Council of the European Union

Brussels, 14 June 2018
(OR. en)

12711/06
DCL 1

SCH-EVAL 130
FRONT 171
COMIX 740

DECLASSIFICATION

of document:	ST12711/06 RESTREINT UE/EU RESTRICTED
dated:	18 September 2006
new status:	Public
Subject:	Schengen evaluation of the new Member States
	- HUNGARY : report on Air Borders

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

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RESTREINT

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THE EUROPEAN UNION

Brussels, 18 September 2006

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SCH-EVAL 130
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REPORT

from:	Air Borders Evaluation Committee
to:	Schengen Evaluation Working Party
Subject :	Schengen evaluation of the new Member States
	- HUNGARY : report on Air Borders

This report was made by the Evaluation Committee and is brought to the attention of the Sch-Eval Working Party which will provide a report and the presentation of the follow-up to the Council.

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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), expert teams visited the air borders of the Republic of Hungary from 22 to 24 June 2006.

Participants:

Austria	Mr Peter BENCZA (leading expert)
Cyprus	Mr Emilios LAMBROU
Finland	Mr Olli LAMPINEN
France	Mr Francis GUILBERT
Luxembourg	Mr Raoul UEBERECKEN
Netherlands	Ms Swaan ZONNEVELD
Spain	Mr Daniel VAZQUEZ LLORENS
Sweden	Mr Evald WIGGER
Portugal	Ms Anabela NEVES
Commission	Ms Monika MOSSHAMMER
Council Secretariat	Mr Aare EVISALU

The Evaluation Committee visited the following sites: Budapest Ferihegy International Airport (Terminals Ferihegy I and Ferihegy II) and Debrecen International Airport.

The projects and status of the reconstruction works for the separation of Schengen and non-Schengen flights at the airports were presented by the administrations of the Budapest International Airport and Debrecen International Airport.

The Committee would like to thank the Ministry of Interior, the Headquarters of the Border Guard, the Budapest and Nyirbator Border Guard Directorates, and the representatives of the airports for the excellent organisation of the visits, well prepared and structured materials, the hospitality, open attitude and commitment shown by the coordinators and interpreters who accompanied the Committee.

2. **MANAGEMENT SUMMARY**

The Committee is of the opinion that the Republic of Hungary's border-management strategy fully satisfies the basic Schengen principles of integrated border management. National legislation corresponds to the Schengen acquis, and together with the "Strategy of the Border Guard till the full Schengen membership and for the following period" provides a solid basis for border management. The professional and motivated personnel of the Hungarian Border Guard is providing high-level border control that meets Schengen requirements. However, there is room for improvement on knowledge of foreign languages.

The resources needed to provide a sufficient level of border control have been allocated.

The current buildings and the infrastructure used for carrying out border control are largely satisfactory at Budapest International Airport where the 48-hour readiness to carry out border control separating passengers on Schengen and non-Schengen flights is maintained. Reconstruction of Debrecen International Airport is in the final stage and the work should be finished in August 2006. The Committee invites the competent authorities of the Republic of Hungary to brief the Schengen Evaluation Working Party on further progress in the development of the infrastructure.

The Committee would like to highlight the great efforts of the Ministry of Interior and the Headquarters of the Border Guard in providing specialised and proper training for the Border Guard units and supplying them with the necessary amount of modern border-control equipment, transportation means, communication techniques and IT systems. The Committee stresses the need to continue preparation for the implementation of SIS II, VIS and use of the EURODAC and FADO at the border.

Current EU legislation formed the bases for Committee's evaluation. The competent authorities of the Republic of Hungary are aware of the fact that the new Schengen Borders Code will enter into force on 13 October 2006. All procedures must be adopted by this date.

3. GENERAL INFORMATION

3.1. Strategy

3.1.1. Legislation

Basic legislation concerning border management in Hungary and defining the competences and tasks of the bodies involved in integrated border management:

- Act XX on the Constitution

- Act XXXII of 1997 on Protecting the Borders and the Border Guard (Act on Border Guard)

- Act XXXIV of 1994 on the Police

- Act XXXIX of 2001 on Entry and Residence of Aliens (Act on Aliens) regulates the rights and obligations concerning the entry and residence of aliens, the tasks and competences of the Hungarian authorities as well as the procedure for policing aliens. Chapter IV of this Act includes law-enforcement rules such as readmission, prohibition of entry and residence, refusal of entry and defines checks on foreigners inside the territory of the country.

- Act CXXXIX of 1997 on Asylum

- Act LXIX of 1999 on Administrative Offences

- Act XIX of 1998 on Criminal Procedure

- Act CXL of 2004 on the General Rules for Administrative Procedures

- Act LV of 2006 on the list of the Ministries of the Republic of Hungary. Based on this Act, the Ministry of Interior has been merged with the Ministry of Justice, so the new Ministry supervising the Border Guard is the Ministry of Justice and Law Enforcement.

- Government Decree 170/2001. (IX. 26.) on the Implementation of the Act on Aliens determines the rules of implementation of refusal of entry, readmission and checks on foreigners inside the territory of the country.

- Decree 25/2001. (XI. 21.) of the Minister for the Interior on the Implementation of the Act on Aliens states the detailed rules for applying the law.

- Joint Decree 27/2001.(XI.29.) of the Minister for the Interior and the Minister for Justice defines the rules on implementation of detentions ordered in the aliens-policing procedure.

- In order to enhance effectiveness and harmonise municipal measures in the fight against illegal migration and illegal acts relating to it, the Minister for the Interior, the Minister for Employment and Labour and the Minister for Finance issued a Joint Order (20/2004. (BK 15.) on operation of the complex control system (in-depth migration network).

- Joint Decree of the Minister for the Interior and the Minister for Justice 40/2004. (VII. 2.) determines the rules on implementation of readmission.
- The Government of the Republic of Hungary signed readmission agreements with 25 States.

3.1.2. *General strategy for border management*

Hungary has land borders with three Member States of the EU (Austria, Slovakia and Slovenia), one acceding country (Romania) and three third countries (Croatia, Serbia and Montenegro and Ukraine). The total length of the state border is 2 242,5 km. The length of the external land border of Hungary is 1 103,5 km, which represents about 14,8 % of the Eastern land border of the EU. There are 3 international airports and 6 international river ports in Hungary.

The overall border-management strategy is included in the Administrative and Law Enforcement Strategy of the Hungarian Ministry of Interior submitted in 2003. The aim was that the Ministry of Interior, as the supervisor of the Border Guard, would designate operational targets for the authority, and define its role, place and all the necessary steps based on the key elements and main guidelines of the comprehensive strategy

The border-management strategy follows the four-tier integrated border-management model described in the Schengen Catalogue. In the strategy, border management is seen as a comprehensive and effective system of integrated measures against threats to the internal security of the Republic of Hungary and other Schengen countries. Effective border management has for years been seen in Hungary as one of the main instruments for preventing illegal immigration, combating trafficking of human beings, people-smuggling and other types of cross-border crime.

In addition to the abovementioned strategy document of the Ministry of Internal Affairs, the Border Guard submitted "The Strategy of the Border Guard until Full Accession to the Schengen Convention and for the Period Immediately Following Accession" which consists of:

- Assessment of the situation
- The vision, mission and strategic objectives of the Border Guard
- Implementation of the strategic objectives

The activities set out in the strategy documents on border management are determined by Hungary's geographical situation, its location at the crossroads of East and West and Southeast and Northwest migration routes and the upturn in illegal acts, especially those relating to illegal immigration.

The strategic planning takes account of the full Schengen membership of Slovenia and Slovakia, the prospective EU accession of Romania, and later of Croatia as well. It is reflected in the number of staff, technical developments and policy-making. The legal background is taken into account as well, and international bilateral and multilateral cooperation are continually being strengthened.

Integrated border management as a complex range of measures enables integrated operation of several Hungarian state agencies and joint activities by Hungarian and foreign authorities in a spirit of cooperation and coordination.

The main elements of this system are measures in third countries, management of external borders, checks inside the country relating to the fight against illegal migration coordinated by the Integrated Management Centre, and the cross-border security cooperation system which guarantees the security of the area close to the future internal borders as well. Border management is complex, flexible, multi-tiered and interconnected; built up as a network which is able to apply and focus power, equipment and technology as required.

The central role in integrated border management in Hungary belongs to the Hungarian Border Guard, which is an independent centralised and professional organisation under the Ministry working in the field of justice and home affairs. Until June 2006, this was the Ministry of the Interior, and now it is the Ministry of Justice and Law Enforcement. On the basis of the Constitution of the Republic of Hungary and Act XXXII of 1997 On Protecting the Borders and the Border Guard, performing surveillance at the land borders and border checks fall within the competence of the Border Guard. Control of border traffic at the designated border-crossing points is carried out together with the Customs and Finance Guard, whereas border checks on passengers is solely the task of the Border Guard. The Hungarian Customs and Finance Guard is an armed enforcement and administration body supervised by the Minister for Finance. The Police can also be involved in border management.

Cooperation at central level between the Border Guard and the Police, as well as between the Border Guard and the Customs and Finance Guard, is based on cooperation agreements signed by the heads of these authorities. Taking these agreements into consideration, regional and local bodies prepare agreements and protocols for execution including all the practical details.

Besides its role in border management and in order to enhance the fight against illegal migration, the Border Guard has developed a complex system called "CHECKNET" for carrying out checks inside the country in which the tasks and municipal measures of all relevant authorities are harmonised. In-depth checks are coordinated by the Integrated Management Centre. The control of aliens is performed jointly by the Border Guard, the Office of Immigration and Nationality (OIN) and the Police.

Border checks and border surveillance at the external border are carried out in cooperation with the respective law-enforcement authorities of the neighbouring countries. Cooperation with partner services in neighbouring countries is organised at central, regional and local level. Cooperation is governed by bilateral international agreement.

Participation in the activities of the European Border Management Agency (FRONTEX) enhances the quality of border management in Hungary.

Border management is ensured by supplementing the strategy with technology, equipment and sufficient staff. Resources have been allocated on the basis of permanent risk analysis.

The experts found that the other key elements of the integrated border-management model providing a necessary reaction capability, such as assessment of the situation on the basis of valid and reliable data, organisation of intelligence and vertical and horizontal data-flows, are implemented in Hungary's border management.

3.1.3. *Analysis of environment and threats*

Border traffic shows an upwards trend. In 2005 more than 111 million passengers crossed the state border; about 7 million of those were air passengers.

There are 112 border crossing points altogether in Hungary, of which 3 are at the international airports. There are a further 8 airports with international traffic operating not on a public basis but rather on request.

Between 1 January 2001 and 31 October 2005, 88 474 persons were refused entry and between 1 January 2002 and 31 October 2005, 8 947 persons were removed on the basis of the readmission agreement.

According to Hungarian Border Guard statistics, a larger proportion of illegal acts such as administrative offences of illegal border crossing and criminal acts such as people-smuggling and document forgery were committed at the future EU internal border. Offences of infringement of prohibition of entry and residence were detected mainly at the external border section.

In terms of illegal immigration, Hungary is currently considered to be a transit rather than a target country. Between 2000 and 2004 the number of asylum applications submitted in Hungary decreased dramatically, by 80 %. The highest number of applicants was in 2001 (9 554 persons). The main countries of origin in this period were Georgia, Serbia and Montenegro, Turkey, Vietnam and Nigeria. In 2004 a total of 1 600 asylum-seekers lodged applications, 33 % down on the number of asylum applicants in 2003 (2 401 persons). The number of applicants in the period from January to September 2005 (1 232 persons) dropped 23 % from 2004. In 2005 the order and the combination of the main countries of origin changed: Vietnam became the first, followed by Serbia and Montenegro, China, Bangladesh and Georgia.

Migration routes crossing Hungary are as follows:
1. Coming from Ukraine: Záhony – Nyíregyháza - Budapest (main road 4, road 36, highway M3) (E573, E71)
2. Coming from Romania: Nagylak/Gyula – Kecskemét – Budapest (road 43 and 44, main road 5, highway M5) (E68, E75)
3. Coming from Serbia and Montenegro: Tompa/Röszke – Kecskemét – Budapest (road 53 and 54, main road 5, highway M5) (E75)

At the future internal border:
1. Towards Austria: Budapest – Győr – Hegyeshalom (highway M1) (E60)
2. Towards Austria: Budapest – Veszprém – Rábafüzes (highway M7, main road No. 8 (E66)

In 2005 the number of detected illegal acts relating to illegal migration increased by 80 % at the external borders. Illegal migration by air is decreasing, however the number of detected cases of counterfeited documents (275 cases) increased in 2005 by around 40 % compared to 2004.

In 2005 the number of unlawful acts relating to illegal immigration at the air borders accounted for 1,72 % of all such acts at all borders. The Committee found that the total number of unlawful acts relating to illegal immigration at Hungary's air borders has remained at almost the same level for the last three years.

3.1.4. International cooperation (regional, bilateral and readmission agreements)
Cooperation agreements have been signed with the Austrian, Slovenian, Croatian, Romanian, Ukrainian and Slovakian authorities responsible for border management on the basis that:

- the common tasks are specified in yearly Project Plans;
- the harmonisation, coordination and evaluation of duties and tasks are implemented monthly;
- officials on duty discuss the implementation of border traffic control when changing shifts and
- common trainings tasks are specialised.

Situation reports, information notes and information on modus operandi are forwarded to the authorities of the neighbouring countries and countries of origin, and are weekly, monthly, quarterly, half-yearly or yearly depending on the agreements in force with these States.

Common contact points are established at the borders with the neighbouring countries: Austria, Slovakia and Romania.

There are liaison officers working as attachés in Hungarian embassies in Moscow, Kiev and Ankara. The tasks of liaison officers include the facilitation and support of information exchange relating to border management. At present a migration attaché is operating at the consulate of the Republic of Hungary in Beijing in order to assist rapid and professional consideration of visa applications and to prevent and detect falsified documents. Migration experts will be placed in Cluj, Bucharest, Novi Sad, Beograd, Beregovo, Kiev, Uzghorod, Osijek, and Zagreb. The Border Guard have delegated a liaison officer to the German Federal Police in Berlin.

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Multilateral relations are supplemented by cooperation fora like the Visegrad Group (Hungary, Slovakia, Czech Republic and Poland), the Salzburg Forum (Visegrad Group + Slovenia and Austria), the four-sided cooperation of Hungary, Poland, Slovakia and Ukraine on their external borders, as well as participation in the democratisation and integration process of the Western Balkan area, etc. Since 1993 the Border Guard has been organising the annual International Border Police Conference. This special event provides a regular opportunity for representatives of the European Union and third countries to exchange information on border management. In 2005, 43 different delegations took part in the Conference considering illegal migration from important countries of origin and transit such as China, Turkey, Mexico, Moldova, Romania, Ukraine, etc.

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

The Hungarian Border Guard is represented on the Management Board of FRONTEX by the Director of the Hungarian Border Guard who was appointed as a Deputy Chairman of the Management Board. There are two representatives of the Hungarian Border Guard in FRONTEX structure. The Hungarian Border Guard has taken an active part in the joint operations carried out by FRONTEX.

3.2. Organisational (functional) structure

3.2.1. *Centralised supervision and instructions*

The Border Guard is supervised by the Parliament, the Government and directly by the Minister for Justice and Law Enforcement. The Border Guard was made answerable to the Ministry of Justice and Law Enforcement in June 2006. The Committee was told that the Border Guard's change of Ministry has not had any negative impact on border management or its operational effectiveness.

The Director General of the Border Guard is appointed by the Prime Minister. Minister and Ministry are not involved in the practical operational implementation of the border management.

The Hungarian Border Guard has a three-tier centralised structure: central, regional and local bodies. The central organisation is the National Headquarters of the Border Guard. The regional bodies are the Regional Border Guard Directorates (10) operating directly under the supervision of the Headquarters. The local bodies are the Border Policing Offices (63), the Mobile Forces (15), the Criminal Investigation and Intelligence Services (27) and the Alien-Policing Centres (6) acting under the supervision of the regional directorates.

The competence of the directorates covers the territory of the whole country.

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

The coordination and inter-agency cooperation with other law-enforcement services and authorities responsible for the policing of aliens is performed at all three levels: national, regional and local. Forms of cooperation include joint risk analysis and planning, information exchange, joint patrolling and joint inspections, organisation of the joint criminal investigation and joint management units (Integrated Management Centre).

The cooperation agreements concluded form the basis for cooperation together with the adequate legislation, defining the responsibilities and powers of the respective authorities.

3.3. Operational effectiveness

3.3.1. *Resources*

There are 13 300 persons involved in the area of border security of which 11 500 are border guards, 1 500 are police officers and 800 are customs officers.

Regarding the staff in 2006, 57 officers and 347 sub-commissioner officers are expected to finish their studies on law enforcement at different levels.

Border-crossing points are equipped with the necessary devices at the first and second lines. FADO, which is under development, will provide assistance for checking and recognising false documents as well.

In IT, part of the strategy is to introduce devices and software able to read biometric data on documents and to communicate with SIS. In this regard, fixed and mobile workstations are worth highlighting. Development of Border Registration System is necessary to process Schengen data. The modification of network access and the enlargement and modification of the user's interface is required.

3.3.2.   Level of controls at external border

The Committee was informed that in the last 3 years the Border Guard captured 98 % of the perpetrators of known illegal acts relating to illegal migration. The calculation is based on information from border guard units about discovered and apprehended perpetrators and on information received from domestic (Police, OIN) and foreign authorities about discovered illegal immigrants, based on which the Border Guard can estimate the remaining percentage.

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

The Border Guard has mobile deployment units. The Department of Deployment has competence throughout the whole territory of the country. Ten deployment units have been established with regional competence, with a total of 10 subunits answerable to the latter, and border guard mobile forces have also been set up and made operational.

The main tasks of the deployment units are as follows:

- as central and regional forces:
    - concentration of capacities and forces;
    - ensuring quick manoeuvres;
    - managing unexpected situations (crisis management);
    - planning and coordination of air support;
    - maintaining readiness and standby;
    - supporting regional directorates and
    - planning, organising and implementing complex in-depth checks.
- At the request of the departments for border policing, policing of aliens and law enforcement:
    - planning, organising and implementing nationwide, regional and territorial operations and
    - implementing tasks of apprehension, securing and escorting requiring special training, knowledge, technical equipment and accessories.

3.4. Risk analysis, intelligence and data-flow management

3.4.1. Organisation

Under the risk-assessment strategy, gathering public information is a task for the complete staff of the Border Guard. The Border Guard collects, analyses and evaluates data and draws general conclusions from the level of traffic of persons; from links and circumstances, trends (and changes therein) in committing criminal offences; efficiency and results of forces, equipments and methods applied. Domestic and international information exchange is carried out. These data are filtered, analysed and forwarded to the user organisations and authorities.

Risk assessment at central level is carried out by the Department of Analysis and Assessment under the General Directorate of Policing, and at regional level by the Analysis and Assessment Units under the Deputy Policing Director. At local level, risk analysis is the task of the heads or deputies of the Border Policing Departments.

Statistical analysis of organised crime and related illegal migration as well as cross-border crime is prepared by the Analysis and Assessment Department and the Department of Criminal Investigation and Intelligence of the Border Guard according to the different profiles: citizenship, territory, behaviour of perpetrators, used documents, etc. They also prepare a general criminal situation report on the actual state-of-play for crime and other illegal acts relating to the state border.

3.4.2. Methods

The strategy for processing information is contained in the Border Guard Act. The OZIRIS programme *(reporting and register system)* includes all measures implemented by the Border Guard: detected criminal offences, place, time and manner of committing the offence, and data on the perpetrators. Information stored in the OZIRIS system provides the main basis for analysis and assessment. The programme provides a wide range of possibilities for preparing individual analysis, evaluations and background materials. In addition to this, daily reports, information originating from policing of aliens and criminal investigations as well as data or other information received from domestic and foreign authorities are processed under risk assessment.

The prepared assessments can be divided into regular and individual ones. The Border Guard prepares weekly, monthly, half-yearly and yearly situation reports, statements and assessments. In these documents, circumstances threatening the state border are outlined (migration pressure, size of passenger traffic, direction, territorial dispersion, type, extent of illegal acts, citizenship of the perpetrators, modus operandi).

In addition, individual assessments are prepared in relation to specific trends, context of a specific event and citizenship for use in international negotiations and for the government. Individual situation reports prepared about specific events assist the work of border guard officers (investigator, immigration officer, patrol). As well as these, they receive daily, detailed information on particular cases (circumstances of the event, supporting and hindering facts, experiences of apprehensions and questioning).

3.4.3. Responsibilities

Risk analysis is performed at central level by the Department of Criminal Investigation and Intelligence, at regional level by the Departments of Criminal Investigation and Intelligence and at local level by the Criminal Investigative and Intelligence Services.

At central level comparative assessments are also prepared in cooperation with the Police. The assessments are prepared on a weekly, monthly, half-yearly and yearly basis, and are sent out centrally to all domestic and foreign partner authorities. The Border Guard forwards information regularly to the Europol work files and to the OCTA (Organised Crime Threat Assessment). Confidential and public data relating to organised crime are forwarded regularly to the Coordination Centre on Organised Crime on the basis of Act CXXVI of 2000.

3.4.4. Horizontal and vertical data flows

The reporting system and dataflow management is clearly structured. Situational awareness is based on systematic reporting and digital storage and assessment of the reports. The Hungarian Border Guard is very well aware of the current and future situation along the external borders. The most vulnerable sectors of the borders have been identified and the security system has been created accordingly.

The Committee found the risk-analysis system of the Hungarian Border Guard to be an exemplary risk-analysis model for border management. However, an improvement would be welcome in respect of the regular distribution of analysed information to local level for use in border control at the level of the Border Policing Office (BPO), the shifts and by individual border guards carrying out border checks.

3.5. Investigation and policing of aliens

3.5.1. *Legal background*

The following legislation provides the legal framework with regard to investigation and policing of aliens:

- Act XXXIX of 2001 on Entry and Residence of Aliens (Act on Aliens)

- Act IV of 1978 on the Penal Code (hereinafter: Penal Code)

- Act LXIX of 1999 on Administrative Offences

- Act XIX of 1998 on the Criminal Procedure

- Act CXL of 2004 on the General Rules of Administrative Procedures

- Government Decree 170/2001. (IX. 26.) on the Implementation of the Act on Aliens determines the rules of implementation of refusal of entry, readmission and the checks of foreigners inside the territory of the country.

- Government Decree No. 218/1999. on Certain Administrative Offences

- Decree 25/2001. (XI. 21.) of the Minister for the Interior on the Implementation of the Act on Aliens states the detailed rules for applying the law.

- Decree of the Minister for the Interior 40/2001. (XII. 23.) on the Internal Order of the Border Guard which includes the detailed rules of the official functions of the Border Guard.

- Joint Decree 27/2001. (XI.29.) of the Minister for the Interior and the Minister for Justice defines the rules on implementation of detention ordered in the aliens-policing procedure.

- Joint Order 20/2004. (BK 15.) of the Minister for the Interior, the Minister for Employment and Labour and the Minister for Finance on operation of the complex control system.

- Joint Decree of the Minister for the Interior and the Minister for Justice 40/2004. (VII. 2.) determines the rules of implementation of readmission.

3.5.2. Organisation

The effectiveness in the fight against illegal immigration is ensured by the Border Guard via the country-wide in-depth control system which harmonises the tasks and municipal measures of all responsible law-enforcement agencies and labour organisations. The control of aliens is performed jointly by the Border Guard, the Office of Immigration and Nationality (OIN) and the Police.

The OIN is responsible for the policing of aliens, naturalisation and asylum issues (legal migration). With regard to illegal immigration, the OIN is entitled to order expulsion, prohibition of entry and residence and to implement an expulsion ordered by the Court. It can also order the use of coercive measures in order to execute final decisions.

It is therefore allowed to order detention for the purposes of policing of aliens, detention for preparation of the execution of expulsion orders, staying in a designated place, removal, and issue warrants for wanted person and wanted documents.

With regard to the unauthorised employment of illegally resident foreigners, the OIN is entitled to impose a fine.

Within its competence for aliens policy, the Border Guard is entitled to supervise compliance with the rules of the Act on Aliens, to apprehend any alien who is not able to prove his/her identity and legality of residence in Hungary, and to seize travel documents illegally held by the foreigner, to carry out refusal of entry of third-country nationals and remove them from the territory of the State, to order prohibition of entry and residence or expulsion, to execute detention for the purposes of the policy on aliens, and to issue warrants for wanted persons. The Border Guard is responsible for investigation of crimes connected with illegal border-crossing and illegal immigration, and may impose fines in case of administrative offences relating to illegal migration, such as infringement of rules on the policing of aliens, illegal border-crossing, and administrative offences relating to travel documents.

Inspectors from the Hungarian Labour Inspectorate may supervise whether foreigners are employed on the basis of valid permissions. The Border Guard and Police often take part in inspections.

At the request of the OIN, the Police contribute to the supervision of the rules on the policing of aliens, escort the foreigner to the border crossing point, in the case of readmission and forced return, or transport the alien to the detention facility, in the case of detention, and ensure that the foreigner under detention appears before the Court.

In carrying out its crime-prevention and detection tasks or duties connected with the protection of public security, the Police may supervise the legality of residence by foreigners, examine the authenticity of documents held by the foreigner and establish their identity.

3.5.3. *Method*

The Border Guard is responsible for investigation of the following crimes detected by the Border Guard or reported to the Border Guard:

- infringement of the ban on entry and residence,
- facilitation of illegal residence,
- people-smuggling,
- document forgery concerning travel documents,
- damaging of border signs,
- restriction of personal freedom,
- trafficking in human beings,
- misuse of official documents,
- smuggling of arms, and
- involvement in criminal organisations.

An investigation is carried out at central level by the Central Investigation Department, having competence in the whole territory of the country, or by one of the departments of criminal investigation and intelligence at the level of the directorates, or by one of the criminal investigation and intelligence services (26) at regional level having jurisdiction only for administering certain cases. For detection of crime, it is possible to set up joint crime-detection teams in accordance with Act LIV of 2002 on the International Cooperation of the Law-Enforcement Agencies.

When a criminal investigation is under way, in line with Act CXXX of 2003 on Cooperation in Criminal Matters with Member States of the European Union, joint investigation teams can also be created together with the counterparts in neighbouring countries.

3.6. Staff and training

3.6.1. *Adequacy and the level of professionalism. Personnel numbers, structure,*

The staff of the Hungarian Border Guard is comprised of 11 500 employees: 1 500 officers, 8 600 non-commissioned officers and 1 400 civil servants. 62,64 % of the personnel are used at the external borders. 792 officers and non-commissioned officers (6,88 % of all) are involved in border control at Hungarian airports. All the personnel used for border control and the other tasks of border management are professional, no conscripts or auxiliary staff are used for law-enforcement tasks. 81,1 % of the personnel are designated to perform executive tasks. 425 persons are used at central level, 1 636 persons at regional and 9 439 persons at local level.

3.6.2. *Responsibilities of the Border Guards*

The Border Guard is responsible for:

- border surveillance, prevention of illegal crossing,

- maintaining regulated conditions at the State borders,

- carrying out border checks, maintaining order at the border-crossing point,

- carrying out tasks in the policing of aliens,

- crime prevention, criminal investigations duties under its competence,

- management of conflicts and refugee emergency cases,

- acting in the case of certain administrative offences,

- taking part in refugee management;

- implementing of emergency tasks, management in emergency cases and

- execution of tasks deriving from international agreements.

3.6.3. Selection criteria

A person could be recruited to the Border Guard provided that he/she fulfils the following criteria: is a Hungarian citizen, is at least 18 years old, has a secondary education and does not have a criminal record. The candidate has to pass the medical test and must have a requested minimum height, pass the physical test, the psychological test and the admission procedure (exam).

3.6.4. Basic training

The Border Guard training system consists of basic, secondary and higher training schools, further education and retraining, training schemes based on international cooperation, language schools, specialised training programmes, optional courses in civilian education, and, last but not least, courses offered in civilian higher education.

The basic training is provided at basic, intermediate and advanced level. The basic professional training at secondary school level serves for preparation of border guards recruited as non-commissioned staff for local units. The training is carried out in the form of a two-year full-time school system.

Participants are legally regarded as students during the training and become non-commissioned officers after passing their exams. The training is organised at one of the law-enforcement secondary schools. In order to enhance the quality of this education, the training scheme of the law-enforcement secondary schools was switched to the so-called 1+1 training (one year in school, one year on placement), which was found to be more practically focused.

Language training is a compulsory part of the basic training. The new Schengen Borders Code is incorporated into the basic training.

There is a one-year part-time distance learning course organised outwith the school system for officers with a basic qualification. It is equivalent to the qualification obtained under the school training system.

The Schengen Acquis forms an integral part of the training syllabus of the secondary schools, higher education and further education of the Border Guard.

The basic professional commissioned officer training at higher level is used for the preparation of Border Guard's commissioned staff. This training lasts three years both at the Police Academy and at Zrinyi Miklos National Defence University. After graduation, students can be appointed as commissioned officers. There is also a two-year correspondence university training at the Zrinyi Miklos National Defence University for those officers who have a college degree and three years of practical experience. Those officers occupy the more senior positions in the organisation.

In 2005, 908 persons were involved in the basic training at one of three levels. In 2005, 678 students from the Border Guard attended the law–enforcement secondary schools and 66 students were in the Border Guard Faculty of the Police Academy.

3.6.5. *Further continuing education*

For the staff to comply with the Schengen Acquis, further training is carried out at central, regional and local level.

In order to enhance the efficiency of training, the Hungarian Border Guard set up a multiplier network (in local offices, mobile forces, services and centres), consisting of officers responsible for training in Schengen issues, to spread knowledge at regional and local level.

The teachers of training institutes and invited lecturers are also involved if necessary. The level of attainment of the Schengen Acquis is centrally controlled and evaluated on a regular basis. Future training financed by the Schengen Facility fund is already scheduled in the Educational Plan signed by General Director of the Border Guard, the Chief of the Police, the General Director of the OIN and by the General Director of the Law–Enforcement Training Centre of the Ministry of the Interior. Border Guard experts actively participate in training staff assigned to the Police and the OIN.

In 2005, 9 523 persons from the Border Guard staff were involved in different forms of further training.

3.6.6. *Linguistic training*

Language training has been a compulsory part of basic training since 2000. After basic training, officers have the opportunity to follow refreshment courses or learn a new language. However, this is not compulsory. The main language is English, then German and French. In addition, courses in neighbouring–country languages are offered, as well as Turkish. The Border Guard has its own language training, starting in 2001 with English, in 2002 with French and in 2003 with German. In 2005, 440 persons from the Border Guard staff joined some form of language training in a certain form.

3.6.7. *Specialised document checking training*

During the basic training all Border Guards learn basic skills checking the documents. There are two levels of additional courses on documents: document examiners and document experts.

3.6.8. *Specialised training for different managerial levels*

Managers need to have a university degree, either from the Zrinvi Miklós National Defence University, faculty of Military Science, Department of Border Policing or from another university.

The Border Policing Vocational exam and manager training is provided to the most suitable high-ranking officers. This training is designed to satisfy the needs arising from the tasks to be performed by the leading positions at the Border Guard stations. Currently there are 35 officers preparing the Border Policing Vocational exam, 6 preparing the policing manager training and 1 preparing the policing executive manager training.

3.7. Readmission, expulsion and illegal immigration, carriers liability

3.7.1. *Administrative structures and coordination*

Readmission agreements existing with the Schengen States: Austria, Italy, Germany, Greece, France, Portugal and the Benelux States; with other MS of the European Union: Czech Republic, Poland, Slovenia, Latvia, Slovakia and Estonia; and with third countries: Romania, Ukraine, Bulgaria, Albania, Macedonia, Moldavia, Croatia, Serbia and Montenegro, as well as Bosnia and Herzegovina.

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Hungary is a party to the Agreement concluded by eleven countries on the authorisation of transit of nationals of Yugoslavia. Under the Agreement, the Contracting Parties shall authorise the voluntary and single transit through their territory for the purpose of returning Yugoslavian nationals who no longer fulfil the conditions of residence in the territory of one of the Contracting Parties.

The cooperation agreement on promoting the voluntary return of migrants was signed between the Ministry of the Interior of the Republic of Hungary and the IOM on 21 February 1997 and was amended on 16 October 2000. Based on this agreement, the OIN arranges the repatriation of those foreigners who are citizens of a distant country, undertake the return voluntarily and are not able to meet the expenses of the return.

With regard to removal and readmission, the OIN is entitled to order expulsion, prohibition of entry and residence and to implement the expulsion ordered by the Court. It can also order the use of coercive measures in order to execute final decisions.

Thus it is entitled to order detention for the purpose of policing aliens, detention for preparation of the execution of expulsion orders, staying in a designated place, removal, issuing of warrants for wanted person and wanted documents.

3.7.2.   *Removal and readmission of persons who are not admitted or who are found to be present illegally (identification, detention, issuing of documents, escort, financing)*

To implement removal and readmission, the OIN:

- cooperates with the police and the border guard to implement forced expulsion and expulsion of those under the effect of readmission agreements,
- keeps in permanent contact with the Ministry of Foreign Affairs, the consular sections of foreign representations in order to identify the person, determine the nationality and issue travel documents. In the field of identification, the OIN cooperates with police attachés and immigration officers delegated from the EU,
- cooperates with the diplomatic mission of the targeted country as well as the Hungarian mission abroad while arranging forced repatriation by air and
- issues the document authorising the person for a single transit and which replaces the national passport.

The responsibilities of the Border Guard:

- if forty-eight hours have not passed since the illegal crossing of the common State border of the Contracting Parties, the Border Guard immediately reports the apprehension to the other Party and the person concerned can be admitted for the next twenty-four hours;

- if the foreigner could not be refused immediately, the Aliens Policing Division of the Border Guard may retain the foreigner for a maximum of 12 hours if his/her identity cannot be established during the apprehension period. If the procedure is not completed during this time, the Aliens Policing Division of the Border Guard shall hand over the person to the competent aliens–policing authority in order to continue the procedure;

- places the alien in detention if the refusal can be implemented according to the readmission agreement within 30 days from the apprehension. The detention for refusal can be ordered for not more than 8 days, which can be extended until the foreigner leaves the country but not for more than 30 days.

- maintains 8 reception centres (one of which is located on the territory of the regional directorate, close to Ferihegy International Airport) able to accommodate 589 persons.

The person authorised to stay may be housed in a community shelter or refugee reception centre if the foreigner is unable to support himself and does not have any proper accommodation, financial means or income, host or relative required to support him. Four community shelters able to accommodate 336 persons under less restrictive conditions have been set up for foreigners.

Since 2000, 12 288 cases of readmission were examined. Romania, Ukraine, Serbia and Montenegro were the more frequent countries of origin.

The following table indicates the number of removals in the previous four years:

Year	Removal by air	Removal by land based on readmission agreements	Total removals
2002	101	1658	1759
2003	66	1539	1605
2004	41	580	621
2005	34	691	725

Regarding the percentage of aliens readmitted, the Committee was informed that Hungarian authorities removed 99 % of aliens back to the countries of origin. As 98 % of persons were readmitted to Romania, Ukraine and Serbia and Montenegro and only 1 % to non-neighbouring States (Albania, Moldova), the Committee concludes that 98 % of readmitted persons were nationals of the neighbouring countries. Removals by air are rarely based on a readmission procedure (only 2-3 cases per year).

3.7.3. *Means deployed to combat illegal immigration networks*

The following authorities are deploying the means to combat illegal immigration networks in Hungary:

- the Border Guard whose main task is to combat illegal migration,

- the OIN taking decisions on foreigners who arrived or reside illegally,

- the Police is participating in the fight against illegal immigration networks in connection with crime detection and providing public security,

- the Customs and Finance Guard can detect activities relating to illegal migration performing the tasks in connection with customs control, and

- the Hungarian Labour Inspectorate may, while controlling foreign employees, detect people who are staying illegally.

In order to enhance the effectiveness of the fight against illegal migration, the Border Guard, the Police, the OIN, the Customs and Finance Guard and the Hungarian Labour Inspectorate have, in addition to border surveillance and control of border traffic, established and are operating a complex, countrywide in-depth control system which harmonises the tasks and municipal measures of all responsible law–enforcement agencies and labour organisations. The agreement was laid down in the Joint Instruction of the Ministers for the Interior, for Labour and for Finance, specifying the powers of the coordinating bodies at central, local and municipal level. The Integrated Management Centre lead by the Border Guard was established with the aim of coordinating tasks relating to the fight against illegal migration by the abovementioned authorities.

This migration filter-system was built up as a network named "Checknet". The executive units of the cooperating authorities implement their tasks coordinated (time, territory, used methods) by one authority, organised in one system. Cooperation covers joint policing of aliens, control of labour policy and protection of public order, implementation of such actions, exchange of information and experiences relating to illegal migration, and joint training of the staff of the partner authorities.

The Integrated Management Centre can be divided into central (Management Board and Integrated Management Team) and regional (liaison officers, contact points) parts.

The Management Board is the forum of the managers leading the partner authorities and responsible for strategic decisions. The Management Board meets every six months but if necessary special meetings can be organised.

The Integrated Management Team organises and manages operational cooperation at central level on a daily basis. Members of the Integrated Management Team are liaison officers delegated by the partner authorities. Usually they meet on a monthly basis – if necessary special meetings can be organised – however members have daily contact with each other. The main task of the team is to coordinate the implementation of decisions made by the Management Board at central level; preparation of meetings of the Management Board, planning and managing of international, national and regional joint actions; preparing risk assessment; harmonising the operation of the liaison officers. Regional contact officers coordinate daily operational cooperation at regional level.

The abovementioned authorities are entitled to carry out their tasks only within their own remit set out in various legislative acts.

3.7.4. *Implementation of carriers liability*

The legislation in force provides detailed rules on the liabilities of operators of vessels or air carriers and operators of coach services.

Prior to transfer to the territory or to another country through the territory of the Republic of Hungary the carrier must ascertain that the foreigner meets the conditions of entry or transit, i.e. he/she is in possession of a valid travel document and visa.

Should the operator fail to fulfil the obligation to check whether the passenger meets the conditions of entry or transit, and transport a foreigner to the territory of Hungary and their entry is refused by the competent authority, or the foreigner is returned to Hungary following refusal of entry into the State of destination, or the carrier transporting the foreigner to another destination country refuses the transportation, the operator is obliged to return the foreigner to the country where the foreigner was carried from or to a country which is under an obligation to readmit him/her.

When the return of the foreigner cannot be implemented immediately, the foreigner arriving by air shall be obliged to stay in the designated area of the airport for a maximum of 8 days from the time of his/her arrival. If a carrier fails to fulfil its liability to return the foreigner within the deadline specified above, the Border Guard shall advance the cost of the return and shall execute it by way of another carrier.

A fine of EUR 4 000 or the equivalent in HUF per passenger may be imposed on the operator obliged to return the foreigner and bear the costs by the competent alien–policing authority. The law does not allow discretion as regards the amount of the fine.

	Number of cases	Penalties imposed (HUF)	Penalties paid (HUF)
2002	60	20 600 000	20 400 000
2003	59	15 350 000	14 950 000
2004	217	209 863 880	181 299 080
1st half of 2005	100	119 739 080	81 060 360
Total	**436**	**365 552 960**	**297 709 440**

Appeals against the decision imposing a fine are dealt by the OIN as the authority of second instance.

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3.8. **Comments and recommendations of the Evaluation Committee:**

The experts welcomed the following facts:

- Border-management strategy in Hungary is comprehensive and based on the integrated border-security model.

- The organisation of the Hungarian Border Guard is centralised and clearly structured. A direct command line exists between Border Guard units at central, regional and local level, ensuring a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organisation.

- The close inter-agency cooperation between the law-enforcement authorities is exemplary, in particular, the network to combat illegal immigration – "CHECKNET" coordinated by the Integrated Management Centre – seems to be an efficient tool to implement integrated measures against illegal migration all over the territory of the country.

- The Hungarian authorities seem to be well aware of the situation at the borders. The risk analysis system is in place and complies with the principles of the Schengen Catalogue.

- Hungarian Border Guard staff numbers are adequate for the operative situation (environment and threats) and for the responsibilities of the Border Guard. The level of professionalism of the Border Guards is good.

The experts took special note of the following items:

- The Committee is of the opinion that additional measures should be implemented to develop activities in third countries. The Committee suggests that consideration be given to additional resources for maintaining the network of liaison officers stationed abroad.

Experts consider that there is room for improvement on the following points:

- The Committee noticed that Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data has not yet been implemented in national legislation. Having assessed the progress of the preparation work for implementation of the Directive, the Committee has doubts about the possibility of timely implementation of the Directive.

4. BUDAPEST FERIHEGY INTERNATIONAL AIRPORT

4.1. General information

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

Budapest Ferihegy International Airport is the biggest international airport in Hungary. It is situated in the South-East outskirts of Budapest, 16 kilometres from the city centre.

There are direct flights to 87 airports in 45 countries operated by 53 airlines. Currently 46 % of the destinations are non-Schengen destinations. After Hungary's full accession to the Schengen area, the estimated proportion of non-Schengen traffic will be about 44 %. The traffic of the airport increased by 23,5 % in 2004 and by 19,7 % in 2005. In 2005, 32 % of the passengers were transported by the Hungarian national aviation company MALÉV, 40 % by foreign carriers and 28 % by low-cost carriers. The developments and the appearance of low-cost flights had a positive effect on traffic statistics. Transit passenger traffic shows a year-on-year increase and in 2005 it accounted for 8,75 % of passenger traffic. During the summer period the average number of flights per day is 360-380 flights.

There are 3 terminals at the airport:

Terminal Ferihegy-1 is used for Schengen and non-Schengen passenger traffic and cargo traffic. Within passenger traffic, the low-cost airlines operate to 25 destinations, 5 of them are non-Schengen. The terminal is used for passengers of the low-cost carriers. 676 000 passengers passed through Terminal Ferihegy-1 in 2005. There is no possibility for transit traffic.

Terminal Ferihegy-2A is used for Schengen and non-Schengen scheduled flights operated mainly by air company Malev and 5 foreign airlines. The terminal is also used for border checks on government delegations via the VIP lounge. There are connections with 64 destinations, 39 of which are non-Schengen destinations. There were 2 472 357 passengers in 2005, about 20-25 % of them transit passengers.

Terminal Ferihegy-2B is used for Schengen and non-Schengen traffic with 63 destinations, 29 of which are non-Schengen destinations. The terminal is used for passengers transported by foreign airlines. 3 811 100 passengers passed through terminal Ferihegy-2B in 2005.

The administration of the airport expects a substantial increase in passenger traffic over the coming years.

The General Aviation Terminal is situated next to Terminal Ferihegy-1 in a separate building which makes it possible to carry out proper checks on persons travelling on private flights and to separate departures and arrivals passengers. Reconstruction was completed by 31 August 2005.

At all terminals, a Schengen-compliant infrastructure for border control will be in place within 48 hours of the Council Decision.

Border checks at Budapest Ferihegy Airport are carried out by the 3 Border Policing Offices (BPO) of the Budapest BG Directorate, one for each terminal. The need for 3 BPOs is dictated by the long distance between the different terminals. After full accession to Schengen, the two separate BPOs in Terminal Ferihegy-2 will be merged. All BPOs have their own staff. Staff can be rotated if the Director of the regional directorate so decides.

The tasks of **Border Police Office (BPO) Ferihegy-1** are:

- carrying out border checks on passengers and vehicles:
    - at Terminal Ferihegy-1,
    - at the General Aviation Terminal,
    - at the River Border-Crossing Point (International Port),
    - at temporary BCP's on request (at aerodromes or the river Danube),
- helping to check goods traffic at the CARGO bases,
- establishing and maintaining the regime of the border-crossing points,
- criminal investigation-related tasks,
- tasks connected to administrative offences,
- tasks relating to the policing of aliens and
- contribution to asylum matters.

The tasks of **BPO Ferihegy-2**:
- carrying out border checks on the flights operated by air company MALEV and 5 foreign airlines at Terminal Ferihegy-2A,
- carrying out border checks on government delegations via the VIP lounge,

- establishing and maintaining the order of the BCP's,

- tasks connected to criminal investigations,

- tasks in connection with administrative offences,

- tasks relating to the policing of aliens and

- contribution to asylum procedures.

The tasks of the **BPO Ferihegy-3**:

- carrying out border checks on passengers travelling on flights operated by foreign airlines at Terminal Ferihegy-2B and

- establishing and maintaining the order in the BCP's

- tasks connected to criminal investigations,

- tasks in connection with administrative offences,

- tasks relating to the policing of aliens and

- contribution to asylum procedures.

The majority of the illegal acts detected are in connection with illegal migration.

The increase in the number of illegal acts was a result of the increase in passenger traffic in 2005, the political situation in Ukraine, the Iraqi crisis, and the new flight introduced from Beijing.

The detection of human smuggling and the apprehension of perpetrators are among the extremely significant tasks in the field of criminal investigations and intelligence. In spite of the fact that the Budapest Border Guard Directorate does not have a land border section, 219 human smugglers were apprehended between 2000 and 2006 by the staff of the Criminal Investigations and Intelligence Division. 27 % of those apprehensions related to the airport, which means 59 persons.

Human smuggling relating to the airport is mainly in connection with migration starting from South American countries, China, and Arab countries.

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

Operational cooperation takes place between local bodies and the representatives of air companies. The data supply on passengers is carried out in particular cases by giving the list of passengers. For transit passengers, it is on the basis of a 24-hour prognosis from the national airline, and in the case of readmitted persons, it is before the arrival of the flight according to the information received from the representative. Legal preparation for the adoption of Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is in progress.

The Budapest Border Guard Directorate currently has 34 cooperation agreements.

The forum-system of the responsible authorities and bodies operating at the airport works effectively. In the course of meetings and committee sessions, border security and the security of the airport and air traffic have been regularly analysed and evaluated, as have the achievements of professional work. Participants have a comprehensive view of the achieved results, experiences and the cooperation situation. As a result of continuous communication, the leaders of the cooperating authorities at the airport have the information needed to make decisions.

The Regional Directorate and the BPO have wide-ranging international relations. Since March 2004, the BPO at the airport has taken part in the activities of the Air Borders Centre in Rome and the European Border Information Network (EuBIN) which connects the international airports of the European Union.

4.1.3. *Risk analysis and intelligence functions*

Risk analysis and evaluations are carried out by the Analysis and Evaluation Subdivision at regional level (Directorate) and by the heads of Border Policing Divisions at the BPOs at local level. As a result of risk analysis, there are practical products such as daily, monthly, quarterly and annual reports, as well as case studies on ad hoc-basis. The results of the countermeasures against cross-border crime are also analysed.

Several risk analysis reports (daily and monthly reports and case studies) were distributed to the Committee. The structure of the documents seemed to be appropriate and the contents well prepared.

However, the Committee found that at local level only the head of BPO and their deputies have access to the monthly reports and case studies. The head of shift has access only to the two latest daily reports. Front-line border guards do not have access to any risk-analysis products and have to be informed by their superiors.

4.2. Infrastructure and equipment

4.2.1. Signposting

The experts found the signposting in Terminals Ferihegy-1 and Ferihegy-2 to be compliant with the Council Decision of 29 April 2004 (2004/581/EC) determining the minimum indications to be used on signs at external border-crossing points. All booths are equipped with pictograms as specified in the Annex 1-2 to the Decision which ensures separation of persons covered by Community law and those from third countries. The pictograms are operated manually.

In the General Aviation Terminal only a sign "passports" is used.

4.2.2. Separation of flows

At Terminal Ferihegy-1 Schengen and non-Schengen passengers are currently mixed. A glass wall from floor to ceiling is planned to separate Schengen and non-Schengen flows on the same level (can be done in a few hours). Transit facilities neither exist nor are planned for either passengers or baggage. Transit passengers have to enter Hungarian territory and fulfil all entry conditions. The same applies between Terminals Ferihegy-1 and Ferihegy-2 which, from a transit point of view, are regarded as two different airports. The physical arrangement of Terminal-1 makes transit impossible. Terminal-1 is situated 5 km from Terminals 2A and 2B. It is the sole decision of the operator that there is no transit facility at Terminal-1. However, if the airport operator decided to offer transit facilities the consent of the border guard would be needed.

Terminal Ferihegy-2A currently handles Schengen and non-Schengen arrivals (ground floor) and departures (2nd floor). Arrival and departure flows are separated. Transit possibility is arranged with a border control on transit passengers. There is no connection on arrival level with terminal Ferihegy-2B. On departure level, Terminals Ferihegy-2A and Ferihegy-2B are connected in the transit area. After Schengen accession, Terminal Ferihegy-2A will be used for Schengen flights.

On the departure level in Terminal Ferihegy-2B, a transit connection will be established for passengers leaving Schengen for non-Schengen. Passengers arriving from non-Schengen and transiting to Schengen will be processed at arrival level in Terminal Ferihegy-2B.

Terminal Ferihegy-2B currently handles Schengen and non-Schengen arrivals (ground floor) and departures (2nd floor). There is a transit option with a border control on transit passengers. Arrival and departure flows are separated. After Schengen accession, Terminal Ferihegy-2B will be the non-Schengen terminal. The infrastructure for the separation of the passengers of Schengen and non-Schengen flights is ready to begin border checks under the new arrangements within 48 hours.

At the General Aviation Terminal, average traffic is 5 passengers a day. Arrivals are separated from departures, except for a small part where customs performs their duties. A separate corridor exists for domestic passengers. The Committee was informed that after implementation of the separation of Schengen and non-Schengen passengers, non-Schengen passengers will use the current international arrivals and departures corridors and Schengen passengers the current domestic corridor.

4.2.3. *Lanes for checks*

At the general aviation terminal, arrivals and departures have separate corridors, but there is no full separation. Lanes are very clear.

At Terminal Ferihegy-1, lanes exist and are easily identifiable for passengers. The signposting allows the use of all lanes either for EU/EEE/CH citizens or for all passports thanks to a system allowing either sign to be switched on or off (switch is in each booth). The system allows for a lot of flexibility according to passenger flow. At Terminals Ferihegy-2A and Ferihegy-2B the situation is identical to the situation in Terminal Ferihegy-1.

The system of flexible gates is not used for managing passenger traffic.

4.2.4. Control facilities

All booths at all terminals are identical and have 2 workstations. The top half of the booth is in glass (on 3 sides the glass is covered by a film, on some booths the film is transparent). At the back of the booth there is a glass door which can be locked when the booth is not in use. The booth itself can be locked by key.

During duty, including breaks, the officer on duty has the key. At all other times the key is stored with the leading officer. CCTV behind the booths provides 24/7 surveillance, recordings are kept for 30 days. There is no separation between the booth and the ceiling (open space of 1-1,5 m depending on the terminal). All booths allow a front view of the passengers and a good view of the queues.

General Aviation Terminal

There are 2 booths at arrival and 2 booths at departure in the General Aviation Terminal. There is no second–line office in the General Aviation Terminal and if necessary the second-line office in Terminal Ferihegy-1 is used[1].

Terminal Ferihegy-1

At Ferihegy-Terminal-1 there are 10 booths in arrivals and 8 booths in departures. After full implementation of the Schengen acquis, the current booths will remain in place (there will be 5 booths out-of-use in arrivals and 3 in departures), but the passenger flow will be channelled differently. A second–line office is next to the first line in the arrivals. The office of the shift leader is also used for the second–line activities.

Terminal Ferihegy-2A

There are 9 booths in arrivals, 12 booths in departures and 6 booths for border checks at the international transit in Terminal Ferihegy/2A. After Schengen accession, all booths will remain in place to be used in case of temporary reintroduction of checks at internal borders. The second-line office located at the departures level is occupied only when needed. At arrivals level, the second-line office is next to the first line. The shift leader's office and the office for expertise on travel documents are also used for second-line activities.

[1] HU: The second-line office in the General Aviation Terminal was established in July 2006.

Terminal Ferihegy-2B

There are 13 booths in arrivals, 9 booths in departures and 2 booths in international transit (occupied only when there are transit passengers) at Terminal Ferihegy-2B.

The second-line office at the level of departures is occupied only when needed. At arrivals level, the second-line office is located next to the first line. The shift leader's office and the main office are also used for second-line activities.

4.2.5. Equipment: first line, second line, mobile

At first line, all booths have the same equipment which complies with the recommendations of the Schengen Catalogue. UV lamps are located in such a way that they can easily be used to check every travel document. Each workstation is equipped with a PC in combination with an optical passport reader. The experts were of the opinion that the booths were cramped by the equipment and therefore too small to accommodate all the equipment properly. All computers at first line were connected to Intranet. The experts found that at Terminal Ferihegy-2 the Intranet and the passport-readers operate at a very low speed, slowing down the border checks considerably.

The experts found the equipment at the second line to be in compliance with the Schengen Catalogue. The second-line offices (designated control places) were equipped with a document examination device, a stereomicroscope, a printer, a digital photo camera, and a PC. Access to the AFIS system was available at the second line. Up-to-date devices (fixed and mobile) able to read biometric data from documents are already being procured.

4.2.6. Communication

Communication between the local units and the Regional Directorate is by phone, GSM telephone system, VHF radio and closed Intranet.

The telephone was used mainly for communication inside the BPOs at the Ferihegy Airport. There was direct online connection between each booth and the workstation of the leading officer on the line. A computer network was available at each workstation, giving Intranet access.

4.2.7. *Access control/fencing*

The arrangements in the areas closed for public use are regulated by the Ordered Conditions of the Airport issued by the Budapest Ferihegy International Airport operator, and the arrangements at the border-crossing point by the Ordered Conditions of the Border Crossing Point approved by the director of the Budapest Directorate of the Hungarian Border Guard.

Areas of the airport closed to the public are only accessible – for non-border-crossing-purposes – with an extra permit, and with the Airport I.D. card, issued by the airport operator after control of the applications by the Border Guard.

The airport is fully fenced. The CCTV camera system operated by the general police for the surveillance of the territory of the airport is viewed by the staff of the BPO.

4.2.8. *Detention/readmission premises*

Detention facilities used exclusively for temporary accommodation (up to a maximum of 8 days) of asylum applicants or passengers refused entry and waiting to be removed on the next flight exist in Terminals Ferihegy-1 and Ferihegy-2B. There is a separate room in the transit zone. Continuous supervision is ensured and it is possible to separate men and women.

A detention centre for persons awaiting expulsion exists in the headquarters of the BG Directorate which is located within the airport enclosure.

4.2.9. *Storage of blank visas*

Blank visas were kept in a safe in a separate room of the second-line office. Issuing of visas was registered in a special journal shown to the experts.

4.3. Controls and procedures

4.3.1. *Traffic handling/traffic modes*

Border checks are carried out in all three terminals.

At Terminal Ferihegy-1 there are only external aircraft stands far from the building. The transport of passengers takes place by buses between the aircraft and the building under the surveillance of the border guards.

General aviation is checked in a separate building next to Terminal Ferihegy 1. Border guards receive flight plans via air traffic control. Two border guards (one for arrivals, one for departures) are posted there around the clock. The airport operator ensures that passengers and crew on these flights are brought to the control booths for entry checks. VIPs, NATO officials, and official government delegations are checked at the General Aviation Terminal.

Crews on scheduled flights and cargo planes are checked in at the normal booths in the respective terminals (although the Hungarian authorities explained that a separate control booth would be available).

Gate checks are carried out on arriving and departing passengers on a particular flight on the basis of risk analysis. The Hungarian authorities explained the need to carry out gate checks on departing passengers with the modus operandi of human smugglers who provided departing transit passengers with different documents in the transit area.

The gate check on arrival is carried out after leaving the aircraft, before getting on the bus in the case of aircrafts arriving at a remote stand position or in the loading bridge (finger) before the passenger enters the terminal in the case of an aircraft which arrives at a loading bridge (finger) before the passenger enters the passenger terminal.

The gate check on departure is performed at the boarding gates.

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

All passengers were checked on entry and exit. EU citizens were subject to a minimum check, while third-country nationals were subject to thorough checks. According to statistics provided by the Hungarian Border Guard, 80,33 % of passengers underwent minimum checks and 19,67 % thorough checks. The Committee noted that the border guard asked third-country nationals the purpose and length of their stay and requested documents (invitation, hotel booking, return ticket). However, no questions were asked on sufficient means of subsistence.

All third-country nationals were checked against national databases either via the data included in the machine-readable zone or via manual introduction of these data. The additional thorough checks on EU nationals and on third-country nationals are carried out in the designated control place.

The data of third-country nationals is registered in the database HERR at the same time as the request on him/her during the thorough checks. The data is kept for 90 days.

The Committee noted that in Terminal Ferihegy-1 EU citizens were also asked the reason for their stay in Hungary and were asked to prove sufficient means of subsistence for their stay. One border guard did not accept the Italian identity card as sole document for entry into Hungarian territory and asked for further travel documents.

All passports of third-country nationals were stamped. The border guard can use the stamp at the border crossing only for carrying out his/her tasks and only for that length of time. One stamp can be used by only one person in a given day. If he/she leaves his official place, he/she must place the stamp in a safe designed for this purpose. The stamps are stored separately in a service room of the duty officer and the in/out delivery is the responsibility of the duty-officer. Stamps are distributed by the shift leader and each border guard has to sign on receipt and delivery of the stamps. The shift leader keeps the registration book of the stamps. Once the registration book is full, it is stored at the regional directorate for a further five years.

The security codes are the same for entry and exit stamps and are only changed at the orders of the Head of the Border Policing Department at the National Headquarters. According to the internal rules followed by the DPO personnel at Ferihegy Airport, the codes should be changed when the system becomes predictable for unauthorised people. The experts were told that security codes of the data-stamps have not been changed for the last two years.

The Committee was told that upon entry into force of the Schengen Borders Code, the security codes of the stamps will be changed every month [2].

The Committee noticed that some stamps were not made of metal but of plastic and the format of the numbers used did not seem to meet the technical specifications [3].

The Committee was informed that, owing to the recent elections, Council Directive 2004/82/EC on the obligation of carriers to communicate the passenger data has not yet been implemented in Hungary.

Ferihegy-1 does not have a special transit zone. Therefore, all passengers arriving in Budapest via Terminal Ferihegy-1 and having a connecting flight at Terminal Ferihegy-2A/2B or vice versa, have to fulfil all Schengen entry conditions. Persons not in possession of the necessary visa are either refused entry, or those arriving at Terminal Ferihegy-2A/2B could pay for another ticket in the transit zone. If no ticket is bought, they are refused entry and sent back, in which case the carrier has to bear the costs involved and is fined. All carriers are aware of this situation.

4.3.3.   Use of registers

Several databases were used for border checks on third-country nationals. Document examination devices are linked to these databases through the Border Control and Registry System called HERR.

Through the HERR, searches are made in the Ban of Entry and Stay, in the warning system and Warrant Information System. The Border Guard also has access to the database on wanted persons and objects.

The Border Guard is allowed to store the data for 90 days in accordance with national law. When applying the system query, storage of the information is simultaneous and automatic. Investigative authorities have direct access to data stored in the Border Registration System.

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[2]   HU: From 1 July 2006 the security codes are changed on a monthly basis.
[3]   HU: According to the relevant technical specification, it is not entirely clear if the format of the numbers has to be identical. Purchase of metal stamps has already begun.

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The Border Guard has full online access to the central aliens policing register and part of the central registration is transferred to HERR on a daily basis (data on persons subject to prohibition of entry or stay).

The HIDRA (*support network for alien policing administration*) system, which came into operation in November 2005, includes all documents concerning the aliens policing processes. It is possible to make assessments on trends and methods of illegal migration on the basis of this information.

There is access to the Personal Detail and Address Information System, Passport information System and several other databases via the Central Data Processing Office.

With the AFIS *(Automated Fingerprint Identification System),* which is in the test phase, every local and regional body will be able to check on illegal migrants and persons committing illegal acts in the existing fingerprint register.

Net-/Robotzsaru 2000 criminal database is available for all border guard investigative bodies and can be used for the queries.

4.3.4.   Use of the Common Manual

The Common Manual was not available in paper form in the booths. The Schengen Borders Code and the Common Manual were available in the booths via Intranet.

From every workstation at the first or second line there was Internet access to the set of electronic support materials consisting of:

- Texts of the Schengen Agreement, Schengen Convention, Schengen Catalogue;
- Manuals (the Passport Controller Regulation, description of the HERR Border Control System);
- Collection of materials (information about visas, sample of NATO movement order, etc.);
- OCR controller;
- Atlas;
- DOKUNET and Dokis (sets of the specimens of the travel documents).

The experts found the Border Guard Intranet very complete with regulations, documents (authentic and falsifications) but in need of updating (old specimens, missing specimens, outdated version of the Schengen Borders Code).

4.3.5. *Processing of refusals and asylum applications*

Refusal forms are filled in at the operational centre. The Committee noted the use of the uniform format. In the case of refusal, an entry stamp is put in the passport, which is crossed through and the reason of refusal is added. All border guards were familiar with this procedure.

Persons to whom entry is refused remain either in Terminal Ferihegy-1 or in Terminal Ferihegy-2B, where special detention rooms are available. There is space for 8 persons in 2 rooms in Terminal Ferihegy-2B. Persons kept in the detention room are supervised by a border guard.

The number of refusals:

	BPO Ferihegy-1	**BPO Ferihegy-2**	**BPO Ferihegy-3**
2003	3	165	163
2004	10	188	298
2005	52	138	229

Top 5 nationalities:

2003: unknown, stateless, Albanian, Indian, Romanian

2004: unknown, stateless, Serbian, Nigerian, Russian

2005: unknown, stateless, Chinese, Ukrainian, Romanian

The Border Guard carries out some tasks in asylum procedures. After a person applies for asylum, the Border Guard must record it in a protocol and then hand it over to the responsible authority. The Border Guard then takes the necessary steps for the identification of the person (taking photo and fingerprints). The special airport regulations make speedy handling of asylum applications possible; therefore the asylum authority can make a decision in at least 8 days.

Asylum applicants are kept for up to 8 days in the reception centre at the airport under the supervision of the border guards. If no decision has been taken on the asylum request within 8 days, the person is handed over to the Office of Immigration and Nationality (OIN). Asylum seekers then remain in open centres.

Number of asylum applications at Budapest Ferihegy International Airport

	BPO Ferihegy-1	**BPO Ferihegy-2**	**BPO Ferihegy-3**
2003	0	17	4
2004	0	17	5
2005	0	0	1

Top nationalities:

2003: Turkish, Indian, Lebanese

2004: Liberian, Nigerian, Turkish, Palestinian

2005: Sudanese

4.3.6. *Issuing of visas*

According to the Aliens Act, the Immigration Division of the Border Guard is competent for the issuing of visas in exceptional cases and with tight restrictions in compliance with Council Regulation 415/2003/EC. The Committee was told that visas are issued only for humanitarian reasons. The visa is issued by the responsible officer in the designated control place (duty officer, section officer or administrative officer).

During the on-the-spot inspection, the Committee was told that a visa could be issued if the person is able to provide the justification for his stay (e.g. invitation from a governmental body). Fees have to be paid to a separate bank located in the arrival hall, with which the Border Guard has concluded a contract in order to avoid border guards having to handle cash.

The issuinge of the respective visas is registered. Storage of visas is regulated by an order of the National Headquarters of the Hungarian Border Guard. Visa stickers and the forms for affixing the visa are also under strict control. The head of the border policing office is responsible for the safe storage, registration, handling and safekeeping of the visa stickers. Visa stickers must be stored separately in visa issuing offices or in duty offices in an iron safe. The form for affixing the visa must be registered separately. The issued visas and visa applications are immediately registered in the National Visa System.

The Committee acknowledged that the visa stickers were kept and issued according to the above mentioned regulations.

The number of issued visas:

	BPO 1	**BPO 2**	**BPO 3**
2003	438	705	1021
2004	1076	406	769
2005	326	287	652

Top five nationalities (for all three BPOs)

2003: Australian, Russian, Serbian, Turkish, Ukranian

2004: Russian, Ukrainian, Australian, Serbian, Turkish

2005: Ukrainian, Russian, stateless, Serbian, Bosnian

4.3.7. *Second-line activities*

The second-line activities consist of:

- thorough checks on EU citizens and additional thorough checks on third-country nationals,
- thorough checks on travel documents by specially trained document examiners,
- implementing decisions on refusal of entry,
- issuing of visas and
- monitoring passenger flows via access to CCTV for the purposes of profiling.

The thorough check is carried out in case there is reason for suspicion and on the basis of increased control by specially trained persons and document experts using technical equipments, with electronic and manual documentation available.

4.4. Border surveillance

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

For surveillance of the airport territory, a CCTV system run by the police is used. There are

101 cameras in Terminal Ferihegy-1 (36 of them are placed in the border zone; 15 mobile cameras with zoom) and 190 cameras in Terminal Ferihegy-2 (66 of them are placed in the border zone). The footage is recorded and kept for 30 days. The Border Guard has full access to the images and the surveillance cameras can be controlled by the Border Guard.

The Border Guard carries out patrols independently or together with the Airport Security Service at the areas in front of the terminals, at aprons in passenger halls, and in transit and border areas.

Passenger security control is carried out by the Passenger Security Division of the airport operator.

4.4.2. *Reaction capability (ability to handle incidents – routine situations and situations posing an intensified threat).*

Border control is supported by special units such as:

- Deployment Subdivision, used for the provision of border-related tasks, control and observance of the ordered conditions of the airport and of the BPOs and rapid intervention in the event of unexpected infringement of order in the BPO.

- Mobile Force Company (73 persons), which forms the reserve force of the Directorate and is highly trained in special operations. By way of reinforcement, it can be ordered to perform patrolling tasks in the transit area, at the apron, in public and non-public areas of departures and arrivals levels of Terminals Ferihegy-2A and 2B. It also participates in crime prevention as well as effectively performing airport, border, and air traffic-security tasks. As a reserve force, it can reinforce airport and border security.

- Airport Investigation Unit, carrying out detection of crimes falling within their competence in cooperation with the investigators of Police and Customs Guard.

4.5. Staff and training

4.5.1. *Adequacy and the level of professionalism*

There are three Border Policing Offices in Budapest Ferihegy Airport which are totally independent entities with their own personnel. Exchange of personnel takes place only in very exceptional cases (twice during the last 8 years).

The Border Guard had a total of 360 employees at Budapest Ferihegy Airport:

	officers	non-commissioned officers	warrant officers	civil servants	Total number
Ferihegy-1	11	68	39	1	119
Ferihegy-2	10	62	46	1	119
Ferihegy-3	10	71	40	1	122
Total number	31	201	125	3	360

The average age of the border guards at the airport is approximately 29 years. Only adequately educated professional personnel are used for border control. The Committee found the personnel of the Border Policing Offices at Budapest Ferihegy Airport to be disciplined and motivated.

4.5.2. Selection criteria

Reference is made to point 3.6.3 of this report.

4.5.3. Basic training

Reference is made to point 3.6.4.

4.5.4. Further continuing education

The Hungarian Border Guard set up a multiplier network at local level in order to spread knowledge of Schengen issues. The heads of BPOs are acting as multipliers.

All officers receive 8 hours of training per month at the BPO. Moreover, designated groups receive a further 8 hours of training on specific topics (travel documents, Schengen regulations, etc.) at the Directorate of Budapest.

4.5.5. Linguistic skills and training

151 persons (42,4 %) of the Border Guard staff in the airport have a knowledge of at least one foreign language. 127 persons speak 1 foreign language, 23 speak two foreign languages and 1 person has three foreign language certificates. The main languages are English, German, and French. However, experts mentioned that the language knowledge of some of the interviewed border guards was of a low level.

At central level, there are preparatory courses for elementary, intermediate and advanced level language exams. At regional (Directorate) level, there are preparatory courses for the oral language course (English, German and French). These courses are given by language teachers belonging to the Border Guard organisation.

4.5.6. Specialised document checking skills and training

There is always at least one document specialist on duty in every BPO.

4.5.7. Availability and permanency of staff

There were 333 border guards directly involved in carrying out border checks at Budapest Ferihegy Airport:

- 110 border guards in BPO Ferihegy-1. Of these, 80 border guards were used for border checks at the first line and 30 at the second line;
- 110 border guards in the BPO Ferihegy- 2. Of these, 89 border guards were used for border checks at the first line and 21 at the second line;
- 113 border guards in the BPO Ferihegy-3. Of these, 94 border guards were used for border checks at the first line and 19 at the second line.

Personnel used for border policing are divided according to their duties:

	head of border policing division	team leaders	duty section leaders	experts	chief border policing staff	border policing staff
Ferihegy-1	1	6	15	3	22	64
Ferihegy-2	1	5	6	3	34	62
Ferihegy-3	1	5	6	3	31	68
Total number	3	16	27	9	87	194

Shifts at the three BPOs at Ferihegy Airport are established according to the legal regulations, traffic, risk analysis and number of staff available. Duty shifts can be between 4 and 12 hours a day.

The experts found that every first-line Border Guard officer performs about 12 000 border checks of non-Schengen passengers per year and the number of personnel was assessed as sufficient to carry out high-quality border checks.

4.6. Readmission, expulsion and illegal immigration, carriers liability

4.6.1. Removal and readmission of persons who are not admitted or who are found to be present illegally (identification, detention, issue of documents, escort, financing)

All persons refused entry at Budapest Ferihegy Airport were removed by air back to the country of departure.

On the basis of the readmission agreements of the Republic of Hungary and on the basis of Council Directive 2003/110/EC, the persons returned were supervised in the framework of forced return with escort. In 2005, 5 016 persons readmitted from other countries passed through Ferihegy airport as transit passengers.

4.6.2. Means deployed to combat illegal immigration networks

There are no specific officials in the structure of Border Policing Offices at Budapest Ferihegy Airport deployed to combat illegal immigration networks. However, there are officers whose duties also involve such tasks.

Sanctions imposed on carriers

Fines imposed on carriers at BPO Ferihegy-1, Ferihegy-2 and Ferihegy-3:

	Ferihegy-1	Ferihegy-2	Ferihegy-3
2003	0	18	34
2004	0	40	152
2005	43	21	131

Fines on carriers are imposed by the Alien Policing Division of the Directorate, the minimum amount being EUR 4 000 per passenger. If the airline company does not pay the fine, the Hungarian authorities can seize the necessary amount directly from the bank account, which each carrier must hold in Hungary.

4.7. **Comments and recommendations of the Evaluation Committee:**

The experts welcomed the following:

- The Committee highlights that the Budapest Ferihegy International Airport infrastructure is ready to separate passengers on Schengen and non-Schengen flights in 48 hours.

- Existence of sufficient number of professional and motivated Border Guard staff at Budapest Ferihegy International Airport.

- The flexibility provided by adequate signposting.

- The number and location of second-line offices, especially the fact that each first line had a dedicated second line.

- Carrying out gate checks not only on incoming passengers but also on outgoing passengers.

- Sufficient number of modern equipment at the first and second line of the border checks.

The experts took special note of the following items:

- The weekly and monthly risk-analysis reports and case studies should be provided systematically to border guards at local level.

- Although there is language training, language skills were found by the Committee to be inadequate for the anticipated traffic via the airport and should be improved.

- The glass protection of the booths at Terminal Ferihegy-2 should be made in such a way that passengers cannot look at the border guard's screen.

- At terminal Ferihegy-2, Intranet documentation should be updated and IT network should be upgraded to provide faster data flow.

- Given that after full implementation of the Schengen acquis, Terminal Ferihegy-2A will only handle Schengen passengers, consideration could be given to redeploying permanent staff at the second-line office at departures level to Terminal Ferihegy-2B.

- The Committee asks for it to be verified upon full application of the Schengen acquis that when visas are issued at the border the person was not able to apply for a visa in advance.

- Control facilities in the transit area and the procedure used allow checking of all transit passengers (checks on airport-transit visas). However, the Committee invites the Hungarian authorities to insure that the transit checks are conducted in compliance with the annexes of the Schengen Borders Code.

Experts consider that there is room for improvement in the following points:

- Full floor-to-ceiling separation according to the Schengen catalogue should be put in place between all future Schengen and non-Schengen areas, especially above the booths.

- The Committee asks for the sign posting in the general aviation terminal to be adjusted in line with Council Decision 2004/581/EC of 29 April 2004 determining the minimum indications to be used on signs at external border-crossing points.

- The Committee wishes to recall that EU citizens are allowed to enter simply upon presentation of their passport or identity card unless there is justified reason to believe that they are a danger to public order and security. Questions on their financial means and on the purpose of their stay should therefore not be asked, unless for justified reasons.

- The Committee requests that the security codes be changed on a monthly basis even before entry into force of the SBC. In addition, it should be ensured that the security features of the stamps are in compliance with the respective specifications (Com-ex (94) 16rev) [4].

5. DEBRECEN INTERNATIONAL AIRPORT

5.1. General information

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

It is worth notice that summer charter flights constitute 90 % of all flights. About 30 % of these flights are non-Schengen flights to/from 10 destinations (Tunisia, Turkey, Bulgaria etc), with mainly Hungarian tourists.

Traffic statistics:

	2001	2002	2003	2004	2005
Passenger traffic on entry	-	1 681	1 677	6 083	16 127
Passenger traffic on exit	-	1 096	1 900	6 459	16 182
Number of aircraft on entry	-	130	127	190	393
Number of aircraft on exit	-	125	127	189	443

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[4] See footnote 3.

It was explained to the Committee that there are some plans to enlarge the network of international destinations. The airport administration is considering scheduled flights to Frankfurt, Munich, Milan and Rome, and estimates that there will be passenger traffic of around 200 000 persons per year. The Committee was told that the local population is interested in connections with Ukraine and Romania.

Consequently, a reconstruction project is underway. The reconstruction and extension of the building began in April 2006 and should be completed by the end of August 2006. As a result of the reconstruction and extension project, the airport's capacity will grow significantly. The airport will be capable of handling 200 000-300 000 passengers annually. The Committee visited the new terminal under construction.

Border-control duties at Debrecen airport are carried out by the Nyirabrany Border Policing Office. The Nyirabrany Border Policing Office is also in charge of the other border security-related tasks at the airport. The Air Border Crossing Point (ABCP) at Debrecen Airport was opened in 2004.

Tasks of the Debrecen Air Border Crossing Point are as follows:

- carrying out border checks on passengers and vehicles,
- ensuring order in the BCP,
- performing tasks relating to the policing of aliens,
- dealing with certain administrative offences,
- participation in the fight against cross-border crime and
- contribution to tasks relating to asylum procedures.

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

There is operational cooperation between local bodies and representatives of airlines.

The cooperation is organised with the Airport Debrecen Ltd, HungaroControl Ltd, Airport Security Ltd, Armed Security Guard, Hajdú-Bihar County Police Office Subdivision of Security, the Customs and Finance Guard Chief Customs Office Debrecen and the Office for Immigration and Nationality.

The data supply on passengers is carried out in particular cases by giving the list of passengers. For transit passengers, it is on the basis of a 24-hour prognosis from the national airline and, in the case of readmitted persons, it is before arrival of the flight according to the information received from the representative.

5.1.3. *Risk analysis and intelligence functions*

There is no special unit or designated persons for risk analysis in the BPO Nyirabratany or at the Debrecen ABCP. Regular risk analysis is performed at regional level by the Division of Analysis and Assessment. Risk analysis is carried out in the following activities:

- orders and tasks given to staff,
- document examinations during border checks,
- entries in the border registration system and
- briefings, meetings, case-studies.

The head of the border policing department organises monthly meetings over four days for all staff, when the results of risk analysis are also discussed.

5.2. **Infrastructure and equipment**

5.2.1. *Signposting*

At present EU pictograms are not used. The Committee was told that the plan is for the new building to use the same lit flexible signs with EU pictograms as are in use at Budapest airport.

5.2.2. *Separation of flows*

Arriving and departing passengers are currently separated, with no Schengen and non-Schengen separation in place. Due to the low traffic separation of Schengen/non-Schengen flights, it is possible to arrange separation by the flight schedule. With the new building, a complete separation of arriving and departing Schengen and non-Schengen passengers will be possible.

The east side of the new building will be dedicated to non-Schengen passengers. Arriving passengers will be on the ground floor and departing passengers will be on the second floor.

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The west side of the new building will be dedicated to Schengen passengers. Arriving and departing passengers will be handled on the ground floor, but in separate halls. On the ground floor, a facility is planned for passengers transiting from non-Schengen to Schengen. Passengers transiting from Schengen to non-Schengen will have to transit via the public area.

In the non-Schengen arrival and departure zones, a full physical floor-to-ceiling separation is planned, either by walls or grids. Passengers are all transported to and from planes by bus.

5.2.3. *Lanes for checks*

There are currently no separate lanes for EU/EEA/CH nationals and all other nationals (All passports). The lanes for border checks in front of booths are short. In the new building, there will be separate lanes for EU/EEA/CH nationals and other passengers. There will be a front view of the lanes. The room for lanes at the non-Schengen departures check might be rather limited.

5.2.4. *Control facilities*

There are currently 3 booths at arrivals and 3 booths at departures. Booths have glass windows on 3 sides which are not in compliance with data protection rules. The booths are cramped by equipment.

At the new building, the plan is to have 3 booths at Schengen departures and 3 at arrivals. Booths have glass windows on 3 sides which are in compliance with data protection requirements. The booths on the Schengen side will remain in place for use in case of temporary reintroduction of border checks. There will be 4 booths at non-Schengen arrivals and 3 at departures. Between the booths will be doors in order to prevent unauthorised passage when the booth is not occupied. Booths stand a few centimetres above the ground in order to allow a better view on passengers. The new booths were shown to the Committee. The experts found all booths rather small.

One booth on the ground floor on the East side is for checks on non-Schengen/Schengen transiting passengers. The passengers transiting from non-Schengen to non-Schengen on airport-transit visas will be checked at the non-Schengen departure booths.

In the new building, a small second-line office will exist immediately adjacent to the Schengen arrival first line. The second-line office will have a view both on all queuing passengers and on passengers standing directly in front of booths.

A further second-line office exits in the main building. This is also the office of the shift leader and the room where stamps and visas are stored. Access is only possible via the public area and the current second line is far from the first line.

All new construction has to be approved beforehand by the Ministry of Interior and there is continuous consultation on construction matters between the operator and the Border Guard.

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

For the border checks at the first line, booths were equipped with a PC in combination with an optical passport reader, a handheld magnifying glass and an UV and regular light device, as well as a retro-reflective lamp. The existing construction of the booths could not accommodate this amount of equipment.

At the second line, there was a PC with a visa printer, a document examination device, a stereomicroscope, a printer and a digital photo camera. The second-line equipment was currently located in the duty officer's room. In the new terminal it will be installed in the second-line control room.

The experts found the first and second-line equipment to be compliant with the Schengen Catalogue.

5.2.6. *Communication*

For communication, the telephones in the booth and other workstations were used.

5.2.7. *Access control/fencing*

The perimeter of the airport is fully fenced and under surveillance of the armed security guard of the airport operator. The security guard is also responsible for access control.

5.2.8. *Detention/readmission premises*

There are no detention or readmission premises at present. In the new building, there will be premises for inadmissible persons and asylum seekers. They comprise 2 separate rooms and sanitary facilities.

5.2.9. *Storage of blank visa*

Blank visas are stored in a safe in the second-line office in the old building and managed by the shift leader.

5.3. Controls and procedures

5.3.1. *Traffic handling/traffic modes*

All passengers, crews and persons using general aviation are transported to and from the flight by bus under surveillance of the border guards.

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

As there was no flight on the day of the inspection, the Committee was not in a position to assess correct application of the rules on entry and exit checks. The Committee nevertheless had the impression that border guards were aware of the rules to be applied.

Entry and exit stamps are attributed by the shift leader and each border guard must sign on receipt and delivery of the stamps. The shift leader keeps the registration book of the stamps.

The security codes of the stamps have not been changed since May 2004. The Committee was told that upon entry into force of the Schengen Borders Code the security codes will be changed every month [5].

Stamps are not made of metal but of plastic and the experts found that the format of the numbers used did not correspond to the technical specifications [6].

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[5] See footnote 2.
[6] See footnote 3.

5.3.3. *Use of registers*

Reference is made to point 4.3.3.of this report.

5.3.4. *Use of the Common Manual*

The Common Manual was available in the booths including all annexes.

5.3.5. *Processing of refusals and asylum applications*

There were no decisions on refusals or asylum applications since the opening of the airport in 2001. The border guard interviewed by the experts was very well aware of the procedures which need to be followed in case of refusal of entry.

5.3.6. *Issuing of visas*

No visas have been issued since the opening of the airport. Visas are kept in a sealed box within in a locked safe. A register was available. If a visa is requested, the visa sticker would be printed and would include a digital photo of the applicant.

5.3.7. *Second-line activities*

The second-line activities consist of:

- thorough checks on EU citizens and third-country nationals,

- thorough checks on travel documents by specially trained document examiners,

- refusing entry,

- issuing of visas and

- monitoring passenger flows via access to CCTV (after completion of the new terminal).

5.4. Border surveillance

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

Patrols manned by the BG or armed security service of the airport are used for the surveillance of the airport. Armed security control is responsible for controlling the airport's perimeter. The new terminal will have 40 CCTV cameras for surveillance of the terminal and apron. The CCTV camera system will be used by the police, but the BG will have access to the camera information.

The surrounding area of the airport is fenced and patrolled by the armed Security Guard, which is an entity of the airport authority and works in cooperation with the Border Guard.

At the moment, there are some CCTV cameras controlling the more sensitive areas, to which the Border Guard has access. In the near future there will be 40 cameras at the airport. The whole system will be operated by the police and the Border Guard will also have access.

5.5. Staff and training

5.5.1. *Adequacy and the level of professionalism*

Border control at Debrecen Airport is performed by 19 Border Guard officers having adequate professional education. Due to the projected increase of passenger flow for Debrecen Airport, 15 officers currently being trained at the police school will reinforce the BPO in 2006. The average age of the Debrecen Border Guard is approximately 30 years.

If officers are not needed at the airport, they can be deployed at the green border.

5.5.2. *Selection criteria*

Reference is made to point 3.6.3 of this report.

5.5.3. *Basic training*

Reference is made to point 3.6.4 of this report.

5.5.4. *Further continuing education*

There is internal training for the border guard staff on a monthly basis. In addition, the officers can follow special training (document, border guard, dog handlers and advanced training) at the police school.

5.5.5. *Linguistic skills and training*

Among the total staff of the BPO (127), 27 Border Guard officers in the DPO have language certificates. 9 persons are able to communicate in English, 7 in German, 6 in Russian and 5 in Romanian. 2 Border Guards know Russian and 1 Border Guard Romanian at advanced level.

The Committee is of the opinion that there is a need to improve the language knowledge of BPO personnel.

5.5.6. *Specialised document checking skills and training*

Three officers out of the total staff of the Border Policing Office are trained as a document experts and analysers.

5.5.7. *Specialised training for different managerial levels*

One officer out of the total staff of the Border Police Office had followed a special training for managerial level.

5.5.8. *Availability and permanency of staff*

In the BPO there are 6 heads of service group, 47 senior officer, 9 officers, three dog handlers and three experts. There are 3 persons continuously at the border-crossing point at the airport during working hours and 1 person from midnight to 5.00 when the airport is closed. 19 border guards are used for the border control at the border-crossing point. The number of shift personnel can be increased according to the expected number of passengers. BPO personnel could be reinforced by 15 additional students from the BG school.

Taking account of the number of passengers and the nature of the flights, the Committee found that BPO staffing levels were sufficient to carry out appropriate border checks.

## 5.6.	Readmission, expulsion and illegal immigration, carriers liability

No fines have been imposed on carriers.

5.7. Comments and recommendations of the Evaluation Committee:

The experts welcomed the following facts:

- The Committee is of the opinion that with regard to the building in construction, Debrecen's infrastructure and equipment will be according to best practices and a model to be followed for airports the same size (rooms for inadmissible persons, watertightness of separation).

- The Committee welcomes the way in which visas are stored and the technical equipment for issuing visas.

- The airport is manned by the border guard around the clock. Current staff takes account of the planned development of the airport.

- The number of personnel responds to the current passenger flow.

The experts took special note of the following items:

- The place for queuing in front of the non-Schengen control booth at departures seems too small if bigger planes are to be used for passenger traffic.

- The Committee requests that the size of the booths be assessed to take account of the amount and size of the equipment to be mounted in the booths.

- Although there is language training, the Committee found the language skills of the personnel to be inadequate for the anticipated traffic via the airport. The Committee calls for the implementation of additional measures to improve the knowledge of languages, especially English.

Experts consider that there is room for improvement in the following points:

- The Committee requests that the security codes of entry and exit stamps be changed on a monthly basis even before entry into force of the SBC. In addition, it should be ensured that the security features of the stamps are in compliance with the respective specifications (Com-ex (94) 16rev).

6. **GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP**

- Border management strategy in Hungary is comprehensive and based on the integrated border security model. Corresponding national legislation seems to comply with the Schengen acquis and provides the necessary legislative basis for border management. However the Committee noted that Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data has not yet been implemented in national legislation. Having assessed the progress of preparation work for implementation of the Directive, the Committee has doubts about the possibility of timely implementation of the Directive.

- Several elements of the Hungarian border-security system correspond with the best practices of the Schengen Catalogue. The close inter-agency cooperation between law-enforcement authorities was found to be exemplary. In particular, the network to combat illegal immigration – "CHECKNET" coordinated by the Integrated Management Centre – seems to be an efficient tool for organising and integrating the fight against illegal migration all over the territory of the country and could be regarded as a best practice.

- The Committee found the organisation of the Hungarian Border Guard to be centralised and clearly structured. A direct command line exists between Border Guard units at central, regional and local level, ensuring a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organisation.

- The Committee found the professionalism and attitude toward the duties of the border police personnel to be of a high level. The system of basic training is regarded by the Committee as well organised and efficient. However, attention should be paid to language training for personnel. Regular special training should be provided to the document experts.

- The Committee is of the opinion that existing infrastructure for border checks at Budapest Ferihegy International Airport meet Schengen requirements (except for the separation above the booths). It is ready to separate passengers on Schengen and non-Schengen flights within 48 hours. As for the new terminal at Debrecen International Airport, the Republic of Hungary is invited to inform the Schengen Evaluation Working Party about completion of construction works. The follow-up mission to Debrecen Airport could be considered before October 2007.

- The Hungarian authorities are well aware of the situation at the borders. The Committee found the risk-analysis system of the Hungarian Border Guard as an exemplary risk-analysis model for border management. However, there is room for improvement in the regular distribution of analysed information to local level for use in border control at the level of the DPO, the shifts and by individual Border Guards performing border checks.

- The Committee is of the opinion that Hungarian Border Guard staff numbers are adequate for the operative situation (environment and threats) and for the responsibilities of the Border Guard, and the level of professionalism of the Border Guards is good.

- Although control facilities in the transit area and the procedure used allow checking of all transit passengers (check of airport-transit visas), the Committee invites the Hungarian authorities to ensure that transit checks are concluded in compliance with the annexes of the Schengen Border Code.

- The Committee requests that the security codes of entry and exit stamps be changed on a monthly basis even before entry into force of the SBC. In addition, it should be ensured that the security features of the stamps comply with the respective specifications (Com-ex (94) 16rev).

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