enter a special room located in the BCP, where they undergo the passport and customs controls. They have to take their luggage and personal belongings with them for the checks.

Occasionally the buses are subject to deeper checks in order to find hidden persons, smuggled goods, etc.

Checks on vehicles are performed in cooperation with Customs both on a random basis and based on profiling.

Control on trucks is based on a hand- in- hand control with Customs. Trucks undergo random and profiling based deeper checks.

In both BCPs, a booklet is available inside the booths with national instructions, information on visa stickers, etc. and the officers have permanent access to the Police intranet and various databases.

## 6.3.2. *Processing of refusals, asylum applications and issuance of visas*

Refusals are correctly registered and the officers are aware of the procedures and requirements. The standard form for refusal of entry is in use and the persons concerned are informed about the reasons for the refusal and the appeal procedures.

Only Gruškovje is authorised to issue visas. In 2005, 13 short stay visas were issued (no transit visa) while in 2004 the number was 33.

The visas issued were correctly registered and the empty visa stickers are stored in a locker.

## 6.4. STAFF AND TRAINING

### 6.4.1. *Further continuing education*

Maribor PD provides training to its officers through the multipliers system at basic, continuing and specialised training at regional level. There are multipliers in Schengen acquis, discovering forged documents, thermo-vision equipment, stolen vehicles and illegal drugs.

Since 2000 a total number of 1.943 officers have received training at regional level on the above mentioned fields. It is worth mentioning the existence in Gruškovje of a multiplier on EU legislation and 2 instructors on general legislation.

# RESTREINT UE

## 6.4.2. *Linguistic skills and training*

In general, the officers have good language skills and they can follow several courses a year of German and English. Each course consists of 40 hours. Many of them were also able to speak Croatian and Serbian.

## 6.4.3. *Specialised document checking skills and training*

At Gruškovje 2 or 3 times a year the staff receive training in forged documents; in Zavrč there are two multipliers for document training at local level.

## 6.4.4. *Availability and permanency of staff*

Maribor PD has 1.057 Police officers out of them 334 are border police officers.

In general all officers, both at the BCPs and those in charge of surveying the borders, can be regarded as professionals and trained in accordance with education programmes both at national and regional level. They also seem to be motivated and adequate to perform their tasks.

The permanency and availability of the personnel is ensured.

In Gruškovje there is a total number of 70 staff. They operate on 3 shifts with 6 to 7 officers, plus a shift leader. In the weekends and in summer the shifts are composed of 10 to 15 officers.

The Specialised Unit for State Border Control was deployed during the visit. If needed, it can also be deployed immediately in other BCPs.



# RESTREINT UE

In Zavrč the number of officers is 32, with 4 to 5 officers per shift. They can have up to 2 dog handlers on request. During the weekends, the number of staff is increased in order to improve the checks in accordance with the increase in the traffic flow.

The number of officers can be considered sufficient in relation to the (limited) traffic movement observed during the visit; however, during peak seasons the Committee considers that additional personnel should be stationed at these BCPs in order to guarantee that the checks are performed fully in line with the Schengen standards.

## **6.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION. CARRIERS LIABILITY**

During 2003, 510 illegal border crossings were detected in Maribor PD at the border with Croatia, 520 in 2004 and 749 in 2005. The main nationalities were Serbian-Montenegrin, Bangladeshi (in the course of a joint operation) and Turkish.

The number of readmissions was 275 in 2003, 313 in 2004 and 413 in 2005. Of them 254, 285 and 386 respectively were sent back to Croatia.

At the green border in Ormoz, the number of illegal crossings was 105 in 2003, 233 in 2004 and 459 in 2005.

For additional information reference is made to point 2.7 of this report.

# RESTREINT UE

## 7. BORDER SURVEILLANCE

### 7.1. GENERAL INFORMATION

The external green border of Slovenia is an exclusively Slovenian-Croatian border. In the period before 1991, there was no state border between both countries, which resulted in mixed marriages, property ownership on both sides of the border, common public utility infrastructure, cemeteries and similar. In 2001 an Agreement between the Republic of Slovenia and the Republic of Croatia on border traffic and cooperation came into force to strengthen cross-border cultural and economic cooperation, providing for facilitated crossing of the border for the local population, on one side, and prevention of illegal migration and organised crime on the other.

The crossing of the border outside the authorised border crossing points, outside the fixed hours is possible for persons with a confirmed Local Border Pass or an Agricultural Form. The confirming of such passes is given by the police forces of both countries and computer recorded.

The Slovenian-Croatian green border is covered by 8 of the 11 Police Directorates (PD) and 19 Police Stations (PS) with units for state border surveillance.

PD CELJE – 56 km of border line – 2 PS (Level of criticality I and I/II).

PD KOPER – 75 km of border line – 3PS (Level of criticality I).

PD KRSKO – 92 km of border line – 2 PS (Level of criticality from I to II/III).

PD LJUBLJANA – 78 km of border line – 2 PS (Level of criticality II).

PD MARIBOR – 90 km of border line – 3 PS (Level of criticality I and I/II ).

PD MURSKA SOBOTA – 70 km of border line – 2 PS (Level of criticality I).

PD NOVO MESTO – 141 km of border line – 3 PS (Level of criticality from I/II to II/III).

PD POSTOJNA – 69 km of border line – 2 PS (Level of criticality from I to II/III).

# RESTREINT UE

The total of available staff for state border surveillance in these Police Directorates at the moment of the evaluation was presented up to 936 officers or 50% of the total staff at local level on external land border in Slovenia. This information however must be put into perspective due to the fact that these figures comprise the students from the Police Academy who will graduate in July 2006.

Based on the same figures, the relation between available staff and border line is 2.8 officers per 1 km border line, all tasks considered and 1.4 for border surveillance.

## 7.2. THE VISITED SITES

The Evaluation Committee visited 3 Police Directorates and 3 Police Stations, all at the Croatian border. The Committee inspected 123 km of border line or 18% of the total border length in an area covering 525 square km and staffed by 312 Police Officers.

PD KRSKO – PS BREZICE: 72 km of border line (Level of criticality from I to II/III).

PD KOPER – PS PIRAN: 9 km of border line (Level of criticality I).

PD MARIBOR – PS ORMOZ: 42 km of border line (Level of criticality I to I/II).

The decision to visit only 3 Directorates and Stations was inspired by the nature of the Slovenian external border. The Slovenian external border is a very homogenous border with only 1 country, already benefiting from the status of candidate Member State, and a very elaborated international cooperation. More of these Directorates and Stations would not have completed the picture of the readiness of the Republic of Slovenia.

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## 7.3. IMPLEMENTATION OF GREEN BORDER SURVEILLANCE

### 7.3.1. *Tactics applied in the visited Police Stations*

Every Police Station ensures a 24 hours service in shifts of 8 to 10 hours of work. Every station area is divided in sectors, which are covered by at least 1 patrol (2 or 3 officers in a vehicle). Patrols are using technical means – when available- and benefit in some areas of specific geographical advantages (altitude points).

The use of mixed patrols (Slovenian-Croatian officers) is very common and widely spread. The principles of mixed patrols on each others territory are based on the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on cross-border police cooperation, signed on 6 November 2002 and on the Protocols between the Ministry of the Interior of the Republic of Slovenia, The Police and the Ministry of the Interior of the Republic of Croatia, the General Police Directorate, on mixed patrols and on crossing the State territory of the other contracting party with the aim of taking action on one's own State territory.

Interviews with the members of the mixed patrols show that an effective fight against cross-border crime depends for a great deal on these interactive tactics of both States. The back-up and supporting possibilities are various; dog patrols, mounted patrols, traffic patrols and surveillance by helicopter.

In certain regions the use of mounted patrols seems to be very effective and useful. The mounted patrols are based in Ljubljana (9 patrols) and Maribor (3 patrols) but can be brought into action where needed.

Command, control and decision making on the green border surveillance is professional. Tactics are based on plans and directives of central, regional and local level. Commanding officers are aware of the current operational and situational needs on the green border. Executing officers know their tasks and missions and show excellent abilities to encounter incidents in routine situations.

## 7.3.2. *Situational awareness*

The Republic of Slovenia has no integrated electronic surveillance system that covers the entire border and detects and identifies targets, enabling immediate reaction. According to the Slovenian authorities, such system is not suitable for the geographical situation of the Slovenian-Croatian border.

The situational awareness is based upon risk assessment, integrated cooperation with the local population, extended cooperation with the neighbour State Croatia and the use of human and technical resources.

The cooperation with the local population is exemplary; the Police is well integrated in the communities (many officers live in their area of work) and has organised a sort of formal vigilance by the citizens at the border area. According to the management of the Police Stations visited, the apprehension of almost 50% of the illegal border crossings was possible upon information by local citizens.

The cooperation with Croatia is also exemplary; almost daily and when needed. Consultations are organised at regional and local level. The joint patrols (Slovenian and Croatian officers together) are numerous and performed at both sides of the state border.

## 7.3.3. *Reaction capability*

The reaction capability in routine matters is satisfactory: patrols that are dealing with illegal border crossings are sufficiently equipped to handle the situation in normal circumstances.

In case of major incidents however, there is currently no immediate and substantial back-up available. Patrols must call other patrols to give assistance, by leaving their sector less or even unattended. There is a possibility to ask for assistance to other Police Stations (This possibility was however not tested by the Committee).

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In case of an intensive threat – known in advance – every Police Directorate can in a first step mobilise an important number of human resources, the so called “Call-up units”. These units are composed of police officers who perform their regular work at various police units and are specially qualified as well as equipped for carrying out intervention activities. These units count all together 727 police officers; the possibility per Directorate varies from 30 to 132. The units at regional level should be ready to intervene within 60 minutes (This possibility was however not tested by the Committee).

In addition, Police Directorates can call upon the Specialised Unit for State Border Surveillance (SUSBC) which can perform stricter controls on main roads and railways; in-depth protection of the state border and implementation of thorough border checks.

Finally the Special Unit can be “activated” to perform specific intervention tasks when needed.

#### 7.3.4. *Availability and permanency*

The availability of human resources in the visited directorates and stations is currently limited.

The 3 Directorates represent 38% of the Croatian border line; almost 40% of the illegal border crossings in 2005 and 35% of the available staff for state border surveillance.

The PS BREZICE – 72 km of border line - Level of criticality from I to II/III - represents 89% of the illegal border crossings in the PD KRSKO but only 66% of the actual available staff at the PD.

The PS PIRAN – 9 km of border line – Level of criticality I - represents 21% of the illegal border crossings in the PD KOPER and 21% of the actual available staff at the PD.

The PS ORMOZ – 42 km of border line – Level of criticality I to I/II - represents 53% of the illegal border crossings in the PD MARIBOR and 45% of the actual available staff at the PD.

By July 2006 the staff at the Police Stations should increase by almost 100%.

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The availability of technical resources is also limited.

Only 1 fixed thermo-vision system is available at PS Brezice (for the BCP Obrezje). The system has no important added value for the green border surveillance because of the geographical character of the area where it is used. It works however perfectly for the immediate surroundings of the BCP.

At the visited Police Departments, 4 mobile thermo-vision systems and 9 hand-held thermo-vision systems are available. The systems work very efficiently but are not permanently available at local level.

The availability of dog patrols and mounted patrols is decided on regional level.

The availability of air support (helicopter) is planned on national level. Based upon the planned observations for the first 4 months of 2006 a total of 97 flights have been planned all over the territory of the Republic. The 3 visited Police Directorates represent 34% of these flights for 38% of the border line.

The experts were able to accompany a helicopter night patrol in the area of the PS Ormoz. Thanks to the use of portable night vision devices this technical support seems to be very effective, although it was clear that only well trained specialists can deal with this kind of equipment. Despite this good impression, there are doubts about the effectiveness on the whole of the green border taking into account the limited number of patrols (maximum 4/month) per Directorate.

The experts visited also a night patrol on land equipped with the mobile thermo-vision camera. This system was working very satisfactory and allowed an almost perfect way of observation during the night.

## 7.3.5. *Communication and encryption*

Reference is made to point 2.3.1. of this report.

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## 8. CONCLUSIONS AND RECOMMENDATIONS FOR THE VISITED SITES.

1. The strategy for border management at the visited sites is in place. There is a system available in order to ensure the analysis of information and the transmission of the relevant data from the central to the regional and local levels and vice versa. However it remains unclear to the Committee what exactly are the investigation capabilities of the investigators deployed at the BCPs.
2. In general the infrastructure and the equipment of the BCPs visited are in place and are close to the Schengen standards. They have the necessary equipment both at first and second lines, the technical equipment shows good quality and the officers know how to use it. At Zavrč, Sečovlje, Dragonja and Sočerga however, certain serious shortcomings have been detected (poor first line premises and temporary second line facilities) as the premises are very close the headquarters, and they do not give the officers the optimal conditions to perform border checks. These shortcomings should be remedied in the near future with the construction of new BCPs. Some necessary technical equipment was still missing.
3. In general border checks are carried out in line with the Schengen standards. However, the Committee could verify that Croatian nationals, and not only the local residents benefiting from a local border traffic regime, are allowed to cross the border on the basis of their identity cards and, in most cases, without further inquiries about the purpose of the trip or the means of subsistence. The stamping of travel documents and the verification of the period of stay could therefore not be performed. Croatian identity cards were checked on a non-systematic basis in the national databases. Since this procedure is not in accordance with the provisions laid down in the Schengen Borders Code the Committee recommends modifying the checking procedures so that in the future they will be fully in line with the Community legislation.



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4. Usually border checks are carried out just by one police officer. In case of doubts or any other problem, he or she has to make all the necessary inquiries, causing possible delays. The Committee considers that these checks should be carried out by two police officers, when possible, as stated in the Schengen Borders Code. With regard to Gruškovje (Maribor PD), the second biggest BCP in Slovenia, the Committee considers that taking into account that the majority of travellers (approx. 70 %) are non- EU citizens, the number of staff seems to be very limited to ensure that border checks are performed in accordance with the Schengen standards. In Obrežje, the situation is similar. The Committee recommends increasing the number of officers at the BCPs, particularly in peak seasons or summer time in order to guarantee that border checks are carried out in accordance with the Schengen standards.
5. The language skills are at high level and most of the officers are able to speak Croatian, English, and some of them also Italian and German, which enables them to carry out their tasks in an effective way. The system of "multipliers" in use to train the officers at local level could be regarded as a best practice.
6. All personnel seem to be highly motivated, well and regular trained. The Committee however considers that in order carry out border checks more effectively, there is room for improvement with regard to training on profiling and risk indicators, as this practice seems not to be in use in some places.
7. In relation to Dobova railway BCP, the Committee considers that, taking into account the information received about the flow of passengers and the time constraints under which the officers have to perform the checks of the trains and the passport control of passengers (normally between 17 and 25 minutes) in peak times and with a high number of passengers per train, the current procedure does not permit an adequate level of control in line with the Schengen standards. Technical solutions should also be explored in order to enable the officers to check the travel documents through the national databases, and in the future in the SIS, from the interior of the trains by means of portable devices. The Committee recommends reviewing the control procedures at the railway BCP Dobova by increasing the number of staff and the use of technical equipment for the remote consultation of the

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databases. This situation may be partially remedied in July 2006 with the adscription of new officers to this BCP. In the longer term and if the technical and practical conditions allow for it, checks on board the train during the transit would seem the most effective solution to carry out checks up to Schengen standards without delays at the station.

8. The system of local border traffic, which could be observed at Rakovec and Rakitovec border crossing points, seems to work well in practice and does not seem to cause major problems for the management of the border with Croatia, or to lead to an increase of illegal immigration, also due to the very good cooperation between the two neighbouring countries.
9. With regard to green border surveillance the Evaluation Committee limited its evaluation to 3 Police Stations in 3 Police Directorates. The Slovenian external border is indeed a very homogenous border with only 1 country, already benefiting from the status of candidate Member State, and a very elaborated international cooperation. More of these Directorates and Stations would not have completed the picture of the readiness of the Republic of Slovenia.
10. Tactics applied and situational awareness at the green border are acceptable, based upon risk assessment and benefit above all from the cooperation with the local population and the excellent relations with the Republic of Croatia. Reaction capability is good in routine matters but lacks sufficient back-up possibilities in case of major incidents. Intensive threats can be challenged with the help of the Call-up units and the Special Unit.
11. The availability of human and technical resources at the green border should be improved. In the absence of an integrated electronic surveillance system that covers the entire border and that detects and identifies targets and enables immediate reaction, human and technical resources should be brought on a level that matches the risks and threats of illegal migration. Specially the use of fixed and mobile thermo vision systems should be elaborated; the air support enhanced.

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12. The Committee, however, is not convinced about the strategy to react on threats which can arise in the immediate vicinity of the BCP's. The reaction capability on forced crossings at the BCP did not seem to be available. The organisation of the surveillance of the immediate surroundings of the BCP's should be increased, based on good cooperation between border control units and border surveillance teams and the use of electronic equipment.

## 9. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

1. The external border of Slovenia is an exclusively Slovenian-Croatian border. In the period before 1991, there was no state border between both countries, which resulted in mixed marriages, property ownership on both sides of the border, common public utility infrastructure, cemeteries and similar. An Agreement between the Republic of Slovenia and the Republic of Croatia on border traffic and cooperation came into force to strengthen cross-border cultural and economic cooperation, providing for facilitated crossing of the border for the local population one side and prevention of illegal migration and organised crime on the other. Nevertheless, the authorities should bear in mind that for the next coming years, this border will be the external Schengen border which challenges the responsibility of the State. Slovenia is one of the transit countries for illegal migration towards other EU Member States. The geographical position and the very short distances between external and future internal borders underline the extreme importance of efficient border management.
2. Slovenia disposes of a solid legislation as a fundamental component of border management.
3. The general strategy for border management is widely based on the Schengen 4-tier integrated border security model. This means international cooperation with third-countries, activities at the external borders in cooperation with the third countries, border surveillance and border checks at the external borders and inland activities.

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Border control and border surveillance are part of the Police Border Management Strategy, governing in detail, the fields of border checks and state border surveillance. The strategy even more concretely covers the fields of state border control and cross-border crime.

4. There is no specialised border police organisation as such in Slovenia but a unique and integrated system, where border police elements are included in general police structures. The solution however seems to be suitable and functional for the Slovenian security environment. The structure of the Police involved in border management is clear and guarantees a border management in line with the guidelines of an integrated border management system. The interagency cooperation seems to function well and the exchange of information linked to the risk analyses made at central, regional and local level, seems to work fluently. However, in this kind of special structure there is a continuous need to think how to organise management, planning and how to guarantee a unified approach and clear commanding system. Cooperation between the units responsible for border checks and border surveillance should be coordinated at all levels of the organisation.
5. Operational effectiveness can be improved; there is an actual shortage in human resources and electronic equipment. The Committee recommends increasing the number of officers at the BCP's and at the green borders in accordance with the recommendations mentioned in the previous chapter.
6. Interagency cooperation between the Police and the Customs is present and joint operations have been carried out by these organisations. Cooperation is regulated by an agreement on mutual cooperation and it covers all organisational levels. Closer cooperation related to risk analysis and intelligence are recommended. Interoperable means of communication (radio) would also help in practical cooperation.
7. A new strategy was created in May 2006 with regard to the risk analyses and the mechanism of transmission of information from the Central to the Regional and Local levels. Depending on each Directorate, these new working procedures seem to be applied in slightly different ways. Since this is a new concept, it is logical considering that certain delay is still necessary in order to extend the new situation to all PD.

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8. Slovenian police officers involved in border management are properly trained through basic and continuous education and show appropriate motivation to perform their duties.
9. The Committee acknowledges the importance of the cross border traffic between both countries and the existence of a bilateral agreement with Croatia in order to facilitate the cross border traffic between both countries, specially to residents of the border areas. It also recognises the particular situation that Slovenia has in this regard from the geographical point of view, the importance of the regime for the local population at both sides of the border, and the low risk for illegal immigration that this fact represents at the moment.

However, the Committee could verify that all Croatian nationals and not only border residents are permitted to cross the border on the basis of the presentation of identity cards at the international border crossing points. This practice does not permit among other things the stamping of passports and subsequently the verification of the period of the stay in the Schengen area. In addition, no thorough checks are usually carried out on Croatian nationals, which are only randomly asked about their purposes of their journey, the possession of means of subsistence, etc<sup>1</sup>. These practises are not in line with the provisions laid down in the Schengen Borders Code where it is established that third country nationals should be subject to entry and exit thorough checks as well as to a systematic stamping of their travel documents. The Code also makes a reference to the possibility to have some exceptions but only for specific categories of persons, including border residents, benefiting of a local border traffic regime. Therefore, the Committee recommends to change the current practices at the international border crossing points, to aligning them in accordance with the provisions laid down in the Schengen Borders Code.

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<sup>1</sup> **SI.** Between 1.1.2006 and 31.5.2006, 5.014 persons were refused entry at border with the Republic of Croatia. Most of them were Croatian nationals (2.351 -approximately 46%), followed by nationals from Bulgaria (1.179), Serbia and Montenegro (513), Bosnia and Herzegovina (355), Romania (232), etc.

Between 1.1.2005 and 31.12.2005, 14.085 persons were refused entry at the border with the Republic of Croatia. Most of them were Croatian nationals (5.043 -approximately 36%), followed by nationals from Bulgaria (4.124), Serbia and Montenegro (1.760), Bosnia and Herzegovina (1.098), etc.

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10. On the basis of a bilateral agreement signed between Slovenia and Croatia it has been established a regime for the Local Border Traffic for those persons living in the neighbouring border areas that seems to work correctly. The new Regulation on Local Border Traffic that will be published within the following months should be taken into account By the Slovenian authorities, which should ensure compatibility of their agreement with future Community rules.
11. With regard to border checks on railway traffic, the Committee considers that the procedure followed for the control of international traffic may lead in the future to problems, specially linked to the use of the SIS. At the moment it seems that, with the current number of staff and the technical devices available, the border checks on international trains with high number of passengers cannot be performed fully in line with the Schengen standards. The Committee recommends to explore new procedures and to solve the technical problems linked to the consultation of the databases from portable equipments and to ensure that the number of officers is adequate to the passenger flows.
12. Border surveillance is organised according the main purpose of preventing unauthorised border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally. Border surveillance is implemented at national and international level in close cooperation with the relevant neighbouring state.
13. The tactics applied in border surveillance are adapted to foreseen risk and threats, involving periodical changes to maintain the level of detection.
14. 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 and the possible risks and threats and should be enhanced. The Slovenian authorities are invited to continue the process of increasing the specialised training of staff performing border surveillance.

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15. The cooperation with the local population at the border region is considered as outstanding and as important element in order to enable a rapid reaction of the authorities in cases of illegal crossings of the border.
16. In addition the cooperation between the Slovenian and the Croatian border police, one of the elements of the 4 tiers of the integrated border management system, could be regarded as fluid and permanent, helping to ensure the level of security at the external border. The Slovenian authorities must be aware of the new role of the Border Police in cross-border cooperation after the accession of Slovenia to the Schengen area.
17. The Slovenian authorities are invited to study carefully these conclusions and recommendations and to report in due time to the SCH-EVAL Working Group.

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