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# RESTREINT



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THE EUROPEAN UNION**

**Brussels, 18 September 2006**

**12710/06**

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## **REPORT**

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from: Air Borders Evaluation Committee  
to: Schengen Evaluation Working Party

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Subject : Schengen evaluation of the new Member States  
- CZECH REPUBLIC : report on Air Borders

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This report was made by the Evaluation Committee and is brought to the attention of the Sch-Eval Working Party which will ensure a report and the presentation of the follow-up thereto 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 from 19 to 22 June 2006 the air borders of the Czech Republic.

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The Evaluation Committee visited the Prague Ruzyně Airport and Brno Turany Airport. Written information about the Ostrova-Mosnov Airport, Karlovy Vary Airport and Pardubice Airport was provided to experts.

The Committee would like to thank the Ministry of the Interior and the Directorate of the Alien and Border Police Service of the Czech Republic, the Regional Directorate Prague and Regional Directorate Brno of the Alien and Border Police and the representatives of the airports for the excellent organisation of the visits, well-prepared and structured materials, the hospitality, the open attitude and the commitment given by the coordinators and interpreters who accompanied the Committee.

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## 2. MANAGEMENT SUMMARY

The Committee is of the opinion that the border management strategy of the Czech Republic corresponds to the basic Schengen principles of the integrated border security model. National legislation corresponds mainly to the Schengen acquis and along with the National Plan for Integrated Border Management of the Czech Republic provides the basis for border management. The professional and motivated personnel of the Alien and Border Police Service of the Czech Republic are providing a sufficient level of border control that mainly meets the Schengen requirements. However, there is room for improvement concerning several issues of the border checks, including profiling and the interrogation and linguistic skills of the personnel. Additional training on these matters will be needed in order to provide a higher level of border control at the air borders of the Czech Republic. Risk analysis is organised sufficiently at the national and regional level but should be improved at local level.

There is a need acknowledged by the Alien and Border Police Service (ABPS) of the Czech Republic to increase the number of personnel for border control at the Prague Ruzyně Airport to ensure an efficient, high and uniform level of control.

As a result of a reconstruction of the Prague Ruzyně Airport the basic conditions for border checks following the need to separate passengers from Schengen and non-Schengen flights have been created; however, there are some gaps to be removed to be fully in line with the Schengen requirements.

The construction work on the new terminal at the Brno-Turany Airport should be completed. The Committee is of the opinion that the competent authorities of the Czech Republic should further inform the Schengen Evaluation Working Party about the success in the development of the infrastructure. The adoption of the infrastructure for the separation of passengers from Schengen and non-Schengen flights according to Schengen Borders Code needs to be followed up.

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The Committee would like to highlight the great efforts of the Ministry of the Interior and the Alien and Border Police Service in providing specialised and proper training for the border police 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 FADO at the border.

Current EU legislation formed the basis of the evaluation by the Committee. The responsible authorities of the Czech Republic are aware of the fact that the new Schengen Borders Code will enter into force on 13 October 2006. All the procedures have to be adopted by this date.

## **3. GENERAL INFORMATION**

### **3.1. Strategy**

#### *3.1.1. Legislation*

The following legislation forms the basis for border management in the Czech Republic.

The Act on Control of the State Border of the Czech Republic (No. 216/2002 Coll., as amended by Act No. 481/2004 Coll.) regulates the border control of the Czech Republic against unauthorised crossing of the borders and the enforcement of some obligations arising from the Schengen Convention, and the competences of the Police of the Czech Republic in ensuring the border control and administrative offences in the field of border control.

Act No. 326/1999 of the Collection of Laws (Coll.), on the Stay of Aliens in the Territory of the Czech Republic and on the amendments of some acts (the Aliens Act) lays down the conditions of aliens' entry into the territory of the Czech Republic, their staying in this territory and leaving it. The Act on Police of the Czech Republic (No. 283/1991 Coll., as amended with later regulations) regulates the tasks and competences of the Police of the Czech Republic.

The Customs Act (No. 13/1993 Coll., as amended) regulates some legal relations in the field of the customs system. Customs officers are authorised to check persons and vehicles, to request that a person produce his/her ID card.

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The Employment Act (No. 435/2004 Coll., as amended) regulates the pursuance of the state employment policy. With respect to illegal immigration control, it enables a fine of up to CZK 2 million (EUR 60 000) to be imposed on a person (natural or legal) illegally employing an alien.

The Asylum Act (No. 325/1999 Coll., as amended) regulates the conditions of aliens' entering and staying in the territory of the Czech Republic in the event of their expressing an intention to ask the Czech Republic for protection in the form of asylum, and the stay of asylum seekers in Czech territory.

The Civil Aviation Act (No 49/1997 Coll., as amended) regulates inter alia the conditions of using the airspace and provision of aviation services, as well as the conditions for pursuing aviation activities in the field of civil aviation. It is required by this Act inter alia that airport operators, aviation companies and providers of aviation services submit statistical and other data to the Ministry of Transport and the Civil Aviation Authority.

The cooperation of authorities is based on the Competence Act (No. 2/1969 Coll., as amended) and further regulated by inter-ministerial agreements.

The Schengen Borders Code is implemented for use by the personnel of the ABPS by Order No. 78 of 18.06.2006 of the Director of the Alien and Border Police Service from the date of the Order.

Within the process of implementing Council Directive 2004/82/EC of 29 April 2004, the proposed amendment to the Civil Aviation Act (Act No. 49/1997, as amended) also includes an obligation on air carriers to communicate passenger data to the authorities responsible for carrying out checks on persons at external border. It was assumed that the amendment would take effect in mid-2006, but the Committee was informed that the Directive has not yet been transposed.<sup>1</sup>

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<sup>1</sup> CZ: Council Directive 2004/82/EC of 29 April 2004 was adopted by the amendment to the Civil Aviation Act (Act No49/1997 Coll.), which entered into force on 1 July 2006.

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## 3.1.2. *General strategy for border management*

The Czech Republic's border management strategy is based on the fact that the Czech Republic is an inland state surrounded by Member States of the European Union.

In connection with the full participation of the Czech Republic in Schengen cooperation and the abolition of border control at internal borders, the Ministers of Interior, Finance, Transport, Foreign Affairs, and Labour and Social Affairs approved in June 2006 the National Plan for Integrated Border Management submitted by the Alien and Border Police Service.

The National Plan for Integrated Border Management is seen as a strategic document whose aim is to provide for the development and transformation of the border management system and the effective use of current capacities with regard to the abolition of control at internal borders. Concerning the basic idea of border management, the National Border Management Plan is based on the four-tier concept of external border management at international airports. The Plan will be submitted for approval to the Government of the Czech Republic later.

According to information presented to Committee in the Czech Republic, border management falls within the competence of several central authorities:

- Ministry of the Interior,
- Ministry of Finance (General Directorate of Customs),
- Ministry of Foreign Affairs,
- Ministry of Labour and Social Affairs,
- Intelligence Services.

The Ministry of Interior is responsible for centralised supervision and instructions for border control. The nation-wide Alien and Border Police Service bear the principal responsibility for the control of state borders and have exclusive competence in the field of control over persons crossing the state border.

ABPS is a centrally managed police force authority under the auspices of the Ministry of Interior, with executive power for the whole territory of the State. Besides border control, ABPS is responsible also for special tasks in the field of civil aviation security, protection of public order and



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security at international airports, fulfilment of tasks arising from readmission agreements, performance of set tasks regarding asylum seekers within the meaning of the Dublin procedure and for proceedings regarding penal and administrative offences.

After joining the Schengen area, the Czech Republic will be responsible exclusively for the control of air borders. This fact has been taken into consideration in the concept of the new ABPS organisational structure. The abovementioned staff changes are based on the new "Plan of Competences and Organisational Structure of the Alien Police Service after the Accession of the Czech Republic to the Schengen Area" approved by the Minister of the Interior in August 2005. In compliance with this conception the Alien and Border Police Service will be reorganised as the Alien Police Service with nationwide competence in the field of illegal migration and cross-border criminality, control of aliens' stay and repatriation of persons. It will also be able to operate in the event of the temporary reintroduction of border control at internal borders.

Border control operations at external borders will be performed exclusively at international airports. Until the abolition of the controls at internal borders, the Czech Republic will fully ensure the land borders control pursuant to the Treaty of Accession of the Czech Republic to the EU and the provisions of the Schengen acquis.

To a limited extent, the Customs Administration of the Czech Republic is charged with border control of the Czech Republic.

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

There are currently 18 international airports in the Czech Republic with border crossing points. Twelve of them will undergo proceedings conducted by the Civil Aviation Authority, their aim being to obtain a certificate proving the airport's ability to operate non-Schengen flights. Five airports (Prague-Ruzyně, Brno-Turany, Ostrava-Mosnov, Karlovy-Vary and Pardubice) will introduce a physical separation of passenger flows on Schengen and non-Schengen flights.

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The situation in the field of illegal migration detected in the territory of the Czech Republic is almost invariable. After two years during which the number of persons detected violating the residence regime increased, a major drop was reported in 2004, which applies mainly to persons whose illegal stay in the Czech Republic was detected at border crossing points when they attempted to leave the Czech Republic. The numbers of illegal immigrants detected at the state borders of the Czech Republic in 2002 – 2005 are stated in the following table.

year	2002	2003	2004	2005
total number of aliens detected at land and air borders	12 632	11 126	9 433	5689
of whom:				
non-EU nationals	10 970	10 111	8 186	3783
of whom:				
<b>at the air borders</b>	143	153	252	627
Praha Ruzyně	142	153	252	626
Brno-Turany	1	0	0	1

The rate of illegal migration via international airports is consistently very low, ranging from 1,3 % to 3 % of the total number of third-country nationals detected when illegally crossing the state border of the Czech Republic.

Of the persons detected in 2004 at Czech airports in relation to illegal migration, 65 % were entering the Czech Republic and 35 % leaving the territory. Most of them were persons using counterfeit or false travel documents (183 persons, of whom 99 were entering the Czech Republic and 84 leaving it). One person attempted to leave the country via the airport by entering an aircraft cargo compartment and hiding there. There were also persons attempting to get into the territory of the Czech Republic from the airport and persons without travel documents (e.g. documents destroyed after arrival), of whom some subsequently applied for asylum in the Czech Republic.

The number of asylum seekers in the Czech Republic has decreased since 2003. In 2003 11 400 asylum applications were submitted; in 2004 there were 5 459; and in 2005 there were 4 024. In 2003 more than 75 % of asylum applicants were nationals of European countries and about 22 % nationals of Asian countries. Compared to 2003, the number of asylum applicants who were nationals of European countries in 2004 decreased by more than 50 %, and minor changes occurred in the percentage of nationals of other countries. In 2004, 68 % of applicants were nationals of European countries and 28 % nationals of Asian countries.

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Refusals of entry at the borders of the Czech Republic have decreased since 2003 significantly.

	2003	2004	2005
total number of refusals at the borders	80 778	51 446	<b>6 281</b>
at the air border	1 155	779	<b>569</b>

The Committee was told that the decreasing number of persons refused entry to the Czech Republic was connected with the accession of the Czech Republic to the European Union, as nationals of neighbouring countries formed a significant part of the total number of persons who were refused entry in the past and the conditions applicable to their entry and stay in the territory of the Czech Republic changed after the enlargement of the EU.

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

The control of the borders has been ensured by bilateral and multilateral agreements. With respect to the control of the air border, the Czech Republic is applying the international cooperation tools in terms of the four-tier concept of border control management.

The agreements on police cooperation with the neighbouring countries and with Italy, Switzerland, Russia, Ukraine, Romania and Bulgaria entail provisions on exchanging liaison officers. At present, liaison officers in third countries are operating in the Russian Federation and Ukraine.

### 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 Czech Republic is represented in the Management Board of the FRONTEX by the Director of the Alien and Border Police Service. ABPS have taken part in joint operations initiated by FRONTEX and in the formulation of joint risk analysis. In the National Plan for Integrated Border Management it is laid down that the Czech Republic will be participating in the formulation of risk analyses to an adequate extent, using them for the adoption of appropriate provisions at the national level. The same applies to the participation of the Czech authorities in cooperation on the professional training of border guard staff.

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## 3.2. Organisational (functional) structure

### 3.2.1. *Centralised supervision and instructions*

The ABPS Directorate represents the central level of border management. There are seven Regional Directorates of the ABPS at the regional level and 122 Alien and Border Police Units, 77 Alien Police Departments, 7 Investigation and Residence Control Departments, 7 Prosecution and Documentation Groups and 4 Detention Centres at local level in the composition of the Regional Directorates.

Within the new Alien Police Service, new organisational entities (Alien Police Divisions) will be established as main operational units of the Regional Directorates, merging current Alien and Border Police Units and Alien Police Departments. There will be 53 Alien Police Divisions, 5 of them for border control at the international airports. Divisions will provide a permanent service in the principal fields of activity, taking into account the range of the territory, cross-border cooperation, demographic conditions and the impact of illegal migration.

Bodies designated for fulfilment of further tasks resulting from the four-tier concept of external border management will be a part of the future organisational structure of the Alien Police Service (units for investigation and escort and units for stay control as a part of the regional APS Directorates). These bodies will carry on the activities performed by the present bodies. The Alien Police Service will have four detention facilities, which are already in the operational structure of the Alien Police Service.

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

Cooperation with other authorities is organised at all three levels: central, regional and local. At the central level, cooperation is organised with the Civil Aviation Department of the Ministry of Transport, Customs Administration, Security Information Service, Office for Foreign Relations and Information, Army Intelligence service and National Security Authority. Special forms of cooperation are represented by the Commission for Civil Aviation Security and the Organised Crime Detection Unit of the Criminal Police and Investigation Service.

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Based on Article 27 of the Competence Act (No 2/1969 Coll. as amended), mutual cooperation is further developed in an inter-ministerial agreement and an agreement between the Police Presidium of the Czech Republic and the Customs Administration of the Czech Republic – General Customs Directorate.

Customs authorities (e.g. mobile supervision teams) pursue operational cooperation with the ABPS and other bodies of the Czech Republic Police in the field of controlling transported goods and searching for goods avoiding customs supervision, drugs, arms, ammunition, radioactive material, etc.

At the central level, coordination between the ABPS Directorate and the General Customs Directorate takes place on the basis of irregular meetings held twice or three times a year with a view to exchanging information and solving specific problems.

The cooperation and coordination of customs authorities with other bodies takes place at international airports on the basis of local protocols and at the central level through the mediation of the operating centre and Customs Administration.

At the local level, the Airport Security Committee, consisting of representatives of the airport operator, the Czech Republic Police, CA, Fire Brigade and airport security bodies, performs the principal coordination tasks in the area of security measures at the airports. In the event of extraordinary situations the Airport Steering Staff is in charge. The Staff usually consists of representatives of the Airport Security Committee and the respective bodies of the Integrated Emergency System depending on the nature of the situation.

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## 3.3. Operational effectiveness

### 3.3.1. Resources

#### Personnel

There were 7014 police officers and 533 civil employees deployed in the ABPS on 1 June 2006.

4 719 officers of the ABPS were deployed for border control, 566 of them deployed for air border control. As well as professional police officers, the experts observed some Army soldiers deployed for patrolling at the Prague-Ruzyne Airport.<sup>2</sup>

#### Technical equipment

Technical equipment at the first and second line of border control at the international airports visited by the Committee corresponds to the recommendations of the Schengen Catalogue and to the Council Recommendations of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union.

Number of computers and communication equipment seemed to be sufficient.

### 3.3.2. Level of controls at the external border

The Alien and Border Police Service does not make any qualified estimations of the numbers of persons crossing the state border without being identified by the border authorities. For the assessment of border control effectiveness, various indications are utilised, e.g. information from the neighbouring countries, readmission statistics and statistics on persons handed over on the basis of Dublin II Regulation.

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<sup>2</sup> CZ: On the basis of Government Decree No 518/2005 Coll., on calling up soldiers of the armed forces to perform tasks of the Police of the Czech Republic in the period 1 January 2006 to 31 December 2006, in conformity with Act 283/1991 Coll., on the Police of the Czech Republic, in case of emergency, especially in cases of a worsening security situation, police forces can be reinforced with Army soldiers. On the basis of the above Government Decree, soldiers of the armed forces perform exclusively tasks of public order and security assistance, always under command of a Police officer. Up to 30 June 2006, only 30 soldiers were deployed to perform Police tasks at Prague Ruzyne Airport. Their task was to ensure public order and security in the territory of the airport. According to the Aliens Act No. 326/1999 Coll., the soldiers cannot participate in border control. This is only entrusted to the ABPS.

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

Situational awareness and reaction capability of the ABP Units are based on the centrally managed personnel strategy providing for the possibility of rotation and redirecting of personnel.

Reinforcement of the border control is possible using the mobile control units or by other police units in emergency situations. In these cases other police units will carry out support activities.

According to the Act on the Police of the Czech Republic (No. 283/1991 Coll.), the Government can call upon soldiers in case of an extraordinary situation in safeguarding the state borders if the means of the Police are not sufficient to safeguard the internal order and the security of the state. In such a case the soldiers have the rights and duties of the Police, provided that the Government do not reduce these rights. For year 2006, the Government has called upon 100 soldiers for the purpose of fulfilling the task of the Police in the field of public order. These soldiers fulfil tasks under command of a police officer and are armed. Soldiers are i.a. deployed at Prague-Ruzyně Airport for the purpose of maintaining public security. However, when patrolling together with the ABPS officer there is a possibility that Army soldiers may participate in the control of passengers.<sup>3</sup>

### 3.3.4. *Availability and permanency of resources (human, technical)*

After accession to Schengen and lifting the control from the internal borders, additional personnel are available for the reinforcement of the international airports.

The experts were informed that the number of personnel of the Alien and Border Police was decreasing due to the uncertainty of the personnel as to future service conditions in connection with the releasing of the large number of ABPS officers from the performance of duties at the present land borders of the Czech Republic.

## 3.4. **Risk analysis, intelligence and data-flow management**

### 3.4.1. *Organisation*

The Analytical Group of the Alien and Border Police Service Directorate is the central body responsible for the analysis of trends and day-to-day evaluation of the situation in the field of migration at the national level. This group collects all relevant sources of information from entities having some connection with illegal migration.

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<sup>3</sup> See footnote 2.

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Trends and changes in the field of migration affecting the security situation are under constant evaluation. At regular intervals (monthly, quarterly, semi-annually, annually), analytic and evaluating materials are elaborated, pointing out the potential risks and methods used in the field of illegal migration. These materials are used for the management of the Police of the Czech Republic, the Ministry of the Interior and the intelligence services, and for ensuring feedback towards executive organs.

The Organised Crime Detection Unit of the Criminal Police and Investigation Service analyses and publishes strategies and risks every year, evaluating them regularly in reports on fulfilling the tasks set by the Action Plan for Combating Illegal Migration.

Pursuant to the abovementioned information, the territorial bodies take measures. In the case of an actual change of migration situation, these bodies are entitled to take individual ad hoc actions. Information submitted by Czech consulate posts and intelligence services are systematically used for the analyses. Information is also obtained in the framework of international bilateral cooperation and from EU sources (e.g. CIREFI, Risk Analysis Centre reports drawn up when it was operational).

The exchange of information and cooperation among the Ministry of the Interior, the Police of the Czech Republic and the intelligence services is ensured by the joint evaluation of security risks for the Czech Republic on a regular basis within the sphere of the Joint Intelligence Group.

### 3.4.2. *Methods*

Bodies of the Police of the Czech Republic promptly enter any information from the interior of the country, as well as from the borders of the Czech Republic, into the information system called Udalost (Event) which represents the basic source of operative data in the field of security and migration, including relevant facts regarding the state border. The Event information system ensures a two-way flow of information throughout the Police of the Czech Republic at all levels of management. The principal output is represented by the daily summary information available in the electronic, eventually printed form to all persons in charge of management.



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### 3.4.3. *Horizontal and vertical data flows*

Data processing is organised at three levels: local, region and central.

Vertical data flow is ensured between the basic bodies of the ABPS, Regional Directorates and the Directorate of the ABPS. Horizontal data flow exists mainly between different authorities at the central and regional levels.

The Committee noted that the regular risk analysis are carried out at the central and regional levels.

### 3.5. **Investigation and alien policing**

The acquisition of information and organised crime control fall within the competence of the Organised Crime Detection Unit of the Criminal Police and Investigation Service, with the Traffic in Human Beings Department operating within its scope. The competence of this body covers the whole territory of the Czech Republic. Detection and investigation of criminal structures involved in criminal activities in the area of trafficking in human beings have been carried out by the Traffic in Human Beings Department. The priorities of the Department are assigned in accordance with the Updated Plan on the Fight Against Organised Crime, approved by resolution of the Government of the Czech Republic No. 1044 (23.10.2000) against:

- illegal immigration,
- trafficking of women and children,
- trade in human organs and tissues, and
- trafficking of human beings for the purpose of forced labour (illegal employment) and slavery.

The national strategy on the fight against trade in human beings (for the period 2005-2007) is pursued by the Traffic in Human Beings Department.

In the course of its work, the Traffic in Human Beings Department cooperates with the ABPS, the Department for Asylum and Migration Policy, the Crime Prevention Department and the Security Policy Department of the Ministry of the Interior, with the Public Prosecutor's Office, the Security and Information Service, the Office for Foreign Relations and Information, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Work and Social Affairs and the General Directorate of Customs, and with several non-governmental organisations.

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Cooperation between the Department and the ABPS is organised taking into account the different roles of both organisations in the fight against trafficking in human beings and illegal immigration. The main forms of cooperation are the exchange of information on a daily basis and the use of the assistance of the ABPS when carrying out concrete investigations.

The Organised Crime Detection Unit has established cooperation with foreign partners to make the joint control of international organised crime more efficient and to ensure parallel criminal proceedings.

During 2005 as a result of four extensive operations in the field of illegal immigration, 45 persons of Czech, Russian, Ukrainian and Vietnamese nationality were arrested by officers of the Trade in Human Beings Division and charged with criminal offences involving illegal border crossing and criminal conspiracy.

## 3.6. Staff and training

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

For border control, the professional personnel of the ABPS are used only if they have successfully completed the professional training.

### 3.6.2. *Responsibilities of the Border Guards*

The Alien and Border Police Service of the Czech Republic is responsible for border protection and border control, combating illegal immigration, for residence control and issuing entry and residence permits, fulfilment of international obligations and for carrying out national and international cooperation within listed tasks. ABPS units at the airports are co-responsible for civil aviation protection and the search for explosives and also for ensuring public order in the territory of the airport.

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### 3.6.3. *Selection criteria*

A candidate for the post of officer in the Alien and Border Police should be at least 18 years old, have good health and secondary education. He/she has to pass the psychological test. There is no additional test on knowledge of foreign languages, as a completed secondary education with a "pass" in the leaving examination is an admission requirement for all police officers. Knowledge of foreign languages (especially English) is usually tested in the context of a selection procedure for a specific position within the police.

According to the information provided to the experts, about 35 % of candidates fail the tests.

### 3.6.4. *Basic training*

All police officers in active service undergo basic professional training for 18 months. Before the police education reform in the Czech Republic, basic police training was provided for 12 months.

The other most significant contributions of the reform were:

- course-leaver's profile,
- integration of education, block teaching, change in concept of diagnostics,
- a new system of teaching texts,
- Implementation of the Quality Management Model (EFQM), and
- the integrated training of instructors.

The Alien and Border Police Service students undergo basic professional training at the Secondary Police School in Holesov. The Committee was told that the current curriculum covers the full range of the Schengen acquis related to border control at the external borders and control of the stay of aliens, and that the Common Core Curriculum for border guard training, drawn up by the Centre for Border Guard Training (ATC), has been fully incorporated in the curriculum for the basic education of Alien and Border Police Service personnel.

10 lessons have been dedicated to the following subjects:

- issues relating to the state border and performance of service by the basic units of the Alien and Border Police Service,
- issues relating to the travel documents of Czech nationals, the travel documents of aliens, the stay of aliens in the territory of the Czech Republic, and asylum,

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- movement of persons across the state borders of the Czech Republic and specific issues related to the crossing of these borders,
- issues relating to penal and administrative offences (this is a specific issue regulated by national law in compliance with the Schengen acquis) and the cooperation of the Alien and Border Police Service with other bodies of the Police of the Czech Republic.

Individual lessons were provided to 150 police officers in 2004 and to 17 police officers in 2005 (as of 30 September 2005). The experts were not confident about the sufficiency of the number of lessons to cover the abovementioned topics.

According to the information provided to the Committee, the number of lessons on these main topics is extended up to 186 lessons. The Committee appreciates this increase of the National Curriculum. However, the Committee suggests that an assessment be made of the extent to which the modules on document examination, organised crime and airport control of the curriculum of the basic training at the Secondary Police School in Holesov correspond to the Common Core Curriculum for border guard training.

The 12-month classroom part of the basic professional training is followed by a 6-month instructed practice during which students improve their knowledge, skills and attitudes in the form of practical training at the Professional Practice Unit of the Secondary Police School in Holesov. Another part of the practical training takes place in basic units to which the respective police officers are deployed on a permanent basis.

Managerial-level police officers undergo basic training at the Police Academy.

### 3.6.5. *Further continuing education*

The follow-up training takes place in one-week upgrade courses for ordinary officers of the Alien and Border Police Service and five-week courses for the heads of ABPS branches and their deputies and heads of alien police units.

The Police Academy arranges training for senior management at university level. Police officers who want to reach this level will have to pass different exams.

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There are special courses organised by the regional headquarters concerning, for instance, checks on documents, dog handling, etc.

According to the information provided by the ABPS, continuous training in the field of Schengen cooperation is given within the context of one-week improvement courses for specific police services that take place in police training centres. Topics covered in the lessons are determined both centrally and according to the needs of serving police officers and the requirements of the Police.

According to the information provided by the ABPS, the following training courses have been provided to police officers deployed for border control since 2003:

- I. A specialised course for heads and deputy heads of the Alien and Border Police Units: five-week course dedicated mainly to the following issues: alien and border police service, law, police management, police psychology, public order service, informatics and PC; the course comprises lectures and the resolution of model situations.

	2003	2004	2005	2006	Total
Number of courses	4	8	8	1	
Number of participants	55	117	108	9	289

- II. A course of further professional preparation for police officers in the direct service of the Regional Directorates of the Alien and Border Police Service in Brno, Ostrava, Usti nad Labem and Prague: one-week course covering the issues of alien and border police service, public order police service, traffic police service, law and police psychology and deontology.

	2003	2004	2005	2006	Total
Directorate of Alien and Border Police – number of courses	9	27	49	5	
– number of participants	257	740	1 482	117	2 590
Alien Police departments – number of courses	3	7	9	3	
– number of participants	79	168	162	39	448

## RESTREINT

- III. A specialised course for the professional preparation of head and deputy head police officers of Alien Police Departments: five-week daily course covering the issues of alien and border police service, law, police management, police psychology, public order police service, informatics and PC.

	2003	2004	2005	2006	Total
Number of courses	-	-	2	3	
Number of participants	-	-	28	34	62

- IV. Specialised course for the professional preparation of officers of Criminal Offence Investigation and Management Groups of the Prague Directorate of the Alien and Border Police Service and Criminal Activity Investigation and Documentation Groups of the Regional Directorates of the Alien and Border Police Service: 14-day course covering the issues of law, criminalistics, psychology and administration techniques.

	2003	2004	2005	2006	total
Number of courses	-	-	-	2	
Number of participants	-	-	-	30	30

Separate one-day training takes place every week at Prague Ruzyne Airport for about 20-25 police officers, which focuses on Schengen issues, detection of falsified and counterfeited documents and service. Over the last 4 years, each police officer has participated in approximately 5 such trainings per annum.

### 3.6.6. *Language training*

Language training is a part of the basic professional training of ABPS officers. In September 2005, its scope was extended from 60 – 100 lessons to 200 lessons. The training takes place at the Secondary Police School in Holesov and is based on the secondary-school English and German curriculum. The study proceeds in levels and each level finishes with an examination that is a prerequisite for moving to the higher level. Furthermore, follow-up and repeating courses, language terminology courses and a translation course are organised. Within the basic training every police officer has to follow a course in one language. They can choose from English, Spanish, Russian and German. Following a course in a second language is optional.

# RESTREINT

Teaching also takes place at the Police Academy of the Czech Republic (English, German, French and Russian) and in regional police training centres. Teaching in the regions depends on the possibilities and capacity of an individual centre.

Language training is also a part of the "Life-long education", accredited by the Ministry of Education. Police officers can participate in international projects for language support, like the Leonardo da Vinci and ARGO projects.

### 3.6.7. *Specialised document-checking training*

Personnel of the ABPS carrying out border checks follow elementary document-checking training for one week as part of the basic professional training.

Within the ABPS, a system of more layered training for police officers – specialists on travel documents – has been established enabling regular exchange of knowledge and information in the field of travel documents directly for police officers in service. The experts of the central specialised working place of the ABPS Directorate, the experts of the Regional Directorates and the basic units are used as trainers. The training of document advisors is part of the National Plan for Border Management.

On 1 May 2006, a specialised branch workplace for checks on documents and international cooperation was established at Prague Ruzyně Airport.

The ABPS also cooperates in this field with other parts of the state administration, e.g. with the Ministry of Foreign Affairs where it participates in the regular training of consular diplomatic staff carried out before their posting abroad. As to international cooperation, the ABPS has been participating in the joint programme of EU Member States for the training of specialists in the examination of travel documents and has thus confirmed its readiness to use the newly established training programme prepared by ACT in Traiskirchen.

The competent central working place of the Directorate of Alien and Border Police Service (the Group for the Evaluation of Documents) creates an electronic catalogue of specimens of travel documents, which is regularly updated and made available to all border crossing points as well as other relevant bodies of the Ministry of the Interior and the Police of the Czech Republic by the intranet of the Ministry of the Interior.

# RESTREINT

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

Managers of the Alien and Border Police Service have to have a university degree. This does not necessarily have to be a degree of the Police Academy, but it is considered preferable. After finishing university, they get a basic training of 15 months at the police school and a 6-week management course at the Police Academy.

## 3.7. **Readmission, expulsion and illegal immigration, carriers liability**

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

If an alien is found illegally in the Czech Republic the national authorities take one of the following measures:

- handing over to a neighbouring state pursuant to the relevant readmission agreement,
- handing over to a third state pursuant to the relevant readmission agreement,
- execution of administrative expulsion to the country of origin with the use of the readmission agreement if it was arranged with the particular state,
- execution of administrative expulsion issued in the territory of the Czech Republic to the country of origin,
- voluntary return in cooperation with the international organisation for migration,
- execution of judicial expulsion to the country of origin using the readmission agreement if it was arranged with the particular states,
- execution of judicial expulsion to the country of origin,
- performance of the acts resulting from Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanism for determining the Member State responsible for the examining an asylum application lodged in one of the Member States by a third-country national, i.e. ensuring departure to a state of the European Union based on the request of the department of the Dublin Centre of the Asylum and Migration Policy Department of the Ministry of Interior of the Czech Republic.

Agreements on readmission provide for rapid and qualified reaction to illegal immigration because they provide for the return of their own citizens of the contracting parties as well as third-country nationals.



# RESTREINT

These agreements supply for:

- readmission rules for citizens of the contracting states,
- readmission and transit rules for third-country nationals,
- laying down of the point where the readmission takes place, and
- transit arrangements (on land and by air).

There are Readmission Agreements with some Schengen States (with Austria and Germany in force, with France not yet in force), as well as with other EU Member States (Hungary, Poland, Slovak Republic and Slovenia) and, regarding third countries, readmission agreements have been signed with Canada, Bulgaria, Romania, Croatia and the Republic of Moldova.

The agreements containing readmission provisions pertaining to nationals of the contracting parties are: Argentina, Benelux countries, Brazil, Chile, Costa Rica, Cyprus, Greece, Guatemala, Honduras, Iceland, Israel, Lithuania, Latvia, Mexico, Nicaragua, Norway, Panama, Paraguay, Singapore and Sweden.

Further, the Czech Republic is bound by the readmission agreements on behalf of the European Union with third countries (Hong Kong, Macao, Sri Lanka and Albania).

## Application of readmission agreements with neighbouring countries in 2004:

Persons admitted at BCP of the Czech Republic in 2004

	<b>number of persons</b>	<b>in %</b>	<b>with Germany</b>	<b>with Austria</b>	<b>with Poland</b>	<b>with Slovakia</b>
total	2 653	100	1 423	859	344	27
<b>top countries</b>						
Russia	617	23.3	264	350	1	2
Czech Republic	526	19.8	97	99	309	21
China	444	16.7	392	51		1
Ukraine	249	9.4	159	80	9	1
Georgia	120	4.5	45	75		

# RESTREINT

Persons readmitted at BCP of the Czech Republic in 2004

	<b>number of persons</b>	<b>in %</b>	<b>with Germany</b>	<b>with Austria</b>	<b>with Poland</b>	<b>with Slovakia</b>
total	1 619	100	57	51	389	1 122
			top countries			
Ukraine	530	32,7		6	117	407
China	281	17,4	1	2	7	271
Poland	204	12,6		5	199	
Slovakia	110	6,8				110
Moldova	107	6,6	1	1	20	85

The information presented indicates that, in 2004, 2 654 aliens were admitted and 1 619 readmitted at the BCP of the Czech Republic, mainly nationals of Russia, Ukraine, China, Georgia and Moldova, which means that the Czech Republic had to admit about 500 aliens more than it was able to remove from the country by readmission. Aliens were mainly admitted from Germany and Austria and readmitted to Slovakia and Poland.

Administrative expulsion is defined by Chapter X of the Aliens Act (No. 326/1999 Coll., as amended). Administrative expulsion can be imposed both on aliens staying in the Czech Republic illegally and on aliens staying in the territory legally (including aliens with residence permits).

An apprehended alien, in respect of whom an administrative expulsion procedure has been initiated, can be placed in an alien detention facility if there is a risk that the alien might pose a threat to national security or seriously disrupt public order or hinder or obstruct the execution of a decision on administrative expulsion. The lodging of an asylum application does not constitute grounds for ending the detention. At present the Czech Republic has 4 detention facilities, in which 459 persons may be placed.

The return of aliens placed in alien detention facilities who have received a decision on administrative expulsion and, if required, of aliens who have received a punishment of (judicial) expulsion is arranged in practice by the Alien and Border Police Service Directorate. Aliens are deported mostly by air (with or without escort guards) and by means of police transits (in particular when returning persons to the Ukraine).

# RESTREINT

One of the main obstacles to returning aliens is determining the alien's identity and the subsequent travel document acquisition. The Police will issue a travel identity document to allow an alien to leave the country if the alien is subject to an effective decision on expulsion and has no other travel document. If a decision is made to place an alien in an alien detention facility, the Alien and Border Police Service Directorate arranges the travel documents for the alien to be expelled from the territory.

Over the past five years, the following numbers of persons were deported by Czech authorities following a decision on expulsion:

Year	2001	2002	2003	2004	2005
Expulsions	3 019	2 910	1 255	1 111	1 475
– of which by air	857	813	424	394	323

Persons ordered to be expelled under administrative proceedings:

	Decisions on administrative expulsion issued (number of persons)	Administrative expulsions carried out (number of persons)	Percentage of expulsions carried out
2004	15 194	433	2,9 %
2005	10 094	761	7,5 %

The Czech legal system is based on the presumption that aliens who become subject to an expulsion order leave the Czech Republic voluntarily. Therefore, the numbers of expulsions carried out, as stated above, refer to persons who did not leave the territory of the Czech Republic voluntarily, but were removed from the territory with assistance.

Records of aliens ordered to leave the Czech Republic under both criminal and administrative proceedings constitute a part of the Alien Information System (CIS). The relevant authorities, which issue the expulsion order, monitor whether the alien has indeed left the territory and subsequently enter corresponding data into the CIS. Such monitoring is enabled via a special border form which is given to an alien together with the departure order. The alien is obliged to hand over the special border form to border control staff when leaving the Czech Republic. Border control staff then enter this data into the CIS.

# RESTREINT

Regarding to the monitoring system via CIS, the Committee wonders about the absence of statistics on the persons who have left the Czech Republic voluntarily.

### 3.7.2. *Means deployed to combat illegal immigration networks*

The primary responsibility for formulating the policy on combating illegal immigration rests with the Ministry of the Interior. The Ministry of Labour and Social Affairs, the Ministry of Industry and Trade, the Ministry of Finance, and the Ministry of Foreign Affairs also perform this task within the scope of their competencies.

In February 2004, the Government approved an Action Plan for Combating Illegal Migration, which aims at defining and implementing measures that would reduce illegal migration within the Czech Republic. Together with this plan, the Government also approved an implementation plan for the given measures. The Action Plan's implementation is coordinated by the Ministry of the Interior, which presents a progress report to the Government on plan implementation at the end of every calendar year. Specific ministries cooperate on the basis of Section 27 of the Competencies Act (No. 2/1969 Coll., as amended).

The practical responsibility for combating illegal immigration in the Czech Republic rests with the Police of the Czech Republic (Alien and Border Police Service, Bureau of Criminal Police and Investigation Service), Customs Administration of the Czech Republic, Labour Offices, and Trade Licence Offices.

Cooperation among units of the Police of the Czech Republic in their effort to combat illegal immigration is based on an internal regulation of the Police of the Czech Republic. The Bureau of Criminal Police and Investigation Service also actively cooperates with the intelligence agencies of the Czech Republic.

In order to combat the illegal employment of aliens in the Czech Republic, in 2000 the Government issued a resolution establishing an inter-ministerial body for fighting the illegal employment of aliens in the Czech Republic. It acts as an advisory body of the Government on alien integration and reports to the Ministry of Labour and Social Affairs. The body also coordinates joint inspection activities.

# RESTREINT

Crime connected with illegal immigration is investigated by two services of the Police of the Czech Republic: the Alien and Border Police service (ABPS) and the Criminal Police and Investigation Service (CPIS).

The Organised Crime Detection Unit of the CPIS is authorised to examine, verify and investigate the activities of criminal conspiracies, especially serious crimes committed in an organised way in the area of illegal migration and trafficking in human beings (THB), regardless of the size of sentencing tariffs.

The selected ABPS units are competent to investigate and verify criminal offences for which the law requires prison sentences the upper limit of which does not exceed three years, which have been committed in connection with crossing the state borders, breaching the residence regime of aliens in the territory of the Czech Republic and damaging installations designated for the marking and advising of state borders and installations designed for preventing the illegal crossing of state borders.

The CPIS departments and divisions of the district directorates of the Police of the Czech Republic are competent to investigate criminal acts where the examination and verification is entrusted to the ABPS units.

There is close cooperation between the two authorities dealing with the same subject. This cooperation takes place, in particular, during the following activities:

- detecting and documenting the criminal activities of persons assessing the opportunity to travel across borders for the purpose of committing organised crime,
- conducting security measures in relation to Czech citizens in connection with the issue of travel documents and travelling abroad, and in relation to aliens as regards authorising their entry to and stay in the territory of the Czech Republic,
- provision of information of an operational and strategic nature,
- provision of data from information sources.

# RESTREINT

During 2005 four extensive operations in the field of illegal immigration were conducted against international organized crime structures operating in the territory of the Czech Republic, the Slovak Republic, Germany and Poland. All the operations had an international element and a direct connection to foreign organised crime. In the territory of the Czech Republic, police officers from Trafficking in Human Beings Division arrested and charged 45 persons (of Czech, Russian, Ukrainian and Vietnamese nationality) with the offences of illegal border crossing and criminal conspiracy.

### 3.7.3. *Implementation of carriers' liability*

Article 156 of the Act on the Stay of Aliens in the territory of the Czech Republic (No. 216/2002) establishes as an administrative offence the transportation of passengers without proper documentation by air carriers and determines the amount of the financial penalty. The committee was informed that the amount of the fine is between CZK 24 000 and 200 000 (between EUR 840 and 7 025).

Decisions on administrative violations in the first instance of the administrative procedure fall within the competence of the regional directorates of the Alien and Border Police Service. The fines imposed are enforced by tax authorities. However, figures on the amount of enforced fines were not available during the evaluation mission.

Most decisions in 2004 were imposed by the Alien and Border Police Unit at Prague-Ruzyně Airport. Other regional directorates of the Alien and Border Police Service deal with very few administrative violations committed by carriers.

The figures for cases of liability-implementation penalties on carriers over the last three years are as follows:

- in 2003 1 052 cases,
- in 2004 738 cases, and
- in 2005 539 cases.

# RESTREINT

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

The experts were appreciative of the following facts:

- The general strategy of border management in the Czech Republic presented to the Committee is based on the integrated border security model. The Schengen Borders Code is already introduced in the border control by the decision of the Director of the ABPS.
- The Committee found the organisation of the Alien and Border Police Service centralised and clearly structured.
- The Committee acknowledges the integration of several databases and extensive use of them for border checks, aliens control and for purposes of criminal investigation.

The experts took special note of the following:

- The Committee asserts that some responsibilities (risk analysis, intelligence and investigation) concerning border management in the Czech Republic are shared between several bodies in the Police and authorities outside the Ministry of the Interior. The Committee stresses a continuous need for high-level cooperation and coordination of the activities of the ABPS and other police units involved in border management at the central, regional and local level.
- The Committee appreciates the police education reform in the Czech Republic and the new education concept. However, the Committee suggests that an assessment be made of the extent to which the modules on document examination, organised crime and airport control of the curriculum of the basic training at the Secondary Police School in Holesov correspond to the Common Core Curriculum for border guard training.
- With respect to the number of courses organised for managerial staff of the national Directorate of the ABPS, regional directorates and APBS units, the Committee is of the opinion that there is still a need for ABPS personnel designated for border control and Schengen cooperation to continue to be trained on the issues of the Schengen Acquis.
- The Committee stresses the need for improvement of the language knowledge of the personnel of the Alien and Border Police at the external borders, including at managerial level.

# RESTREINT

The experts consider that there is a room for improvement on the following points:

- The Committee found the present number of the personnel not fully sufficient for carrying out high-level border control at the border crossing points at the airports, taking into account the additional tasks of the ABPS at the airports. The Committee appreciates the decision of the Czech authorities to increase the number of personnel at the airports for the future. Concerning border-control-related duties, it should be ensured that Army soldiers are not involved.
- The Committee calls for an improvement in the provision of the results of the risk analyses submitted at the central and regional level regularly to the local units carrying out border control. The profiling and interrogation techniques should be improved.
- The Committee found that the Council Directive 2004/82/EC of 29 April 2004 was not transposed into national legislation. A corresponding draft is before the parliament. <sup>4</sup>
- The Committee notes that the minimum amount of penalties applicable to carriers according to the legislation of the Czech Republic is considerably lower than the minimum amount of penalties established by the Council Directive 2001/51/EC. The Committee invites the responsible authorities of the Czech Republic to take measures to comply with the Directive when imposing the penalties on carriers.

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<sup>4</sup> CZ: Council Directive 2004/82/EC of 29 April 2004 was transposed by the amendment to the Civil Aviation Act (Act No49/1997 Coll.), which entered into force on 1 July 2006. The transposition deadline is 5 September 2006.



# RESTREINT

## 4. PRAGUE RUZYNE AIRPORT

### 4.1. General information

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

Prague Ruzyne Airport is the major international airport in the Czech Republic, owned by the State and operated by Prague Airport, a state enterprise. The airport is used for scheduled international and domestic flights, charter flights and general aviation flights.

The number of checked-in passengers is increasing year by year.

year					prognosis		
	2002	2003	2004	2005	2006	2007	2008
Number of checked-in passengers (millions)	6,3	7,4	9,7	10,7	11,5	12,2	13,2

The airport proceeds about 160 000 arrivals and departures annually which means on average 440 movements per day.

Number of passengers in 2003-2005:

	2003	2004	2005
passengers on EU flights	4 059 962	6 298 757	<b>7 012 958</b>
passengers on non-EU flights	3 403 158	3 397 656	<b>3 764 062</b>
passengers on Schengen flights	2 679 579	3 398 621	<b>3 856 726</b>
<b>passengers on non-Schengen flights</b>	<b>4 783 541</b>	<b>6 297 792</b>	<b>6 920 294</b>

The number of charter flights is about 19 % of passenger flights, the number of passengers on charter flights is 15 % of all passengers, and these numbers have not changed significantly during the last two years.

The top 3 Schengen destinations in 2005 were Paris, Frankfurt and Amsterdam; the top 3 non-Schengen destinations were London, Zurich and Dublin.

The airport handles:

- four terminals intended for passenger transport: South 1 (Jih 1), South 2 (Jih 2), North 1 (Sever 1) and North 2 (Sever 2) with full operation as of 1 January 2006, and
- two cargo terminals: CSA and Menzies Aviation Group terminals.

# RESTREINT

In connection with the pronounced increase in the number of passengers and with a view to providing for the physical separation of Schengen and non-Schengen passengers, it has been decided to construct a new terminal North 2 (Sever 2) intended exclusively for Schengen flights after the Czech Republic joins the Schengen area.

Up to now, the North 1 terminal with two piers A and B has been the main terminal for dispatching all scheduled and most non-scheduled international flights. After full accession to the Schengen area, it will serve exclusively for non-Schengen flights. The building features a single-floor system, border checks, transit section and decentralised security checks carried out at the entrance to departure waiting room. A special facility for VIP passengers will also be located in this terminal.

The new North 2 terminal with pier C is used for flights to Schengen destinations. After the abolition of border checks at the internal borders between the Czech Republic and other Schengen states, the control will be terminated there and activated in the corridor connecting the North 1 and North 2 terminals.

The South 1 terminal is used for government and special military flights.

The South 2 terminal serves mainly for dispatching general aviation flights and, exceptionally, for dispatching charter flights. This system will be preserved even after full accession to the Schengen area.

The crews of cargo planes have been checked in the North 1 or South 2 terminal.

Considering the composition and number of flights, the separated checking-in of Schengen and non-Schengen passengers within the scope of general aviation, charter flights (South 2 terminal) and special flights (South 1 terminal) will be provided administratively.

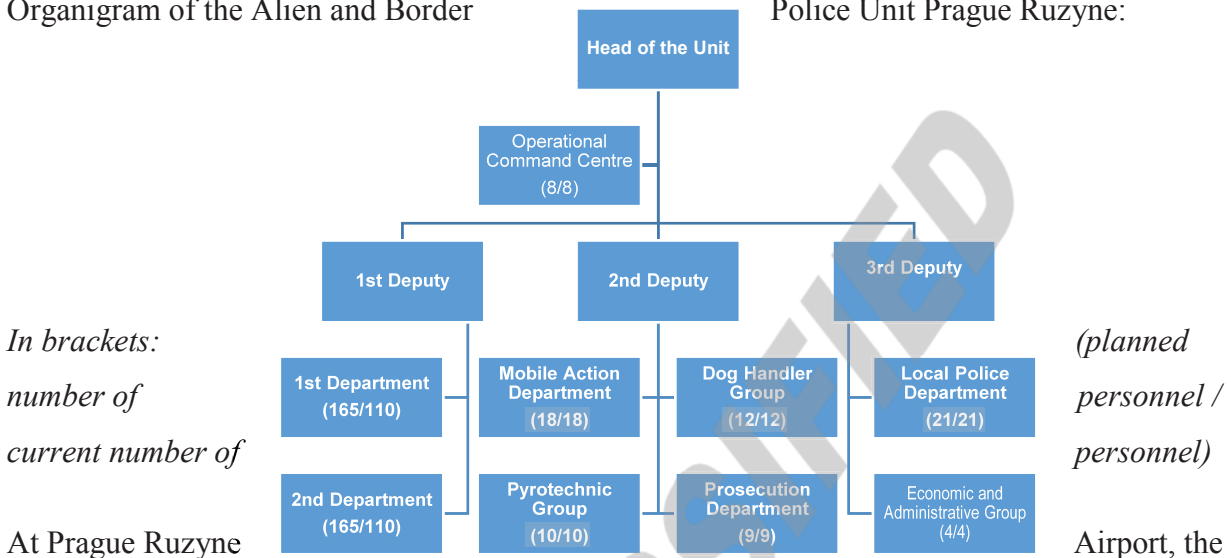
The following authorities operate in the airport: Alien and Border Police Unit, Customs, Airport Security Service, the local police authorities, special police forces and also the military forces supporting the Alien and Border Police Service.

# RESTREINT

Alien and Border Police Unit Prague Ruzyně is a part of ABPS Regional Directorate Prague. The tasks of Alien and Border Police Unit Prague Ruzyně are air border control, specific tasks concerning civil air transport protection and public order protection in public areas of the airport (provided by the local police department, which does not carry out border control activities).

Organigram of the Alien and Border

Police Unit Prague Ruzyně:



Alien and Border Police Unit (ABPU) has exclusive competence in the field of checks on persons as well as in the area of public order within the territory of the airport. The Unit also fulfils tasks concerning civil air transport protection.

Border control is the responsibility of the first and second Departments of the ABPU.

During the last three years the number of administrative offences committed at Prague Ruzyně Airport has decreased from 1 050 offences in 2003 to 538 offences in 2005. At the same time, the number of forged documents discovered during border checks has increased from 123 in 2003 to 238 in 2005. The number of administrative expulsions has increased from 177 in 2003 to 571 expulsions in 2005, and the number of asylum applicants has increased from 86 in 2003 to 536 in 2005. Based on these figures, the Committee highlights the increasing importance of qualified and efficient border management at Prague-Ruzyně Airport.

# RESTREINT

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

Customs authorities (e.g. mobile supervision teams) pursue operational cooperation with the ABPS and other bodies of the Police of the Czech Republic in the field of controlling transported goods and searching for goods avoiding customs supervision, drugs, arms, ammunition, radioactive material, etc.

The cooperation and coordination of customs authorities with other bodies takes place on the basis of local protocol. As for Prague Ruzyne Airport, customs officers cooperate with the border control authorities in patrolling operations in the transit area and in checking the authenticity of travel documents. The Customs liaison officer has a permanent working place in the Operational Command Centre of the ABPU.

The Alien and Border Police Unit maintains cooperation with the airport operator and participates in the work of the Airport Security Committee.

With local police authorities and with the special police forces, the cooperation consists of cooperation meetings of the directors and heads, information exchange and mutual support.

International cooperation at the level of the ABPU is organised with the police authorities in the airports of destinations in Israel and the Slovak Republic and with other airports in the framework of joint operations organised by FRONTEX.

## 4.1.3. *Risk analysis and intelligence functions*

Risk analysis is mainly organised at the regional level. There is no special unit or officers responsible just for risk analysis. Some elements of the risk analysis have been carried out by the leadership of the ABPU. At the beginning of every shift the officers on duty are briefed on the most recent information and trends.

Profiling seems to be known in theory but some border police officers seemed not yet to be well aware of the current risk indicators.

# RESTREINT

## 4.2. Infrastructure and equipment

### 4.2.1. Signposting

The standard signs determined by Council Decision No 2004/581/EC of 29 April 2004, which determines the minimum indications to be used on signs at external border crossing points, have been already used for marking of the control lanes at Praha Ruzyne airport. However, the Committee would like to point out the following:

- At Terminal North-1 Departures, the signs are in conformity but not easily visible (several metres ahead of the booth on the wall of the check-in area). Electronic information over the booth was found not to be in accordance with abovementioned Decision as standard pictograms were not used and there was only textual information provided in English and Czech.
- At Terminal North-1 Arrivals, the signs were found to be not well located. The experts were of the opinion that the signs could be more precise or at least repositioned above the booth concerned.
- The signs used in Terminal South were found not to be in accordance with the Decision.
- There are not yet any signs in the future transit area. Signposting is envisaged at some distance in front of the booths.

### 4.2.2. Separation of flows

There is a separation between flows of passengers on domestic and international flights.

The future separation between passengers on Schengen and non-Schengen flights is already assured as a result of the building of the new Terminal North-2. After full accession to Schengen area, Terminal North-1 will be used exclusively for non-Schengen flights and Terminal North-2 for Schengen flights. There are already control booths in both directions at the future transit point between the two terminals.

There is no physical separation in Terminal South because of the particular nature of the passengers concerned.

### 4.2.3. Lanes for checks

Separate lanes for border checks were provided for EU, EEA and CH citizens and their family members and for all other third-country nationals.

# RESTREINT

## 4.2.4. Control facilities

Terminal South-1. There are two booths (one on entry and one at the exit) which have a barrier and there is no possibility for mistakes. When not in use, the booth is closed and sealed. The booths were not facing the passengers.

Terminal South-2. There is one booth on entry and one at the exit. The booths were not facing the passengers. There are CCTV cameras installed above the booths which are used for additional observation of the passengers by the second line officers.

There is no second line office in Terminal South. In the case of a problem needing a further check the persons concerned have to be taken to Terminal North. In the case of increased traffic, the setting up of a dedicated second line office should be considered.

Terminal North-1. There are 12 booths at Departures and 13 booths at Arrivals. The booths are well aligned; front view to the passengers is assured. Small doors between the booths are operated by a button in the booth. The booths are spacious and the construction of the booths provides a good position for the PC monitors so that the monitors cannot be observed by passengers. At Departures the physical separation is not from the floor to the ceiling. The second line offices (separate for departures and arrivals) are positioned in front of the booths with a view onto them.

Terminal North-2. There are 9 booths at Arrivals and 12 booths at Departures providing a front view of the passengers. The construction of the booths is similar to the booths at Terminal North-1.

At Terminal North all the border control booths will stay in place after accession for use in the event of the temporary reintroduction of border checks at internal borders.

There are 6 booths each way for the future transit zone. The areas are separated from the floor to the ceiling. There are no glass doors between the booths yet. The Committee was informed that these will be installed at the moment of Schengen accession.

There is a booth for border checks of crews on departure and arrival.

No flexible gates are used or planned for the future.

# RESTREINT

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

For the border checks the booths at the first line were equipped with a PC in combination with an optical passport reader, a handheld magnifying glass, a UV lamp, a retro-reflective viewer for 3 M foil control and a Docutest set consisting of several light sources and a magnifying glass

The PC is connected to a network and provides access to the Alien Information System, a travel document specimens catalogue and to the central website of the ABPS. There is online access to the EVIC 2 system used for the control of granted visas.

At the second line the airport is equipped additionally with a videospectral comparator, a stereoscopic microscope with a digital camera, a scanner, a microscope and a EURODAC LSS 3000 terminal. There is access to electronic AFIS and EURODAC.

The Committee was shown a pilot project currently ongoing in Terminal North-1 at Arrivals, where CCTV cameras have been installed at every booth, observing passengers in front of the booth and in the queue, with a view to additional profiling of passengers by the second line personnel. In a second stage, it is planned to introduce this system at future transit booths.

The experts found the equipment sufficient and modern, especially at the first line.

## 4.2.6. *Communication*

With regard to the air border, the police operating at international airports are equipped with radio-communication devices. There are 46 portable radio sets, 11 vehicle radio sets and 3 control centre radio sets available to the Alien and Border Police Unit at Prague Ruzyně Airport.

All computers at the first and the second line are connected to the police computer network.

## 4.2.7. *Access control / fencing*

The 24 km long perimeter of the airport is fully fenced. Access control is provided by the Airport Security Division. Approximately 960 CCTV cameras for security surveillance system are operated by the airport operator and viewed by police in the Command Centre. The electronic access control system consists of 560 card readers.

# RESTREINT

## 4.2.8. *Detention / readmission premises*

A reception centre exists for asylum seekers only. The Committee was informed that persons refused entry and waiting for a return flight are kept in a transit area under some surveillance until the return flight. There is no special room for keeping such persons permanently under surveillance.

## 4.2.9. *Storage of blank visas*

In Terminal South the blank visas were stored in a small locked box in a safe in a room beside the control booth; in Terminal North they were in a lock-up safe in the second line office. Use of the visa stickers is recorded in a special register. Verifications were in conformity with the registers.

## 4.3. **Controls and procedures**

### 4.3.1. *Traffic handling/traffic modes*

Border checks are carried out in Terminal North-1 for non-Schengen flights and in North-2 for Schengen flights. This arrangement was already in place, so once the internal border control is lifted, no adaptation will be necessary.

General aviation is checked in South-2. The airport operator ensures that passengers and crew on these flights are brought to the control booths for entry checks.

Crews on scheduled flights as well as crews on cargo flights are checked at a separate crew gate, where there is always a border guard present. VIPs are submitted to border checks at a separate VIP gate, where there is also one border guard permanently present.

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

All passengers are checked on entry and exit. EU citizens are submitted to a minimum check, third-country nationals are submitted to thorough checks; however, during the inspection on site, the Committee noted that third-country nationals not submitted to the visa obligation were only checked against national databases; no further questions on, for instance, financial means of subsistence or the purpose of stay were asked.



# RESTREINT

Third-country nationals subject to the visa obligation have to hand over a filled-in "border crossing card". It is already filled out at the Embassy, contains information on the traveller as well as a photo of the passenger, and consists of two similar parts: both are stamped, one is kept on entry, the other one is given back by the passenger on exit. The Committee was told that this procedure will not continue after the lifting of internal border control.

The Committee noted that one officer at the first line tried to ask one Chinese national further questions, but due to the passenger's language difficulties, no interview could take place. The next Chinese passengers and other third-country nationals were not asked further questions.

The experts were told that the CZ authorities do not yet have a profiling system and such training has not been organised. However, the ABPS is starting to build it up.

The data on passengers past the control via databases is afterwards registered in the Alien Information System.

There are 10-12 gate checks on risk flights per day. Airport transit visas are checked either through gate check or random checks in the transit area. There are 1-2 cases per month, where the passenger is not in possession of the necessary airport transit visa. The carrier is consequently penalised.

All passports of third-country nationals were stamped on entry and exit. Schengen entry and exist stamps have been procured. Stamps are distributed by the head of the shift and each officer has to sign on receipt and delivery of the stamps. When the shift is over, the stamps are placed in a locked safe-deposit box in the office of the head of the shift. The head of the shift keeps the registration book of the stamps.

Currently decisions on changing the security codes of the entry and exit stamps have been made by heads of Alien and Border Police Service offices at least once a month. The security code is identical on entry and exit stamps.

When a National Contact Point is established within the Alien and Border Police Service Directorate, numerical security codes will be assigned centrally and distributed once a month to local offices of the Alien and Border Police Service by means of the intranet.

# RESTREINT

## 4.3.3. *Utilisation of registers*

For border checks the Alien Information System (AIS) is used. AIS integrate several databases and enables verification of data on visas granted. There is the option of a phonetic search. There is access to AIS from every workplace at the first and the second line. When an alien who is subject to a visa obligation enters the country and passes the border checks, he is recorded in the AIS and his photo is added.

Additionally there is access to the catalogue of travel documents maintained by ABPS and to the police intranet containing catalogue of genuine documents, information on forged documents, EU and national regulations concerning border control.

## 4.3.4. *Utilisation of the Common Manual*

There was no Common Manual available as the Schengen Borders Code was introduced by the Order of the Director of the ABPS instead of the Common Manual. In the booths, a short version of the Schengen Borders Code drawn up by the ABPS was available. On the intranet a full version was available, although it was a provisional version dated October 2005 and had no annexes.

## 4.3.5. *Processing of refusals and asylum applications*

Refusal forms are filled in at the joint operational command centre. The forms are available in electronic form in Czech and English. The English version is given to the person to whom the entry has been refused and the Czech copy is stored at the border crossing point. Another copy of the Czech version is sent to headquarters.

The experts noticed that some officers at the border crossing point were not familiar with the rule whereby the reason for refusals (letter) should be indicated in the passport.

Inadmissible passengers who have been refused entry to the Czech Republic remain in the airport transit zone until the relevant return flight. Persons waiting for a return flight remain under the surveillance of the airport patrol (police officer and army conscript who is seconded to and under the command of the police officer).

# RESTREINT

If a person represents a threat to public order or there is a risk of self-inflicted wounds, which means that the legal grounds are fulfilled for taking the person into custody, then the person concerned is placed in a police cell. One cell is situated in the departure section of Terminal North-1, two in the departure section of Terminal North-2, and one in the building of the Alien and Border Police Service at the airport.

The number of refusals of entry has decreased since 2002.

year	2002	2003	2004	2005
number of inadmissible passengers (airports and land borders)	84 669	80 778	51 446	6 281
Prague Ruzyně Airport	1 144	1 128	765	561

Top 5 nationalities:

- in 2003 nationals of Canada, Austria, Fiji , Italy and United Kingdom,
- in 2004 nationals of Canada, Russia, United Kingdom, Austria and the South African Republic,
- in 2005 nationals of Russia, South African Republic, United Kingdom, unknown and India.

The initial procedures with asylum applicants are conducted in the second line office of the Alien and Border Police Service, which is located in the transit zone of Terminal North-1.

Persons who ask for asylum are kept in the reception centre at the airport. A new asylum centre with a capacity of 45 persons is located in the new Terminal North-2. The request is dealt with within 5 days. Within 45 days, a judicial review must be carried out. If the procedure nevertheless takes longer than 50 days, the person is brought to another reception centre within the territory.

The following figures for asylum applications may be noted:

year	2001	2002	2003	2004	2005
number of asylum applications in the country	18 094	8 484	11 400	5 459	4021
number of asylum applications in Prague Ruzyně Airport	120	167	86	121	563

# RESTREINT

Top five nationalities (where this can be established):

- in 2003: Iraq (19), Lebanon (11), Russia (8), Somali (7) and Iran (3),
- in 2004: Turkey (20), Pakistan (11), Sudan (10), Iraq (8) and China (8),
- in 2005: India (333), Pakistan (19), Syria (16), Turkey (15) and Nigeria (14).

## 4.3.6. *Issuance of visas*

Currently, the Aliens Act enables transit visas and visas for a stay of up to 90 days to be issued at the border under specific circumstances. A visa at the border is only issued in urgent cases upon consultation of the Ministry of the Interior. As far as the visa issued to seamen is concerned, the relevant information is sent in advance by the shipping agent, which allows the Ministry of the Interior to be contacted before the seaman arrives at the airport. The issuance of the relevant visas is recorded in a special register.

173 visas were issued in 2003, 271 in 2004 and 227 in 2005.

Top nationalities:

- in 2003 nationals of Russia, Canada, Ukraine, Serbia and China,
- in 2004 nationals of Russia, Ukraine, Moldova and China,
- in 2005 nationals of India, Russia, Ukraine, Moldova and Serbia and Montenegro.

## 4.3.7. *Second line activities*

The second line activities consist of:

- further thorough checks on all selected persons,
- verification of the authenticity of the documents using special equipment,
- granting visas,
- processing the refusal of entry, and
- carrying out preliminary procedures in the case of asylum applications.

The second line activities have been carried out by heads of shifts, document experts and other specially trained police officers.

# RESTREINT

## 4.4. Border surveillance

### 4.4.1. *Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)*

Surveillance of the territory and perimeter of the airport is carried out using Security Surveillance System containing approximately 960 CCTV cameras. The Alien and Border Police Service has access to the information of the CCTV camera system. The monitoring system is operational 24/7; a daylight camera during the day and a thermovision set at night. Patrolling and physical protection of the perimeter is arranged by the Airport Security Division, which is also responsible for access control to non-public areas. For patrolling of the public areas about 30 Army soldiers have been involved.

## 4.5. Staff and training

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

The Committee found the personnel of the ABPU Prague Ruzyně Airport to be professional, disciplined and motivated.

### 4.5.2. *Basic training*

All police officers had passed the necessary basic training.

### 4.5.3. *Further continuing education*

The further training is under the responsibility of the 3rd Deputy of the Head of the ABPS unit of Prague Ruzyně airport.

The further training consists of:

- individual training (during the shift via internet and study of new internal regulations),
- special training courses (language, PC and additional training for specialist),
- training system for documents experts (in ABPS Directorate, ABPS Regional Directorate and ABP Unit).

# RESTREINT

The police officers receive one day's training on Schengen every two weeks and there are monthly service meetings for all officers.

A police officer who performs well in the first line can be placed in the second line and receive additional training.

The Committee was informed that no training on profiling was organised as yet.

#### 4.5.4. *Linguistic skills and training*

The Committee was provided with the information that 70 % of personnel of the first and second departments of the ABPU carrying out the border checks were able to speak foreign languages at certain level. 101 officers (46 % of personnel of the first and second departments) speak a certain level of Russian, 47 officers (21 %) English and 44 officers (20 %) German. Several persons speak French, Italian and Spanish. However, the Committee finds that the language skills of the personnel are confined mainly to the secondary-school or basic level of knowledge. Only 2 persons speak Russian, 3 persons English, 1 person French and 1 person German at the advanced level. 10 persons speak Russian, 7 persons English and 3 persons German at intermediate level.

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

Every police officer has passed elementary document checking training during their basic police training. There are 16 travel document experts at Prague Ruzyně Airport. Every two weeks, the police officers receive one day's training. Part of this training is dedicated to the detection of false and forged documents. Some trainings are organised by the central document analysis unit.

#### 4.5.6. *Availability and permanency of staff*

There were 308 police officers employed at Prague Ruzyně Airport on the day of inspection. Of these 308 220 were involved in border control. In November 2005 it was decided to deploy 420 police officers at the Prague Ruzyně Airport until the end of 2007 but the plans have not been fulfilled yet. At the end of the year ABPS hopes to have 350 police officers on duty. The Committee reckoned the load at 34 000 non-Schengen passengers per one first line border police officer per year. The experts found the number of police officers not fully sufficient to provide efficient border checks with the normal load of the personnel. The opinion of the Committee was strengthened by the statement of the Head of the ABPU that border police officers have to work overtime as there are not enough officers at the moment.

# RESTREINT

All police officers on duty work in 12 hour-shifts. The shifts start at 07.00 or at 19.00. During the day 60 officers are on duty (44 at the first line; 16 at the second line). In the night shift there are 40-50 officers on duty depending on the flight plan.

Armed professional soldiers were used for patrolling the public areas and transit zone of the airport under the leadership of the police officers of the ABPS. The experts were told that the soldiers had passed one week's training on police issues.

## **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 illegally present (identification, detention, issue of documents, escort, financing)*

All persons refused of entry at the Prague Ruzyne Airport were removed by air. There were 571 persons expelled from the Czech Republic via Prague Ruzyne Airport in 2005.

### *4.6.2. Means deployed to combat illegal immigration networks*

There are no specific officials in the structure of Border Policing Offices at Prague Ruzyne Airport deployed to combat illegal immigration networks. However, there are officers whose duties involve this task as well.

### *4.6.3. Sanctions imposed on carriers*

Article 156 of the Act on the Stay of Aliens in the territory of the Czech Republic (No. 216/2002), establishes as an administrative offences the transportation of passengers without proper documentation by air carriers and determines the amount of the financial penalty.

1 052 fines were imposed at Prague Ruzyne Airport in 2003, 738 in 2004 and 539 in 2005. The decrease between 2003 and 2004 is linked to the fact that, before the accession of CZ to the EU, EU citizens thought they could enter CZ territory on the basis of an ID card.

# RESTREINT

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

The experts were appreciative of the following facts:

- The Committee considers that the preconditions for separation of passengers of Schengen and non-Schengen flights are already assured. The infrastructure and the equipment at Prague Ruzyně airport mainly meet the Schengen requirements.
- The number of the second line officers is considered sufficient.
- Cooperation between different authorities at Prague Ruzyně Airport seems to be efficient.
- The Committee noted the integration of several databases in the Alien Information System as an effective tool for border checks on the third-country nationals.
- The Committee found helpful the use of the cameras above the booths for monitoring passengers.

The experts took special note of the following:

- The border checks were found to be mainly in compliance with Schengen requirements. However, the Committee noted that some border police officers did not follow or did not know all the elements of some procedures of border checks (verification of all conditions governing entry of third-country nationals, refusal of entry) fully in line with the Schengen Borders Code.
- The Committee suggests reconsidering the border control plan in Terminal South (signposting, separation of flows, control facilities, staffing).
- At several control lines, signposting was found not to be fully in conformity with the Schengen acquis.

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

- The Committee suggests providing the outcome of risk analyses for the local level and increasing the role of risk analysis at the local level. The system of passenger profiling should be improved and training in profiling should be developed.
- The Committee sees a need to improve the linguistic skills of personnel and calls on the responsible authorities to give particular attention to language training.
- The Committee points the need to increase the number of personnel for border checks in line with p. 4.2.1.3 of the National Plan for integrated Border Management of the Czech Republic.



## RESTREINT

- Either a complete published version of the Common Manual and, at least from the date of entry into force, a complete published version of the Schengen Borders Code have to be available for all police officers at the first and second line.
- Verification of the all entry conditions of all third-country nationals has to be carried out in accordance with the provisions of the Schengen Borders Code.
- The Committee states the need for premises for the temporary detention of persons refused entry.

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# RESTREINT

## 5. BRNO-TURANY AIRPORT

### 5.1. General information

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

The Brno-Turany Airport is an international public airport with a steadily growing number of passengers. Owned by the Region of South Moravia (self-governing territorial unit), it is operated by the joint stock company LETIŠTĚ BRNO a.s. The airport operates domestic, scheduled international flights, cargo, general aviation and charter flights. The airport operates 24/7 with a permanent presence of the Alien and Border Police and the Customs Administration.

There were 16126 aircraft movements in 2005.

Number of the passengers:

	EU passengers	non-EU passengers	Total	Growth 2003/2004 2004/2005	Growth % 2003/2004 2004/2005
2003	75 264	90 878	166 142		
2004	62 152	109 736	171 888	5 746	<b>3,5</b>
<b>2005</b>	<b>193 675</b>	<b>121 997</b>	<b>315 672</b>	<b>143 784</b>	<b>84</b>

The traffic at the airport is highly seasonal. The busiest period is May-October when the number of Czech nationals flying to the Mediterranean is up to 60 000 persons per month.

Charter flights account for the largest number of passengers. In 2004 the percentage of charter flight passengers was 87 % of all passengers, in 2005 about 60 %. The main destinations of Schengen charter flights were in Greece and Spain; in non-Schengen countries the destinations were in Bulgaria, Turkey, Tunisia, Egypt, Montenegro, Croatia and Morocco. Scheduled traffic (domestic flights to Prague and international flights to Munich and London) currently has a secondary role.

The top 5 carriers are Czech Airlines, Travel Service, Ryanair, Karthago Airlines, Cirrus Airlines. Approximately 2/3 of flights at the airport are domestic and international training flights.

# RESTREINT

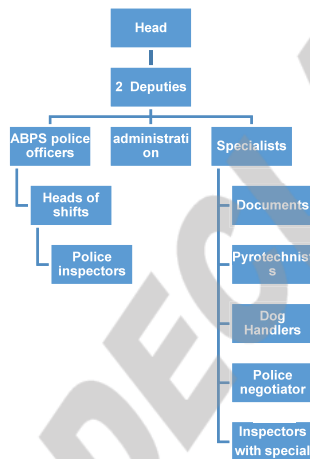
The same terminal is used for border checks on scheduled and charter flights and for general aviation. Due to both the implementation of Schengen standards and the planned increase in passenger numbers, it has been decided to build a new departure hall. It will serve for both Schengen and non-Schengen departures after full participation in Schengen cooperation. Construction work on the new departures terminal is in progress. The opening of the terminal is planned for September 2006. The current departure hall will serve for Schengen and non-Schengen arrivals. The arrivals terminal will be reconstructed over a period up to May 2007.

The border checks at the Brno-Turany airport are carried out by the Alien and Border Police Unit (ABPU) Brno-Turany, belonging to the ABPS Regional Directorate BrNo.

The Alien and Border Police Unit Brno-Turany performs following tasks at the airport:

- carries out a border control,
- fulfils specific tasks concerning civil aviation protection,
- assures public order in public areas of the airport.

Organigram of the Alien and Border Police Unit Brno-Turany:



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

The Alien and Border Police Service and to a limited extent, the Customs Administration of the Czech Republic are charged with border control of the Czech Republic.

# RESTREINT

Cooperation carried out with the Customs Directorate Brno is based on the Agreement on mutual cooperation at the international airport Brno-Turany and consists of operational actions in connection with drug smuggling, monthly cooperation meetings, mutual support and information exchange.

There is cooperation with local police authorities: the South-Moravian Regional Police Administration Brno, the Municipal Police Directorate Brno and Regional Police Directorate Brno-venkov. The cooperation consists of common planning for emergency cases, common actions during important public events and security measures connected with governmental flights, cooperation meetings and other mutual support. In the case of emergency the Rapid Reaction Unit of the Police Presidium can be used.

The cooperation with other authorities at the airport is organised in the framework of Airport Security Committee (ASC) which is responsible for the security of the traffic at the airport. The Head of the ABPU acts as a deputy director of Airport Security Committee, in police emergency cases as a head of ASC.

International cooperation is carried out via the Prague-Ruzyně Airport or via the liaison officer of the Czech Police in Kiev. Information exchange is arranged with the border control authority at London Stansted airport.

The threats regarding the illegal immigration and illegal border crossing at the Brno airport have to be considered at a low level currently. During the last three years, four persons have been refused entry and one administrative offence has been detected.

## 5.1.3. *Risk analysis and intelligence functions*

Risk analysis is carried out mainly at the central and regional level and vertical and horizontal data flows are organised at these levels. There is an analyst group at the regional level for risk analysis. Results of the risk analysis are not used at the local level regularly. Profiling at the first line of the border control is exercised randomly. Personnel of the BCP do not fulfil intelligence functions.

# RESTREINT

## 5.2. Infrastructure and equipment

### 5.2.1. Signposting

EU-compatible pictograms were used on the signs of the control lanes. The experts observed that at departures and at arrivals one of the control lanes carried both signs ("EU, EEA , CH citizens" and "all passports") simultaneously.

### 5.2.2. Separation of flows

The passengers of Schengen and non-Schengen flights are not separated yet. There is a separation between domestic and international flights. Passengers walk to/from the plane if there is a distance to the plane of less than 250 m or if there is no need to transport them by bus. Passengers are escorted by a representative of the operator and the movement is under the observation of the border control personnel.

On the apron, at the time of the visit, Schengen and non-Schengen planes were parked next to each other with no clearly visible system of separation of flows. All passengers went the distance between terminal and plane by foot. The Committee was told that no change was envisaged. Police and airport personnel were present on boarding but not very attentive. CCTV were in the direction of planes and not in the direction of the terminal. The experts found that a full view over passenger flows between aprons and terminal was not possible. For the experts it was not clear how the situation would be handled in the case of several arriving and departing planes from Schengen and non-Schengen destinations <sup>5</sup>.

There is no special transit area at the airport and in case of need the departure hall will be used.

### 5.2.3. Lanes for checks

Separate lanes for the border checks of the EU, EEA and CH nationals and other third-country nationals were provided.

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<sup>5</sup> CZ: Concerning the separation of passenger flows at the airport, there is no possibility of mixing the passengers of Schengen and non-Schengen flights at the apron. This is ensured by separation of the flights in time. In the case of an unforeseeable situation (flight delay), it is guaranteed by organisational measures, i.e. by permanent presence of the representatives of airport operator and the Alien and Border Police Service officers.

# RESTREINT

## 5.2.4. *Control facilities*

There are 2 control booths at arrivals (additionally 2 reserve booths could be used) and 2 control booths at departures. Additionally one control booth is used for border checks on general aviation (both directions). All booths have one workplace.

The experts observed that the arrival and departure booths do not provide a front view of the queuing passengers.

There is one second line office at the airport situated close to the first line at departures.

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

For the border checks the booths at the first line were equipped with a PC in combination with an optical passport reader, a handheld magnifying glass, a UV lamp, a retro-reflective viewer for 3 M foil control and a Docutest set consisting of several light sources and a magnifying glass

The PC is connected to a network and provides access to the Alien Information System, a travel document specimens catalogue and to the central website of the ABPS. There is online access to the EVIC 2 system used for the control of granted visas.

In the second line, the airport is equipped additionally as follows:

- a Docubox (Foster and Freeman videospectral comparator),
- a stereoscopic microscope with a digital camera,
- a scanner, and
- a microscope.

For stamping of travel documents 18 entry and 15 exit stamps were used.

## 5.2.6. *Communication*

The police operating at Brno-Turany Airport is equipped additionally to the phone connection with following radio-communication devices: 32 portable radio sets for working in the police radio network, 4 portable radio sets for working at the airport frequency and 4 vehicle radio sets.

All computers are connected to the police internal computer network.

# RESTREINT

## 5.2.7. *Access control/fencing*

The perimeter of the Brno-Turany Airport is completely fenced. Responsibility for access control rests with Letiště Brno a.s. Access control is carried out by the Security Control department and the Airport Guard. CCTV system is used and consists of 10 CCTV cameras. An Electronic Access Control System is planned.

## 5.2.8. *Detention/readmission premises.*

Brno-Turany Airport does not presently have any special separated facilities allowing the temporary placement of asylum applicants and inadmissible passengers. The initial procedures are conducted in the second line office of the Alien and Border Police Service, and the persons are then transported to the relevant asylum facility. An inadmissible passenger will be placed in the airport transit zone (departures) until the relevant aircraft has landed. If a person represents a threat to public order or there is a risk of self-inflicted wounds, which means that the legal grounds are fulfilled for taking the person into custody, then the person concerned is placed in a police cell. The cell is either located directly at the airport, or the person is transported to the nearest police station.

Within the project aimed at adapting the airports to the Schengen standards, a room for inadmissible passengers will be established at the airport near the second line office of the Alien and Border Police Service.

## 5.2.9. *Storage of blank visas*

The blank visas were stored in the second line office in the special safe. Use of the visa stickers was registered.

## **5.3. Controls and procedures**

### 5.3.1. *Traffic handling/traffic modes*

Currently the border checks on all passengers and crew members are carried out in the single passenger terminal. General aviation and crews will be checked at a separate gate.

Passengers landing in private aircraft at the airport in Brno-Turany go through a standard control procedure in the same way as passengers on public flights. The origin of flights of general aviation is monitored through flight plans and air traffic control.

# RESTREINT

The airport operator ensures that passengers and crew are brought to the control booths for entry checks and to the plane after exit checks.

The airport is under reconstruction; after reconstruction, arriving passengers will be submitted to the border check in the current terminal, departure checks will be carried out in the new terminal. There are 4 gates planned for Schengen departures.

The very few transit passengers are submitted to an entry check and then escorted by the airport operator to the departure hall. There will be no provision made for transit passengers in the new terminal. The experts were told that the rare transit passengers would be escorted through the Schengen, non-Schengen and public areas. The experts were of the opinion that this hypothetical solution was not well thought through.

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

All passengers on international flights have to pass the border checks on entry and exit. EU citizens are submitted to a minimum check, third-country nationals are submitted to thorough checks; during the inspection on site, the Committee noted that third-country nationals were checked against national databases and questions were asked on duration of stay as well as on sufficient financial means.

Third-country nationals submitted to the visa obligation had to hand over the filled-in "border crossing card" and they were asked about the intended duration of their stay in the Czech Republic and the availability of financial means. After checking all arriving passengers, the border guard entered the date and the border crossing point into the system.

All the passports of third-country nationals are stamped. 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. The security codes are changed every month by the order of the ABPS Directorate.

A stamp which has been used for forgery is eliminated from the stock for a long period or forever (depending whether the forgery is used again within a certain period).



# RESTREINT

During the inspection, one border guard had two stamps in his booth, one for entry and one for exit, because, after the entry check, he had to carry out exit checks at the departure gate.

Each shift (morning and evening) is briefed by the shift leader on the latest developments.

### 5.3.3. *Utilisation of registers*

With respect to the air border, the Alien and Border Police Service use the alien information system, which provides access to databases of persons wanted by the police, persons with residence permits, expatriates, undesirable aliens, stolen objects and other databases. Officers of both the first and the second lines are given access to this system.

### 5.3.4. *Utilisation of the Common Manual*

The Common Manual is not used anymore as, in accordance with the Order of the Director of the ABPS of June 2006, the Schengen Borders Code was introduced instead of the Common Manual. In the booths, only a short version of the Schengen Borders Code drawn up by the ABPS was available. The officer in the booths said he did not need the long version for his work. In case of need, he would look for further information in the second line. The published version of the Schengen Borders Code was available in the second line. Additionally, the national Practical Handbook for Border Guards was available.

### 5.3.5. *Processing of refusals and asylum applications*

Refusal forms are filled in by the border guard, supervision is carried out by the second line officer. The border guard explained that in case of refusal he would cross the entry stamp and indicate the date and the reason for refusal (letter) next to the stamp. The border guard explained that a different procedure would be followed for the refusal of entry of EU-citizens, although the same form would be used.

Persons refused entry remain in the airport area (departure hall) until departure of the return flight (up to one week) under surveillance of the airport patrol (border guard) or the airport security guard.

In 2003 three persons were refused entry (Belarus, Germany) and in 2005 one Bahraini national was refused.

# RESTREINT

No asylum requests have been made. The Committee was told that there was a willingness to process asylum applications in case of need.

## 5.3.6. *Issuance of visas*

In 2003, 64 visas were issued, mainly to nationals of Moldova, Brazil, Russia and Canada. In 2005 only two visas were issued – one to a Bosnian national and one to a Cameroonian national. No visas were issued in 2004. The experts were told that visas were mainly issued to members of sport clubs.

## 5.3.7. *Second line activities*

The second line activities consist of:

- further thorough checks of selected passengers,
- verification of the authenticity of documents,
- supervision of decisions concerning refusal of entry,
- issuance of visas.

Second line checks are performed by specially designated experienced officers, using advanced passport control equipment. There is always one officer in a shift who is trained in document verification in particular. Access to the police database (intranet) containing all the relevant information is possible.

## 5.4. **Border surveillance**

### 5.4.1. *Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)*

The perimeter and the territory of Brno Airport are monitored 24 hours a day. There is a CCTV system for surveillance consisting of daylight cameras and a thermovision set. There are 5 cameras installed at present but the system will be reinforced by 15 CCTV cameras. Information from the cameras is available to the Alien and Border Police Service with various dispositional rights.

The relevant airport bodies carry out monitoring within the scope of their responsibility.

# RESTREINT

## 5.5. Staff and training

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

The staff of the Alien and Border Police Unit Brno-Turany consists of police officers and civilian staff. Only adequately trained police officers are used for law enforcement tasks. Police officers used for carrying out the border checks have followed special basic training on border control.

### 5.5.2. *Linguistic skills and training*

36 police officers out of 40 in the ABP Unit Brno-Turany speak foreign languages. 26 officers speak German, 24 Russian and 15 English. However, only one person knows one foreign language at the advanced level and 3 persons know one foreign language at the intermediate level. All the others have only basic knowledge of foreign languages. The Committee noted that the linguistic skills of some officers were not sufficient for questioning passengers in the required manner.

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

All police officers have done document checking training during their basic training and some further training during their service in the Alien and Border Police Unit. No counterfeit documents have been discovered at the Brno-Turany airport during last three years and the Committee found that one of interviewed officers at the first line had little knowledge of methods of forging travel documents.

### 5.5.4. *Availability and permanency of staff*

The current number of staff at the Alien and Border Police Unit Brno-Turany is 40 persons – the planned staff is 45. The staff consists of the Head of Unit, 2 deputy Heads of Unit, 4 heads of shift, 2 explosives experts, 5 doghandlers, 4 document experts, 4 weapons experts (snipers) and 20 police officers.

The staff are divided into 4 shifts. There are one administrative officer, one head of shift, one document expert, one weapons expert, one dog handler and several police officers in every shift.

In one shift there are a maximum of 6 officers available. The operational centre is manned by the shift supervisor.

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Police officers from other units could be rotated to the ABPS on the decision of the head of the local ABP unit. Before that, passing a corresponding exam or following training at the Holesov ABPS School is recommendable, although it is not compulsory, as the person is a policeman.

Taking into account the volume and type of traffic at Brno-Turany Airport, the number of personnel seems to be sufficient to carry out border checks on entry and exit. However, the Committee has some doubts about the availability of police officers who have an adequate level of document checking skills for the simultaneous manning of all booths when the need arises.

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

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

Four persons refused entry at the airport during last three years were removed from the Czech Republic by the carriers.

### *5.6.2. Means deployed to combat illegal immigration networks*

There were no means deployed to combat illegal immigration networks at the Brno-Turany airport besides the APBU officers carrying out border checks.

### *5.6.3. Penalties imposed on carriers*

In 2005, there was one case of carrier's liability. The amount of the fine was CZK 20.000. The Committee notes that the amount of the fine imposed is considerably less than the minimum amount of the applicable financial penalties on carriers according to Council Directive 2001/51/EC.

## **5.7. Comments and recommendations of the Evaluation Committee:**

The experts were appreciative of the following facts:

- The Committee highlights well organised and exercised internal cooperation between ABPS, customs and other authorities operating at the airport.
- The personnel of the ABPU Brno-Turany seemed highly motivated.

# RESTREINT

- Utilisation of databases for border control.
- The Committee appreciates the use of digital forms of procedural documents.

## The experts took special note of the following:

- The surveillance of passenger flow on the apron should be reconsidered.
- The Committee points to the absence of a special room for persons refused entry, asylum seekers and detained persons.
- The Committee suggests reviewing the decision-making process concerning refusals of entry. The decision is made by the first and second line officers. Taking into account the low number of refusals and the understandable lack of experience, it could be worth having decisions made at the level of the head of shift or some other superior.
- The Committee points to the need to use the signs "EU, EEA, CH nationals" and "all passports" in line with the Council Decision of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points (2004/581/EC).
- As far as the refusal of EU citizens is concerned, the authorities of the Czech Republic are invited to revoke the procedures in force <sup>6</sup>.

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

- The Committee recommends taking into account the possible future development of passenger traffic in order to reconsider the concept of handling transit passengers.
- The Committee recommends considering the reinforcement of the local unit of the ABPS in the Brno-Turany Airport with a section of officials responsible for intelligence and risk analysis at the local level. Information concerning risk indicators, risk profiles and typical modi operandi of cross-border crime should be provided systematically to officers at the local level.
- The experts found that the current position of the control booths was not in line with the recommendations of the Schengen Catalogue. The Committee recommends positioning the second line office closer to the first line. The Committee suggests verifying that the construction of the new terminal is implemented as envisaged. Additionally, the experts recommend moving the door at the future non-Schengen arrival gate to the other end of the arrival hall.

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<sup>6</sup> CZ: The Czech legislation is in compliance with the EU legislation on refusing entry to EU nationals. In such a case an administrative decision is issued to an EU national. It should be noted that so far no EU national has been refused entry at Brno Turany Airport. To avoid possible shortcomings in the procedure, the Police staff have been retrained already.

# RESTREINT

- The Committee sees a need for the ABPS to consider increasing the amount of special document-checking training in the process of the basic training of personnel. Additional specialised education on travel documents for the first line officers is recommended.
- The Committee suggests that the penalties imposed on carriers should be in line with Council Directive 2001/51/EC.

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

- The strategy of border management in the Czech Republic as described in the national Plan for Integrated Border Management of the Czech Republic is based on the integrated border security model and accords with the recommendations in the Schengen Catalogue. The corresponding national legislation seems to be consistent with the Schengen acquis and to provide the necessary legislative basis for border management. The Committee notes that Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is not yet implemented in the Czech Republic <sup>7</sup>.
- The Committee notes that the responsibilities concerning border management in the Czech Republic are shared between several bodies in the Police and authorities outside the Ministry of the Interior. The Committee stresses a continuous need for high-level coordination of the activities of the ABPS and other police units involved in border management, as the ABPS does not exercise independently and fully all elements of border management (risk analysis, intelligence, investigation). The inter-agency cooperation seems to be functional. The Committee found that international cooperation at the air borders was organised satisfactorily.
- The Committee found that the professionalism and attitude towards their duties of the border police personnel was of a good standard and it appreciated the police education reform in the Czech Republic and the new education concept. The control procedures were found to be mainly in line with Schengen requirements, although not all police officers were fully aware of a number of border checking procedures. Additional training seems to be necessary to improve the level of performance of border checks, including profiling and interrogation. The Committee calls on the responsible authorities to give particular attention to language training.

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<sup>7</sup> See footnote 1.

# RESTREINT

- The Committee appreciates the measures taken by the ABPS in creating the system of risk analysis and recommends considering the carrying out of joint risk analysis with the authorities involved in border management and the fight against illegal immigration. The Committee suggests improving the provision of the outcome of risk analyses for the local level and increasing the role of risk analysis at the local level.
- The Committee considers that the present number of personnel is not fully sufficient for carrying out high-level border control at border crossing points at the airports.  
The Committee points to the need to increase the number of personnel for border checks in line with p. 4.2.1.3 of the National Plan for Integrated Border Management of the Czech Republic. Concerning the border control-related duties, it should be ensured that Army soldiers are not involved.
- The Committee is of the opinion that the existing infrastructure for border checks at Prague Ruzyně Airport is largely in place and the preconditions for separating passengers on Schengen and non-Schengen flights are already assured. However, some improvement is needed, including signposting. The Committee notes the need for premises for the temporary detention of persons refused entry at the airports. The construction work on the new terminal of the Brno Turany Airport is not completed. The Committee suggests that the responsible authorities of the Czech Republic should remove existing gaps in the infrastructure and ensure that the reconstruction work at Brno Turany Airport is completed on time. The Scheval Working Party should be informed about the completion of the work and follow-up (Brno- Turany) is recommended.

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