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THE EUROPEAN UNION

Brussels, 26 October 2006

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REPORT

from :	Sea Borders Evaluation Committee
to:	Schengen Evaluation Working Party
Subject :	Schengen evaluation of the new Member States ESTONIA: Report on Sea Borders

This report was drafted by the Sea Borders Evaluation Committee, and will be brought to the attention of the Schengen Evaluation Working Party which will ensure that the report and follow-up to it are presented to the Council.

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Working Party (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), the Sea Borders Evaluation Committee visited Estonia between 1 and 5 July 2006.

The visit was scheduled as shown below:

1 July 2006: Arrival in Estonia

2 July 2006: Presentations and evaluation of the Sea Surveillance Centre in Tallinn and Muuga Cargo Harbour (Port of Tallinn)

3 July 2006: Evaluation of the Passenger Port of Tallinn, Pirita Marina, Hiiumaa BG region, Kärdla BG Station and Narva-Jõesuu BG station

4 July 2006: Evaluation of the Coastal Surveillance System at regional level, Ruhnu BG station and the radar site

5 July 2006: Evaluation of the Roomassaare Border Crossing Point. Departure to Latvia

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The Evaluation Committee wishes to express its appreciation to the Estonian authorities for their outstanding hospitality. Special thanks are extended to the team that accompanied the Evaluation Committee throughout the evaluation and provided all the assistance needed.

The Evaluation Committee visited the following sites for presentations:

National Board of Border Guard, Tallinn;
North Border Guard District HQ, Tallinn;
West Border Guard District HQ, Kuressaare;
Hiiumaa Border Guard Region HQ, Kärdla.

The Evaluation Committee evaluated activities at the following sites:

Muuga Cargo Harbour *(Port of Tallinn);*
Passenger port of Tallinn;
Pirita Marina BCP;
Narva Jõesuu BGS;
Ruhnu BGS ;
Kuressaare BCP;
Roomassaare BCP;
Sea Surveillance Centre, Tallinn;
Kärdla RCC;
Kuressaare RCC.

2. MANAGEMENT SUMMARY

The Committee evaluated the border control infrastructure, equipment and activities in the ports of Tallinn (the passenger port, Muuga cargo port and Pirita marina), the Border Guard stations at Narva-Jőesuu and Ruhnu, the Border Crossing Points in Kuressaare and Roomassaare and the Sea Surveillance Centre in Tallinn as well as the Regional Control Centres in Kärdla and Kuressaare. Basic presentations were given to the Committee at the National Board of Border Guard and the North Border Guard District HQ in Tallinn, the West Border Guard District HQ in Kuressaare and the Hiiumaa Border Guard Region HQ in Kärdla.

During the entire visit the Committee was escorted by high-level representatives of the Board of the Border Guard, who were ready to provide additional information and clarifying answers to the experts. Although some parts of the agreed programme for the visit had to be rescheduled, the Committee got an extensive picture of border control activities at the sea borders in Estonia.

The threat of illegal immigration via the Estonian sea borders has been low over recent years and this situation seems to be stable. The Committee underlines, however, the need to continue monitoring the situation since the migratory risk can easily change. The future abolition of internal border controls could also negatively influence the situation.

Estonia and Russia have technically agreed on the delimitation of the sea area in the Eastern part of the Gulf of Finland but as yet there is no official agreement. However, this does not influence border surveillance in practice. The border delegates in Estonia and Russia have also agreed at a practical level to use the technical protocol as the basic instrument delimiting the sea borders between Estonia and Russia.

The integrated border security model forms the basis of the border security system in Estonia. The competent authority responsible for border management is the Estonian Board of the Border Guard, an authority within the Ministry of the Interior. Border checks and surveillance are exclusively performed by specially trained border guard professionals. Activities are based on systematically performed risk analysis and on the continuous exchange of information between cooperative partners and international bodies. The border security strategy and organisational structure in Estonia can be considered to represent best practice in the application of the Schengen acquis.

At all sites visited by the Committee it was obvious that Estonia, supported under the Phare and Schengen Facility Programmes, has made great efforts to replace and modernise its border control equipment and to train its officers. The current infrastructure was considered as complying with Schengen standards, and the equipment currently available was regarded as appropriate and sufficient. Only a few minor shortcomings were detected. The border control procedures applied by the personnel also comply in general with Schengen standards.

In general, the Committee noted that most officers met during the visit were highly motivated professionals well acquainted with the Schengen acquis. However, their linguistic skills vary a lot. Russian and Finnish are widely spoken along the coast, but their knowledge of the main European languages needs in general to be improved. The Estonians have already made great efforts in this field and additional linguistic training courses are being provided to personnel.

It is evident that the number of personnel within the Boarder Guard is insufficient for current tasks and responsibilities. The Estonian Border Guard has already for some time been facing the fact that trained, qualified Border Guard personnel leave their jobs in search of higher incomes. During the last 3 years the Border Guard has lost over 12 % of its staff. The Committee was informed that at the moment only 65 % of posts are filled. The shortage of personnel is currently hampering the activities of the Border Guard and may lead to a decrease in the professionalism of the staff. Taking into account that most of the traffic to and from Estonian ports in the future will be internal Schengen traffic, accession to Schengen will partly solve the problem at the sea borders. The development of the situation should, however, be strictly monitored.

Border surveillance is based on a coastal radar network covering the entire coast and territorial waters of Estonia, in normal weather conditions. In addition to serving the needs of border surveillance it also covers the needs of the search and rescue service as well as protection of the sea environment. The information provided by the radar sensors are complemented by regular information exchanges and occasionally by patrolling by vessels and aircraft.

The automated radar surveillance system has been in operational use for just a few months and still suffers from some minor technical problems. Despite these problems the system is already an effective tool for the surveillance of the sea borders. However, the Committee notes that the coverage of the surveillance and the ability to identify radar targets could be improved by a more effective use of Border Guard vessels integrated into the surveillance system and by complementing the radar network with a few camera sensors. It could also be more cost-effective at least partly to centralise the monitoring of the technical surveillance system. Although the border surveillance system should be improved to serve needs better, the Committee is of the opinion that the current system already meets the requirements of the Schengen acquis.

In general, border control measures at the sea borders are carried out in accordance with Schengen requirements. Considering the low threat of illegal immigration, the high-tech equipment, the infrastructure and the current number and standard of personnel, the Committee is of the opinion that the sites which were visited during the evaluation meet Schengen standards.

3. GENERAL INFORMATION

Information of a more general nature is contained in Estonia's answer to the questionnaire which was addressed to the Estonian authorities with a view to the evaluation of the application of the Schengen acquis i.e. 15559/05 SCH-EVAL 119 COMIX 824 (RESTREINT UE). Reference is also made to the Estonian replies to additional questions, as contained in 9315/06 SCH-EVAL. However, for reasons of clarity the Committee repeats here some of the main elements contained in those answers.

3.1. Strategy

3.1.1 Legislation

The legislation regulating the operations of the Border Guard is as follows:

- State Borders Act1,
- Border Guard Act,
- Sea Areas Border Act,
- Economic Zone Act,
- Constitution of the Republic of Estonia,
- Customs Act,
- Police Act,
- Law of Property Act,
- Criminal Code,
- Aviation Act,
- Peacetime National Defence Act,
- Defence Forces Service Act,
- Wartime National Defence Act,
- Surveillance Act,
- Aliens Act,
- Refugees Act,
- Emergency Situation Act,
- Extraordinary Situation Act,
- Government of the Republic Act,
- Obligation to Leave and Prohibition on Entry Act,
- Foreign Relations Act,
- Citizen of European Union Act.

Regulations of the Government of Estonia and other legal acts developed by the Board of Border Guard:

- Procedure to maintain boundary marks and the boundary strip and to control the border,
- Duties and Rights of the Border Guard arising from the Border Regime,
- Procedure to establish and build Border Crossing Points,
- Procedure to establish additional types of checks for border crossings.

[1] Passed 30 June 1994 (RT I 1994, 54, 902), entered into force 31 July 1994.

3.1.2 General strategy for border management

Border management is an essential component of the four-tier border security system. The system comprises a chain of activities taken by the appropriate authorities and consists of four components: activities in third countries (diplomatic and consular missions involved in the visa procedure); cooperation with border guard, customs and police authorities in neighbouring countries; border management including border surveillance, border checks and risk analysis; and inland immigration control.

The Estonian Border Guard was re-established in 1990, and the first border guard development concept was worked out in 1992-1993. This concept provided the basis and the goals for a modern, European-style border guard organisation, a border guard system corresponding to modern circumstances, and the development and implementation of control methods.

The principles and methods specified in the aforementioned concept have not lost their relevance even today.

The development concept, as a fundamental strategic document, has been an effective basis for the development of more detailed and short-term plans of action, which has proved its necessity primarily in conjunction with the legal basis which is being constantly updated, and given the changes in domestic and foreign policy trends and constant developments in the sphere of internal security.

Currently, the fundamental document directing the general organisation and development of the Border Guard is the **Estonian Border Guard Development Priorities until 2007 (2008)** approved by agenda item No. 6 of Minutes No. 37 of the session of the Government of the Republic of 2 September 2004. The Minister of the Interior, with Directive No. 113 of 14 March 2006, ratified the **Development Priorities for the Subordinated Institutions of the Ministry of the Interior 2007-2010**.

The **Estonian Border Guard Development Priorities until 2007 (2008)** are based on the Estonian Border Guard Development Priorities until 2007[1], the Structure and Development Plan of the Defence Forces until 2010[2] and the accession of Estonia to the European Union on 1 May 2004.

The development guidelines are the basis for the state's budget strategy and compilation of strategic documents presented to the European Union. Based on the development guidelines, every year the Board of the Border Guard compiles its investment plan for its administrative area for the next budgetary year, and for the following three years. In the investment plan, information is presented on the cost of planned as well as continuing investments, and the extent of their financing by budgetary years and investment projects.

The development guidelines are updated according to changes and needs resulting from the operating environment.

1 Approved by minuted decision No. 1 of the Government of the Republic of 18 February 2003.
2 Approved by Order No. 212 of the Government of the Republic of 27 March 2004.

The legal and strategic bases of the operations of the Border Guard comprise key legislation and international treaties on border administration and strategic documents regulating the fields of activity of the Border Guard.

In the medium term the Border Guard has to follow the following strategic documents of the Republic of Estonia on planning border administration activities:

- ✓ Estonian Success 2014[1]
- ✓ State budget strategies[2]
- ✓ Schengen Action Plan[3]
- ✓ National Programme for Adoption of the Acquis 2003
- ✓ National Security Concept of the Republic of Estonia (2004)[4]
- ✓ National Strategy for Prevention of Drug Abuse until 2012.

In addition to the aforementioned documents, for the development of its professional personnel the Border Guard must adhere to the Border Guard Personnel Strategy until 2007[5], the Development Plan of the Muraste Border Guard School for 2003-2005 and the Development Plan of the Border Guard Training System for 2002-2008[6].

The primary legislation of the European Union (EU) which serves as a basis for planning the activities of the Border Guard is as follows:

- ✓ Accession Treaty;
- ✓ Catalogue of recommendations for the correct application of the Schengen *acquis* and best practices; Frontiers + Removal and Readmission, 5018/1/02 REV 1, 8 February 2002;
- ✓ Common Manual[7];
- ✓ EC Regulation No. 2725/2000 of 11 December 2000 concerning the establishment of *Eurodac* for the comparison of fingerprints for the effective application of the Dublin Convention[8];
- ✓ Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the EU[9];
- ✓ European Commission (EC) decision C (2004) 428 on management and supervision of Schengen funds;
- ✓ 2002 regular report on Estonia's progress towards accession and comprehensive monitoring report on Estonia's preparations for membership[10];
- ✓ Risk Analysis Centre's Risk Analysis of the Future External Border of the EU made in 2004[11].

1 Estonian Success 2014.
2 State budget strategy 2004-2007; approved by the Government of the Republic on 27 May.
3 Schengen Action Plan as of 31 January 2003.
4 RT I 2004, 49, 344.
5 Directive No. 60 of the Director General of the Board of the Border Guard of 4 March 2004.
6 Directive No. 50 of the Director General of the Board of the Border Guard of 19 March 2002.
7 Official Journal 2002, C 313/02.
8 Official Journal L 316 P 001-0010.
9 Official Journal 1998 C 189/02.
10 2002 regular report on Estonia's progress towards accession.
10 Comprehensive monitoring report on Estonia's preparations for membership.
11 Risk Analysis Centre, No. 130/A/04, Helsinki, April 2004; pp. 40, 58-59, 69, 86.

3.1.3 Analysis of environment and threats

The main threats are the smuggling of excise goods, the smuggling of migrants, illegal stay in Estonia, document conveyance abroad and the trafficking of drugs to Scandinavia. Only a few cases of illegal or irregular border crossing were recorded. The current migratory pressure seems to be very low. (*See Annex, table I.)*

3.1.4 International cooperation (regional, bilateral and readmission agreements)

Regional cooperation

The **Baltic States Region Border Control Cooperation** (BSRBCC) was started in 1997, and currently 10 countries are active participants: Finland, Sweden, Norway, Denmark, Germany, Poland, Lithuania, Latvia, Estonia, and Russia. The **objective is to prevent illegal activity in the Baltic Sea region**, to combat cross-border crime, and to promote cooperation and the exchange of information between authorities dealing with the guarding of maritime borders. Within the framework of this cooperation, joint maritime operations and training exercises take place, as well as the exchange of officials and experiences, in which officers are briefed annually on everyday activities.

In **cooperation with the Land Borders Centre**, Estonia has participated in joint operations between Member States, and within the framework of this cooperation, exchanges of Member State border guard officials in Focal Point Offices have taken place. Hereafter, participation in this cooperation will be organised through the EU External Border Agency (FRONTEX).

Based on a decision by the Committee of Senior Officials of the Baltic Council of Ministers in 2005, the Border Guards of the Baltic States will intensify joint operations in the battle against illegal immigration.

Four-sided cooperation (Estonia, Latvia, Lithuania, and Finland) exists between the Police and Customs and Border Guard through the organisation of joint operations up to 4 times a year on average.

The Internet-based secure **COASTNET** environment (server and administration by the Finnish Border Guard), which was created at the initiative of Finland, is the primary channel of information exchange between cooperating countries. E-mail, faxes, and mobile phones are actively used by all maritime guard stations and ships.

Bilateral cooperation

Cooperation with the Swedish immigration police takes place on the level of immediate information and consultations.

Cooperation takes place between the **Border Guard, Customs, and Police of the Republic of Estonia and the Republic of Finland** in order to combat cross-border organised crime. Cooperation takes place between the Estonian and Finnish Border Guards at the central, regional, and local level. The parties exchange information and experience about training and development activities in order to enhance cooperation and harmonise the training taking place within the framework of the EU. Cooperation exists in the field of surveillance of individuals and vehicles crossing the border.

Cooperation with third countries

Bilateral meetings between working groups of the **Estonian and Russian Border Guards** take place four times a year, at which the solutions of incidents occurring on the Estonian-Russian border are discussed, and guidelines are given to the Estonian-Russian border representatives, who specifically resolve the incidents that occur on the border. *(For further details see annex: table G).*

Twice a year, **trilateral meetings** of working groups at different levels of the **Estonian-Russian-Finnish Border Guards** (a management group, a maritime guard working group, and a border control working group) take place.

There is an ongoing exchange of information and experience between **Estonian and Ukrainian Border Guards**.

Readmission agreements

(See Annex, table J.)

3.1.4.1 Administration of the Estonian-Russian border

Effective administration of the Estonian-Russian border is among the main priorities of the Border Guard. Since it is Estonia's external EU border, the area between the border checkpoints must be guarded effectively.

For the purpose of effective administration of the border and organisation of cooperation the number and location of border stations on the eastern border will be optimised. The use of border guard dogs will be expanded depending on the performance of the service.

The main tasks facing the Border Guard are as follows:

- ✓ Marking the Estonian-Russian border with boundary markers;
- ✓ Construction of the border strip and ensuring its maintenance in accordance with the established procedure;
- ✓ Increasing the number of personnel in order to bring the administration of the border into compliance with the principles established for the EU's external borders and ensuring the required density of guards;

- ✓ Provision of border stations with technical equipment – strengthening the guarding of the state border by adding technical surveillance systems and equipping sub-units with first technical surveillance equipment on the Estonian-Russian border (additional FLIR, telesurveillance systems, acquisition of sensors, etc.); [1]
- ✓ Acquisition of vehicles with sufficient mobility to guard the state border and replacement of outdated technology;[2]
- ✓ Development of the communication system, which would ensure operative exchange of information between sub-units and technical surveillance equipment and partners;
- ✓ Construction of the infrastructure required for ensuring due administration of the external borders; [3]
- ✓ Expanding the use of service dogs guarding the border, increasing the number of dogs.

3.2. Organisational structure

3.2.1. Centralised supervision and instructions

The Board of the Border Guard, which is administered by the Ministry of the Interior, deals with:

- ✓ the organising of the surveillance and defence of the state borders on land, at sea and on transboundary inland waters;
- ✓ the prevention of illegal crossing of borders in the area between border crossing points;
- ✓ the organisation of passport control and the control of means of transport at border crossing points;
- ✓ the execution of customs control and the prevention of smuggling at sea, on transboundary inland waters, and on sections of frontier between border crossing points;
- ✓ checking the legality of foreigners' stays in Estonia with the police and the Citizenship and Migration Board;
- ✓ the organisation and coordination of search and rescue operations on transboundary bodies of water and at sea;
- ✓ the clean-up of marine pollution in Estonian territorial waters, in the economic zone at sea, and on transboundary inland waters;
- ✓ the control of fishing regulations in Estonian territorial waters, in the economic zone at sea, and on transboundary inland waters;
- ✓ helping the police to maintain public order in the activity area of the border guard

The Border Guard consists of **10 Border Guard authorities** *(see annex: table A)*:

⇒ Board of Border Guard;
⇒ North Border Guard District;
⇒ North-East Border Guard District;
⇒ South-East Border Guard District;
⇒ Valga Border Guard District;

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1 SCH/Com-ex (97) decl 4; SCH/Com-ex (98) 1 Rev 2; Schengen Action Plan, subsection 2.6 (SF pos 6).
2 SCH Conv art. 6; SCH/Com-ex (98); Schengen Action Plan, subsection 2.2 (SF pos 5).
3 Schengen Action Plan, subsection 2.5; SCH/Com-ex (97) decl 4 (SF pos 1).

⇒ West Border Guard District;
⇒ Border Guard Patrol Boat Division;
⇒ Border Guard Aviation Group;
⇒ Muraste Border Guard School;
⇒ Maintenance Centre.

The **Board of the Border Guard** is an organisation managing all Border Guard operations. The structure of the Board of Border Guard changed on 1 July 2006. The number of departments decreased from 9 to 5. There have been five departments since 1 July 2006:

- ✓ Border Security Department
- ✓ Intelligence Department
- ✓ Personnel and Administration Department
- ✓ Logistics Department
- ✓ International and Public Relations Section

The main directions of activity for the Board of Border Guard are:

- ✓ managing Border Guard institutions and the official supervision of their activities;
- ✓ guarding state borders and devising development directions;
- ✓ organising cooperation with other Estonian authorities;
- ✓ organising international cooperation;
- ✓ developing instructional materials and guidelines for guarding the state borders;
- ✓ ensuring material and technical supplies for the Border Guard;
- ✓ developing and implementing personnel policies.

The Border Guard Districts execute their primary task of guarding and defending state borders and ensure border control on the territory in which they operate, impede criminal activities and illegal immigration, and conduct maritime search and rescue operations.

The structural units of a Border Guard district are:

- ✓ the **headquarters of the Border Guard district –** a managing and coordinating structural unit that guarantees the fulfilment of the tasks imposed on the district;
- ✓ the **Border Guard Stations**, which guarantee the guarding and defence of the state borders and the execution of the border regime;
- ✓ the **Border Crossing Points**, which guarantee the control of individuals and means of transport crossing the border;
- ✓ the **Border Guard District Maintenance Centre**, which provides technical and economic support for the district (garages, repair shops, warehouses).

The **Border Guard Patrol Boat Division** guards and defends the sea border, guarantees the fulfilment of the requirements of the border regime on inland and territorial waters, participates in search and rescue operations on inland and territorial waters, and ensures that the legal regime in the economic zone is complied with. It is also the main force for discovering, localising, and liquidating environmental pollution.

During the period that assignments are being fulfilled, the General Director of the Board of the Border Guard may assign the Division's vessels to the respective Border Guard District. The structural unit of the Division is the headquarters, which guarantees the management of the Division's forces and resources, the planning of its activities, and the control of their fulfilment.

The **Border Guard Aviation Group** performs regular patrol activities in the air, air inspections, searches and marine rescue work. The Aviation Group's aviation forces make patrol flights to guarantee the border regime, environmental patrol and inspection flights as well as rescue and sanitary flights; they carry out chemical and radiation reconnaissance, ice reconnaissance, agricultural reconnaissance, and flights to discover and eliminate forest and peat fires.

The **Tax and Customs Board**, which is administered by the Ministry of Finance, deals with controlling cargo that is transported across the border.

The **Health Protection Inspectorate**, which is administered by the Ministry of Social Affairs, deals with organising defence against epidemics on the state border.

The **Border Service of the Veterinary and Food Board**, which is administered by the Ministry of Agriculture, deals with the veterinary monitoring of trading in animals and animal products as well as their import and export.

The **Plant Production Inspectorate**, which is administered by the Ministry of Agriculture, deals with:

- ✓ the control of the production and import of plants and plant products;
- ✓ the state supervision of production, processing, import, and marketing of seeds, reproductive materials, the production of fertilisers and feeds;
- ✓ the supervision of the production of organic farming products as well as the export of agricultural products that are identified with references to organic farming.

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

The cooperation of authorities responsible for conducting control is regulated by cooperation agreements at central level.

According to Regulation no. 259 of the Government of the Republic of 10 July 1995, entitled "The improvement of work organisation in border crossing points", the heads of the border crossing points are responsible for ensuring the general organisation of work at the border crossing points, including the coordination of border, customs, and other controls related to the crossing of borders. *(See annex: table H)*

3.2.3. Specialised services

Travel Document Evaluation Centre:

Main activities
- ✓ Conducting third-level document inspection;
- ✓ Composing descriptions of authentic and false documents;
- ✓ Making guidance materials about document control procedures;
- ✓ Analysis of new specimen documents and associated security features;
- ✓ Examination and evaluation of questionable documents;
- ✓ Graphology;
- ✓ Identification of fraudulent documents;
- ✓ Updating and maintenance of the specimen document collection (app. 2 900 specimens);
- ✓ Updating and maintenance of the fraudulent document collection (app. 900);
- ✓ The Centre carries out travel document and vehicle identification training for regional specialists of the Estonian Border Guard;
- ✓ The Centre carries out document identification training for the employees of law enforcement agencies and the private sector (police, financial institutions etc).

Staff
- ✓ 4 travel document experts;
- ✓ 1 assistant.

Equipment
- ✓ Videospectral comparator VSC 5000;
- ✓ Stereomicroscopes SMZ 800 Nikon;
- ✓ Magnifiers;
- ✓ UV-sources;
- ✓ Electronic catalogue of passports EDISON;
- ✓ Detection kit CHECKIT and CASE-GARD 808(for document examination);
- ✓ Retroreflective lamp;
- ✓ Electrostatic detector Vacuum Box IW (for detection of identical writing);
- ✓ Scanning digital camera Kaiser Scando Dyn A+.

3.3. Operational effectiveness

3.3.1 Resources

Human resources

The Government of the Republic Regulation no. 205 of 25 June 2002, entitled "Border Crossing points Open for International Traffic" lists **63 border crossing points open for international traffic**; two of these *(the Narva-2 and Saatse border crossing points)* are open only for residents of the Republic of Estonia and the Russian Federation.

There are **10 border control units that operate as structural units** of the Border Guard, the area of responsibility of which is to conduct activities at the 23 border crossing points open for international traffic. As of 13 September 2005, 509 of the 739 positions in the structural units or 69% have been filled *(see annex: table B)*.

40 of the border crossing points open for international traffic are in the area of responsibility of the Border Guard Stations (23) and the border checks are performed by the personnel of the station, for whom the second primary assignment is to carry out border surveillance within the station's border section. The border guards have been trained in both fields. As of 13 September 2005, 487 of the 694 positions in the aforementioned 23 stations, or 70%, have been filled *(see annex: table C)*.

There are **37 border crossing points in seaports** and the ports of transboundary bodies of water, and 7 border checkpoints at airports.

Of the border crossing points, the one with the greatest workload is the border crossing point in the Tallinn Passenger Port (in 2004, a total of 7 918 131 border crossings were recorded at the Tallinn-10, Tallinn-11, and Tallinn-13 border checkpoints).

The greatest workload in the Passenger Port is during the navigation season (summer), when this is compensated for by the involvement of border guards from the sea stations (both the North Border Guard District as well as from other border guard districts) and overtime is instituted.

Technical resources: *See annex: table D*

The main means used for carrying out sea surveillance are the radar network, communications system, vessels, boats and aircraft. The radar network has state-of-the-art equipment and in normal conditions covers the entire Estonian coast. The radar network is based on a chain of 20 radar work stations, 10 long-range radar stations and 10 short-range radar stations. The stations of Kunda and Kuresaare have also CCVD used to identify boats on the sea from the RCC. Each radar station has a security system as self-protection based in a secure perimeter controlled with cameras, movement sensors and fire extinguishing system.

The Estonian Border Guard has a rather large but generally elderly fleet. The oldest vessel was built in 1946 and the average age of the vessels and cutters is over 32 years. Vessels are therefore only occasionally used for patrolling and are mainly kept in a state of readiness at ports. For rapid interventions and identifications fast boats from the Border Guard stations are mainly used. (For a full list of the vessels and boats of the Border Guard *see Annex: table D.*)

Sea surveillance is complemented by occasional patrolling by aircraft. The Border Guard has a total of 5 aircraft:

- ✓ 2 L-410 UPV (Built in 1981), fixed wing;
- ✓ 1 Cessna-172 (Built in 2003), fixed wing;
- ✓ 1 Mi-8T (Built in 1979), helicopter;
- ✓ 1 Schweizer 300 (Built in 1998), helicopter.

The North and West Border Guard districts have a sufficient number of different kinds of vehicles to be used in border surveillance. The standard of the vehicles and boats varies a lot from place to place.

3.3.2. Level of controls at the external border

The Border Guard is in charge of protecting the state sea border along the 3 768 km of coastline, including the continental and island coast. In addition to border check measures carried out at border crossing points, the Border Guard conducts the surveillance of the blue borders, *(structured in two maritime districts north –Tallinn- and west –Kuressaare)* with a National Command Centre (NCC) in Tallinn and four Regional Command Centres (RCC) in Tallinn, Kunda, Kärdla and Kuressaare.

The Border Guard has to perform complete surveillance of the external border of the territorial waters, the economic zone, and vessel traffic to ensure safety at sea, and to participate in search and rescue operations; it runs an integrated system of coastal surveillance based on a radar network that covers all Estonian waters.

In 2004, an average of 851 hours a day was spent by all the guard stations on activities related to control of the EU external border, or the Estonian-Russian border, i.e. radar and visual observation, patrols and other activities related to the border surveillance.

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

In the area of responsibility of the Estonian sea and air rescue work, the sea rescue centres have been provided with qualified personnel and are ready to receive distress signals and react within the prescribed time 24 hours a day. Risk analyses of the probability of possible emergencies have been carried out in accordance with the established methodology, and the drafting of the respective action plans has begun. Based on their primary capacity the structures of the Defence Forces and allied organisations are able to provide air policing carried out by NATO units with readiness for search and rescue work.

During working hours, aircraft are in 15-minute readiness in the Tallinn area. Outside working hours the readiness is 1 hour.

At sea a VTMIS[1] system covers the entire maritime area and ports under evaluation. All vessels are detected and identified by the system. Once identified, a vessel remains constantly known by the system. The system is backed up by offshore craft and airplanes. These mobile units make close identification, fill in gaps and retrieve information from outside the system. **At ports**, based on risk analysis, the port areas are fenced off and monitored constantly.

At sea, constant readiness to dispatch a mobile unit is ensured, in order to maintain constant surveillance of any vessel trying to reach the coast.

3.3.4. Availability and permanence of resources (human, technical)

At present there is a general 35% shortage in staffing at the Estonian Border Guard.
At sea borders, the shortage is approximately 32 %.

[1] Vessel Traffic Management and Information Systems.

In order to guarantee the guarding of the Estonian portion of the EU external border, during the next three years (2005-2007) up to 150 vacant positions (up to 50 positions per year, to achieve personnel coverage of 1,3 border guards per km) need to be filled on the eastern border.

After the full enforcement of the *Schengen acquis*, the personnel dealing with document control in the North Border Guard District will be reduced by 100 border guards, and then it will be possible to strengthen the guarding of the eastern and maritime border.

Technical resources:

(See annex: table D)

3.4. Risk analysis, intelligence and data-flow management

3.4.1. Organisation

(See annex: tables E, F)

3.4.2. Methods

To fight organised crime, with cooperation between the Police and Border Guard, **regular joint national analysis of criminal information and a selection of investigation targets takes place.**

The risk analysis is based on the constant surveillance of maritime areas. The information collected through surveillance supplements the information received from the Border Guard's own sources. At the same time, an exchange of information takes place with other domestic authorities (Customs, Police, and the Estonian Maritime Administration) and international cooperation partners (ICC weekly reports, LOSS and LOIS lists).

The information on ships moving in maritime areas or entering and leaving ports is compared with information collected from other sources. If suspicions develop, additional information can be requested from the authorities that performed border control in the ship's port of departure. If necessary, the ship may be taken under special surveillance. Border Guard teams perform a control/screening on board of ships that have attracted attention by suspicious activities or by deviating from the rules of innocent passage, with random use of sniffer dogs for control.

In a risk analysis, different factors are taken into consideration:

- ✓ current conditions (sea, weather, time, coast);
- ✓ resources (personnel, floating vessels, technical equipment, reaction capability);
- ✓ collected information (collected by the Border Guard and received from outside sources)
- ✓ ship traffic (shipping lanes, types of ships and origin)

3.4.3. Responsibilities

The Border Guard is continuing to use its current methods, whereby if necessary the local units (Border Guard Districts) have the authority to organise joint operations in cooperation with other competent authorities (Police Board, Tax and Customs Board, Citizenship and Migration Board), or to involve officials of the respective authorities in its operations.

In practice, the most common are joint patrols in activity areas as well as operations in companies and institutions to discover foreigners illegally staying in the country, or to detain individuals smuggling goods or narcotics, or those suspected of trafficking in persons or the transport of contraband. In such operations, the leading authority of the operation ensures that the necessary additional equipment is available and that the communications system only to be used during the respective operation is agreed upon.

In all Border Guard Districts and in the larger border crossing points, there are separate positions for border guard officials dealing with operative surveillance work and investigations, who have sufficient rights and competencies to initiate investigations, to process cases, and to bring cases to justice.

In standard situations, the police or other authorities are not involved in the physical guarding of the border; rather this is the sole competence of the Border Guard. In a crisis, it is possible to use the help of other authorities (police, Defence League) to physically seal the border, but even then, the sole competence for border control remains with the Border Guard.

In the land-based activity areas, the Border Guard acts in response to needs or the actual situation; mutual aid is provided for the protection of public order, and information is exchanged about possible illegal activity in the activity area.

3.4.4. Horizontal and vertical data flows

As far as information concerning illegal immigration is concerned, the key factor is cooperation between different authorities. The systematic collection of information takes place on the situation on the state border, and this information is analysed and stored. Information is collected through the control of foreigners' arrivals and stays in Estonia, by organising and implementing the preliminary investigation of criminal cases, and by the execution of processing and pursuit activities for offences within the competency of the Border Guard.

The Border Guard, Police, Customs, and Citizenship and Migration Board have their own registers, databases and data processing operations. Each authority has its own special area of responsibility, based on domestic law. In addition, these authorities also have common interests, which are expressed by similar assignments and missions both at the operational level as well as in the informational sphere. Therefore, it is possible for different authorities to get access to the Border Guard database and to make inquiries. The use of the database is regulated by domestic laws in the interests of protecting personal data.

The Border Guard uses different databases for executing border control, which are listed below:

- ✓ border-crossing database;
- ✓ visa register;
- ✓ population register;
- ✓ document register;
- ✓ register of entry prohibitions;
- ✓ motor vehicle register;
- ✓ the part of a police information system that deals with wanted individuals
- ✓ and vehicles;
- ✓ database on the originals and forgeries of foreign travel documents.

According to bilateral agreements, the Border Guard also has the use of data on individuals, vehicles, or documents being searched for by some other country.

In addition, the Estonian Border Guard has a unique opportunity to make inquiries to the databases on the vehicles of such well-known car manufacturers as Mercedes, Volkswagen, and Audi.

Inquiries regarding wanted persons and individuals with entry prohibitions, as well as vehicles and documents being searched for, are made directly from the work station of the border control official executing border control; the official enters the information on the individual, vehicle, or document only once, and through the connection of the registers, the data is checked for simultaneously in all the relevant registers.

The improvement of the databases and the updating of the information in them are constant processes that take place in real time.

3.5. Investigation and policing of aliens

3.5.1. Legal background

The arrival, stay, residence, and working of foreigners in Estonia and the basis for the legal responsibilities of foreigners are regulated by the **Aliens Act**. The enforcement of the provisions of the Aliens Act is executed by the **Citizenship and Migration Board**, the **Board of the Border Guard**, and **police prefectures**. The aforementioned are specified in the Aliens Act as conducting extra-judicial proceedings for offences.

The **procedure for individuals to cross the state borders is regulated by the State Borders Act** and the regulations of the border regime. According to this legislation, borders may only be crossed through border crossing points. Based on the State Borders Act, procedures are established, based on which border guard officials may decide whether circumstances exist which prevent a foreigner from entering Estonia. All people wishing to enter Estonia must have a valid travel document, and all individuals, vehicles, and goods crossing the border are liable to border control. Based on the **Border Guard Act**, border guard officials have the right to check the documents of individuals suspected of violating the border regime, to examine the vehicles of suspects, and to enter residences, buildings, structures, possessions, workplaces, and transport vehicles in order to pursue suspected individuals or to prevent the illegal crossing of the state borders.

Responsibility for offences against public security (including illegal crossing of state borders, and staying in the country without legal basis) is specified in the **Penal Code**.

Measures for combating illegal immigration can also be found in the **Border Guard Act, the Police Act,** and the **Obligation to Leave and Prohibition on Entry Act**.

The regulations, directives and other instructions regulating this sphere are issued by the Ministry of the Interior.

Based on the Aliens Act, the police, border guard, and citizenship and migration officials have the right to check on the legal basis of the arrival, stay and working of foreigners in Estonia and on request, foreigners are obliged to present their identity documents and documents proving the legal basis for their stay or working in Estonia.

Border guard, police, as well as citizenship and migration officials have the right to apprehend individuals staying in Estonia illegally and to organise their expulsion from Estonia. If necessary, the respective Boards provide reciprocal help to each other.

3.5.2. Organisation

In Estonia, the **prevention and combating of illegal immigration are under the jurisdiction** of the **Citizenship and Migration Board** *(hereafter CMB)***, the Police and the Border Guard**. The aforementioned institutions are under the administration of the **Ministry of the Interior**. An important role is also played by the **foreign missions of Estonia**, primarily **in questions regarding the issue of visas**.

The **jurisdiction of the Board of the Border Guard** primarily includes conducting preventive migration control at the border.

The function of the Border Guard is:

⇒to guard and protect the state borders on land, at sea, and on transboundary bodies of water;
⇒to prevent illegal border crossings;
⇒to prevent the illegal transport of goods across state borders;
⇒to guarantee the border regime; to carry out border control;
⇒to control the legality of the stays of aliens in Estonia.

The rights and obligations of the Border Guard are specified in paragraphs 7 and 4 of the Border Guard Act.

The **jurisdiction of the *CMB*** primarily includes preventive migration control, including the approval of visa invitations for physical and legal persons, decisions on the extension of periods of stay, and conducting supervision proceedings. The *CMB* Visa and Illegal Immigration Department, which includes the Administrative Liability Office, deals with migration supervision and the application of administrative enforcement. By the end of 2006, a project will be implemented that will result in officials of the regional departments of the *CMB*, who deal with migration supervision, having the opportunity to use mobile workstations, i.e. vehicles which are equipped with the technical means necessary to conduct the needed procedural operations on the spot.

The structure of the *CMB* also includes an expulsion centre, the function of which is to organise the enforcement of resolutions to detain aliens who are to be expelled. Officials of the *CMB*, Border Guard, and Police may apply to the Administrative Court for the detention of aliens in the expulsion centre. The *CMB* also keeps records on the aliens who are staying or have stayed in Estonia without a legal basis.

According to the Police Act, the function of the **Police** is the maintenance of public order, the protection of the legal interests of people and organisations, the prevention of crime, the pre-trial investigation of crimes, and the imposing and enforcement of punishments within its competence. Among other things, the competence of the Police includes the control of the legal basis for foreigners to stay and work in Estonia and the detention of people staying illegally in Estonia.

The Board of the Border Guard is the body conducting extra-judicial proceedings related to the State Borders Act (violations of the border regime; illegal crossing of the state border or temporary border line).

The Police Prefectures, Citizenship and Migration Board, and the Board of the Border Guard are the bodies conducting extra-judicial proceedings related to the Aliens Act.

The processing of violations related to following circumstances is under the jurisdiction of the CMB and the Police:

- Facilitating housing for aliens staying in Estonia without a legal basis;
- The hiring of aliens not having a legal basis for working in Estonia;
- Working illegally.

The processing of violations related to following circumstances is under the jurisdiction of the CMB, the Police, and the Board of the Border Guard:

- An alien staying in Estonia without a legal basis;
- A legal person providing a transport service, which has transported an alien who does not have a legal basis for staying in Estonia, to the transit zone, state border or temporary border line.

The **Aliens Act** provides officials of the Police, Border Guard, and CMB with the right to control the legal basis for foreigners to arrive, stay and work in Estonia, and foreigners are obliged on request to present the official with their identity documents as well as documents proving their legal basis for staying or working in Estonia.

The same law obliges the foreigner, employer, and other related parties, when requested by the above officials, to prove the circumstances of the foreigner's employment in Estonia and the circumstances that are the basis for the application, extension or possession of a legal basis for working in Estonia.

The **Obligation to Leave and Prohibition on Entry Act** authorises the Police, Border Guard, and CMB officials to take custody of the travel documents and identity documents of a foreigner staying in Estonia without a legal basis, in order to guarantee the foreigner's obligation to leave.

The Code of Criminal Procedure specifies the investigative institutions that have the jurisdiction to conduct criminal procedures. Among others are the Police Board, the Central Criminal Police, the Security Police Board, and the Board of the Border Guard within their jurisdiction.

3.6. Staff and training

At present the staffing level of the Estonian Border Guard is about 65%; it therefore needs to be increased.

In planning, the following principles are applied:

- To ensure administration of Estonia's external EU border up to 150 vacant positions must be filled on the eastern border over the period of 2005-2007.
  Altogether, in the period of 2005-2006 (first half), the level of vacant positions on the eastern border has remained at almost the same level. **The number of vacant positions on the eastern border increased in 2005 by 12 more vacancies, but by the 1st half of 2006, the Estonian Border Guard was able to fill up 10 of the vacancies on the eastern border.**
- (up to 50 positions a year, which will result in a personnel coverage of 1,3 border guards per km), while ensuring replacement of persons leaving the service.[1]
- In connection with the termination of defence force training, the resources released from the Narva-Jõesuu Border Guard Training Centre will be used to strengthen Estonia's external EU border.
- After all the provisions of the Schengen Agreement have entered into force, the number of personnel attending to inspection of documents in the Northern Border Guard District will be reduced by 100 border guards , which will mean that the administration of the eastern border and sea border can be strengthened.
- As of 1 January 2005 vacant positions in the border guard agencies on the southern border will not be filled, except those related to surveillance and investigative activities and management (the total number of vacant border guard and civil personnel positions on the southern border is 222).

The following circumstances affect(ed) personnel planning:

- from 2001 to 2003 on average 125 border guards and 82 civil employees per year left the Border Guard;
- from 2005 to 2007 223 border guards will leave due to reaching the age limit;
- the vocational education capacity of the Muraste Border Guard School is 85-90 cadets per year; after completion of the accommodation facilities the vocational education capacity will rise to 150 cadets a year;
- the low pay of border guards who are directly responsible for guarding and controlling the border and the insecurity arising from the reorganisation of the organisation are the main reasons why qualified and experienced border guards leave the service;

[1] Ministry of the Interior Audit No. 32A/03.01.05-30.06.2003. Compliance of the infrastructure and administration of the eastern border with EU requirements and principles.

3.6.1. Selection criteria

Female and male citizens of Estonia are employed in the Border Guard service. Male candidates are required to have completed their compulsory service obligation, except when serving in a specialist position. The assessment of candidates for positions is based on the requirements established by Estonian laws and the match of the candidate's personal characteristics, skills and knowledge with the requirements of the position. Any discrimination of candidates based on race, gender, sexual orientation, native language, religion, national or social origin must be precluded.

Basic requirements for candidates:

- must be an Estonian citizen,
- having no criminal record,
- must be at least 18 years old,
- have at least upper secondary education (12 years) diploma,
- must have been in conscript service or military training,
- having good physical condition.

3.6.2. Basic training

The training of border guards takes place at the Muraste Border Guard School, which has been a state vocational training institution since 2002. The precondition for becoming a border guard is the completion of the "Border Guard Official" vocational secondary education curriculum. The study period is 1 year (40 study weeks). The curriculum ends with a professional examination. When the curriculum is completed, the border guard official acquires a second level vocational qualification as a border guard official. The border guard officials who entered the service of the Border Guard before 2002 receive their training in the form of distance learning.

To become a non-commissioned officer in the Border Guard, one must first complete the "Border Guard Official" vocational secondary education curriculum, after completing at least 3 years of service. Border Guard non-commissioned officers are trained by the qualification course curriculum. The courses are organised by the Muraste Border Guard School. Currently, the non-commissioned officers' curriculum is 30 study weeks long. After taking the professional examination, a border guard official who has completed the curriculum acquires a third-level vocational qualification as a border guard official.

To date, border guard officers have received their training at the Military Academy of the Estonian National Defence College, based on the applied higher education curriculum for military leadership, which lasts for 3,5 years. Within this curriculum, a specialised border guard course (40 credit points) takes place. In 2006, the final class of border guard officers will graduate based on this curriculum.

As from 2005, border guard officers are being trained in the Border Guard College of the Public Service Academy. Study is conducted based on the "Border Guard Service" applied higher education curriculum. The study period is 3 years (120 credit points). When the curriculum is completed, an applied higher education for a border guard official is acquired and after taking the professional examination, the border guard official who has completed the curriculum gains a fourth-level vocational qualification as a border guard official.

In 2008, it is planned that a Master's programme at the Border Guard College of the Public Service Academy will be introduced for border guard officers to achieve the grade of senior officer. After completing the curriculum and defending a thesis (professional exam), a fifth-level vocational qualification as a border guard will be acquired.

According to the "Vision for Unifying Border Guard Education", the curricula for vocational secondary education and applied higher education are being integrated, which means that instruction at vocational secondary education level can be transferred to the applied higher education level. The applied higher education curriculum is built up so that the first academic year is essentially training as an ordinary border guard; the second year is preparation as a non-commissioned officer; and the third is preparation as an officer. The curriculum for applied higher education is based on the requirements for level III (mid-level officer) specified in the "Core Curriculum for Border Guard Training". The curriculum for the vocational secondary education of border guard officials has been supplemented and amended based on the requirements for level II (second-level officer) specified in the "Core Curriculum for Border Guard Training". The curriculum for vocational secondary education includes practical training at the workplace for 10 study weeks, and the applied higher education curriculum includes 30 credit points that are distributed over three academic years, with ten subject points in each year. The curriculum for border guard officials includes the subject of EU law and institutions with a volume of 0,5 credit points/study weeks. Of the basic subjects for border guard officials, Schengen-related subject-matter is included in border guard service (3 credit points), document control (3,5 credit points), border guard information systems and databases (0,5 credit points); in addition, Schengen-related subject-matter is included in the curriculum of applied higher education as border guard theory and management (3,0 credit points).

3.6.3. Further continuing education

Currently in-service training is organised centrally by the Board of the Border Guard, and the Border Guard institutions, including Board of the Border Guard, also have their own training budgets for organising local in-service training. The larger projects in 2005 included document control, motor vehicle identification, client service, customs work and legal training organised by the Board of the Border Guard;. interview training (first half of 2006) and asylum application procedure training (first half of 2006) have taken place, along with instruction in security tactics and the Russian language, as well as supplementary courses in English.

Great changes are currently taking place in the Border Guard educational system. These are specified in the "Structure and Development Plan for the Defence Forces until 2010" confirmed by order no. 212 of the Government of the Republic dated 27 March 2004, and in the "Border Guard Development Guidelines until 2007" confirmed at the meeting on 2 September 2004. To carry out the changes, the "Vision for Unifying Border Guard Education" has been compiled and confirmed by the Minister of the Interior with a directive dated 27 May 2005.

With the reorganisation of border guard training, the border guard in-service training system will also change significantly. The launch of the new system is planned for the autumn of 2006. In-service training will be organised in a coordinated fashion at the Public Service Academy's Centre for Public Service Training and Development as well as the Border Guard College. The Border Guard College organises specific training to supplement the basic skills of border guard officials (e.g., document control) and to provide additional skills (e.g. dog handler). Other training related to the border guard field, for instance on legislation, is organised by the Public Service Academy's Centre for Public Service Training and Development. The Board of the Border Guard assembles the training needs of the Border Guard and submits the respective order to the educational institutions.

All border guards have completed additional training on Community law and they are prepared to implement it.

Since 2004, the curriculum of the Border Guard School has been supplemented by the introduction of EU and Schengen general legislation and the introduction of legislation directly regulating the guarding of external borders. Both the Convention Implementing the Schengen Agreement and its practical application in the form of the Common Manual are introduced in detail.

It is also possible for all border guard officials to become familiar with the aforementioned legislation within the framework of individual learning through the Internet and in their native language, since the respective legislation is available on the Border Guard Intranet and is promptly updated when amendments are made.

At the end of 2003 and the beginning of 2004, a special training programme for instructors was organised, with the goal of preparing instructors in Schengen subject-matter for the Border Guard Districts, who could quickly, and using a uniform method and programme, ensure the training and readiness of the personnel already in service to guard the borders under the conditions of Schengen implementation. In September 2005, a supplementary training program was organised for the instructors, in which the history of Schengen legislation and the border-crossing code, which is being prepared for adoption as legislation, was introduced. 33 border guards completed the training (Board of the Border Guard- 4, West- 4, Valga- 4, South-East- 3, North- 10, North-East- 6, Muraste- 2).

3.6.4. Linguistic training

Language courses in English are constantly running, conducted by salaried Border Guard instructors (Muraste BGS; North BGD).

3.6.5. Specialised document checking training

Training on the identification of false documents is a part of the regular consular training conducted in Tallinn. The training is conducted by the Travel Document Evaluation Centre of the Board of the Border Guard.

All border guards dealing with border control have completed training on first-line checks of travel documents. Training on second-line checks has been organised for border guards whose functions include the detailed check of travel documents.

The Document Division of the Ministry of Foreign Affairs has the travel documents recognised by Estonia together with the descriptions of their security features. In addition, every mission has a **Keesing Identity Checker**[1] into which additional pages can be inserted.

The foreign missions also have samples of the travel documents of the country where they are located.

Border guards have access to an electronic handbook through the intranet, which includes descriptions of genuine documents and forgeries. In the future, border guards will also use FADO[2].

3.6.6. Specialised training for different managerial levels

In 2006, four two-week training courses for different managerial levels were arranged for the chiefs of border guard stations, chiefs of border crossing points and their deputies. 63 Border Guard officers participated in the training courses altogether. The training courses were held in Border Guard Districts. The training courses were conducted by the training centre Helvetia Baltic Partners.

3.7. Readmission, expulsion and illegal immigration, carriers liability

(For statistical information see table I.)

3.7.1. Administrative structures and coordination

Generally, the functioning of readmission agreements must be rated as good. However, the number of individuals sent back by Estonia based on readmission agreements is not great, because **readmission agreements are lacking with third countries** that are the countries of origin for illegal immigration. (*see Para. 3.5.2.)*

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

According to § 9^1 of the State Borders Act, persons who illegally cross the state border are detained, and according to the procedures specified in the law and international agreements, are sent back to the country from which or through which they arrived or were conveyed to Estonia. Return from the border will be organised and costs paid for by the carrier that transported or whose representative transported the person, vehicle or cargo, which was not permitted to cross the border, to the border crossing point. **A foreigner who has illegally arrived in Estonia may be expelled within 48 hours without a warrant and without an administrative court permit.** Estonia has also signed readmission agreements with various countries, the articles of which regulate immediate expulsion/admission. If they have committed a crime, persons who have illegally entered the country or illegally crossed the border are sent back after the completion of the criminal and judicial proceedings against them and after they have served their sentence.

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1 The only full-colour reference manual in the world.

2 European Image Archiving System.

According to the Obligation to Leave and Prohibition on Entry Act, **a person may not be expelled to a country where the expulsion might lead to the application of the consequences mentioned in the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3) or the death penalty.** The expulsion of an alien must be in compliance with Articles 32 and 33 of the UN Convention relating to the Status of Refugees (together with the Protocol relating to the Status of Refugees of 31 January 1967). The expulsion of minors will be organised in agreement with the competent state institutions of the admitting country, and if necessary the transit country, so as to guarantee the protection of the rights of the minor.

3.7.3. Means deployed to combat illegal immigration networks

In practice, the most common are joint patrols in activity areas as well as operations in companies and institutions to discover foreigners illegally staying in the country or those suspected of trafficking in persons. In such operations, the leading authority of the operation ensures that the necessary additional equipment is available and that the communications system only to be used during the respective operation is agreed upon.

By the end of 2006, a project will be implemented that will result in officials of the regional departments of the Citizenship and Migration Board, who deal with migration supervision, having the opportunity to use mobile workstations, i.e. vehicles which are equipped with the technical means necessary to conduct the needed procedural operations on the spot.

3.7.4. Implementation of carriers liability

The fulfilment of the provisions of Article 26 of the Convention Implementing the Schengen Agreement is based on the principles of Council Directive 2001/51/EC, the Aliens Act and the State Borders Act.

According to § 9 of the State Borders Act, individuals, vehicles, and cargo that arrive at a border crossing point from foreign countries, and which do not have permission to cross the border, as well as individuals who have illegally crossed the state border, are detained, and according to the procedures specified in the law and international agreements, are sent back to the country from which or through which they arrived or were conveyed to Estonia.

Return from the border will be organised and paid for by the carrier that transported or whose representative transported the individual, vehicle or cargo, which was not permitted to cross the border, to the border crossing point.

According to § 16 of the Aliens Act, the person that transported or whose representative transported an alien who lacked a legal basis for staying in Estonia or a document allowing the border to be crossed on arrival at the Estonian border (hereafter *the carrier*), to the Estonian border is obliged to convey the alien being returned from the Estonian border back to the same place from which the carrier picked up the alien with the vehicle, or to the alien's country of residence. If the carrier does not fulfil the aforementioned obligation, the carrier is obliged to reimburse the expenses relating to the compulsory execution of the alien's obligation to leave, as well as to any stay in an expulsion centre or police detention house.

For the reimbursement of the costs, a warrant will be issued to the carrier by the Citizenship and Migration Board, the Board of the Border Guard, or a police institution to voluntarily reimburse the costs relating to the compulsory execution of the alien's obligation to leave within 90 days of the date that the warrant was issued. The warrant includes a warning regarding the compulsory execution of the warrant. If the warrant is not complied with, it will be executed and the costs will be claimed according to the procedure specified in the Code of Enforcement Procedure.

According to § 16 of the Aliens Act, the legal person providing a transport service, which has transported an alien who does not have a legal basis for staying in Estonia or in a transit zone, directly to the transit zone, state border or temporary border line, will be fined up to 50 000 kroons.

According § 161 subsection 2 of the Aliens Act, any person who transported or whose representative transported an alien who lacked a legal basis for staying in Estonia or a document allowing the border to be crossed on arrival, to the Estonian border is obliged to convey the alien being returned from the Estonian border back to the place from which the carrier picked up the alien with the vehicle, or to the alien's country of residence.

Additional agreements have been signed with shipping companies, with the goal of guaranteeing the transmission of information to TCB information and investigative structures. Based on concluded agreements, TCB officials have the opportunity to use the shipping companies' ticket sales and reservation systems, as observers. The system allows access to all information forwarded to shipping companies about the purchase of tickets and travel.

Reports on individual sites visited:

4. TALLINN PASSENGER HARBOUR

4.1. General information

The port is an important terminal for passenger ships. There are 38 ferry departures/arrivals per day during the summer. In the winter season the number of ferry departures/arrivals is 23. The majority of the ferries are arriving from and departing to Helsinki and Stockholm. Furthermore there are about 300 cruise ships on an annual basis i.e. 4-7 cruise ships per day during the summer season. There are no turnarounds of cruise ships in Tallinn.

Approx 29 300 000t of cargo and 6 000 000 passengers are handled annually in the port of Tallinn. The average flow of passengers during the summer season is about 30 000 passengers per day. In the winter season the corresponding number is about 10 000 passengers per day.

Identified threats are: illegal immigration, illegal stay in Estonia, document conveyance abroad, trafficking of drugs to Scandinavia, and the organised smuggling of Moldovans using Latvian, Lithuanian and Romanian passports. The level of threat is considered low and there are just a few occasional connections to third countries. This situation should, however, be closely monitored, in particular when the Schengen acquis is due to enter into force.

4.2. Infrastructure and equipment

4.2.1 Signposting, separation of flows, lanes for checks and control facilities

At the time of the visit of the Evaluation Committee all entry and exit signs were posted. The reconstruction of *Terminal C* was underway and as a result of this the signposts were not easily understandable. *Terminal D* is well signposted.

There was no separation of passengers on entry and exit at *Terminal C*, but at *Terminal D* the flow of passengers and cars/lorries are separated on entry and exit. Convertible signs are in use for the lanes at all booths.

At *Terminal D* all booths were placed properly facing the passengers, but at *Terminal C* there was no frontal overview for crew nor for passengers, though rebuilding of the passage for passengers is in an advanced phase.

4.2.2. Equipment: first line, second line, mobile

All necessary equipment is available. Mobile devices for searching databases have been acquired but are not operational yet. Document readers are not in use; according to the BCP's staff they are too slow to use. Only one second-line facility in the passenger harbour is located at *Terminal D*. Sufficient means of transport are available.

First-line check equipment:
- document control equipment, with UV and extra lighting (58),
- magnifying handglass x 8/10 (7),
- Retro Check (1),
- endoscope (1),
- retro-reflective lamp (22),
- border control stamps (176),
- document scanner (32).

Second-line check equipment:
- infrared and UV light, equipment with filters VSC2000 (1),
- Stereo-microscope, magnifying range x 40 (1),
- fingerprint equipment (1),
- CSS-005.

4.2.3. Communication

All necessary technical devices are available. The computers are equipped with an Internet/Intranet connection. Access to national data bases is provided via the Intranet connection. During border checks the shift leader can be consulted by radio and telephone.

4.2.4. Access control / fencing

The port is fenced. Entry and exit to the harbour area is controlled by a security company. A CCTV system is in place. In *Terminal C*, the crew passage is controlled by a CCTV camera operated by the Border Guard.

4.2.5. Detention / readmission premises

There is no room available for detention on harbour premises. There is no detention room at the port. In case of violation of the law (e.g. falsified documents) the person is taken over by the police and prosecuted.

4.2.6. Storage of blank visas

The stamps are kept in safes and individualised and the security codes on the stamps are changed every month. The visas are printed and issued by the shift leader.

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee considers the infrastructure and the equipment available in the passenger port of Tallinn to be sufficient. However, second line facilities should be located close to any first-line position at the Tallinn Passenger Terminal. Furthermore, depending on the situation it might be necessary to provide facilities for detained persons within the terminals. The booths in Terminal C are under reconstruction and after that should be in line with requirements.

4.3. Controls and procedures

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

Ferries
The Border guard receives the passenger list by e-mail, with the captain's electronic signature, at least 3 hours prior to their arrival. The administrative control of passengers and crew members follows automatically.
The passenger list is kept for one month.

Passport control at terminal D takes place in the arrival area where 4 booths with 8 working places are situated. At the beginning of the visit only 2 working places were in use; but after the arrival of more passengers from Helsinki and Stockholm, 3 more working places were opened. Minimum checks were carried out since the majority of passengers were EU nationals.

In case of doubt about the documents, identity, criminal record or purpose of the person, a thorough check is carried out at the second line; the first-line border guard incorporates his concerns in the special form, then the passenger is taken to the second-line office where the interview and an in-depth check takes place. The same form is used to communicate the outcome of the control. This procedure allows senior officers to evaluate the activity of the staff and to improve the quickness of the interaction from the first-line control to the second line.

Cruise ships
1 or 2 officers go on board and carry out face-to-face controls of third country nationals. All passengers are obliged to carry their passports during their stay in Tallinn. The crew is checked face-to-face.

4.3.2 Utilisation of registers and of the Common Manual

Ferries
The national database has not been used during face-to-face controls except for third country nationals.

Cruise Ships
The Border guard receives the passenger list by e-mail at least 3 hours prior to arrival. The administrative control of passengers and crew members follows automatically.

The Common Manual along with the recently adopted Schengen Borders Code is available for all personnel through the TEPI intranet system.

4.3.3 Vehicle check

The control of passengers in vehicles coming out of the ferry is provided in 4 lanes; one of these is for trucks and buses. The border guard does not check inside lorries. During the team's visit, two third country nationals were stopped for a thorough check, after which they were allowed to enter the country.

4.3.4 Processing of refusals and asylum applications

If asylum is sought, the border guard does the first interview and the Citizen and Immigration Board then takes over the application. The standard form for refusal of entry is in use. In the case of refusal of entry for reasons other than forged documents; the person stays on board the ship under the responsibility of the captain. Border guard can remain on board if necessary for security.

4.3.5 Issue of visas

The stamps are kept in safes and individualised and the security codes on the stamps are changed every month. The visas are printed and issued by the shift leader. 18 Visas were issued in June 2006. The visas are issued at the second line which is situated near the arrival terminal: C-type visas are issued only in exceptional circumstances.

4.3.6 Sanctions imposed on carriers

In 2005 there were 214 refusals of entry because of the lack of a visa: In the first half of 2006 there were 75. The Committee has been told that no fines are imposed on the responsible carrier: The authorities explained that there is no need to impose fines since the carrier always takes the responsibility for the removal of the person.

Comments and recommendations of the Evaluation Committee:

The Committee is of the opinion that the control procedures applied in the passenger harbours of Tallinn are in general satisfactory and that border checks are performed in a professional way. The committee notes however, that the Estonian practice regarding sanctions for carriers appears to be not fully in line with the relevant EU legislation (Directive EC 2001/51 EC of 28 June 2001)

5. MUUGA HARBOUR

5.1. General information

Muuga Harbour is the main cargo harbour in Tallinn. It contributes greatly to the whole cargo traffic passing through Estonia. The cargo volume handled accounts for some 80% of the total cargo volume of the Port of Tallinn and for approximately 90% of the transit cargo volume passing through Estonia. Located 17 kilometres east of the city of Tallinn, with good hinterland connections, it has a major role in Estonia's transit trade. Nearly three-quarters of cargo loaded in Muuga Harbour includes crude oil and oil products, but the harbour also serves as a major harbour in the Port of Tallinn in terms of dry bulk (mostly fertilisers, grain and coal). Only cargo ships use the BCP.

The average traffic of incoming and outgoing vessels per day is 9-20 vessels. An average of 80-205 crew members and passengers cross the border every day and the corresponding number of vehicles is 3-10 per day.

The total number of personnel is 28 (1 officer 1, 11 non-commissioned officers, 16 border guards). A two-member shift performs vehicle and vessel control. There are up to 5 border guards on duty around the clock.

5.2 Infrastructure and equipment

5.2.1 Signposting, separation of flows. lanes for checks and control facilities

There is no need for signposting nor separation of flows at the harbour area due to the fact that there is no passenger traffic in Muuga. There are two lanes for checks, especially for checking imported cars and lorries. There are two well-equipped booths at the checkpoint. In general the infrastructure of the booths is related to the traffic which is in line with the recommendations of the Schengen Catalogue.

5.2.2 Equipment: first line, second line, mobile

The BCP is provided with the necessary technical devices. All necessary information is available through the intranet system (TEPI) of the Border Guard. At present there is no possibility to check databases on board with mobile devices. There is only one car available at the BCP though the size of the port would require at least one more car.

First line check equipment

- document control equipment, with UV and extra lighting (7),
- magnifying handglass x 8/10 (3),
- Retro Check (1),
- endoscope (1),
- retro-reflective lamp (5),
- border control stamps (16),
- mobile control equipment (1).

Second line check equipment

- infrared and UV light, equipment with filters VSC4CX (1),
- stereo-microscope, magnifying range x 40 (1),
- fingerprint equipment (1),
- CSS-005.

5.2.3 Communication

All necessary technical devices are available. The computers are equipped with an internet/intranet connection. Access to national databases is provided via the intranet connection. During border checks the shift leader can be consulted by radio and telephone.

5.2.4 Access control / fencing

The harbour area is completely fenced. Entry and exit are controlled by a private security company. For the surveillance of the port area CCTV cameras are in place.

5.2.5 Detention / readmission premises

There is one room available for detention in the office building.

5.2.6 Storage of blank visas

The stamps are kept in safes and individualised and the security codes on the stamps are changed every month. The visas are printed and issued by the shift leader.

Comments and recommendations of the Evaluation Committee:

The Committee considers the infrastructure and the equipment available in the passenger port of Muuga to be sufficient. In order to improve the mobility within the harbour area the purchase of an additional car should be considered.

5.3. Controls and procedures

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

The Border Guard are usually informed by the port authorities about the arrival of a cargo ship. There is no crew list provided in advance but the Border Guard can get information regarding nationality if necessary. Upon arrival the border guards are handed the crew list on board and carry out an occasional face-to-face document check.

The form used for the crew list is not in line with the standard introduced by Directive 2002/6/EC. The authorities either receive information from the ship agency or the port authority.

5.3.2 Utilisation of registers and of the Common Manual

Since the crew list is not provided in advance there is no administrative check. In case of suspicion the personnel can carry out a check in the system by making a phone call to the office. The Common Manual along with the recently adopted Schengen Borders Code is available for all personnel through the TEPI intranet system.

5.3.3 Vehicle check

If necessary, the Border Guard carry out checks both on lorry drivers and drivers of imported cars at the booth within the harbour.

5.3.4 Processing of refusals and asylum applications

The BCP visited has not so far had to deal with any asylum applications. The ground for refusal of entry is provided by the standard form introduced by *Council Decision 2004/574/EC of 29 April 2004* amending the Common Manual.

The refusal of entry of crew members is a verbal decision which is followed by a letter to the captain communicating his responsibilities.

5.3.5 Issue of visas

The visas are printed and issued by the shift leader at the BCP.

Comments and recommendations of the Evaluation Committee:

The Committee is of the opinion that the control procedures applied in the Muuga harbour are in general satisfactory and that border checks are performed in a professional way. The committee notes however, that the crew list form in use is not in line with Directive 2002/6/EC. The Estonian authorities are therefore invited to apply the pertinent provisions of the Directive.

6. PIRITA MARINA

6.1 General information

Pirita Marina (along with the Miiduranna BCP) is part of the Pringi Border Guard Station. Pirita Border Crossing Point is open from 07.00 to 23.00 daily during the summer season (May-November). On an average 35-80 pleasure boats with a total of 60-180 crew members and passengers cross the border every day during the summer. There is hardly any traffic from third countries. There are 3- 5 border guards on duty around the clock.

6.2. Infrastructure and equipment

6.2.1 Signposting, separation of flows, lanes for checks and control facilities

The BCP is properly signposted and there is no need for separation of flows or lanes for checks since the traffic consists only of pleasure boats and yachts. The BCP is in a container near the entrance of the harbour. There are appropriate control facilities available. One car and one water jet propelled patrol boat are in use.

6.2.2 Equipment: first line, second line, mobile

Pirita is provided with all the necessary equipment.

First-line control equipment

- ✓ document control equipment, with UV and extra lighting (2),
- ✓ Retro Check (1),
- ✓ endoscopes (1),
- ✓ retro-reflective lamp (2),
- ✓ border control stamps (6),
- ✓ mobile control equipment (1).

Second-line equipment

- ✓ Stereo-microscope (1),
- ✓ CSS-005.

Databases

- ✓ Border guard database (BGIS),
- ✓ Border guard network system (Service on border- TEPI),
- ✓ Population register,
- ✓ Visa register.

6.2.3 Communication

All necessary technical devices are available. The computers are equipped with an internet/intranet connection. Access to national data bases is provided via the intranet connection. During border checks the shift leader can be consulted by radio and telephone.

6.2.4 Access control / fencing

The Marina is completely fenced. Entry and exit are controlled by a private security company. For the surveillance of the port area CCTV cameras are in place.

6.2.5 Detention / readmission premises

No premises for detention/readmission are available in the harbour.

6.2.6 Storage of blank visa

The stamps are kept in safes and individualised and the security codes on the stamps are changed every month. The visas are printed and issued by the shift leader.

Comments and recommendations of the Evaluation Committee:

The Committee considers the infrastructure and the equipment available in Pirita Marina to be sufficient.

6.3. Controls and procedures

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

Pleasure boats are controlled in Pirita Marina. The passengers are obliged to present their passport and boat papers at the BCP in the harbour.

During the visit one person collected all the passports of the pleasure boat passengers and not all of them showed up in person. The border guard went herself to the boat and made a face-to-face check. In one case the border guard officer asked a passenger to take off their glasses to make sure that the person was the one on the photo. Most passengers are EU nationals

In general the control of persons is performed carefully and in conformity with relevant legislation.

6.3.2. Utilisation of registers and the Common Manual

The Common Manual along with the recently adopted Schengen Borders Code is available for all personnel through the TEPI intranet system.

6.3.3. Processing of refusals and asylum applications

There have not been any asylum seekers or refusals of entry yet. If the passengers omit to present themselves to the BCP, the port authorities will not allow them to leave the Marina but send them back to the BCP.

Comments and recommendations of the Evaluation Committee:

The control procedures applied in the port of Pirita are in line with requirements. Border checks are performed in a professional way.

7. OTHER BORDER CROSSING POINTS VISITED (KÄRDLA, ROOMASSAARE, KURESSAARE AND RUHNU)

7.1. General information

The Evaluation Committee visited two border crossing points on the island of Saaremaa (Roomassaare and Kuressaare), and one on the small island of Ruhnu. Border checks in the ports of Roomassaare and Kuresaare are performed by the personnel of the Roomassaare Border Guard station. The Ruhnu Border Guard Station is responsible for border checks at Ruhnu.

Roomassaare harbour is the major sea port of Saaremaa. All kinds of ships visit the port of Roomassaare, except for ferries. On average 115 cargo ships, 10 cruise ships, 25 fishing boats and 350 pleasure boats per year call at the port.

Kuressaare is a small marina for pleasure boats with approximately 1 000 visiting pleasure boats per season. The vast majority of passengers are EU nationals.

The identified threats in these ports are not significant.

7.2. Infrastructure and equipment

7.2.1. Roomassaare

The BCP at Roomassaare is well equipped and has an infrastructure that allows the staff to handle the daily work in an effective way. The Common Manual along with the recently adopted Schengen Borders Code was available for all personnel through the TEPI intranet system. The stamps are kept in safes and individualised and the security codes on the stamps are changed every month. The visas are printed and issued by the shift leader.

7.2.2. Kuressaare

The marina is not signposted and there is no separation of flows. The marina is not fenced. There is no equipment stored at the marina, except a PC that provides access to the operational information system TEPI. When controls are carried out, the necessary equipment is brought to the marina in a patrol car from Roomassaare Border Guard Station. The second line is situated at the headquarters of the West Border Guard District in Kuressaare.

There are no visas stored at Kuressaare marina. Blank visas are available at Roomassaare Border Guard station. There is one detention room available at the police office in central Kuressaare.

7.2.3. Ruhnu

A border control sign is posted in the harbour. The BCP at Ruhnu is well equipped and has an infrastructure that allows the staff to handle the daily work in an effective way. The stamps are kept in safes and individualised and the security codes on the stamps are changed every month. The visas are printed and issued by the shift leader.

Comments and recommendations of the Evaluation Committee:

The Committee considers the infrastructure and the equipment available at the border crossing points of Roomassaare, Kuressaare and Ruhnu to be sufficient.

7.3. Controls and procedures

7.3.1. Roomassaare

Cargo ships
The Border Guard is informed about the arrival of ships by the port authorities, ship agents or sometimes also by the headquarters of the border guard in Tallinn. The border guard receives the crew list on board the ship, signed by the captain. The crew and passenger lists are kept for 1 year and then sent to headquarters. The databases are used according to the Schengen provisions.

The passport control is provided by 2 officers on board and administrative checks are performed at the Border Guard station. The exit control is also preformed on board.

Cruise ships
The crew and passenger lists are sent 3 to 4 hours prior to arrival by e-mail and the administrative check is performed. One cruise ship of about 600 passengers and 250 crew members comes to this port every second week. The border guard match the passports of the crew given by the captain with the crew list. In case of any suspicion a face-to-face control is carried out. The control of passengers is performed on board when the passengers are leaving the ship.

Fishing boats
There are only a few fishing boats belonging to Estonian and Latvian nationals.

Pleasure boats
There is face-to-face entry and exit control of the passengers on pleasure boats who are mostly EU citizens.

The last visa (B-type) was issued in 1998. The visas are printed and issued by the shift leader. The last refusal of entry took place in 2003 due to an expired passport. No asylum seekers have been reported.

If necessary the chief's office is used as the second line. The equipment for thorough checks is situated in the office of the BCP.

7.3.2. Kuressaare

The harbour master receives information about the arrival of pleasure boats and calls the border guard to provide the border control. The border guard have a mobile post with the necessary equipment located in Roomassaare and when called they come to the marina and carry out face-to-face checks.

The checks take place at the office of the harbour master. From this office the Border Guard officers have a view over the entire marina, especially the entrance of the marina from the sea. There are no permanent border guard staff at the marina, but the harbour master informs the border guard if a pleasure boat arrives from another country.

On departure the border guard also provide a face-to-face exit check.

7.3.3. Ruhnu

The BCP is only for open pleasure boats. There are approximately 200 visiting pleasure boats per season. There is no traffic from third countries. The vast majority of passengers are EU nationals. The border guard receives information about the arrival of the pleasure boats in advance through the Sea Surveillance System. Upon arrival and departure the border guard carries out a face-to-face check.

Comments and recommendations of the Evaluation Committee:

The control procedures applied at the border crossing points of Roomassaare, Kuressaare and Ruhnu are in line with requirements. Border checks are performed in a professional way.

8. BORDER SURVEILLANCE

In order to evaluate the border surveillance system the Evaluation Committee visited the **Maritime Surveillance Centre in Tallinn** and the **Regional Control Centres** in **Kärdla** and **Kuressaare** as well as the **Border Guard stations in Narva-Jõesuu, Kärdla and Ruhnu**.

The Border Guard has to perform complete surveillance of the external border of the territorial waters, the economic zone, and vessel traffic to ensure safety at sea, and to participate in search and rescue operations; it runs an integrated system of coastal surveillance based on a radar network that covers all Estonian waters. The radar network is remotely operated from four Regional Control Centres (RCC): Tallinn, Kunda, Kärdla and Kuressaare.

8.1. Tactics applied, including the system of border patrolling, command and control

The territorial waters and maritime traffic are controlled by a network of radars, in normal conditions covering the entire coast. A system of coastal patrols to reinforce the surveillance of the sea performed by the radar system seems to be missing.

The Board of the Border Guard makes weekly operational plans in order to establish the duties of the two maritime districts. According to the weekly plan the maritime districts have on average a minimum number of two vessels dedicated to patrol the whole coast line, so they can attend any emergency situation with a 30 minute reaction time.

During patrolling time and operations the naval units and aircraft are under the operational control of the RCC of the north and western districts.

At the Border Guard stations, depending on the season border surveillance is performed by

- ✓ vehicle patrol and patrol on foot;
- ✓ launch patrol;
- ✓ observation from the surveillance towers.

8.2. Situational awareness

The Border Guard has two different ways of detecting and identifying illegal crossing of the border:

- ✓ The physical presence of Border Guard officers at the crossing points.
- ✓ a technological system, that integrates electronic equipment such as radars or cameras, the automatic identification system to identify all kind of vessels and a complete communications network that combines radio communications on a VHF band and GSM communications.

Physical presence (Intelligence)
Border Guards on patrol gather information from the population, especially in rural areas due to the fact that their stations are located in small villages where everybody knows each other. The intelligence is forwarded from the BG stations to the Intelligence Section of the BG district, and afterwards to the Intelligence Department of the Board of the Border Guard. Following analysis of the intelligence, the outcomes are delivered to the different levels of the BG.

This system is constantly feeding back, and allows the flexibility in the risk analysis.

Technological system *(AIS and Radar Network)*

The AIS[1] system is used to identify cargo ships in its waters; while at sea these boats are tracked by the radar system, and at any time the radar network provides the operator with complete information on the ship, name, flag, position, destination, etc.

The ferry lines between Estonian harbours and Finland or Sweden are tracked by the same system.

There is an established operational procedure, well known by the operators of this system, when a vessel which is plotted on the screen of the system cannot be identified by the operator, and does not give information through the AIS system; in such a case, the operator calls the vessel by radio using the maritime channels, and if there is silence or an incomplete or suspicious answer, the operator of the NCC or the RCC contacts the nearest unit at sea in order to intercept the unknown vessel.

[1] Automatic Identification System.

The operators received a specific training course of two weeks at the Tallinn Border Guard School in order to learn how to handle this equipment.

8.3. Reaction capability

According to the plans and procedures established by the Border Guard reactions times vary if an urgent reaction is needed due to an accident. In general it takes 30 minutes to have the boat ready to sail during working hours. During non-working hours it takes a maximum of one hour to have the patrol boat ready. Readiness during working hours for the helicopters and airplanes is 15 minutes in summertime and 20 minutes in wintertime. Readiness outside working hours, at weekends and during holidays is 1 hour. Readiness to have a land patrol ready to reach an emergency spot in a BG Station is no more than 15 minutes.

The risk that a boat with illegal immigrants or smuggling people might reach the Estonian coast is so low that is not even currently considered as a real threat.

According to the low level of threat given by the information (e.g. weekly report) and after a risk analysis, the BG determines its priorities:
- ✓ controls and checks in BCP,
- ✓ management of the NCC and the three RCC, with their quite modern equipment,
- ✓ patrolling at sea with the vessels provided by the BGPB division under the operational command of the districts.

Speed boats are not used for patrolling along the coast. They are used as fast intervention units from the Coast Guard stations when needed.

8.4. Availability and permanence of resources

Human resources:
The BG is currently at 65% of full strength. Low salaries, lack of commitment and the risk of corruption among young officers do not help to solve this situation. However, the personnel at the regional control centres interviewed during the evaluation were all well-motivated professionals with a good knowledge of the Schengen regulations and with satisfactory linguistic skills.

Technical resources:

The main means used for carrying out sea surveillance are the radar network, communications system, vessels, boats and aircraft. The radar network has state-of-the-art equipment and in normal conditions covers the entire Estonian coast. The radar network is based on a chain of 20 radar work stations, 10 long-range radar stations and 10 short-range radar stations. The stations of Kunda and Kuresaare also have CCVD used to identify the boats on the sea from the RCC. Each radar station has a security system with self-protection based in a secure perimeter controlled with cameras, movement sensors and fire extinguishing system.

The Estonian Border Guard have a rather large but generally elderly fleet. The oldest vessel was built in 1946 and the average age of the vessels and cutters is over 32 years. Vessels are therefore only occasionally used for patrolling and are mainly kept in a state of readiness at ports. For rapid interventions and identifications fast boats from the Border Guard stations are mainly used. (For a full list of Border Guard vessels and boats *see Annex: table D.*)

Sea surveillance is complemented by occasional patrolling by aircraft. The Border Guard has a total of 5 aircraft:

- ✓ 2 L-410 UPV (Built in 1981), fixed wing;
- ✓ 1 Cessna-172 (Built in 2003), fixed wing;
- ✓ 1 Mi-8T (Built in 1979), helicopter;
- ✓ 1 Schweizer 300 (Built in 1998), helicopter.

The North and West Border Guard districts have a sufficient number of different kinds of vehicles to be used in border surveillance. The standard of the vehicles and boats varies a lot from place to place.

8.5. Communication and encryption

The communication system of the Border Guard is based on different means:

- ✓ Inmarsat-C terminal;
- ✓ COSPAS/SARSAT terminal;
- ✓ NAVTEX;
- ✓ Telephones;
- ✓ GSM;
- ✓ Fax;
- ✓ GMDSS VHF/HF Coastal radio;
- ✓ E-mail;
- ✓ PCs;
- ✓ AIS Terminal, Automatic;
- ✓ TEPI (Teenistus piiril), is the intranet of the Border Guard, extended to all the stations.

According to the officers of the different units inspected, the radio system used by the Border Guard has two branches:

- ✓ A radio system based on the VHF/HF band, installed in all the RCCs and maritime and aircraft units, allows them to communicate with vessels using international maritime channels.
- ✓ A radio system based in GMDSS VHF/HF, but encrypted provides secure voice transmission and allows point-to-point private communications or transmission to an open group.

Comments and recommendations of the Evaluation Committee:

The radar network used for sea border surveillance has been in operational use only since the beginning of the year and still has some deficiencies. Despite these problems the system is already an effective tool for the surveillance of the sea borders.

However, the Committee notes that the coverage of the surveillance and the ability to identify radar targets could be improved by a more effective use of Coast Guard vessels integrated into the surveillance system, and by complementing the radar network with a few camera sensors. The elderly Coast Guard fleet should be replaced with a smaller but younger one. It could also be more cost effective to, at least partly, centralise the monitoring of the surveillance system.

9. STAFF AND TRAINING

9.1. Adequacy and the level of professionalism

The Committee is of the opinion that the personnel at all sites visited are well-trained and professional. The officers are conscious of their duties and responsibilities and they are well aware of and apply the Schengen provisions.

9.2. Selection criteria

see para. 3.6.1

Maritime Surveillance Centre:
The staff is specially selected for its tasks *(surveillance search, rescue and pollution response operations and JRCC and NCC related tasks)* and have to be certified for SAR[1]-Activities before they start with their work.

9.3. Basic training

see para. 3.6.2

9.4. Further continuing education

Tallinn Passenger Harbour BCP:
Between 2005 and the first half of 2006 the officers of the Passenger Port of Tallinn received the following special training:

- ✓ Schengen acquis (14 hrs) – 64 officers,
- ✓ Interviewing/Profiling (7 hrs) – 53 officers,
- ✓ English "Illegal immigration law" (240 hrs) – 31 officers,
- ✓ French Language (240 hrs) – 1 officer).

Pirita Marina:
In 2005 and in the first half of 2006 the officers of the Pirita Border Crossing Point received the following special training:

- ✓ Schengen Acquis (14 hrs) – 18 officers,
- ✓ Interviewing/Profiling (7 hrs) – 19 officers,
- ✓ English language training (240 hrs) – 16 officers.

[1] Search & rescue.

Maritime Surveillance Centre:
The officers of the Maritime Surveillance Centre were provided with the following special training in 2005:

- ✓ NCC operator course – 5 officers,
- ✓ RCC operator course – 4 officers,
- ✓ SMC – 1 officer, OSC – 6 officers,
- ✓ ACO – 3officers, ECDIS – 2 officers,
- ✓ ARPA for SAR – 2 officers,
- ✓ GMDSS GOC – 10 officers,
- ✓ international naval officer course in the US – 1 officer,
- ✓ SAR English language course – 5 officers.

The Evaluation Committee was informed that additional EU and Schengen Acquis and English language training courses are planned for the near future.

Kuressaare Border Guard Station:
The officers of the Kuressaare Border Guard Station have received the following training:

In 2005:

- ✓ border guarding/border control (477 hrs) – 26 officers,
- ✓ illegal immigration (21 hrs) – 1 officer,
- ✓ service dog handling (77 hrs) – 2 officers,
- ✓ profiling (110 hrs) – 11 officers,
- ✓ misdemeanour law (160 hrs) – 10 officers.

In 2006:

- ✓ Schengen Acquis (176 hrs) – 17 officers,
- ✓ dactyloscopy (56 hrs) – 7 officers,
- ✓ travel document and vehicle control (320 hrs) – 4 officers,
- ✓ video spectral analyser VSC 2000 (24 hrs) – 3 officer,
- ✓ criminal law (144 hrs) – 9 officers.

The Evaluation Committee was told that EU and Schengen Acquis training is planned for this autumn.

Ruhnu Border Guard Station:
The officers of the RUHNU Border Guard Station have received the following special training:

in 2005:

- ✓ border guarding, border control (196 hours) – 11 officers.

in 2006:

- ✓ dactyloscopy (1 hrs) – 1 officer,
- ✓ Schengen acquis (11 hrs) – 11 officers,
- ✓ travel document and vehicle control (160 hrs) – 2 officers,
- ✓ criminal law (96 hrs) – 2 officers.

As reported to the Evaluation Committee, an extra Schengen acquis training course is planned for this autumn. The Station has resident instructors.

The officers of Narva – Jõesuu Border Guard Station have received the following special training in 2006:

- ✓ Schengen law (248 hrs) – 31 officers,
- ✓ Interviewing/Profiling (48 hrs) – 2 officers,
- ✓ English language (250 hrs) – 1 officer,
- ✓ Management training (360 hrs) – 2 officers).

9.5. Linguistic skills and training

Tallinn Passenger Harbour BCP:
Tallinn Border Guard Officers have the ability to communicate in several foreign languages (i.e. English, French, Finnish, Russian) at different levels. In 2005 and the first half of 2006, 31 officers received English language training *(illegal immigration law)* and 1 officer received French language training.

As reported to the Evaluation Committee, the English language knowledge level of the Border Guard will be improved in the future.

Pirita Marina:
Pirita Border Guard Officers have the ability to communicate in several foreign languages (i.e. English, Finnish, Russian) at different levels. In 2005 and the first half of 2006, 16 officers received English training.

Maritime Surveillance Centre:
Due to the tasks of the Centre, it is of great importance for the officers to be able to communicate with the Captains of the vessels.

The officers have the ability to communicate in English. According to the information provided, the English language skills of the personnel are as follows:

- ✓ High level – 2 officers,
- ✓ Medium level – 6 officers,
- ✓ Basic level – 13 officers

Kuressaare Border Guard Station:
Kuressaare border guard officers have the ability to communicate in several foreign languages (i.e. English, Russian, and 1 officer in German). The English language skills of the personnel are as follows: High level – 5 officers, medium level – 7 officers, basic level – 6 officers.

English Language training will be extended in the future .

Ruhnu Border Guard Station:
The language skills of the personnel are as follows: English: medium level – 2 officers, basic level – 9 officers. Russian: medium level – 9 officers, basic level – 2 officers

English language training is planned for the autumn.

Narva- Jõesuu Border Guard Station:
Narva – Jõesuu Border Guard officers have the ability to communicate in several foreign languages (i.e. English, Russian) at different levels. In 2006, 1 officer received 250 hours of English language training.

Most of the officers are fluent in Russian, but English skills are to be improved in the future.

9.6. Specialised document checking skills and training

Tallinn Passenger Harbour BCP:
25 – 30 border guards have been specially trained in "document and transport control". The officers in the second-line office have acquired professional knowledge in the examination of false and falsified documents. Various training courses are offered to the Border Guard officers on the detection of forged and falsified documents.

Pirita Marina:
Border guards are trained in the detection of false and falsified documents. In each shift two specially trained officers are on duty.

Kuressaare Border Guard Station:
All officers have completed a training course on first-line border checks and on checks of travel documents. Various training courses are offered to the border guard officers on the detection of forged and falsified documents.

Ruhnu Border Guard Station:
Border guards are trained in the detection of forged and falsified documents mostly through weekly training sessions at local level.

Narva- Jõesuu Border Guard Station:
Border guards are trained in the detection of forged and falsified documents mostly through weekly training sessions at local level.

9.7. Availability and permanence of staff

Tallinn Passenger Harbour BCP:
The total number of staff at the Tallinn passenger port is 98 (3 officers, 25 non-commissioned officers, 65 Border Guards, 3 border guard dog handlers).As reported by the Estonian Authorities to the Committee, the border guard board is understaffed to fulfil all tasks in the best way. The ideal staff should be 130 for the time being. But after the full implementation of the Schengen acquis the personnel should decrease to 60.

The Tallinn border crossing point is open 24 hours a day throughout the year. In accordance with the work schedule, border guard officers normally work in 6 – 12-hour shifts while the shift leaders work in 24 hour shifts (attached: work schedule 3 July 2006).

The working time is 40 hours a week. Overtime must be compensated by leisure time within 3 months.

The number of personnel is considered as limited in the current situation. At present it would be desirable to have more officers available; however, after the full implementation of the Schengen acquis the personnel should be decreased.

Pirita Marina:
The total number of staff at the Pirita Border Crossing Point is 19 (1 officer, 7 non-commissioned officers, 11 Border Guards).

As reported by the Estonian Authorities to the Evaluation Committee, during the peak of the summer months 3 officers will be assigned to the Pirita BCP.

Pirita BCP is open from 07.00 to23.00 daily (May – November and during the navigation period). In accordance with the work schedule, border guard officers normally work in 6 – 12-hour shifts. The working time is 40 hours a week. Overtime must be compensated by leisure time within the subsequent 3 months.

Maritime Surveillance Centre:
27 Border Guard officers (1 Chief of the JRCC[1], 1 Deputy Chief, 8 Duty Officers and 12 Assistants subordinate to the Duty Officers) and 5 Public Servants are employed in the Duty and Sea Surveillance section JRCC-RCC[2] Tallinn and NCC[3] Estonia.

The JRCC-RCC Tallinn and NCC Estonia are operational 24 hours a day. The officers of the Centre work in 24 hour shifts, covered at a minimum by 3 officers in each shift. 1 day of service is followed by 3 days of leisure time. The working time is 40 hours a week. Overtime must be compensated by leisure time within the subsequent 3 months.

Kuressaare Border Guard Station:
Currently the total number of staff at the Kuressaare BGS is 20 (1 officer, 7 non-commissioned officers, 12 border guards). The staff decreased in 2006 from 26 to 17.

The reported ideal number of staff would be 33.

Kuressaare BGS is open 24 hours a day throughout the year. In accordance with the work schedule, border guard officers normally work in 6 – 12-hour shifts. The working time is 40 hours a week. Overtime must be compensated by leisure time within the subsequent 3 months.

Ruhnu Border Guard Station:
The number of staff at the RUHNU Border Guard Station is 11, and the BGS is operational 24 hours a day throughout the year. For organisational reasons (most staff do not live on the island) the personnel is divided into two groups (shifts). The groups change their presence at the Border Guard Station every two weeks. The work schedule is very flexible and aligned to the circumstances.

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1 Joint Rescue and Coordination Centre.
2 Regional Command Centre.
3 National Coordination Centre within the Baltic Sea region border control cooperation.

The working time is 40 hours a week. Overtime must be compensated by leisure time within the subsequent 3 months.

Narva-Jõesuu Border Guard Station

The total number of staff at the Narva – Jõesuu Border Guard Station is 29 (2 officers, 9 non-commissioned officers, 18 Border Guards). Due to the tasks involved the Committee considers the number of staff to be very low.

As reported by the Estonian Authorities to the Committee, the current number of staff should be doubled to fulfil all the tasks. After the full implementation of the Schengen Acquis the personnel must be increased to meet the requirements.

Narva – Jõesuu Border Guard Station is open 24 hours a day throughout the year.
Due to organisational reasons (the staff live very far away from Narva – Jõesuu) the personnel is divided into two groups (shifts). The groups change their presence weekly at the Border Guard Station. The work schedule is very flexible and is in accordance with the necessities.

The working time is 40 hours a week. Overtime must be compensated by leisure time within the subsequent 3 months.

Comments and recommendations of the Evaluation Committee:

At all sites visited by the Committee the professionalism of the personnel was considered to be satisfactory. In general the training is properly arranged and the provisions of the Common Manual, Schengen Borders Code, Schengen Catalogues etc. are incorporated into the Schengen Training Strategy. The language skills of the border guard officers were also considered satisfactory, though knowledge of the main European languages in general needed to be improved.

The number of personnel at all sites visited is insufficient for current tasks and responsibilities, and the shortage of personnel hampers the activities of the Border Guard. The effects of the problem at the sea borders will however diminish after Estonia's accession to the Schengen Agreement but the situation has to be strictly monitored.

10. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION, CARRIERS' LIABILITY

Generally, the functioning of the readmission agreements must be rated as good. The number of individuals sent back by Estonia based on readmission agreements is not great, because **readmission agreements are lacking with third countries** that are the countries of origin for illegal immigration. *(See Annex, table J.)*

According to § 9^1 of the State Borders Act, persons who illegally cross the state border are detained, and according to the procedures specified in the law and international agreements, are sent back to the country from which or through which they arrived or were conveyed to Estonia. Return from the border will be organised and costs paid for by the carrier that transported or whose representative transported the person, vehicle or cargo, which was not permitted to cross the border, to the border crossing-point. **A foreigner who has illegally arrived in Estonia may be expelled within 48 hours without issuing a warrant and without an administrative court permit.** Estonia has also signed readmission agreements with various countries, the articles of which regulate immediate expulsion/admission. If they have committed a crime, persons who have illegally entered the country or illegally crossed the border are sent back after the completion of the criminal and judicial proceedings against them and after they have served their sentence.

According to the Obligation to Leave and Prohibition on Entry Act, **a person may not be expelled to a country where the expulsion might lead to the application of the consequences mentioned in the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3) or the death penalty.** The expulsion of an alien must be in compliance with Articles 32 and 33 of the UN Convention relating to the Status of Refugees (together with the Protocol relating to the Status of Refugees of 31 January 1967). The expulsion of minors will be organised in concordance with the competent state institutions of the admitting country, and if necessary the transit country, so as to guarantee the protection of the rights of the minor.

The fulfilment of the provisions of Article 26 of the Convention Implementing the Schengen Agreement is based on the principles of Council Directive 2001/51/EC, the Aliens Act and the State Borders Act. According to § 16 of the Aliens Act, the legal person providing the transport service, which has transported an alien who does not have a legal basis for staying in Estonia or in a transit zone, directly to the transit zone, state border or temporary border line, will be fined up to 50 000 Estonian kroons.

Although the provisions are in line with the requirements of Directive 2001/51/EC, the Evaluation Committee was told that no fines have so far been imposed on carriers. The reason for this is that the authorities do not feel any need to fine carriers as long as they take responsibility for the removal of the person. This practice is not in line with requirements.

Statistics, general trends
(See Annex, table I.)

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee notes that the Estonian practice regarding sanctions for carriers appears to be not fully in line with the relevant EU legislation (Directive EC 2001/51/EC of 28 June 2001). Therefore practice needs to be corrected according to the pertinent provisions of this Directive.

11. GENERAL CONCLUSIONS AND RECOMMENDATIONS

The Committee is of the opinion that the border security strategy and organisational structure in Estonia represent best practice in the application of the Schengen acquis. The Estonian Border Guard follows a good and permanent cooperation policy with other Estonian authorities and with border authorities of neighbouring countries.

The delimitation of the sea area between Estonia and Russia in the Eastern part of the Gulf of Finland is still based only on a technical protocol and as yet there is no official agreement on the delimitation. However, this does not influence border surveillance, since the border delegates in Estonia and Russia have agreed at a practical level to use the technical protocol as the basic instrument delimiting the sea borders between Estonia and Russia.

The committee considers that the sites visited generally meet Schengen standards with regard to the professionalism of the personnel, the border control procedures, risk analysis and infrastructure. However, it is evident that the number of personnel at all sites visited is insufficient for current tasks and responsibilities. The Estonian Border Guard has already for some time been facing the fact that trained, qualified Border Guard personnel leave their jobs in search of higher incomes. During the last 3 years the Border Guard has lost over 12 % of its staff. The Committee was informed that at the moment only 65 % of the posts are filled. The shortage of personnel currently hampers the activities of the Border Guard and may lead to a decrease in the professionalism of the staff. Taking into account that most of the traffic to and from Estonian ports in the future will be internal Schengen traffic, the accession to Schengen will partly solve the problem at the sea borders. The development of the situation should however, be strictly monitored.

It is obvious that Estonia, supported under the Phare and Schengen Facility Programmes, has made great efforts to replace and modernise its border control equipment and to train its officers. The equipment used for border checks is in general high-tech and sufficient, but one clear shortcoming was detected. The speed and performance of the data network of the Border Guard was not sufficient to allow efficient use of the document readers. The officers were therefore reluctant to use document readers during border checks. The Committee was informed that this deficiency will be solved in connection with the installation of the SIS II system.

The Estonian Border Guard carry out their tasks in a professional and adequate way. In general EU provisions and procedures are applied correctly, though in some limited cases the databases are not systematically consulted during checks. The staff generally has some knowledge of the main European languages, but their skills vary a lot.

The Estonians have already made great efforts in improving the linguistic skills of the staff and additional training courses are being provided. Border control procedures are effectively performed, although sometimes the distance between the first and second-line office might hamper the efficiency of the border control.

Directive 2002/6/EC regarding the introduction of standard IMO FAL forms for crew and passengers of cargo ships is apparently not fully implemented yet. This is in practice also the case with Directive 2001/51/EC regarding carriers' liability. No fines or other sanctions are imposed on responsible carriers although the provisions are in line with the Directive.

The surveillance of the sea borders is carried out using an automated radar surveillance system that in normal weather conditions covers the entire Estonian coast. The surveillance system has been in operational use only since the beginning of the year and still has some deficiencies. Despite these problems the system is already an effective tool for the surveillance of the sea borders.

The information provided by the technical surveillance system is complemented by occasional patrolling by vessels and aircraft as well as the regular exchange of information. The Committee notes that the actual presence at sea should be improved. The Estonian Border Guard has a rather large fleet of ships and cutters. However, a significant part of the fleet is elderly. The Committee notes that a smaller but younger fleet would be more cost-effective. The coverage of the surveillance and the ability to identify radar targets could also be improved by a more effective use of Border Guard vessels integrated into the surveillance system and by complementing the radar network with a few camera sensors.

It could also be more cost-effective at least partly to centralise the monitoring of the technical surveillance system. Although the border surveillance system should be improved to serve needs better, the Committee is of the opinion that the current system already meets the requirements of the Schengen acquis.

In general, the border control measures at the Estonian sea borders are carried out in accordance with Schengen requirements. Considering the low threat of illegal migration, the high-tech equipment, the infrastructure, as well as the professionalism of the personnel, the Committee is of the opinion that the sites which were visited during the evaluation meet the Schengen standards.

The Committee is aware of the insufficient number of personnel for current tasks and responsibilities but considers still the currently available amount to be adequate to meet applicable Schengen standards in the situation when the internal border controls have been lifted. The Committee underlines however, the necessity to monitor the situation closely, including the development of the migratory risk.

Recommendations:

1. **Further efforts should be made to reach a formal agreement about the delimitation of the sea border between Estonia and Russia.**
2. **Appropriate measures should be taken to ensure that a sufficient amount of professional personnel will still be available at the sea borders in due course.**
3. **The speed and performance of the data network of the Border Guard should be improved to allow efficient use of document readers.**
4. **Second-line facilities should be located close to any first-line position.**
5. **EC Directives (2002/6/EC; 2001/51/EC) should be fully implemented.**
6. **The coverage of the sea border surveillance and the ability to identify radar targets should be improved by a more effective use of Border Guard vessels integrated into the technical surveillance system and by complementing the radar network with camera sensors.**
7. **The large but elderly Coast Guard fleet should be replaced with a smaller but younger one in due course as a future project. It could also be more cost-effective at least partly to centralise the monitoring of the surveillance sensors.**
8. **The linguistic training of the personnel should be continued.**

Estonia is invited to report to the Schengen Evaluation Working Party on the development achieved and measures taken with regard to these recommendations.

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Comments by Estonia:

1. **Further efforts should be made to reach a formal agreement about the delimitation of the sea border between Estonia and Russia.**

We cannot overlook the circumstance that there is no valid treaty between the Republic of Estonia and the Russian Federation concerning delimitation of the sea borders. Unfortunately, regarding this recommendation, it is impossible for us to draft any plan to improve the situation. The Treaty between the Republic of Estonia and the Russian Federation on delimitation of Sea Areas in the Gulf of Narva and the Gulf of Finland as well as the Treaty between the Republic of Estonia and the Russian Federation concerning the Estonian-Russian State Border were signed on the level of Foreign Ministers in Moscow on May 18, 2005. Both treaties have been ratified by the Republic of Estonia. Estonia hopes, as does the European Union as a whole, that the Russian Federation will return to the signed State Border treaties and will ratify them. But, as the Evaluation Committee has mentioned in its report, this does not in practice influence the border surveillance. On a practical level cooperation between the Estonian and Russian Border Guard is effective.

2. Appropriate measures should be taken to ensure that a sufficient amount of professional personnel will still be available at the sea borders in due course.

As the Evaluation Committee has stated in its report, the demand for personnel at the sea borders will diminish substantially after Estonia's accession to the Schengen Agreement, so the existing structure will have to be reviewed. The further particulars of future structures and personnel demand will be defined in the Sea Borders Concept, which will be completed by the end of 2006. This document will determine the principles, strategy and necessary resources for guarding the sea borders, also integrating the Committee's advice regarding the number of personnel as well as renovating the border guard fleet.

In 2006 the Estonian Border Guard has launched a campaign in order to raise awareness of the border guard organisation and border guard service and thus recruit personnel. As the result the Border Guard College accepted 65 cadets. For comparison, in 2005 the number of cadets accepted was 48. As the basic course for border guards lasts one year, the cadets recruited today will have an effect in the summer of 2007.

The pending Border Guard Service Act and promised salary increase from 1 January 2007 should have a positive effect in increasing motivation and to put an end to the uncertainty towards the future which has prevailed during recent years.

3. The speed and performance of the data network of the Border Guard should be improved to allow efficient use of document readers.

To solve the problems with the network, the Schengen Facility project No 61 "Development of Estonian Border Control Information System (BCIS)" has been started. (See Annex: Schengen Facility-SF61) After implementation of the project the problem will be solved.

4. Second-line facilities should be located close to any first-line position.

Second-line facilities are not located close to the first-line position only in Terminals A, B and C. Principally there is no third-country traffic from Terminals A, B and C today. After Estonia's accession to the Schengen Agreement, passenger flows ***only from the regular ferry connection*** *between Tallinn-Helsinki and Tallinn-Stockholm will pass through these three terminals. Therefore it is not reasonable to invest in reconstruction of those terminals in order to bring second-line facilities close to the first-line position. In Terminal D, through which passenger flows from and to third countries will take place in the near future, a special room for second-line control has been equipped close to the first line position.*

5. EC Directives (2002/6/EC; 2001/51/EC) should be fully implemented.

Necessary amendments to the legislation are being prepared. The Schengen Evaluation Working Party will be informed when they pass into law.

6. The coverage of the sea border surveillance and the ability to identify radar targets should be improved by a more effective use of Border Guard vessels integrated into the technical surveillance system and by complementing the radar network with camera sensors.

The sea surveillance system fully covers Estonian territorial waters. The Sea Borders Concept, which will be completed by the end of 2006, considers the need to improve target identification capability, as well the need to increase the patrol period of border guard ships at sea.

The Estonian sea surveillance system consists of 20 radar positions; 16 of them are to be equipped with cameras according to the original project. 2 cameras have been installed already, the rest will be mounted in 2009-2010 as planned.

7. The large but elderly Coast Guard fleet should be replaced with a smaller but younger one in due course as a future project. It could also be more cost-effective to, at least partly, centralise the monitoring of the surveillance sensors.

The Estonian Border Guard has already started the renovation of its fleet. 7 speedboats (rigid inflatable boats) were acquired in 2006. The Sea Borders Concept, which will be completed by the end of 2006, states the necessity to replace old vessels. The respective timetable, including also necessary investments, will be provided by the Concept.

The Estonian Border Guard conducts the surveillance of the blue borders with four Regional Command Centres (RCC). Managing the RCCs cannot be based solely on the principle of cost-effectiveness. Though all the surveillance information ends up indeed in NCC Tallinn, it must be taken into account that the duties of RCCs are not limited to sea surveillance. They also act as Maritime Rescue Subcentres (MRSC) and have an important role in coordinating the cooperation between international and internal partners on regional level.

8. The linguistic training of the personnel should be continued.

Linguistic training is an ongoing process in the Estonian Border Guard. English language courses are conducted by the linguistic instructors of the Estonian Border Guard.

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ANNEX I

Annex to the comments of Estonia

Schengen Facility- SF61

Development of Estonian Border Control Information System (BCIS)

Started: 31.05.2006

The aim of Project no 61, executed in the frames of Schengen Facility is to secure a more effective border control by means of technical and software equipment, thereby using the data of SIS II and VIS in I- and II-line border check.

In order to achieve the goal, special software development means will be commissioned, which make it possible to make inquiries from the Border Control Information System directly into SIS II and the Visa Register (via Visa Register also into VIS), perform pre-check of passenger lists and consultation services when issuing visas. A border guard centred misdemeanour register will be created with the aim of providing consultation services when issuing visas. All the above-mentioned software developments depict modules inside the Border Control Information System (BCIS), meaning that the possibilities of the BCIS-users will extend by the functionality of the above-mentioned modules according to the authorisation granted for those users in the BCIS.
The Border Guard will start using a single log in software system, which makes it possible for the employee of the Border Guard to safely log in to the computer operation system as well as directly into other necessary communications, such as BCIS, by simply using an ID-card.

All the necessary equipment (including replacement of all the hardware used in border crossing points open for international traffic and the obtaining of passport-readers) will be acquired in order to implement SIS II. Necessary software will be acquired together with an evolved infrastructure (upgrading computer networks, data protection equipment and servers).

- The computers used in border crossing points open for international traffic will all be replaced by new ones (130 computers used in workstations for inspectors, and 85 computers used in office workstations).
- Among the replaceable servers are local servers of the Border Control Information System, which are used in border crossing points and border guard districts (located in Tallinn Airport and Tallinn Passenger Port, and in Narva and Võru). The servers in Tallinn those are responsible for data exchange will be replaced as well.
- 110 stationary and 25 mobile, more simple and quicker passport-readers will be acquired for I line border check. Those passport-readers must be capable of reading the MRZ-code ("machine-readable zone" code on the bottom of the document) and the data stored in the chip of the document. Fingerprint scanner devices will be acquired (together with passport-readers) for the identification of border crossers with a visa.

The software for I line border check passport-readers and fingerprint scanner devices will be linked with BCIS. In addition to using passport-readers and fingerprint scanner devices (1-3 pieces of each type) in border crossing points open for international traffic, this equipment shall also be put to use in the Border Guard College of the Public School Academy for study purposes.

In its content, the Project consists of 10 parts.
The executors of procurements 1-5 perform the necessary development and installation procedures of the software and guarantee the functioning of the hitherto systems together with the additional functionality on the required level.
The executors of procurements 6-9 install the necessary equipment, solve the combining tasks of the systems and guarantee the functioning of the systems.
The executor of procurement 10 installs the necessary equipment, performs the necessary development and installation procedures of the software and guarantees the functioning of the hitherto systems together with the additional functionality on the required level.

Procurement 1: Making an inquiry interface to NSIS with upgrading the corresponding Border Control Information System's user interface. The approximate deadline for completion is the 2nd quarter of 2007. The approximate cost is 400 000 EEK (25 565 EUR).
Procurement 2: Making an inquiry interface to the Visa Register (VIS) together with upgrading the corresponding Border Control Information System's user interface. The inquiry interface will be put to use in the current Visa Register in September 2006, but will be implemented into the new Visa Register under development, in April 2007. Cost of the procurement is 104 000 EEK (6 647 EUR).
Procurement 3: Development of VIS consultation system and Misdemeanour Register of the Board of Border Guard together with upgrading the corresponding Border Control Information System's user interface. The approximate deadline for completion is the 2nd quarter of 2007. The approximate cost is 700 000 EEK (44 738 EUR).
Procurement 4: Ordering software for checking airport passenger lists together with upgrading the corresponding Border Control Information System's user interface. The approximate deadline for completion is the 1st quarter of 2007. The approximate cost is 50 000 EEK (3 195 EUR).
Procurement 5: Ordering development for single log in software system. The approximate deadline for completion is the 1st quarter of 2007. The approximate cost is 500 000 EEK.
Procurement 6: Obtaining new computers for the implementation of SIS II. The computers and monitors will be delivered in September 2006. The cost is 2 533 465, 9 EEK (161 918 EUR).
Procurement 7: Upgrading servers for the implementation of SIS II. The approximate time of delivery is the 1st quarter of 2007. The approximate cost is 2 150 000 EEK (137 410 EUR).
Procurement 8: Obtaining network systems for the implementation of SIS II. The approximate time of delivery is the 1st quarter of 2007. The approximate cost is 600 000 EEK (38 347 EUR).
Procurement 9: Obtaining equipment in order to guarantee data protection. The approximate time of delivery is the 1st quarter of 2007. The approximate cost is 600 000 EEK (38 347 EUR).
Procurement 10: Obtaining multifunctional scanners to be implemented in border crossing points open for international traffic. The approximate time of delivery and the deadline for the completion of software are the 2nd quarter of 2007. The approximate cost is 7 000 000 EEK (447 381 EUR).

ANNEX II

Table A (Structure of the Estonian Border Guard)

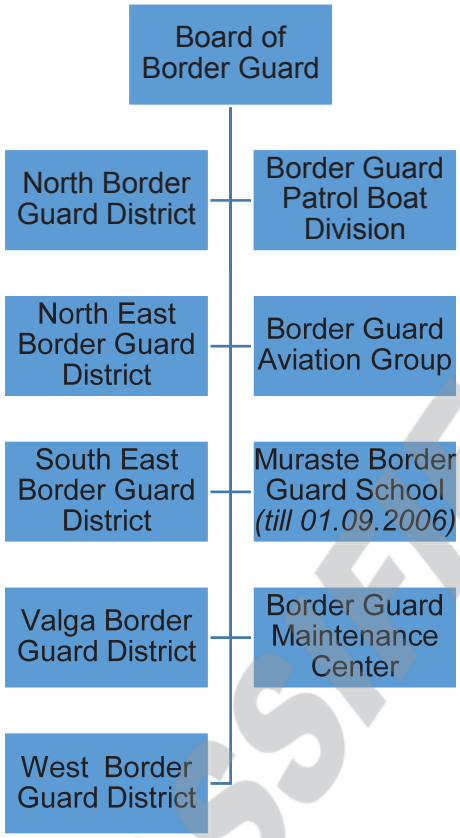

Table B (human resources)

BORDER CONTROL UNITS as of 13 September 2005						
	POSITIONS		FILLED		% filled	%filled
	BGAS[1]	PS [2]	BGAS	PS	BGAS	PS
Passenger Port BCP	**178**		**123**		**69%**	
Kopli Port BCP	30		18		60%	
Airport BCP	52	1	38	1	73%	100%
Muuga Port BCP	**51**	**1**	**32**	**1**	**63%**	**100%**
Narva hwy BCP	106	1	81	1	76%	100%
Narva railway BCP	101		47		47%	
Koidula BCP	72		43		60%	
Luhamaa BCP	66		47		71%	
Tartu BCP	7		7		100%	
Valga BCP	76		73		96%	
Total:	739	3	509	3	69%	100%

[1] border guard in active service
[2] public servant

Table C (human resources)

STATIONS			
	POSITIONS	FILLED	% filled
	BGAS	BGAS	
Dirhami	23	16	70%
Kärdla	**24**	**14**	**58%**
Kunda	25	23	92%
Juminda	15	10	67%
Kuressaare	**33**	**17**	**52%**
Sääre	20	13	65%
Narva-Jõesuu	**53**	**33**	**62%**
Paldiski	41	30	73%
Varnja	28	21	75%
Pärnu	45	35	78%
Haapsalu	24	11	46%
Ruhnu	**20**	**13**	**65%**
Sõru	30	14	47%
Pringi	35	30	86%
Undva	20	8	40%
Vergi	25	18	72%
Holdre	15	14	93%
Ikla	89	72	81%
Mõisaküla	23	21	91%
Lilli	16	12	75%
Murati	21	13	62%
Saatse	45	28	62%
Vastse-Roosa	24	21	88%
TOTAL	694	487	70%

Table D (technical resources)

Estonian Border Guard crafts

June 2006

Total number of crafts on sea borders:

PVL (BG ship)	**8**
PVK (BG cutter)	**13**
RIB (speedboats)	**5**
MP (motorboats)	**16**

+2 in Aug 2006

Craft	Built, year	Length, metres	Displacement, tons	Speed, knots	Crew	RIB on board
PVL-103 PIKKER	1995	30.0	88	19	2 X 5	AVON Evinrude 35
PVL-105 TORM	1962	36.5	118	30	2 X 8	AVON Mercury 9,9
PVL-106 MARU	1964	35.7	133	16	2 X 7	AVON Suzuki 40
PVL-107 KÕU	1963	48.3	532	13	2 X 10	1) Valiant Evinrude 70 2) 450 Mercury 50
PVL-109 VALVAS	1946	56	1029	13	2 X 21	1) ZODIAC V-Penta AD31 2) TANB V-Penta AD41
PVL-110	1992	18.2	58	9	5	
PVL-111 VAPPER	2000	31.4	117	27	2 X 6	AVON 4m Mercury 40
PVL-202 KATI	1966	40	471	12	2 X 8	Valiant5,6 Johnson2x70hp
PVK-001	1968	16.6	17	17	2 X 3	AVON 4 m Johnson 50
PVK-002	1966	16.6	17	17	2 X 3	AVON 4 m Johnson 50
PVK-003	1968	16.6	17	17	2 X 3	AVON 4 m Johnson 50
PVK-006	1960	14.3	17	10	2 X 2	

PVK-008	1961	14.3	17	10	2 X 2	
PVK-010	1997	15.2	23.7	12	2 X 3	
PVK-011 Lake Peipus	1989	12.0	7.24	15	2 X 2	
PVK-012 Lake Peipus	1994	9	3.5	30	2 X 2	
PVK-013	1960	13.4	12	10	2 X 2	
PVK-016 Lake Peipus	1994	10	3.7	35	2 X 2	
PVK-017	1963	17.5	44	10	2 X 4	Valiant Mercury 25
PVK-018	1993	15.1	19	20	2 X 3	
PVK-020	1984	10.3	6	30	2 X 2	
PVK-021 Lake Peipus	1972	7.3	1	35	2 X 2	
PVK-022	1972	8.4	3.8	35	2 X 2	
PVK-023	1936	10.5	6	9	2 X 2	
PVK-024 Lake Peipus	1949	10.5	5	9	2 X 2	
PVK-025	1997	19.2	22	17	2 X 4	AVON 4 m Mercury 30

Total 8 PVL

Total 18 PVK (13 on Sea)

Motorboats						**Location**
RIB-C-1100 Total 4	2006	11.1	5.1	35	2	2 on Sea Border 2 on Lake Peipus
RIB Boomeranger Total 2	1996; 1999	10.2	4.6	35	2	2 on Sea Border
RIB-Nimbus Total 3	1995	8.6	2.6	30	2	1 on Sea Border 2 on Lake Peipus
Different types Total 28		4-6,3		15-35		16 on Sea Border 12 on Eastern Border

Hovercraft	1999	11.9	7	40-60	2	Lake Peipus

Planned procurements

RIB-C-1100 Total 3	2006	11.1	5.1	35		2 for Sea Border 1 for Lake Peipus
Hovercraft	2006	11.9	7	40-60		

At the border crossing-points the following equipments are in use:

Computer terminals connected to domestic databases	168
Videospectral comparators VSC 2000	4
Videospectral comparators VSC4X	7
Photophones	2
Entry/Exit border control stamps	1 038
Passport readers	56
Digital cameras	14
Metal detectors	48
Electronic border control handbook	Intranet based
Endoscopes	36
Equipment for examination of travel documents	
stationary ultra-violet lamps	146
portable ultra-violet lamps	147
magnifying glasses	150
portable control sets Check It	28

At the end of 2004, mobile tools for using domestic databases were procured, which were made operational in the course of 2005:

- ✓ IBM X31 – 34 pcs,
- ✓ Selmar Gemini 8200 C SET – 20 pcs,
- ✓ HP iPag h5450 – 15 pcs,
- ✓ Awaya AP3 for creating WLAN networks – 12 pcs.

As from 1 May 2004, uniform Schengen border control stamps are in use (700 pcs). On 2 June 2005, an additional quantity (338) of Schengen border control stamps was procured. For the control of documents, seven (7) VSC4X and one (1) VSC 5000 were procured on 25 August 2005.

For the total implementation of Schengen *acquis* it will be necessary to utilize the equipment needed for communicating with SIS: fixed workplaces with PCs, mobile workplaces with laptop (GPRS, WiFi), note-pad computer (GPRS, WiFi), and Data Terminal Selmar Gemini (GPRS, WiFi).

It is planned to procure an additional quantity of **endoscopes** (10), **CO2 detectors** (10), and **digital stereo microscopes** in 2006.

In 2006, it is also planned to procure the following additional equipments:

Observation equipment:

- ✓ to build a new observation tower on the Estonian-Russian border with new observation equipment,
- ✓ new security cameras for use on the eastern border;

Border control equipment:

- ✓ 10 endoscopes,
- ✓ 10 CO2 detectors,
- ✓ 8 digital stereo microscopes,
- ✓ mobile X-ray apparatus for the control of transport vehicles;

Watercraft:

- ✓ 1 coastal patrol ship (length 30-35 m),
- ✓ 1 hovercraft (length 8-10 m),
- ✓ 7 RIB-type motorboats (length 10-12 m);

Aircraft:

- ✓ 1 helicopter.

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Table E (Organisation of information exchange)

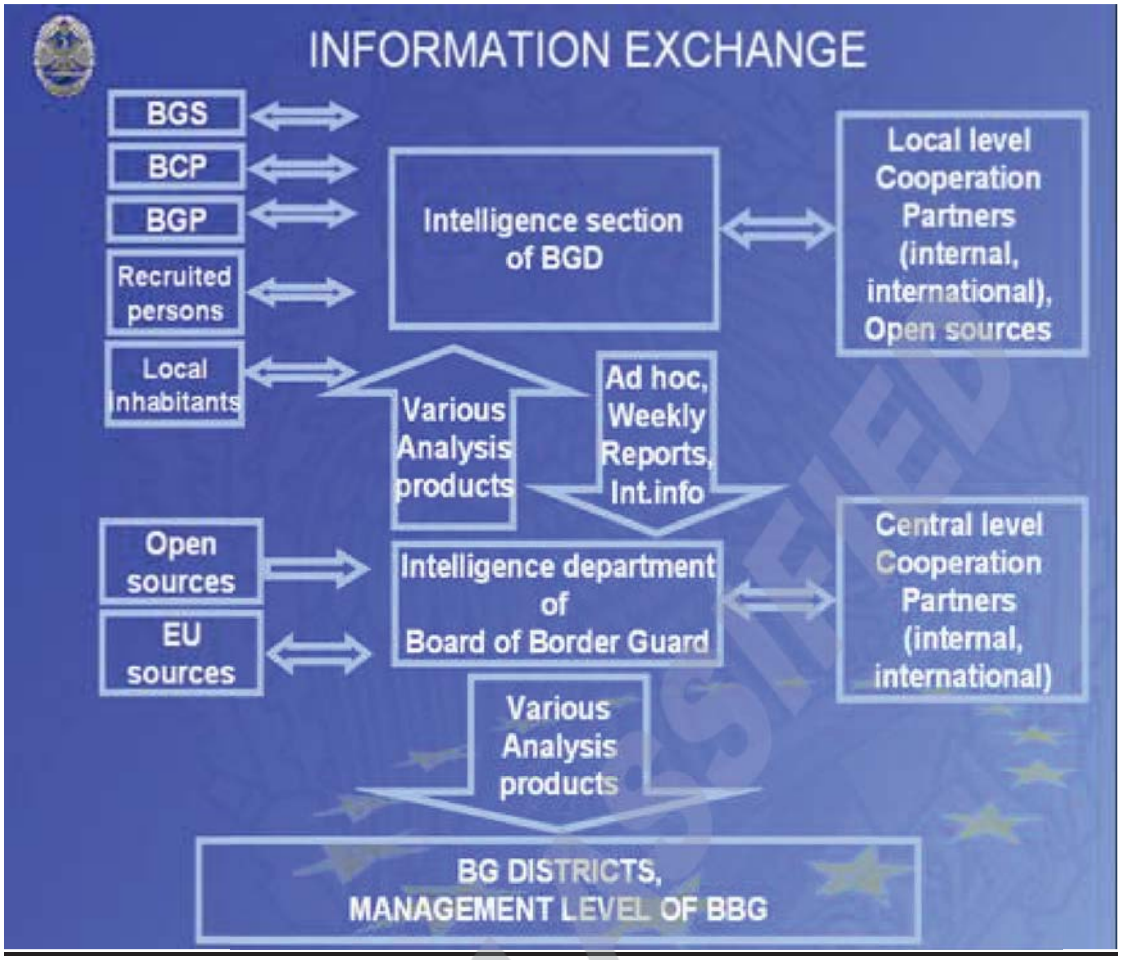

Table F (Analysis, threat assessment)

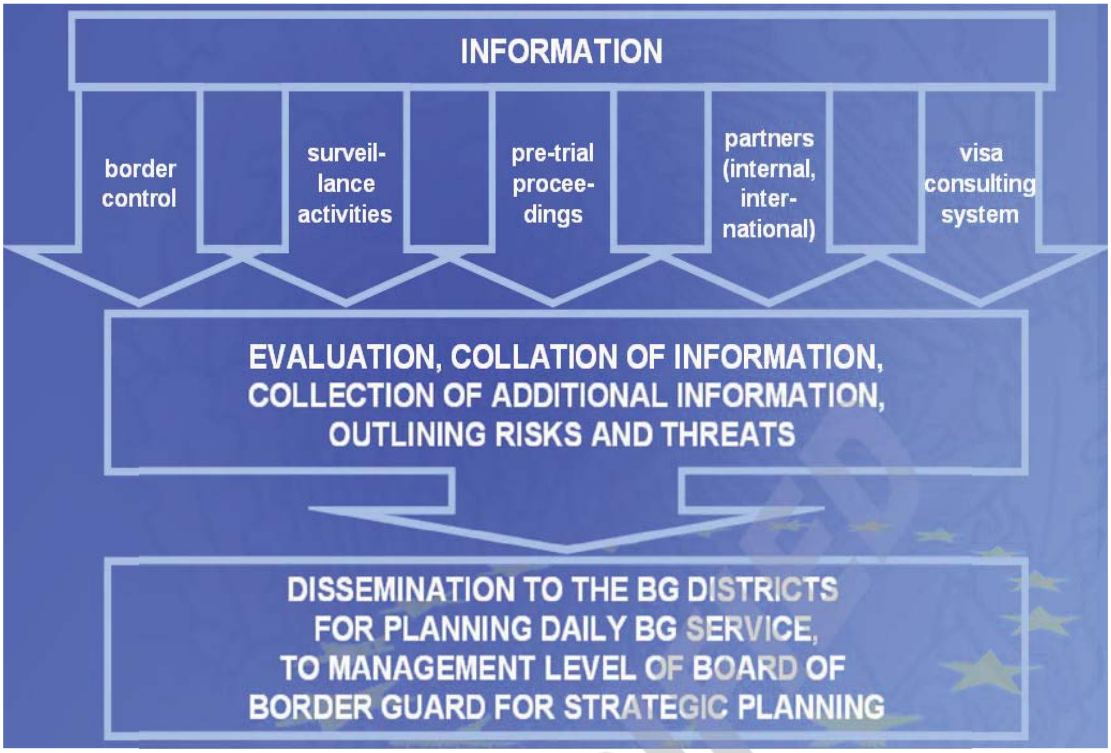

Table G (Border Guard cooperation between Estonia and Russia)

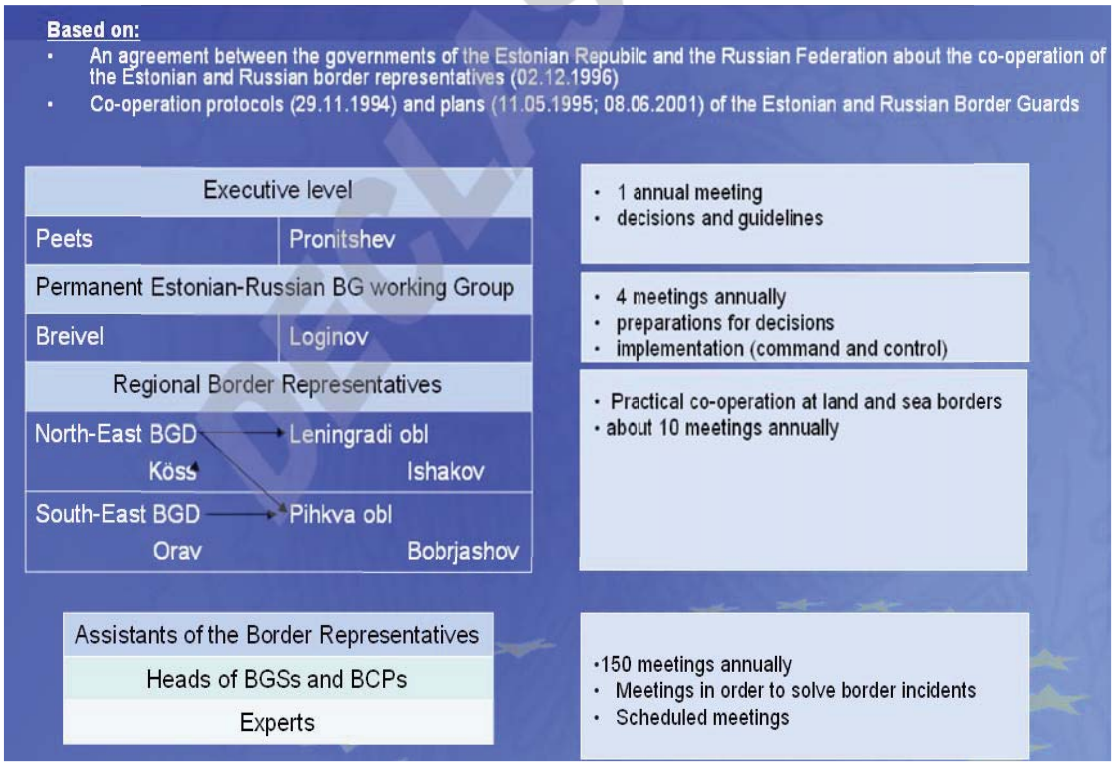

Table H (Cooperation between Border Guard, Customs and Tax Administration)

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Table I (Statistical data and general trends (stability, increase, decrease) for the period– March 2006 – April 2006)

Refusal of entry at all borders of the Republic of Estonia

Period March - April 2006				Comparisons 2005/2006 in %	
Category	March 2006	April 2006	+/-	March 2005	April 2005
Total:	108	212	96 %	106	165
Land	10	15		28	33
Latvia	0	3		11	17
Russia	10	12		17	16
2. Sea	94	195		68	130
3. Air	4	2		10	2
TOP 10	IND – 72 RUS – 16 BGD – 5 IDN – 2 IRN – 2 PAK – 2 COL – 1 KAZ – 1 SAU – 1 SER - 1	IND – 164 RUS – 20 PAK – 8 UNK – 7 BGD – 5 MMR – 2 BAH – 1 BLR – 1 BRA – 1 ECU - 1			

Illegal aliens apprehended

Period of March/April 2006			Comparisons with 2005 in %	
Category	March 2006	April 2006	March 2005	April 2005
Total:	192	181	+ 35,2 % (142)	+ 4 % (174)
TOP 5	UNK – 156 RUS – 32 ARM – 1 BLR – 1 NPL – 1 UKR - 1	UNK – 139 RUS – 32 UKR – 6 ARM – 2 GEO - 2		

In April the Border Guard apprehended in 4 cases 8 illegal aliens – 6 MDA, 1 UKR, 1 UNK in addition 9 visa regime violations were discovered at the border – 7 RUS, 2 UKR

Expulsions carried out

Period March/April 2006				Comparisons with previous year in %	
Category	March 2006	April 2006	+/-	March 2005	April 2005
Total:	4	1	-75 %	- 90 % (1)	- 90 % (6)
TOP 5	RUS – 1 MDA - 3	RUS - 1			

Table J (Readmission agreements)

Estonia has signed bilateral readmission agreements with:	The agreement entered into force
Austria	01-September-2001
Belgium	01-February-2005
Bulgaria	08-November-2003
Croatia	28-April-2001
Finland	03-October-1996
France	15-April-1999
Germany	01-March-1999
Hungary	07-December-2002
Iceland	01-May-1999
Italy	03-March-1999
Latvia	30-June-1995
Lithuania	30-June-1995
Luxemburg	01-February-2005
Norway	11-May-1997
Portugal	26-September-2003
Romania	15-September-2005
Slovenia	07-November-1997
Spain	07-February-2000
Sweden	02-May-1997
Switzerland	01-March-1998
The Netherlands	01-February-2005