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- LITHUANIA: Report on Sea Borders

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THE EUROPEAN UNION**

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REPORT

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

This report was made by the Evaluation Committee Sea Borders and will be brought to the attention of the Sch-Eval Working Party which will ensure a report and the presentation of the follow-up thereto to the Council.

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation 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 carried out a visit to Lithuania between 8 and 11 July 2006.

The programme of the visit was as shown below:

8 July 2006: Arrival in Lithuania.

9 July 2006: Presentations of the State Border Guard Service and of the Coast Guard District at the Coast Guard Headquarters. Border checks on ferries (Malku Bay BCP). Examination of the Klaipėda State Seaport and its security system and visit to the cruise ship quay (Pilies BCP).

10 July 2006: Presentation of the territorial sea surveillance system. Visit to the Sea Border Surveillance Coordination Centre and Naval Sea and Coast Surveillance System Operation Centre. Visit to the Coast Guard District's Kopgalis Border Guard Station and patrol boats and to the Lithuanian-Russian border; examination of surveillance and patrolling of the border line in the Curonian Lagoon.

Members of the Evaluation Committee:

Mr Henrik WÄRNHJELM – leading expert	Finland
Mr Andreas HOCHEGGER	Austria
Mr Jacques LAINE	France
Mr Sven-Lars MARIENFELD	Germany
Mr Satko MUJAGIC	The Netherlands
Mr Arne Dag FRIVAAG	Norway
Mrs Alexandra CEIA	Portugal
Mr Jesus MARTINEZ LOZANO	Spain
Mr Robert PRIMUS	Sweden
Mr Durante RAPACCIUOLO	European Commission
Mr Sandor DUSIK	General Secretariat of the Council

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

The Evaluation Committee visited the following sites for presentations:

Coast Guard District of the State Border Guard Service HQ, Klaipėda;
Naval Sea and Coast Surveillance System Operation Centre, Klaipėda.

The Evaluation Committee evaluated the activities at the following sites:

Klaipėda State Seaport (Malku Ilankos BCP, Pilies BCP);
Sea Border Surveillance Coordination Centre, (National Coordination Centre - NCC -), Klaipėda;
Naval Sea and Coast Surveillance System Operation Centre;
Border Guard stations in Kopgalis, Malku Ilankos and Vite;
The Lithuanian-Russian border in the Curonian Lagoon.

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2. MANAGEMENT SUMMARY

The Committee evaluated the border control activities in Klaipėda State Seaport (Malku Bay BCP and Pilies BCP), the Sea Border Surveillance Coordination Centre and the Naval Sea and Coast Surveillance System Operation Centre in Klaipėda, the Border Guard stations in Kopgalis, Malku Ilankos and Vite and at the Lithuanian-Russian border at the Curonian Lagoon. Basic presentations were given to the Committee at the Coast Guard District HQ in Klaipėda.

During the entire visit the Committee was escorted by top-level representatives of the State Border Guard Service ready to provide the experts with additional information and explanations. The Committee was able to adhere strictly to the agreed programme and got an extensive picture of the border control activities at the sea borders in Lithuania.

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

Lithuania and Russia have agreed on the delimitation of the Lithuanian-Russian border. Although the border is not yet demarcated, this fact does not influence the surveillance of sea borders.

The integrated border security model forms the basis of the border security system in Lithuania. The competent authority responsible for border management is the Lithuanian State Border Guard Service, an authority within the Ministry of the Interior. The activities are based on systematically performed risk analysis and continuous exchange of information between cooperation partners and international bodies.

Border checks are exclusively performed by specially trained Border Guard professionals, but the surveillance of the sea borders is performed as a cooperative task between the Border Guard, the Customs and the Navy, based on a surveillance system operated by the Navy. The Border Guard complement the information provided by the naval surveillance system with information from a system of remotely controlled cameras and by patrolling with vessels and aircraft. Naval vessels and aircraft of the Defence Forces are occasionally used in border surveillance under the supervision of the Border Guard.

The Naval Sea and Coast Surveillance System Operation Centre in Klaipėda is manned by operators from the State Border Guard Service, the Customs and the Navy. The naval operators are conscripts. The Committee notes that the use of conscripts with no knowledge of the Schengen acquis as operators in a centre where confidential surveillance and intelligence information is processed must be clearly limited to management of surveillance target data such as position, vector and the identification of a vessel. Any use of confidential data, conduct of risk analysis and any decisions on law enforcement measures must be conducted exclusively by professional border guard personnel. It must be ensured that the presence of conscripts does not endanger the confidentiality of the information.

The Committee notes with astonishment the reports of incidents in the past in which naval vessels have stopped and searched vessels at sea for civil law enforcement purposes. This procedure is not acceptable in the Schengen context. Stopping and searching vessels and checking identities, not to mention apprehending civilians, are actions which are outside the remit of the armed forces in terms of Schengen border surveillance.

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Taking into account the plans to improve the performance and coverage provided by the technical surveillance system, the surveillance of Lithuania's sea borders is considered to be adequate. The Committee notes, however, that supervision and instruction by the Ministry responsible for border management and implementation of risk analysis as well as data flow management should be strengthened and streamlined. It is also important to guarantee that the personnel responsible for these tasks have an appropriate level of professionalism and training. To that end it is recommended that the Ministry of the interior and the Border Guard should assume a more active role in this field. The operational reaction concept must be clarified in order to ensure that stopping, searching and apprehending will always be carried out by a professional service.

At all sites visited by the Committee it was obvious that Lithuania, 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 substantial reconstruction of the terminals of the port of Klaipėda will significantly improve the infrastructure, working conditions and effectiveness of the control procedures. The reconstruction is scheduled to be finished by 2007/2008. The equipment currently available was regarded as appropriate and sufficient. The border control procedures applied by the staff also comply in general with the Schengen standards.

In general, the Committee notes that most officers of the State Border Guard Service met during the visit were highly motivated professionals well acquainted with the Schengen acquis. Their linguistic skills vary a lot, however. Russian is widely spoken, but knowledge of the main European languages needs to be improved, generally speaking. The Lithuanians have already made great efforts in this field and additional language training courses are offered to staff. The number of staff available at the sea borders is adequate.

In general, border control measures at sea borders are mostly carried out in accordance with Schengen requirements, but the Committee notes that border surveillance arrangements should be reconsidered and the role of the navy in this regard clarified. Considering the low threat of illegal immigration, the high-tech equipment, the infrastructure and the current number and standard of staff, the Committee is of the opinion that the sites which were visited at the sea borders will meet the Schengen standards.

3. GENERAL INFORMATION

Information of a more general nature is contained in the answer from Lithuania to the questionnaire addressed to the Lithuanian authorities with a view to evaluation of the application of the Schengen acquis, i.e. 15562/05 SCH-EVAL 121 COMIX 826 (RESTREINT UE). Reference is also made to the Lithuanian replies to additional questions, as contained in 7649/06 SCH-EVAL and 10699/06 SCH-EVAL. However, for reasons of clarity the Committee reiterates some of the main elements contained in these answers.

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3.1. Strategy

3.1.1 Legislation

The laws regulating the operations of the Border Guard are as follows:

- Constitution of the Republic of Lithuania;
- Law on the State Border and Protection Thereof;
- Law on the State Border Guard Service;
- Law on the Basics of National Security;
- Law on Operative Activity;
- Law on the Legal Status of Aliens;
- Law on the Status of Refugees;
- Law on Police Activities;
- Regulations of the State Border Guard Service at the Ministry of Interior.

The State Border Guard Service (*hereinafter: SBGS*) is also guided by other laws and legal acts adopted by Parliament, international agreements, presidential decrees, governmental resolutions, orders by the Minister for the Interior and SBGS commander and other legal acts approved thereby.

3.1.2 General strategy for border management

The State Long–Term Development Strategy¹:

Among other things, the strategy sets forth very important provisions concerning cooperation in the field of internal affairs and addresses such areas as security of the future EU internal borders and abolition of border controls at the internal borders, visa policy, the National Schengen Information System, etc. The strategy states that particular attention should be paid to maintaining international cooperation with the border guard authorities of the EU Member States that have external borders.

The National Security Strategy²:

The main purpose of this strategy is to plan the security-based development of the State, to set the main goals and objectives of the national security policy, to specify the national interests and the measures to implement them. The strategy advocates enhancing international cooperation, strengthening good neighbourly relations between the SBGS and foreign border control agencies and implementing security-promoting measures. In the field of public security particular emphasis is laid on prevention of illegal immigration and cross-border crimes.

¹ Decision No IX-1187 of 12 November 2002.

² Decision No IX-907 of 28 May 2002.

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State Border Protection Development Program¹:

The main goals are as follows:

- to ensure the security of the State border;
- to fulfil the requirements regarding integration into the EU;
- to ensure permanent readiness to counteract external risks and possible threats caused by the geopolitical situation which constitute threats to the national security of Lithuania. To implement this programme the Government adopted ² a detailed **Action Plan**, which specifies measures that need to be taken until full implementation of the Schengen acquis by Lithuania.

The Strategy on Development of Public Security till the year 2010³:

The strategy stresses the importance of enhancing the protection of the State border in order to ensure the national security of the State. To implement the strategy the Commander of the SBGS passed Order No 4-514 of 15 October 2003 approving **the Programme Implementing the Strategy on Development of Public Security till the year 2010 in the Sphere of State Border Protection**. The main objectives of this programme are as follows:

- to create a system of cooperation with society (to establish and implement procedures for providing information and being accountable to the public; to establish the rules for cooperation with the residents of the border zone),
- to ensure that the training of officers is in line with requirements set for State border control,
- to prepare for application of the requirements of the Schengen Agreement.

To achieve the objectives set forth in the abovementioned strategies the SBGS every year draws up the **Strategic Action Plan** in which measures and actions to attain the objectives are specified and submits it for approval to the Ministry of the Interior.

3.1.3 Analysis of environment and threats

The main threats are smuggling of excise goods, smuggling of migrants and illegal residence in Lithuania. Only a few cases of illegal or irregular border crossing were recorded. The current migratory pressure seems to be very low. (*See Annex, table G*).

3.1.4 International cooperation (regional, bilateral and readmission agreements)

Regional cooperation

Lithuanian, Latvian and Estonian Chiefs of Border Guard Services until recently formed a Committee of Senior Officials on Border Guard of the Baltic Council of Ministers, which worked on the harmonisation of border security standards, information exchanges and experience sharing between the three countries. The Committee has now been restructured as a sub-committee on border issues of the Committee of Senior Officials on the Interior.

¹ Decision No IX-911 of 30 May 2002.

² Decision of the Government No1562 of 3 October 2002.

³ Order of the Minister for the Interior No IV-250 of 2 July 2003.

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Initially chaired by Finland, cooperation between Lithuanian, Latvian, Estonian and Finnish police, customs and border guard authorities (a total of 12 institutions) in the form of annual meetings has been streamlining interaction and planning of joint operations at both national and international levels.

The SBGS is involved in the COASTNET information exchange on suspicious and unlawful activities in the Baltic Sea, between National Coordination Centres established by institutions participating in the Baltic Sea Region Border Control Cooperation within the framework of the Council of Baltic Sea States (which includes all Baltic coastal nations).

The same CBSS framework provides the basis for SBGS involvement in the Operative Committee of the Task Force on Organised Crime, which is also involved in information exchange on illegal immigration and similar issues.

Under the **Action Plan of the Committee of Senior Officials of the Baltic Council of Ministers**, an international border operation under Latvian leadership "Green Traveller-2004" was staged against illegal immigration. Police, customs and border guard authorities from Lithuania, Latvia and Estonia participated in the operation. The operation resulted in the largest seizure of contraband in 2004, 366 000 packs of cigarettes and 16,1 tonnes of pure alcohol.

On the initiative of the Operative Committee (CBSS), international marine operations "Baltic Spyglass-2004" and "Baltic Navigator 2004" were carried out.

The SBGS Varena Border Guard District and their Belarus counterparts staged a joint operation against illegal immigration in 2004, which resulted in detention of 20 illegal Pakistani migrants in the border area. The Vilnius Border Guard District staged 2 more joint operations with Belarus border troops.

On the initiative of the Operative Committee (CBSS), an international marine operation "Baltic Ambers 2005" was staged in March, which enhanced control over blacklisted ships and ships originating in Asia and Africa or bearing passengers from Asia or Africa. The operation embraced all National Coordination Centres. In June, a marine operation "Baltic Salmon-2005" was staged.

In April 2005, the SBGS participated in a special operation "*Baltic Dart I*" organised by the Latvian National Coordination Centre. As a result in Lithuania 43 ships were checked, 1 was stopped on suspicion of transporting a stolen vehicle, and 5 nationals of Indonesia (seamen) were refused entry as they had no visa. In May 2005, the SBGS took part in operation "*Baltic Dart I*", staged by the same NCC, which was aimed at illegal immigration and contraband, forged documents and enhanced checks of ship crews.

On 6-8 September 2005, under the leadership of the Norwegian NCC, the Baltic Sea Region countries participated in the marine operation "*Baltic Hugin 2005*". The operation was to enhance co-operation between agencies, improve ship observation and enhance information exchanges.

On the initiative of the German-led Centre for Land Borders, an officer of the German Border Police was seconded to Medininkai BCP from 12 April to 20 May 2005.

Also on the initiative of the German-led Centre for Land Borders, the 23rd joint operation was staged against smuggling of stolen vehicles and illegal immigration together with Austria, Latvia, Poland and Germany. During the operation, an SBGS officer was seconded to the Polish Terespol Focal Point Office at the border with Belarus.

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From 2-11 November 2005, the 31st joint operation of the Centre for Land Borders was staged together with Austria, Poland and Germany. It was directed against illegal immigration across the "green" border and document forgeries.

Bilateral cooperation

With regard to national border authorities in neighbouring countries, the SBGS has established three layers of cooperation:

- 1) the top layer involving the headquarters of national border authorities,
- 2) the regional layer at the level of SBGS Border Guard Districts,
- 3) the local layer between Border Guard Stations or border crossing points.

Direct (telephone) communication lines are maintained between the respective units to exchange information on urgent issues.

Cooperation with Belarusian border troops is administered at (semi-)annual meetings between the Chiefs of Services where they exchange statistical data and analysis on general border issues and establish the mandatory guidelines for activities in specific fields. The guidelines are then implemented at the lower layers. The Chiefs of SBGS Border Guard Districts hold regular quarterly meetings with their Belarusian counterparts exchanging information and drawing up plans for activities within their border sectors. Operative intelligence units, at both central and regional level interact on the basis of a protocol on cooperation signed in 2000. A framework plan for joint border operations was adopted in 2000 and forms the basis for common crime prevention activities. Dog handling units cooperate on the basis of a protocol signed in 2005. On the basis of an interstate treaty on judicial assistance signed in 1992, the SBGS, while carrying out pre-trial investigation in unlawful activities at the border, sends inquiries to and receives answers from the Belarusian border troops. In October 2005, an intergovernmental agreement on the activities of border delegates was signed with a view to laying more substantial foundations for and facilitating bilateral cooperation (pending ratification). In each specific sphere, including intelligence, border surveillance, drafting of legal acts, dog handling, etc., both border agencies interact directly. The SBGS has actively participated in the activities of the Lithuanian and Belarusian Joint Commission for Demarcation which has been involved in the legalisation and formalisation of the border.

Cooperation with the Russian Border Service is founded on inter-agency protocols on

- 1) cooperation on border issues,
- 2) cooperation in the field of operative and search activity and
- 3) activities of the Representatives of the Services, which were signed in 1996. Meetings at the level of Chiefs of Services are scheduled occasionally as, within the bilateral framework, more emphasis is placed on developing bilateral relations with the Russian Border Service's Directorate for the Kaliningrad Region. Meetings between the Representatives of the Chiefs of Services, i.e. SBGS Deputy Commander - Chief of Staff and Chief of Kaliningrad Directorate, are held on an annual basis. Cooperation is carried out in the form of joint border operations, operational information exchanges, etc., at the regional and local levels. The Representatives of the Services solve issues of mutual concern such as facilitation of fast and effective border checks, interaction in the Baltic Sea and Curonian Lagoon on issues of ship surveillance, and implementation of the special scheme for Kaliningrad transit. The SBGS Deputy Commander - Chief of Staff co-chairs the Commission for Border Crossing Points established within the Lithuanian and Russian Council for Long-Term Cooperation between Lithuanian Regions and Kaliningrad Oblast, which aims to optimise the procedures for traffic management at border crossing points.

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Cooperation with the Polish Border Guard is founded on the interstate treaty on the border, legal relations pertaining thereto and legal assistance in this field, which has established the body of (chief) border delegates made up respectively, of the Chiefs of Services and chiefs of regional units who are authorised to solve border issues at a non-diplomatic level. The Chiefs of Services have signed an agreement establishing a contact point at the Border Crossing Point of Kalvarijos - Budzisko, which is a major point for information exchange on the daily issues of concern such as immigration, forged documents etc.

An intergovernmental agreement on the activities of border delegates, signed between Lithuania and Latvia, facilitates the resolution of border issues and information exchange at the regional level. Lithuania and Latvia have furthermore signed an agreement on the operation of joint border crossing points where one national border agency delegates its authority to the other national border agency with regard to checks on outbound persons and vehicles.

Framework documents on bilateral cooperation were signed with the Latvian State Border Guard in 2000, the Swedish Coast Guard in 2001, the Finnish Border Guard in 2002, the Directorate of the German Federal Police in 2003, and the Northern Headquarters of the German Federal Police in 2005. The documents establish the forms, procedures and fields of cooperation (mainly related to the daily activities of border agencies) and the bodies responsible for maintaining relations.

The SBGS has over past years established bilateral relations with Hungarian, Georgian and Ukrainian Border Guards, carrying out information exchange and visits by specialist teams.

Cooperation with FRONTEX:

In October 2005 a National Expert was seconded to Frontex (Head of Planning, Development and Investigation Unit). A Declaration on Cooperation in the Field of Border Guard Training is ready for Signature and a Partnership Agreement is under preparation. Lithuania is ready to participate in Joint Support Teams (FJST) and in EU Rapid Border Intervention Teams (RABIT).

The Border Guard has established a national contact point. At present, 11 staff officers are permanently assigned to represent the Border Guards at Frontex on issues involving operations at air, sea and land borders, risk analysis, training, planning, and research and development.

Readmission agreements

(See Annex: table I)

3.2. Organisational structure

3.2.1. Centralised supervision and instructions

Pursuant to Article 2 of the Law on the State Border Guard Service, the **State Border Guard Service** (hereinafter, the SBGS) is charged with controlling borders (border surveillance and border checks) in Lithuania. The SBGS falls under the authority of the Ministry of the Interior, which supervises and controls the implementation of border guard policy.

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The Law on the State Border Guard Service establishes the tasks and functions of the SBGS and the rights and responsibilities of SBGS personnel. The structure of the SBGS is as follows:

- Commander of the Service;
- Central Headquarters;
- 7 Border Guard Districts;
- Foreigners' Registration Centre;
- Visaginas Border Guard School;
- Ignalina Nuclear Power Plant Security Unit.

(See Annex: table A)

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

At BCPs, besides the SBGS officers, other authorities also carry out their functions within the scope of their competence. These authorities are:

- Customs Department, (subject to the Ministry of Finance) in charge of preventing illegal import or export of goods into EU territory through the border crossing points. At all border crossing points (road, railway, airport and seaport posts) the customs are working together with the State Border Guard Service, which is responsible for the checking of persons and vehicles crossing at border posts;
- Police, (subject to the Ministry of the Interior) ensuring public order and safety, detecting and investigating criminal acts and other violations of law;
- State Food and Veterinary Service, (subject to the Ministry of the Environment) in charge of veterinary control;
- State Plant Protection Service, (subject to the Ministry of Agriculture) in charge of phyto-sanitary control;
- State Public Health Care Centre, (subject to the Ministry of Health) in charge of quarantine and medical control.

Cooperation between the aforementioned institutions is regulated by the Rules on the Activity of the Border Crossing Points (approved by Governmental Decision No 126 of 2 February 2001) and the Regulation on the Operation of the Border Crossing Points approved by the common order issued by the Commander of SBGS and the Director of the Customs Department.

The SBGS is in charge of coordinating the activities of the aforementioned services at BCPs.

Cooperation among different bodies (the Police, the Customs and the SBGS etc.) at central and operational levels **is established by the Interagency Cooperation Agreement of 2002**¹. Under that agreement, working groups are formed and contact persons appointed at central, regional and local levels. In addition, on the basis of this tripartite cooperation agreement, bilateral and trilateral cooperation agreements between relevant regional units of the police, customs and border guard have been signed which establish forms of cooperation at regional and local levels. The **main forms of cooperation** are as follows:

¹ Governmental Decision No 763 of 28 May 2002.

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- ✓ regular meetings of leaders at the central, regional and local levels
- ✓ access to the database of the contracting authorities
- ✓ exchange of risk analysis data
- ✓ joint training
- ✓ joint (targeted) operations
- ✓ joint patrolling (along the border and at the border zone).

3.2.3. Specialised services

On 1 January 2002, within the Customs Criminal Service a separate Drug Control Division was set up which is responsible for investigation, detection and prevention of crimes related to illegal drug trafficking. Since 1 July 2004 every regional division in the Customs Criminal Service has had a separate subdivision which deals solely with the investigation and detection of drug-related crimes in the customs area. At the same time this subdivision also gathers intelligence information and performs operational activities. All officers of the Customs Criminal Service, including the Drug Control Division, have the power to stop, arrest and search persons suspected of drug trafficking in the whole customs territory of the Republic of Lithuania, including land, sea and air border customs posts.

3.3. Operational effectiveness

3.3.1. Resources

Human resources

Currently, 4 377 persons work at the SBGS. In accordance with its internal management structure, staffs responsible for border surveillance and border checks are based at the Border Guard Stations. Basic officers' training ensures the capacity to perform border surveillance and border checks at the border crossing-points (hereinafter, the BCPs).

603 Lithuanian customs officers are employed at customs border crossing posts located at the external EU border: Seaport – 130 customs officers; land border – 296 customs officers at road posts and 82 customs officers at rail posts; air border – 95 customs officers.

(For further details see Annex: table B)

Technical devices

The SBGS information system (VSATIS) is used for border checks at every BCP; it has access to the following key national registers:

- register of aliens who are prohibited from entering into the Republic of Lithuania;
- register of wanted persons;
- register of missing vehicles;
- register of missing items;
- register of invalid documents.

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On 1 April 2006 Schengen entry/exit stamps produced according to the default technical specifications were introduced for travel documents.

UV lamps (portable/fixed), magnifiers, retro-reflective lamps and, portable document checking kits are used for border checks in the first line of control. Not every BCP has the necessary equipment for detailed document investigation in the second line of control. Nineteen standard and one high-efficiency video spectral comparator are on the list of items to be purchased this year; also every BCP should be equipped with stereomicroscopes.

At the Coast Guard District every BCP is equipped with UV lamps (portable/fixed) for first line of control and with magnifiers and retro-reflective lamps. **Portable** and second line of control equipment for detailed document investigation is also available.

The first level FADO system is available at the Documents Investigation Centre of the SBGS where all necessary consultations are provided by the specialists of this Centre.

(For further details see Annex: table C)

3.3.2. Level of controls at external border

In accordance with the internal management structure of the SBGS, the Border Guard Districts are responsible for organising and managing border protection; the Border Guard Stations subordinate to the Border Guard Districts and located along the borders are directly responsible for border surveillance and border checks. Green/maritime border surveillance is based on patrolling and management and communication systems as well as on technical control systems.

Green border surveillance is conducted by mobile patrols on foot or in special motor vehicles/boats. A footprint tracking strip detects illegal border crossings at the Belarusian border. Trained dogs are also used for patrolling. There are 152 trained dogs at the SBGS, 123 of which are used at external borders.

Border surveillance is enhanced by patrol flights of aircraft of the SBGS Aviation Squadron, performed at the border with Belarus and Russia in order to control the sectors of highest importance. There are procedures established for registration, accumulation and transfer of information concerning phenomena (subjects) recognised from the air at the border to the Border Guard Districts. Once all the necessary equipment has been purchased, patrol flights over the sea will take place in the very near future.

The situation at land and sea borders is controlled and monitored; the reaction to border events is immediate if necessary. Twenty-four hour monitoring is conducted at the Headquarters of the SBGS, at the Border Guard Districts and the Border Guard Stations and by patrol vessels and the Aviation Squadron. Current information is registered and passed on to the relevant authority. Strategic planning is based on evaluation of risk level.

As part of the SBGS regional unit (Border Guard District) there is a Task Force which can be deployed to enhance border surveillance and border checks at green/maritime/air borders.

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Maritime border surveillance is conducted by technical means. At present, the SBGS uses the Naval Sea and Coastal Surveillance System. The SBGS officers and military operators work permanently at the Naval Sea and Coastal Surveillance System Operational Centre. Moreover, the General System for Port Mouth Monitoring is installed in Klaipėda State Seaport, making it possible to control incoming/outgoing vessels. Sea monitoring is reinforced by regular patrols carried out by SBGS vessels.

The Activity Results Calculation System (ARCS) used by the SBGS since 2000 is the source of the following statistical data. The statistics provided relate to 2004.

Activity	Border with Belarus	Border with Russia	Sea border
Patrol duration (on foot, by motorcycle, car, motor-sledge), person-hours/day	1 656	536	7
Patrol by aircraft, hours/day	0,6	0,7	0,1
Stationary control (using radar, thermal imagers, video cameras), hours/day	216	12	52
Patrol by ships, hours/ day	-	-	0,7

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

The situation of land and sea borders is controlled and monitored; the reaction to border events is immediate if necessary. Twenty-four hour monitoring is conducted at the Headquarters of the SBGS, at the Border Guard Districts and at the Border Guard Stations and by Patrol Vessels, and the Aviation Squadron. Current information is registered and passed on to the relevant authority. Strategic planning is based on evaluation of risk level.

As part of the SBGS regional unit (Border Guard District) there is a Task Force which can be deployed to enhance border surveillance and border checks at green/maritime/air borders.

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

In total, the staff of the State Border Guard consists of 4 377 people, which constitutes a 12 % shortage in staffing. At sea borders, the shortage is approximately 9,6 %.

Human resources: *(See Annex: table B)*

Technical resources: *(See Annex: table C)*

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3.4. Risk analysis, intelligence and data-flow management

3.4.1. Organisation

Risk analysis is based on different data received during sea monitoring or checking of ships in ports. In addition to that data, the SBGS receives criminal intelligence information about suspected ships, their courses, cargoes, etc. from the Police, the Customs Criminal Service, the Military Marine Forces, Klaipėda Seaport administration and other relevant institutions on the basis of interdepartmental cooperation.

Law enforcement institutions share data from their databases pursuant to agreements signed on provision of information in order to prevent illegal immigration, cross-border and organised crime. Surveillance information is shared between law enforcement institutions according to the agreement signed on cooperation¹. The Lithuanian customs authority carries out risk assessment using all available information sources and creates risk profiles which automatically notify customs officers about risks which have occurred at the borders.

Information concerning smuggling and other customs-related crimes is gathered from other law enforcement agencies, enterprises, organisations and private persons. The customs authority operates its own risk profiling system at central and regional level.

The SBGS receives information on illegal immigration and cross-border crime from, inter alia, the Lithuanian Criminal Police Bureau, the Customs Criminal Intelligence Service, the Migration Department under the Ministry of the Interior and other law enforcement agencies, border guard services of neighbouring countries, Europol, Interpol and working parties of the EU Council. The SBGS, within the scope of its competence, has also established its own procedures with regard to the handling of information concerning illegal immigration and border-related crimes. The SBGS has set up and administers its internal databases (VSATIS information system). With the aim of exchanging information, other law enforcement agencies have access to databases administered by the SBGS on the basis of inter-agency agreements.

The following is the list of institutions that have access to VSATIS data:

- the Customs Department under the Ministry of Finance (Agreement No 21/137/018 of 10 April 2002 on Supply of Personal Data);
- the Police Department under the Ministry of the Interior (Agreement No 96/21/149 of 23 October 2001 on Supply of Personal Data);
- the Lithuanian Special Investigations Service (Agreement No 147/119 of 21 November 2001 on Supply of Personal Data);
- the Lithuanian State Security Department (Agreement No 21/75/41 of 27 June 2001 on Supply of Personal Data);
- the State Tax Inspectorate under the Ministry of Finance (Agreement No 21/321/02-18-18 of 21 October 2002 on Supply of Personal Data).

¹ Agreement Cooperation between the Customs Department under the Ministry of Finance, State Border Guard Service under the Ministry of the Interior and Police Department under the Ministry of the Interior signed on 20 May 2002.

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3.4.2. Methods

In order to determine whether a ship constitutes a risk, account is taken of factors such as its flag, category, course and cargo. On the basis of those data, it is decided what level of control needs to be applied to the ship in question.

International cooperation plays the main role in sea border surveillance. The SBGS of Lithuania is involved in the work of the Cooperation Conference on the Baltic Sea Region Border Guard. The National Coordination Centre (NCC) is established in the Coast Guard Border Guard District of the SBGS. The NCC coordinates the activity of Lithuanian national institutions, monitors the overall situation in national waters (thus ensuring security), exchanges information with other NCCs and scrutinizes information relating to the Border Guard and its surveillance. The NCC exchanges information with other NCCs on weekly and monthly event summaries in the Baltic Sea Region and also on reports for transferring urgent information related to everyday activities, i.e. information about movement of suspect vessels in the Baltic Sea.

Since 2002 the COASTNET system has been used for information exchange between NCCs. In order to control suspect vessels, the List of Suspect Vessels was created. It lists ships suspected of carrying out or having carried out criminal acts. The vessels in question are kept under surveillance for a certain period of time at the suggestion of the Baltic Sea Region (BSR) border services. The information exchange is carried out by the International Coordination Centre (ICC), the functions of which are exercised by the border service of the Presidency country for one year. The ICC collaborates with INTERPOL and EUROPOL.

Customs risk analysis is performed both at central and regional levels. Information on potential risk is forwarded to the field customs officers working at borders or within the territory of Lithuania.

In order to guarantee that controls are effectively targeted, police units cooperate with Customs and Border Guard units, other countries' competent authorities and international organisations. Police may use special or operative measures in the border region only in cooperation with Customs or Border Guard Services.

3.4.3. Responsibilities

Risk assessment is carried out by the SBGS at central, regional and local levels.

The **local level** encompasses risk assessment both at border crossing points responsible for checking passengers and vehicles crossing the State border and at Border Guard Stations in charge of the security of land borders. The data regarding illegal immigration, border violations, cross-border crimes and *modi operandi* are stored, analysed and forwarded in accordance with the established order.

The **regional level** encompasses risk assessment by Border Guard Districts. The data collected regarding illegal immigration, border-related crimes, cross-border crimes and organised crime are used by Border Guard Districts when planning the deployment of resources in order to secure the most vulnerable sections of the border.

The **central level** encompasses risk assessment in relation to all national borders which is carried out at the Central Headquarters of the SBGS. Risk is assessed by processing the collected data. On the basis of risk assessment, threats are identified and measures to eliminate them are planned.

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3.4.4. Horizontal and vertical data flows

(see Annex: table D)

3.5. Investigation and alien policing

3.5.1. Legal background

Legal residence of aliens in the Republic of Lithuania is controlled by police forces collaborating with the relevant law enforcement institutions, Lithuanian state or municipal institutions or establishments.

The Criminal Code and the Code of Administrative Offences of the Republic of Lithuania establish criminal or administrative liability for illegal immigration or illegal residence in national territory. See item 37 for more detailed information on liability for criminal or administrative offences.

Article 23 of the Law on Legal Status of Aliens (No IX-2206, 29 April 2004) defines cases of illegal residence of aliens in the territory of the Republic of Lithuania. The residence of an alien in the territory of the Republic of Lithuania is considered illegal if he/she,

- 1) resides in the territory of the Republic of Lithuania for a period which exceeds the term of non-visa residence, stipulated in an international agreement of the Republic of Lithuania, or European Union legislation or by the Government of the Republic of Lithuania
- 2) resides in the territory of the Republic of Lithuania after expiry of his/her visa
- 3) resides in the territory of the Republic of Lithuania with an invalid visa after being required to leave the territory of the Republic of Lithuania
- 4) is in possession of a forged travel document
- 5) is in possession of a forged visa
- 6) resides in the territory of the Republic of Lithuania without a visa, if one is required
- 7) resides in the territory of the Republic of Lithuania with invalid travel document, except in the case of an asylum seeker
- 8) has arrived in the Republic of Lithuania by illegal means.

Pursuant to the Law on the State Border Protection of the Republic of Lithuania¹, the border zone is located near the State border. The border zone is controlled by the SBGS. Its width can be up to five kilometres. Lithuanian citizens entering this border zone are required to carry their IDs, and aliens their passports or the relevant travel document allowing them to reside in the territory of Lithuania. The border zone by road is marked with signs reading "*Pasienio ruožas*" (border zone). Moreover, the said Law determines the State Border Guard area (usually up to one km in width) which covers vulnerable sites in terms of illegal migration as well as other border-related criminal acts. The State Border Guard area cuts across geographical features (fields, woods, water pools). In order to enter this area, it is necessary to have a permit issued by the SBGS.

¹ No VIII-1666, 9 May 2000.

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Aliens entering the border zone and other areas of SBGS activity must provide their IDs (travel document, residence permit or other relevant document) when so required by officers of the SBGS, as well as other relevant documents stating the purpose and conditions of residence in the territory of Lithuania and proving the legitimacy of residence in the territory of the Republic of Lithuania.

Pursuant to Article 206 of the Code of Administrative Law Offences, any alien who violates the procedures for entry to, residence in, transit through and departure from the territory of the Republic of Lithuania, is subject to a fine of between 250 and 1 000 Lit. The SBGS officers have the right to scrutinize such violations as well as to impose fines.

On the basis of Articles 125-130 of the Law on the Legal Status of Aliens¹ an alien may be obliged to depart or be expelled from the Republic of Lithuania.

An alien will be obliged to depart from the Republic of Lithuania if:

- ✓ the alien's visa has been cancelled;
- ✓ the alien's temporary residence permit or permanent residence permit has been revoked;
- ✓ the alien is staying in the Republic of Lithuania after the expiry of validity of the visa;
- ✓ the alien is staying in the Republic of Lithuania after the expiry of the temporary residence permit;
- ✓ the alien lawfully entered the Republic of Lithuania, but is staying in the Republic of Lithuania without possessing a temporary or a permanent residence permit where he is obliged to possess one;
- ✓ the alien has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay in a State set by an international treaty of the Republic of Lithuania, an EU legal act or the Government of the Republic of Lithuania.

The decision obliging an alien to depart from the Republic of Lithuania must be taken and the implementation thereof must be supervised by the Police and the State Border Guard Service according to their respective competence. The decision obliging an alien to depart from the Republic of Lithuania must be implemented within 15 days from the day it was taken.

An alien must be expelled from the Republic of Lithuania if:

- ✓ the alien has failed to comply with the requirement obliging him to depart from the Republic of Lithuania within a set time period;
- ✓ the alien has entered into or is staying in the Republic of Lithuania unlawfully;
- ✓ the alien's stay in the Republic of Lithuania constitutes a threat to public security or public policy.

The decision on the expulsion of an alien on the grounds set forth by subparagraphs 1 and 2 of paragraph 1 of Article 126 of this Law must be taken by the Migration Department, the decision on the expulsion of an alien on the ground set forth by subparagraph 3 of paragraph 1 of Article 126 must be taken by the Vilnius District Administrative Court, and the said decisions must be implemented by the State Border Guard Service or the Police.

¹ No IX-2206 of 2004.

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The decision regarding the expulsion of an alien from the Republic of Lithuania must be implemented without delay, unless there are circumstances which allow for postponement of the implementation of the decision.

The decision on the return of an alien or on his transit through the territory of the Republic of Lithuania must be taken by the Migration Department under the Ministry of the Interior or the SBGS, whereas the decisions must be implemented by the Police or the SBGS.

Implementation of the decision regarding the expulsion of an alien from the Republic of Lithuania must be suspended if:

- ✓ the decision regarding expulsion of an alien from the Republic of Lithuania is appealed against in the court, except in cases when the alien must be expelled due to the threat which he constitutes to state security or public policy;
- ✓ the foreign country to which the alien may be expelled refuses to accept him;
- ✓ the alien is in need of immediate medical aid, the necessity of which must be confirmed by a consulting panel of a health care institution;
- ✓ the alien cannot be expelled due to objective reasons (the alien is not in possession of a valid travel document, there is no possibility of obtaining travel tickets, etc.).

The measures taken to ensure the implementation of the decision regarding expulsion of an alien are as follows:

- ✓ the alien is escorted to the border crossing point of the Republic of Lithuania by the officers of the institution implementing the decision;
- ✓ the alien is put on an appropriate means of transport to convey him to the country of origin (if the country of origin is not a neighbouring country);
- ✓ if the country of origin of the alien is a neighbouring country he is directly handed over to the border guards of his country of origin;
- ✓ in case of necessity an alien is escorted back to his country of origin by the officers of the institution implementing the decision regarding his expulsion;
- ✓ the expulsion time, date and route are coordinated and agreed upon with transportation companies and competent institutions of the countries of transit.
- ✓ in case of necessity competent institutions of the transit countries are sent a request for assistance.

All the aforementioned legal and practical measures have proved to be effective.

3.5.2. Organisation

Legal residence of aliens in the Republic of Lithuania is controlled by police forces collaborating with the relevant law enforcement institutions, Lithuanian state or municipal institutions or establishments. The Criminal Code and the Code of Administrative Offences of the Republic of Lithuania establish the criminal or administrative liability for illegal immigration or illegal residence in Lithuanian territory.

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The Migration Department of the Ministry of the Interior is responsible for approving decrees concerning aliens who are prohibited from entry into the Republic of Lithuania. The relevant law enforcement institutions, including the SBGS, are entitled to submit proposals in the prescribed manner for the "blacklist" of aliens who have violated the rules for entering and residing in the territory of the Republic of Lithuania. The SBGS, within the scope of its competence, controls the transit of aliens through the state border of the Republic of Lithuania.

3.6. Staff and training

3.6.1. Selection criteria

Persons applying to the Border Guards must fulfil the following requirements:

- ✓ Lithuanian nationality;
- ✓ Impeccable record;
- ✓ 18 to 30 years of age, or up to 35 years of age for university graduates;
- ✓ Secondary education or higher;
- ✓ Good general health;
- ✓ Good general level of physical fitness;
- ✓ Graduation from a vocational education institution, whether or not subject to the Ministry of the Interior, or completion of an introductory course at a vocational education institution subject to the Ministry of the Interior.

The recruitment (selection) of border guards is based on a legal procedure defined by the Statute of Internal Service and internal regulations. Persons wishing to become Border Guards apply to a territorial unit of the Border Guards and fill in a form. Applicants qualify through a three-stage selection procedure. The first stage involves physical and medical examination and verification. The second stage includes tests of general physical fitness (running 100 m or shuttle 10x10 m, pull-ups or push-ups, and cross-country running, 3 km for men or 2 km for women). At the third stage applicants are subject to checks in the registers of internal affairs with regard to their previous convictions, records of administrative offences, etc. Those applicants who meet the requirements are sent to Border Guards School introductory courses.

The professional knowledge and abilities acquired by applicants for the Border Guards School are checked according to the school procedures. The quotas for enrolment in Visaginas Border Guards School are established by the Commander of the Border Guards. Persons are assigned to other educational institutions not subject to the Ministry of the Interior on the authorisation of the Minister for the Interior. The Border Guards propose the number of such assignments. The successful applicants sign contracts on enrolment in the interior service and are obliged to serve in the Border Guards upon graduation for no less than five years (Border Guards School or other educational institution graduates) or no less than three years (those completing the introductory course).

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3.6.2. Basic training

The SBGS officers' training is based on a national curriculum.

Basic professional border guard training is conducted at the Visaginas Border Guards School of the SBGS (established in 1999, after reorganisation of the training centre). According to the internal service system, border guard officers are considered the primary level.

The national border guard training standard of 2000 states that the training period will be extended from 6 months to 2 years. The new Border Guard curriculum was endorsed in 2005 as meeting the professional training standard of the national education system. This curriculum is in tune with the Common Core Curriculum (CCC). According to the new curriculum, the maximum number of teaching-hours involves such disciplines as the State border guard strategy, border control organisation (following the requirements of the EU/Schengen acquis) and military training (1 000 hours of teaching on this discipline are compulsory in accordance with the national security concept programme). The number of hours for teaching foreign languages (English, German and Russian) has been doubled.

Theoretical training is combined with practical (initial practice and two traineeships at the Border Guard Districts of the SBGS – 920 hours or 30 percent of total curriculum time).

The period for border guard training (learning) is two years. Upon successfully passing the final qualification test, border guard officers acquire the national border guard qualification (diploma); this examination is also equivalent to compulsory initial military service for school graduates. Border guards can also obtain a professional qualification (specialisation) by passing the equivalency examination when they have been in active service for no less than one year.

Officer training at higher level

The Mykolas Romeris University (4 years' bachelor studies at Kaunas Police Faculty following the curriculum "Law and State Border Guard") and the Lithuanian War Academy of General Jonas Žemaitis (4 years' bachelor studies) provide higher level training.

Mykolas Romeris University bachelor tutorial drafted in cooperation with the SBGS corresponds to the requirements of the Bologna Process. The educational methods both academic and practical – that is, according to the approved curriculum, students are assigned to work on probation at SBGS units.

In 2005, the first crop of students graduated from the Kaunas Police Faculty of Mykolas Romeris University having followed the full-time curriculum "Law and State Border Guard".

Initial training courses

These courses are for persons with a higher education diploma, seeking to become SBGS officers. Depending on the type of service in the SBGS units, tutorials may last 2 weeks or 15 weeks. During the tutorials, attendees are introduced to legislation regulating statutory service, border guard duties etc., knowledge of which is necessary for serving as an officer at a certain level.

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3.6.3. Further continuing education

Qualification development courses

The SBGS officer's education as well as disciplined, sustained qualification development form the basis of an officer's career.

The rules for Qualification Development of Officers of the Internal Service System approved by the Minister for the Interior state that officers' qualifications must be constantly and methodically developed (enhanced). The officer must develop his qualifications during work time by spending at least eight hours on academic work per year of his active service.

By means of the annual order on professional training, the Commander of the SBGS sets the goals for statutory officers' professional training and qualification development and approves the curriculum for the qualification development courses. These courses are conducted at the Visaginas Border Guard School, at other local educational institutions and also at the workplace. The officers have an opportunity to train at foreign educational institutions.

Special qualification development courses for officers of the SBGS are arranged according to the needs of the Border Guard Districts and Border Guard Stations of the SBGS under the approved schedule. Officers responsible for professional training at the workplace are involved in the annual workshops; instructors (according to the different spheres of activity) are trained in order to transfer the structural skills and experience acquired during these courses to colleagues at the workplace.

The requirement to provide professional training for SBGS officers at the workplace ensures that qualification development and the necessary training hours are organised (the duration of professional training at the workplace for officers of the SBGS and the Border Guard Districts' Headquarters must be no less than 40 hours a year (four hours each per month), for officers of the Border Guard Stations no less than 70 hours a year and for officers of the Special Task Force no less than 140 hours a year).

Training at the workplace (Headquarters, Border Guard Stations) is conducted regularly according to the schedule prepared by the unit head.

Moreover, officers are directly instructed at the Border Guard Station or BCP before they carry out border surveillance or border checks. During instruction, officers are made aware of legal information updates and other relevant information.

Preparatory courses for application of the Schengen Acquis.

Since 2002, qualification development courses entitled "Schengen Activity on Border Guard and Border Control" have been conducted by Visaginas Border Guard School. In 2005, the new qualification development programme "EU/Schengen Acquis Requirements for Border Guards" (duration – 24 hours) was drawn up; it was the basis for officers working at the administrative headquarters of the SBGS and the BCPs. The Schengen Acquis is translated into Lithuanian and recorded on CD-ROMs. It is also available on the internal network of the SBGS.

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Furthermore, from 1999–2005, the SBGS was granted extensive financing for the introduction of the Schengen acquis and its practical application in the form of twinning projects, as well as in the framework of bilateral cooperation. Instructors from Finland, Sweden, Germany, the United Kingdom and Spain have conducted special training courses on Schengen–related issues.

3.6.4. Linguistic training

Officers on active service and the students at the Visaginas Border Guard School are taught foreign languages (basic professional training).

Since 2002 the the SBGS/British Council joint project on English language learning is dedicated to establishing a standard system of foreign language learning for SBGS officers: the concept as well as a four–level programme of English language learning was drawn up and an English language learning centre established in Medininkai. German language courses are arranged by the German Embassy in Vilnius (most attendees are officers of the Coast Guard and Vilnius Border Guard Districts, working at international BCPs).

3.6.5. Specialised document checking training

Twice a year the Migration Department of the Ministry of Interior arranges one week refresher courses for the staff of territorial Migration Offices. Detection of false documents is a topic which is always included in the course. Lecturers from competent institutions are invited to give lectures.

Detection of false documents is also included in the training programmes for consular officers of the Ministry of Foreign Affairs.

3.6.6. Specialised training for different managerial levels

According to SBGS needs, high and highest level officers of the SBGS are provided with higher education at the Lithuanian Institute for Public Administration, Mykolas Romeris University, and other educational institutions, including those abroad.

(see Annex: table J)

3.7. Readmission, expulsion and illegal immigration, carriers' liability

3.7.1. Administrative structures and coordination

The police, the SBGS and the Migration Department under the Ministry of the Interior of the Republic of Lithuania are in charge of control of aliens inside the territory of Lithuania. The competent authorities maintain close cooperation with each other in the fight against illegal immigration and render support within the sphere of their competence.

(See paragraph 3.5.2)

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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 the Law on the legal status of aliens (Article 126(1) and Article. 129(1):

- an alien will be expelled from the Republic of Lithuania if:
 1. the alien has failed to comply with the requirement obliging him to depart from the Republic of Lithuania within a set time period;
 1. the alien has entered into or is staying in the Republic of Lithuania unlawfully;
 2. the alien's stay in the Republic of Lithuania constitutes a threat to public security or public policy.

Aliens, including minor aliens below the age of 18 years who stay unlawfully in the territory of the Republic of Lithuania may be returned voluntarily or by force to the country of origin or to a foreign country to which they have the right to depart.

A total of 11 aliens were returned to the country of origin or to a foreign country to which they have the right to depart in 2005 (until 1 October); 5 of them were citizens of the Russian Federation, 2 of Ukraine, 1 citizen of Azerbaijan, 1 of Belarus, 1 of Iraq, 1 of Pakistan.

Percentage of aliens returned to the country of origin or to a foreign country to which they have the right to depart in 2005 (up to 1 October) (Source: Migration Department under the Ministry of the Interior of the Republic of Lithuania):

- (a) to other Schengen States – 9,1 %
- (b) to neighbouring States – 54,5 %
- (c) to the countries of origin of the persons concerned – 90,9 %

On the basis of Articles 125-130 of the Law on the Legal Status of Aliens (No IX-2206 of 2004) an alien may be obliged to depart or be expelled from the Republic of Lithuania.

An alien will be obliged to depart from the Republic of Lithuania if:

1. the alien's visa has been cancelled;
2. the alien's temporary residence permit or permanent residence permit has been revoked;
3. the alien is staying in the Republic of Lithuania after the expiry of validity of the visa;
4. the alien is staying in the Republic of Lithuania after the expiry of the temporary residence permit;
5. the alien lawfully entered into the Republic of Lithuania, but is staying in the Republic of Lithuania without possessing a temporary or a permanent residence permit where he is obliged to possess one;
6. the alien has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay in a State set by an international treaty of the Republic of Lithuania, an EU legal act or the Government of the Republic of Lithuania.

The decision obliging an alien to depart from the Republic of Lithuania must be taken and the implementation thereof must be supervised by the Police and the State Border Guard Service according to their respective competence. The decision obliging an alien to depart from the Republic of Lithuania must be implemented within 15 days from the day it was taken.

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An alien must be expelled from the Republic of Lithuania if:

- ✓ the alien has failed to comply with the requirement obliging him to depart from the Republic of Lithuania within a set time period;
- ✓ the alien has entered into or is staying in the Republic of Lithuania unlawfully;
- ✓ the alien's stay in the Republic of Lithuania constitutes a threat to public security or public policy.

The decision on the expulsion of an alien on the grounds set forth by subparagraphs 1 and 2 of paragraph 1 of Article 126 of this Law must be taken by the Migration Department, the decision on the expulsion of an alien on the ground set forth by subparagraph 3 of paragraph 1 of Article 126 must be taken by the Vilnius District Administrative Court, and the said decisions must be implemented by the State Border Guard Service or the Police.

The decision regarding the expulsion of an alien from the Republic of Lithuania must be implemented without delay, unless there are circumstances which allow for postponement of the implementation of the decision.

The decision on the return of an alien or on his transit through the territory of the Republic of Lithuania must be taken by the Migration Department under the Ministry of the Interior or the SBGS, whereas the decisions must be implemented by the Police or the SBGS.

Implementation of the decision regarding the expulsion of an alien from the Republic of Lithuania must be suspended if:

- ✓ the decision regarding expulsion of an alien from the Republic of Lithuania is appealed against in the court, except in cases when the alien must be expelled due to the threat which he constitutes to state security or public policy;
- ✓ the foreign country to which the alien may be expelled refuses to accept him;
- ✓ the alien is in need of immediate medical aid, the necessity of which must be confirmed by a consulting panel of a health care institution;
- ✓ the alien cannot be expelled due to objective reasons (the alien is not in possession of a valid travel document, there is no possibility of obtaining travel tickets, etc.).

The measures taken to ensure the implementation of the decision regarding expulsion of an alien are as follows:

- ✓ the alien is escorted to the border crossing point of the Republic of Lithuania by the officers of the institution implementing the decision;
- ✓ the alien is put on an appropriate means of transport to convey him to the country of origin (if the country of origin is not a neighbouring country);
- ✓ if the country of origin of the alien is a neighbouring country he is directly handed over to the border guards of his country of origin;
- ✓ in case of necessity an alien is escorted back to his country of origin by the officers of the institution implementing the decision regarding his expulsion;
- ✓ the expulsion time, date and route are coordinated and agreed upon with transportation companies and competent institutions of the countries of transit;
- ✓ in case of necessity competent institutions of the transit countries are sent a request for assistance.

In practice all the aforementioned legal and practical measures have proved to be effective.

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3.7.3. Means deployed to combat illegal immigration networks

Law enforcement institutions share data from their databases pursuant to agreements signed on provision of information in order to prevent illegal immigration, cross-border and organised crime. Surveillance information is shared between law enforcement institutions according to the agreement on cooperation signed.

The SBGS receives information on illegal immigration and cross-border crime from, inter alia, the Lithuanian Criminal Police Bureau, the Customs Criminal Intelligence Service, the Migration Department of the Ministry of the Interior and other law enforcement agencies and border guard services of neighbouring countries, Europol, Interpol and working parties of the EU Council. The SBGS, within the scope of its competence, has also established its own procedures with regard to the handling of information concerning illegal immigration and border-related crimes. The SBGS has set up and administers its internal databases (VSATIS information system). With the aim of exchanging information, other law enforcement agencies have access to databases administered by the SBGS on the basis of inter-agency agreements.

(See Annex: table E)

3.7.4. Implementation of carriers' liability

Responsibility of carriers is regulated by the Law on the Basics of Transportation Activity of the Republic of Lithuania.

Article 19(1) of the Law on the Basics of Transportation Activity of the Republic of Lithuania establishes that carriers at their own expense are obliged to:

- return an alien to the country he/she came from;
- return an alien to the country that issued a travel document;
- carry an alien to the State he/she has the right to enter.

Article 20 (1) of the Law on the Basics of Transportation Activity of the Republic of Lithuania (No X-214, in force since 7 June 2005) provides that sea or air carriers or operators of international coach services that organise special or charter travel to Lithuania are obliged to ensure that an alien is in possession of a travel document which is accepted in Lithuania. Carriers have the right to check travel documents of passengers in order to make sure they are in possession of valid documents necessary for entry to Lithuania.

Article 20(2) of the Law on the Basics of Transportation Activity of the Republic of Lithuania stipulates that the carrier will be subject to a fine ranging from 11 000 Litas to 18 000 Litas for each passenger it transports to Lithuania who is not in possession of a required travel document.

The SBGS is authorised to draw up reports of violations of the Law and impose fines in cases where violation of the Law is established.

The fine is not imposed if:

- 1) the alien seeks asylum in Lithuania;
- 2) the carrier provides proof that before boarding the alien was in possession of the travel documents necessary for entry to the Republic of Lithuania;

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- 3) the SBGS establishes that the travel document of the alien is forged.
- 4) required visa is missing.

The Committee is of the opinion that these exceptions are not in line with the Council Directive 2001/51/EC. Regarding the limited legal possibilities to impose sanctions on carriers up until the moment of the visit of the evaluation team, there had been only 7 cases in which carriers were fined, of which to that point, one was implemented after court procedures. 4 cases were still in court. The Committee was informed that in Vilnius airport about 85% of the 157 refusals of entry is based on lack of visa during 2005, which means that the number of sanctions imposed on carriers could have been much higher if national legislation was in conformity with the Directive. The Committee was informed that no fines have been imposed on carriers at the sea borders so far.

Reports on individual sites visited:

4. KLAIPEDA STATE SEAPORT (MALKU ILANKOS BCP, PILIES BCP)

4.1. General information

Klaipėda State Seaport is the northernmost ice-free port on the eastern coast of the Baltic Sea. It is the most important and the biggest Lithuanian transport hub, connecting sea, land and railway routes between Eastern and Western industrial regions. The main shipping lines to the ports of Western Europe, South-East Asia and the continent of America pass through Klaipėda port. The port operates 24 hours a day, 7 days a week all year round.

The Evaluation Committee visited two border crossing points at Klaipėda State Seaport, Malku Ilankos and Pilies.

4.2. Infrastructure and equipment

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

Malku Ilankos BCP: The port area is signposted as a border-crossing point and the control facilities for people arriving are separated from those for people departing. All the lanes visited are divided into two parts, "*EU-Citizens*" and "*All Passports*", but the signs are not convertible. The signs at the control point for cars and lorries are too small to be clearly legible to the drivers.

Passengers arriving on foot are shuttled from the ship to the control point. The booths for arriving passengers are located in a container. The booths are facing the queue of passengers waiting, but the view over the flow of passengers is fairly limited. The glass windows of the booths are equipped with mirror foil, making it impossible for the passengers to see the officers in the booths. This means that a face to face discussion between the officer and the passenger is not possible. The passengers also have difficulty in seeing whether a booth is manned or not.

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The booths for departing passengers are located in a building near by. These booths are not facing the passengers waiting and the windows of the booths are also equipped with mirror foil, making it impossible for the passengers to see the officers in the booths.

The control facilities for cars and lorries are small buildings situated under a metal roof, which does not allow the officers to carry out the check in the booths, mainly because of the height of the control position.

Pilies BCP: The port area that handles cargo vessels is signposted as a border crossing point. In the part of the port that handles cruise vessels and pleasure boats there is no need for signs because passengers and crew are checked on board.

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4.2.2 Equipment: first line, second line, mobile

Malku Ilankos BCP: All necessary equipment is available.

Pilies BCP: First line equipment and portable computers with wireless connection are used for onboard checking of ships/pleasure boats. Second line equipments is placed in a building at the entrance to the cruiseship/pleasure boat port. All necessary equipment is available.

4.2.3 Communication

Malku Ilankos BCP, Pilies BCP: All necessary communication devices are available.

4.2.4 Access control/fencing

Malku Ilankos BCP: The port is fenced and the territory is under video surveillance. Access is controlled by a private company.

Pilies BCP: The BCP is well fenced and the access is controlled by a private guard company. CCTV cameras are used.

4.2.5 Detention/readmission premises

Malku Ilankos BCP: There are no detention rooms at the BCP. Detainees are taken either to the Police or to the SBGS Coast Guard District in town.

Pilies BCP: There are no detention rooms within the BCP. Detainees are taken either to the Police or to the SBGS Coast Guard District in town.

4.2.6 Storage of blank visas

Malku Ilankos BCP: Blank visas are stored in a safe at the BCP and are accessible only to the shift leader.

Pilies BCP: Blank visas are stored in a safe in the shift leader's office at the BCP.

Comments and recommendations of the Evaluation Committee:

The equipment available at Malku Ilankos BCP and Pilies BCP in the port of Klaipėda is sufficient but the infrastructure should be improved. The general standard of the infrastructure at these border crossing points was considered to be rather low and the need for upgrading the infrastructure including the staff working conditions is evident.

The booths for departing passengers at Malku Ilankos BCP should be reconstructed to make it possible for officers to have an overview of the queue of passengers waiting and the mirror foil attached to the windows of the booths should be removed from all booths. The undersized signposts for vehicles should be replaced with legible ones and the setting up of a detention facility in the port should be considered.

RESTREINT UE

The standard of the infrastructure in Klaipėda will be significantly improved by the substantial reconstruction of the terminals which, according to the plans, should be completed at the beginning of 2008.

4.3. Controls and procedures

4.3.1 Checking procedure on entry and exit (profiling, interrogation, checking conditions of entry, checking documents, stamping)

Ferries

Ferry passengers arrive at the passport control booths by bus. At the arrival area there is one booth with two working places.

The Evaluation Committee had the opportunity to observe the checking of passengers arriving from Kaliningrad. The border guards present carried out the checks very efficiently. Interviewing of passengers (Lithuanian nationals) took place quickly and smoothly. Due to the fact that mirror foil is attached to the windows of the booths, the passengers are not able to see the officers in the booths. This resulted in confusion in some cases because the passengers could not see the border guards or understand them correctly.

Cargo ships

There are about 13 cargo ships per day. The Border Guard is informed prior to the arrival of the cargo ship about the number and nationality of the crew. The Border Guard receives the crew list on board the ship. Face-to-face passport control and the administrative check is provided by two officers on board. There are mobile computers available to check databases on board. Exit control is also carried out.

Cruise ships

The crew and passenger lists are sent by the ship agent 24 hours prior to arrival by e-mail or fax and an administrative check of third country nationals takes place automatically, if possible. Passport control takes place on board the ship. Only third country nationals are checked by comparing the list which is sent in advance and the list is given by the captain on board. Whenever there is any doubt or suspicion about someone, a face-to-face check is conducted. The documents of Lithuanian visa are checked and stamped. Crew members may go ashore after showing their documents and undergoing an informal check by the security operator on the pier. Any third country citizen who overstays in Lithuania must pay a fine when passing through exit control and in some cases may be barred from further entry.

After reconstruction of the terminal planned for 2007/2008, checks on third country nationals will be conducted in the new terminal building.

Fishing boats

The few fishing boats arriving at the port belong to Lithuanian nationals and operate in territorial waters. The Kopgalis Border Guard Station is situated at the mouth of the lagoon and is able to observe all movements of boats into and out of the lagoon. There are random checks on fishing boats.

RESTREINT UE

Pleasure boats

The port authorities inform the border guards about the arrival of pleasure boats. Face-to-face checks on passengers of pleasure boats are conducted upon entry and exit.

4.3.2 Utilisation of registers and of the Common Manual

The databases are used according to the Schengen provisions. The Common Manual and the Schengen Borders Code are available for all personnel.

4.3.3 Vehicle check

At the Malku Ilankos BCP, there are three separate gates for vehicles. There is one departure gate for cars and one for lorries. There is only one arrival gate (with separate lanes) for cars and lorries.

4.3.4 Processing of refusals and asylum applications

The uniform form for refusals is used, although the layout of the form is not the same as the one annexed to the Common Manual. Sometimes the border guard officials also refuse entry to a person who has previously overstayed. When the border guard officials refuse entry to a crew or passenger of a cargo ship the whole procedure takes place on board. The person's name is deleted from the list and two copies of the amended list are sent to the authorities, together with the completed refusal form.

If there is an asylum application, the border guard officials check the documents on board, contact the Immigration Service and escort the person to the second line, where they complete the procedure by taking a photo and the fingerprints of the person. In 24 hours the applicant is escorted to the immigration/asylum authorities for the next stage of the application procedure.

After reconstruction of the terminal there will be a designated detention room in the port.

4.4. Issuing of visas

The shift leader decides on issuing visas. An increasing number of "B" type visas are issued to the many Russian crew members who sign off in the port of Klaipėda due to its proximity to their home country. They usually transit to Russia or Belarus by train or by bus. "C" type visas are usually issued to third country nationals who are family members of EU citizens.

4.4.1. Sanctions imposed on carriers

Responsibility of carriers is regulated by the Law on the Basics of Transportation Activity of the Republic of Lithuania. The SBGS is authorised to draw up reports of violations of the Law and impose fines in cases where violation of the Law is established. Due to the fact that the Law has been in force only since 7 June 2005, no violations have been established.

RESTREINT UE

Article 19(1) of the Law on the Basics of Transportation Activity of the Republic of Lithuania establishes that carriers at their own expense are obliged to:

- return the alien to the country he/she came from;
- return the alien to the country that issued a travel document;
- carry the alien to the State he/she has the right to enter.

Article 20(1) of the Law on the Basics of Transportation Activity of the Republic of Lithuania¹ provides that sea or air carriers or operators of international coach services that organise special or charter travel to Lithuania are obliged to ensure that an alien is in possession of a travel document which is accepted in Lithuania. Carriers have the right to check travel documents of passengers in order to make sure they are in possession of valid documents necessary for entry to Lithuania.

Comments and recommendations of the Evaluation Committee:

Notwithstanding the sometimes difficult logistics and working conditions, the procedures applied at first and second line controls are fully in line with the requirements. The vast majority of the traffic via the port of Klaipėda will in the future be internal Schengen traffic.

The reconstruction of the terminals, once completed in 2007/2008, will certainly improve the current rather difficult working conditions and the effectiveness of the control procedures.

5. BORDER SURVEILLANCE

In order to evaluate the border surveillance system, the Evaluation Committee visited the Sea Border Surveillance Coordination Centre and the Naval Sea and Coast Surveillance System Operation Centre in Klaipėda as well as the Border Guard stations in Kopgalis, Malku Ilankos and Vite and the Lithuanian-Russian border in the Curonian Lagoon.

The Lithuanian Border Guard Service under the Ministry of Interior is in charge of the following main tasks:

- ✓ guarding the State Border on land, at sea, in the Curonian Lagoon and in border inland waters;
- ✓ exerting control over persons and vehicles crossing the State Border;
- ✓ enforcing the border regulations and, within the scope of its competence, the border crossing point regulations;
- ✓ taking part in the implementation State control over migration;
- ✓ taking part in search and rescue activities at sea, in the Curonian Lagoon and in border inland waters.

¹ No X-214, in force since 7 June 2005

RESTREINT UE

The Coast Guard District (CGD) is a territorial structural unit of the State Border Guard Service (SBGS) and within the scope of its competence is responsible for border surveillance, border checks and risk analysis. The main tasks of the Coast Guard Districts are:

- ✓ ensuring inviolability of the State border and implementing State border policy in the State border zone in the territorial sea, inland waters and on land;
- ✓ ensuring implementation of the requirements of international agreements of the Lithuanian Republic and laws and legal acts on State borders activity;
- ✓ ensuring prevention of crimes and other law violations, carrying out detection and investigation, activities, protecting human rights and freedom, public peace, safety and order.

Other functions:

- ✓ within the scope of its competence, contributing to control of the immigration process;
- ✓ issuing visas and other special permits;
- ✓ taking part in environmental protection activities;
- ✓ defending the State in time of war.

The area of responsibility of the CGD extends along 158 km of border line, stretching from the border of the Russian Federation to the border of Latvia.

5.1. Tactics applied

The system of patrols and surveillance performed by the CGD is based mainly on information provided by the Sea and Coastal Surveillance System of the Lithuanian Navy to the SBGC and on the patrol schedule of the vessels and aircraft available to the Border Guard.

Two helicopters and a Cessna aircraft are used for land and sea border surveillance. In three to four months there will be three additional helicopters available, one of which will also be solely dedicated to sea surveillance.

Border surveillance at sea has two main components:

- ✓ management of the situation: based on detection, identification and risk analysis;
- ✓ reaction possibilities: detention, application of border checks and sanctions.

➤ Navy Radar Surveillance System

The navy's system consists of three radar devices situated in Palanga, Klaipėda and Nida. Surveillance data is transmitted by radio links to the Sea Coastal Surveillance Centre. It is equipped with RLS, covering more than 20 nautical miles of Lithuanian waters.

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➤ Border Guard Station System

✓ Kopgalis Border Guard Station (Klaipėda harbour)

In this Border Guard Station there is a base for a patrol vessel and a warehouse for the repair and maintenance of patrol vessels. The control centre of this station receives information from the "14th Station".

The "14th station" is a surveillance tower located at the entrance to the harbour with a control system consisting of two light cameras and two thermal cameras, which are managed by the Kopgalis Border Guard Station. The view from the cameras is transmitted to CGD NCC which also receives pictures from the cameras belonging to the Klaipėda Port Authority.

✓ Neringa Border Guard Station

The area of responsibility covers the Curonian Lagoon, Curonian Spit and sea coastline.

✓ Palanga Border Guard Station

The area of responsibility is the border with the Republic of Latvia and the sea coastline.

5.2. Situational awareness

The surveillance of sea borders is mainly based on the information provided by the Sea and Coastal Surveillance System of the Lithuanian Navy. The naval radar network consisting of three radar stations covers the Lithuanian coast. The Lithuanian Navy intends to improve the performance of the Sea and Coast Surveillance System within the next three months by building an integrated system of radar devices, video cameras, thermal cameras and a new communication system. Naval vessels and aircraft of the Defence Forces are occasionally used in border surveillance under the supervision of the Border Guard.

The information provided by the naval surveillance system is complemented by information from three surveillance towers with video cameras and one radar station operated by the Border Guard as well as by vessel and aircraft patrols and regular exchange of information. The Border Guard also have far-reaching plans to improve their surveillance network by means of integrated radar devices, video cameras and thermal cameras. Moreover, the General System for Port Mouth Monitoring is installed in Klaipėda State Seaport, making it possible to monitor vessels arriving at and departing from the port.

The surveillance of sea borders is performed as a cooperative task between the Border Guard, the Customs and the Navy, based on a surveillance system operated by the Navy.

The Naval Sea and Coast Surveillance System Operation Centre in Klaipėda is manned by five operators; - two border guard officers, two naval conscripts and one customs officer, who monitor the technical surveillance system 24 hours per day. If one of the operators detects a vessel on the radar screen but the vessel cannot be identified by the Automatic Identification System, the operator calls the unidentified vessel on the radio via the maritime traffic channel and, if there is no answer, calls the nearest patrol vessel to intercept and identify the vessel concerned. Although the different administrations involved in maritime matters are represented 24 hours per day, apparently this cooperation does not provide full efficiency.

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5.3. Reaction capability

The reaction times for vessels and aircraft units are the following:

- ✓ Patrol vessel: 1 hour;
- ✓ Cutter: during working hours immediately;
- ✓ Helicopter: 1 hour.

5.4. Availability and permanence of resources

In total, the staff of the State Border Guard consists of 4 377 people, which constitutes a 12 % shortage in staffing. At sea borders, the shortage is approximately 9,6 %.

Human resources: *(See paragraph 3.3.1 and Annex: table B.)*

Technical resources: *(See Annex: table C)*

5.5. Communication and encryption

Technical resources:

- ✓ Surveillance network, for details see paragraph 5.1;
- ✓ Radio and mobile communication. The radio communication system is based on the VHF system. The C2 and all the naval units and aircraft of the CBG use this radio network with different transmission channels depending on the recipient. The transmission is not encrypted so that particular closed groups cannot be formed;
- ✓ Internet;
- ✓ Intranet;
- ✓ Servers and computer networks;
- ✓ AIS, the Automatic Identification System.
- ✓ COASTNET, a system for exchange and transmission of information between Norway, Estonia, Lithuania, Latvia, Poland, Germany, Sweden, Finland and Russia.
- ✓ Databases. The SBGS is the owner and administrator of the State Border Guard Service Information System (VSATIS), which consists of the following registers:
 1. Wanted persons;
 2. Undesirable aliens;
 3. Stolen vehicles;
 4. Invalid documents;
 5. Citizens and Vehicle registers of the Republic of Lithuania;
 6. Wanted persons, stolen vehicles and invalid documents of the Republic of Latvia.
- ✓ Databases used by other boards of the SBGS:
 1. Legal Persons Register;
 2. Customs Information System;
 3. Real Estate Register;
 4. Social Insurance database.

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Comments and recommendations of the Evaluation Committee:

Taking into account the plans to improve the performance and coverage provided by the technical surveillance system, the surveillance of Lithuania's sea borders is considered to be adequate, but the Committee notes that supervision and instruction by the Ministry responsible for border management and implementation of risk analysis as well as data flow management should be strengthened and streamlined. It is also important to guarantee that the personnel responsible for these tasks have an appropriate level of professionalism and training. To that end it is recommended that the Ministry of the Interior and the State Border Guard Service should assume a more active role in this field.

Sea border surveillance coverage and the ability to identify radar targets should be improved by implementing the plans to reconstruct the technical surveillance system and by a more effective use of Border Guard vessels within the technical surveillance system. The Committee is of the opinion that closer cooperation between the State Border Guard Service and the Navy on investment in new surveillance systems would probably lead to a more cost-effective result. Ways of integrating the surveillance system of the Border Guard with the naval surveillance system should be considered.

The Lithuanian Navy uses conscripts as operators in the Naval Sea and Coast Surveillance System Operation Centre. Although the centre is also manned by officers from the State Border Guard Service, the Committee notes that the use of conscripts with no knowledge of the Schengen acquis as operators in a centre where confidential surveillance and intelligence information is processed must be clearly limited to management of surveillance target data such as position, vector and the identification of a vessel. Any use of confidential data, conduct of risk analysis and any decisions on law enforcement measures must be conducted exclusively by professional border guard personnel. It must be ensured that the presence of conscripts does not endanger the confidentiality of the information.

The Lithuanian Navy still considers border control to be one of its independent operative tasks at sea. The Navy has also in the past acted independently in border guarding operations by stopping vessels transporting illegal immigrants. This procedure is not acceptable in the Schengen context. Stopping and searching vessels and checking identities, not to mention apprehending civilians, are tasks which are outside the remit of the armed forces in terms of Schengen border surveillance.

The Committee notes that the direct involvement of the State Border Guard Service in border surveillance at sea should be strengthened and the possibilities of centralising all surveillance of sea borders in the hands of the State Border Guard Service should be further investigated. The Committee further notes that the operational reaction concept must be clarified in order to ensure that stopping, searching and apprehending will always be carried out by a professional service.

RESTREINT UE

6. STAFF AND TRAINING

6.1. Adequacy and 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.

6.2. Selection criteria

Sea Border Surveillance Coordination Centre:

Personnel are specially selected for their tasks and have to have several years of practical experience in the field of border control and border surveillance before taking up a job at the Coordination Centre.

Malku Ilankos Border Guard Station, Vite Border Guard Station:

See paragraph 3.6.1.

6.3. Basic training

See paragraph 3.6.2

6.4. Further continuing education

Sea Border Surveillance Coordination Centre:

All officers are obliged to participate in one "Training Day" (7 hours) each month at local level. Amongst other relevant subjects the Schengen acquis and European legislation are on the curriculum.

Border Guard officers can gain experience of methods of working in other countries through study visits (usually for 1 week) in other States of the "Baltic Sea Region Cooperation Countries". Border Guard officers have the ability to communicate in several foreign languages (Russian: 95 % of staff, English: 80 % of staff, German: 2 officers).

Malku Ilankos Border Guard Station, Vite Border Guard Station:

Border guards received seven hours training each month in accordance with the annual study programme.

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In 2005 this included:

- ✓ "EU/Schengen acquis"; "Effect on Border Surveillance and Border Checks" (1 week);
- ✓ International maritime law;
- ✓ The improvement of operative checking activities in the field of pre-trial and criminal activities;
- ✓ Tactics for use of service dogs;
- ✓ Anti-corruption.

Border Guards receive seven 7 hours' training each month from the commanders of BGSs and BCPs under the training programme.

A special programme on "EU/Schengen Requirements" (2-3 days) is planned for 2006.

6.5. Linguistic skills and training

Sea Border Surveillance Coordination Centre:

Border Guard officers have the ability to communicate in several foreign languages (Russian: 95 % of staff, English: 80 % of staff, German: 2 officers).

Malku Ilankos Border Guard Station, Vite Border Guard Station:

Since 2002, in the framework of a joint project between the State Border Guard Service and the British Council, border guard officers have the opportunity to learn English. This project provides a four-level programme of English language learning in the English language learning centre of Medininkai. German language courses are arranged by the German Embassy in Vilnius.

The officers of Malku Ilankos BGS have the ability to communicate in Russian (about 80 % of the officers), English (about 50 % of officers) and in German (about 20 % of officers) at various levels.

The officers of Vite BGS have the ability to communicate in Russian (about 80 % of officers), English (about 50 % of officers) and in German (about 20 % of the officers) on different levels.

It is planned to step up language training.

6.6. Specialised document checking skills and training

A basic level course is provided for all border guards working at BCPs. It is provided by Visaginas Border School or in the framework of advanced training courses. A medium level (two-week training course) is obligatory for officers on duty in the second line.

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6.7. Availability and permanency of staff

Sea Border Surveillance Coordination Centre:

Twenty-five Border Guard officers are employed at the Coordination Centre. The Centre is operational 24 hours a day. The officers of the Centre work in 12-hour shifts, covered by a minimum of four officers in each shift. Two officers in each shift are allocated to the Joint Navy Coastal Surveillance Centre. The working time is 40 hours a week. Overtime is compensated either by leisure time or by financial reimbursement.

Malku Ilankos Border Guard Station:

The total number of staff at the Malku Ilankos Border Guard Station is 74 (*one chief of the station, one deputy chief of the station, one Border Guard officer for administrative tasks, one secretary, 70 Border Guard officers for border checks.*), This corresponds to a staff shortage of 9,8 %. The BGS is open 24 hours a day throughout the year. In accordance with the work schedule, border guard officers normally work in 12-hour shifts. The working time is 40 hours a week. Overtime is compensated either by leisure time or by financial reimbursement.

Vite Border Guard Station:

The total number of staff at the Vite Border Guard Station is 55 (*one chief of the station, one deputy chief of the station, one secretary and 52 Border Guard officers for border checks*) which corresponds to a 5,2 % staff shortage.

The border guards of the Vite Border Guard Station are responsible for the border crossing points of Pilies and Molo as well.

Vite Border Guard Station is open 24 hours a day throughout the year. In accordance with the work schedule, border guard officers normally work in 12-hour shifts. FOUR days of service (*TWO night shifts followed by two day shifts*) are followed by four days of leisure time.

The working time is 40 hours a week. Overtime is compensated either by leisure time or by financial reimbursement.

Comments and recommendations of the Evaluation Committee:

At all sites visited by the Committee the number and professionalism of staff were considered to be satisfactory. In general, the training is properly planned 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 needs to be improved, generally speaking.

RESTREINT UE

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

(See paragraph 3.7; Annex: table G,H, I)

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee notes that the Lithuanian practice regarding penalties for carriers is not in line with the relevant EU legislation (Council Directive 2001/51/EC of 28 June 2001).

8. GENERAL CONCLUSIONS AND RECOMMENDATIONS

The Committee is of the opinion that the border security strategy and organisational structure in Lithuania, with the exception of the sea border surveillance arrangements, are in line with the Schengen principles. The Lithuanian State Border Guard Service follows a good and permanent cooperation policy with most other Lithuanian authorities and border authorities of neighbouring countries.

It is commonly agreed that supervision of and instructions for border management should be centralised under the auspices of a ministry working in the field of justice and home affairs. The recognised best practise in this regard is that the competent public authority should be a specialised Police/Border Guard force, not a military one. Border checks and surveillance should be executed by professional officials of the same administration organising border management, if possible under a single national ministry. The current organisational structure in Lithuania is not in line with these principles and Lithuania is therefore invited to strengthen the role of the Ministry of the Interior and the State Border Guard Service in border management.

The Committee considers that the sites visited in general meet the Schengen standards with regard to the professionalism and number of personnel, the border control procedures, risk analysis and equipment. The infrastructure in the port of Klaipėda needs however to be improved and the mirror foils at the booths at Malku Ilankos BCP should be removed in order to enable eye-to-eye communication between Border Guard officers and passengers.

Notwithstanding the sometimes difficult logistics and working conditions, the first and second line controls are considered in general to be implemented in line with the Schengen requirements. The substantial reconstruction of the Klaipėda terminals will significantly improve the infrastructure, working conditions and the effectiveness of the control procedures. Reconstruction work is scheduled to be finished by 2007/2008. In connection with the construction of the new terminals, the current signposting should be improved and the possibility of setting up detention facilities in the port should be considered.

RESTREINT UE

It is obvious that Lithuania, 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 adequate.

The Lithuanian State Border Guard Service executes its tasks in a professional and adequate way. In general, the EU provisions and procedures are applied correctly. Staff knowledge of the main European languages is in general rather limited. The Lithuanians have already made great efforts to improve the linguistic skills of the staff and additional training courses are provided. Border control procedures are effectively performed and the number of staff available at the sea borders is sufficient.

The Evaluation Committee notes that the Lithuanian practice regarding penalties for carriers is not in line with the relevant EU legislation (Council Directive 2001/51/EC of 28 June 2001).

Surveillance of sea borders is mainly based on information provided by the Sea and Coastal Surveillance System of the Lithuanian Navy. The naval radar network consists of three radar stations with limited performance and coverage. The Lithuanian Navy intends to improve the performance of the Sea and Coast Surveillance System within the next 3 months by building an integrated system of radar devices, video cameras, thermal cameras and a new communication system.

The information provided by the naval surveillance system is complemented by information from three surveillance towers with video cameras and one radar station operated by the State Border Guard Service and by vessel and aircraft patrols as well as regular exchange of information. Also, the State Border Guard Service has far-reaching plans to improve its surveillance network by means of integrated radar devices, video cameras and thermal cameras. The Committee is of the opinion that closer cooperation between the Border Guard and the Navy on investment in new surveillance systems would probably lead to a more cost-effective result.

The Lithuanian Navy uses conscripts as operators in the Naval Sea and Coast Surveillance System Operation Centre. Although the centre is also manned by officers from the State Border Guard Service, the Committee notes that the use of conscripts with no knowledge of the Schengen acquis as operators in a centre where confidential surveillance and intelligence information is processed must be clearly limited to management of surveillance target data such as position, vector and the identification of a vessel. Any use of confidential data, conduct of risk analysis and any decisions on law enforcement measures must be conducted exclusively by professional border guard personnel. It must be ensured that the presence of conscripts does not endanger the confidentiality of the information.

The Lithuanian Navy still considers border control to be one of its independent operative tasks at sea. The Navy has also in the past acted independently in border guarding operations by stopping vessels transporting illegal immigrants. This procedure is not acceptable in the Schengen context. Stopping and searching vessels and checking identities, not to mention apprehending civilians, are tasks which are outside the remit of the armed forces in terms of Schengen border surveillance.

A recognised key element for the correct application of the integrated border security model is that, persons performing border guard/police duties should be specialised trained professionals. Persons with less experience can be used only for auxiliary duties assisting professionals temporarily. No exception is allowed in respect of duties that require any use of personal data, making searches in confidential registers or decisions interfering with an individual's physical integrity or freedom.

RESTREINT UE

The Committee notes that the direct involvement of the State Border Guard Service in border surveillance at sea should be strengthened and the possibilities of centralising all surveillance of sea borders in the hands of the State Border Guard Service should be further investigated. The Committee further notes, that the operational reaction concept must be clarified in order to ensure that stopping, searching and apprehending will always be carried out by a professional service.

Considering the low threat of illegal immigration, the high-tech equipment, the infrastructure and the current number and standard of staff, the Committee is of the opinion that the sites which were visited at the sea borders will meet the Schengen standards. The Committee is aware of the current low migratory risk but underlines the need to monitor the situation closely.

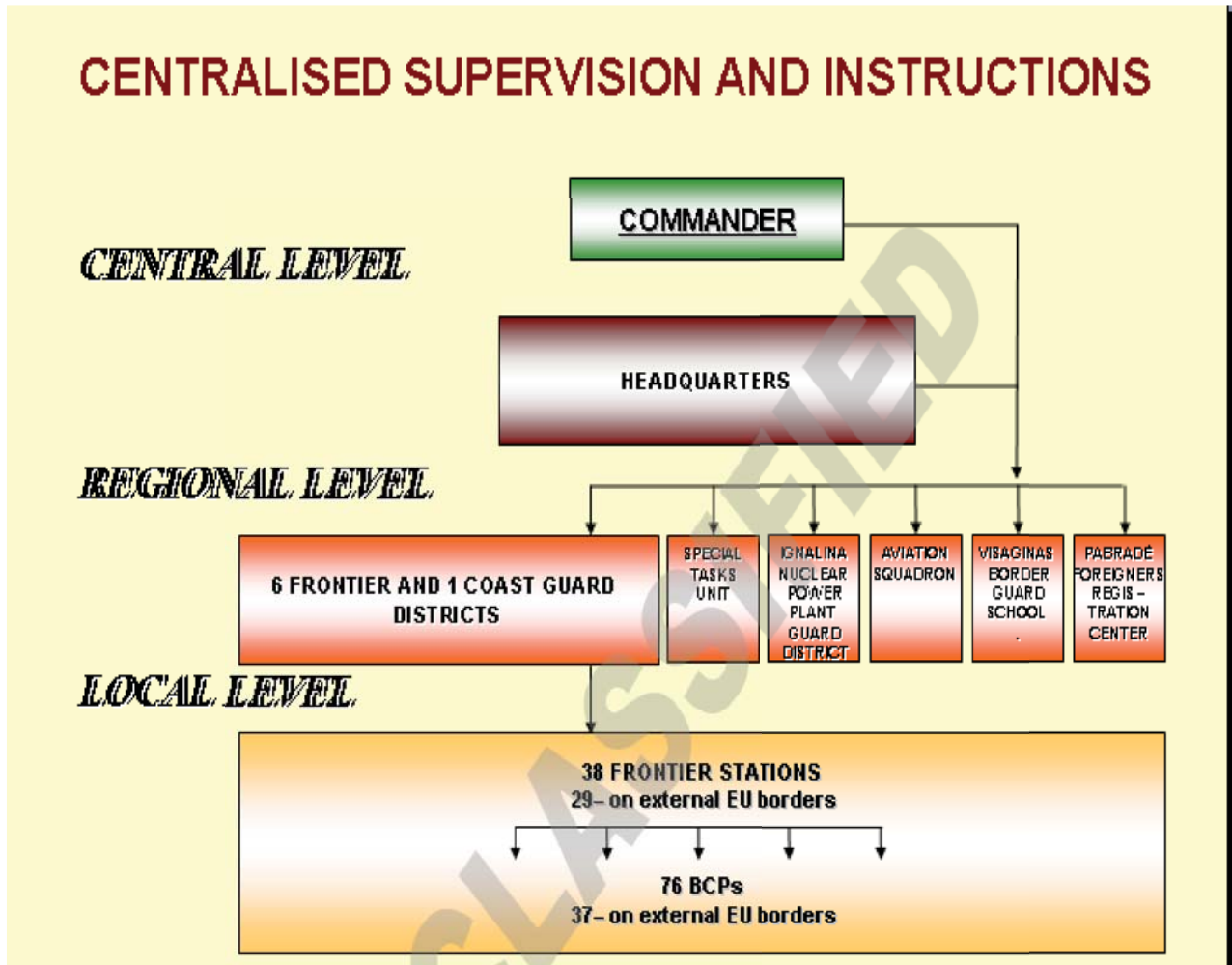
Recommendations:

1. The border control infrastructure at the terminals in the port of Klaipėda should be rebuilt according to the plans already outlined.
2. Second line border control facilities should be located close to any first line position.
3. The mirror foil attached to the windows of the booths at Malku Ilankos BCP should be removed in order to enable eye-to-eye communication between Border Guard officers and passengers.
4. The Committee invites Lithuania to implement the sanctioning of carriers fully in line with Council Directive 2001/51/EC of 28 June 2001.
5. The use of conscripts in border control tasks must be limited as defined in the Schengen Catalogue. Conscripts should therefore not be used in any function requiring use of confidential police registers, risk analysis or decisions on law enforcement or coercive measures. It must be guaranteed that the presence of conscripts will not jeopardize the security of confidential data.
6. The direct involvement of the State Border Guard Service in border surveillance at sea should be strengthened and the possibilities of centralising all surveillance of sea borders in the hands of the State Border Guard Service should be further investigated. The operational reaction concept must be clarified in order to ensure that stopping, searching and apprehending will always be the responsibility of a professional service and be conducted by professional law enforcement personnel.
7. The coverage of sea border surveillance and the ability to identify radar targets should be improved by implementing the plans to reconstruct the technical surveillance system and by a more effective use of Border Guard vessels within the technical surveillance system.
8. The linguistic training of staff should be improved.

Lithuania is invited to report to the Scheval Working Party on the developments achieved and measures taken with regard to the recommendations.

Comments by Lithuania: -

Table A (Structure of the Lithuanian Border Guard)



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Table B (human resources)

Number of border guard personnel along the borders:

Land borders (administration, surveillance and border checks):

- ✓ Border with Belarus – 1 500
- ✓ Border with Russia – 600

Sea borders (administration, surveillance and border checks) – 409

Air borders (administration and border checks) – 126

The remaining personnel work either at the SBGS Headquarters, the Foreigners Registration Centre, the Border Guards School, or Ignalina Nuclear Power Plant Security Brigade, or are deployed along the internal borders with Latvia and Poland.

Number of personnel at the major BCPs (only border checks):

Land borders:

- ✓ Border with Belarus:
 - Kena Rail BCP – 44
 - Medininkai Road BCP – 52
 - Šalčininkai Road BCP – 20
- ✓ Border with Russia:
 - Kybartai Rail BCP – 40
 - Kybartai Road BCP – 24
 - Panemunė Road BCP – 24

Sea borders:

- ✓ Malkū Ilankos BCP – 76
- ✓ Molo and Pilies BCP – 51

Air borders:

- ✓ Vilnius Airport – 84
- ✓ Kaunas Airport – 20
- ✓ Palangos Airport – 20
- ✓ Zoknių Airport – 2

Human resources of the Border Guard:

	<i>TOTAL VACANCIES</i>	<i>FORCE PRESENT</i>
<i>TOP LEVEL COMMANDER</i>	<i>1</i>	<i>1</i>
<i>HIGH-LEVEL CHIEFS</i>	<i>294</i>	<i>278</i>
<i>MIDDLE LEVEL SPECIALISTS</i>	<i>989</i>	<i>877</i>
<i>BORDER GUARDS</i>	<i>2867</i>	<i>2521</i>

RESTREINT UE

The Border Guard has vacancies of 12 %.

Human resources of the Coast Guard District:

	<i>FORCE PRESENT</i>	<i>TOTAL VACANCIES</i>
<i>HIGH AND MIDDLE RANKING OFFICERS</i>	<i>151</i>	<i>168</i>
<i>NON-COMMISSIONED OFFICERS</i>	<i>275</i>	<i>303</i>
<i>TOTAL OFFICERS</i>	<i>426</i>	<i>471</i>
<i>TOTAL CIVILIAN</i>	<i>52</i>	<i>58</i>

The Coast Guard District has vacancies of 9,6 %.

xxx

Table C (technical equipment)

Monitoring facilities	Border with Belarus	Border with Russia	Sea border
Stationary monitoring system	8	2	1
Camera surveillance systems in the BCPs	8	2	1
Kaliningrad transit monitoring system	1	1	-
Surveillance towers	19	8	4
Footprint tracking strip, km	360	-	-
Safety fence by the border (h-2m), km	65	1	-
Patrol lane, km	503	-	-

In addition to the above equipment, radiation monitoring devices (stationary/mobile) and video surveillance systems (controlled by the SBGS) are mounted in the BCP. The customs service is equipped with 4 mobile X-ray scanning systems for checking cargo buses/trailers. The large border crossing-points are equipped with private premises for detailed vehicle checks.

The EU Commission-funded programme "Strengthening of the anti-fraud traffic control systems at the EU external border in Lithuania" is financed by the Transition Facility. The Automated Licence Plate Recognition (ALPR) and Container Code Recognition (CCR) System is to be installed by December 2007. This system will be installed in the following 9 BCPs selected by the EU Commission:

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- ✓ Border with Belarus: Lavorišķiai, Medininkai, Ŗalčininkai, Raigardo Road BCPs;
- ✓ Border with Russia: Panemunė, RamoniŖķiai, Kybartai, Nidos Road BCPs;
- ✓ Sea border: Malkų Ŗlankos BCP. This system will be managed by the Customs Department under the Ministry of Finance; access to this system will also be available to other law enforcement institutions, including the SBGS.

The following equipment will be purchased and put into operation by the end of 2006:

- ✓ Two bi-motor helicopters (up to 3 tons of lifting capacity) with special FLIR surveillance equipment for rescue work.
- ✓ One bi-motor helicopter (over 3,5 tons of lifting capacity) with special FLIR surveillance equipment for sea rescue work.
- ✓ 143 night vision devices, 3 portable thermo-optical devices and 3 mobile surveillance systems (in the VW car base) are used for border surveillance.

The SBGS has the following ships for monitoring sea borders:

- ✓ "Lilian" Patrol vessel: length – 25 m, max. speed – 21 knots (Built in 1969)
- ✓ "Kihu" Patrol vessel: length – 26.8 m, max. speed – 25 knots (Built in 1986)
- ✓ "Christina" Patrol vessel (hovercraft): length – 12,5 m, max. speed – 40 knots (Built in 2000)
- ✓ "Madeleine" Patrol vessel: (length – 25 m, max. speed – 10 knots) is used in KurŖių Marios (Built in 1974);
- ✓ "Carl" Patrol vessel (Rubber Dinghy): length – 8,36 m, max. speed – 30 knots (Built in 1996)

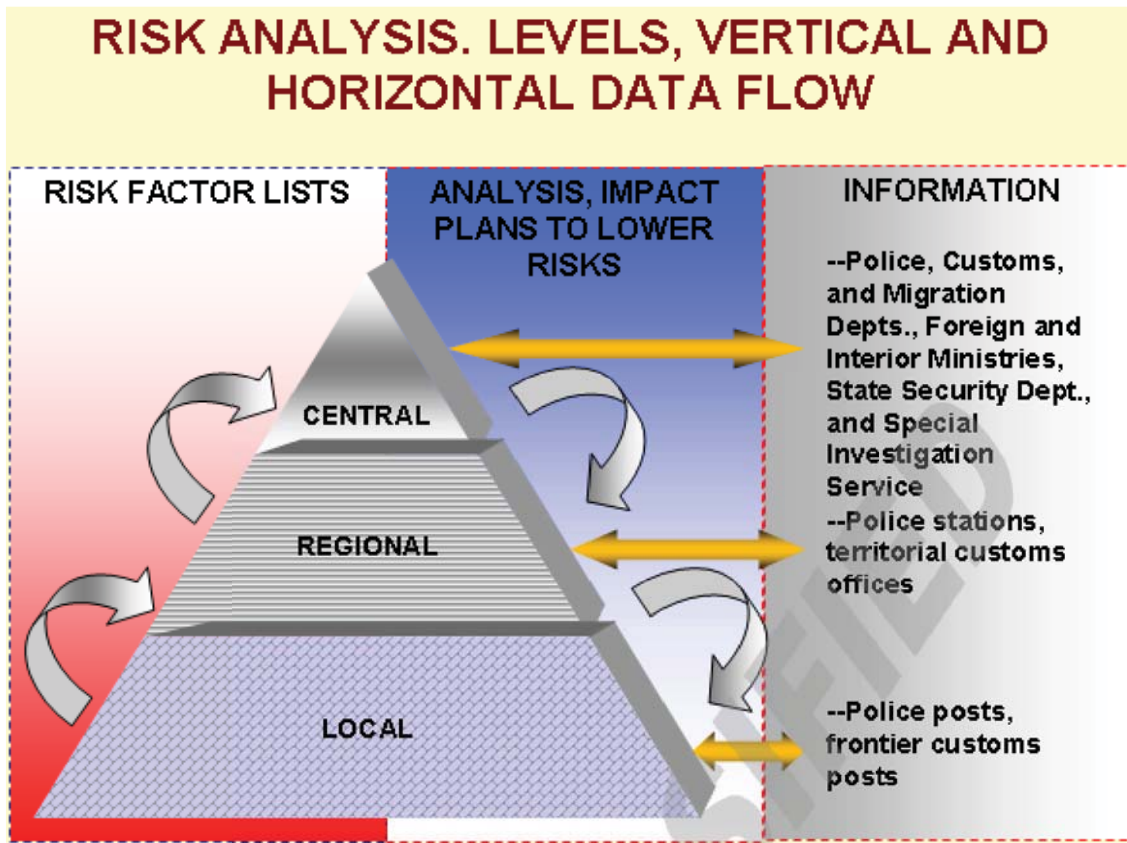
Technical devices at the disposal of the SBGS:

Means of transport	On external ES borders	Total
airplane C 172 RG	1	
helicopters	2 <i>(one with spec. equipment for rescue work)</i>	
ships	4	4
motorboats	16	17
cutters	7	7
aero-boats	2	2
mobile surveillance systems (on VW vehicle platform)	3	3
total of vehicles	377	478
snowmobiles	19	19
moto-tetra-cycles	47	47
amphibians	2	2
portable thermal imagers	52	52
night vision equipment	333	342

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Table D (Risk analysis; levels, vertical and horizontal data flow)



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Table E (Immigration control, administrative structures and coordination)

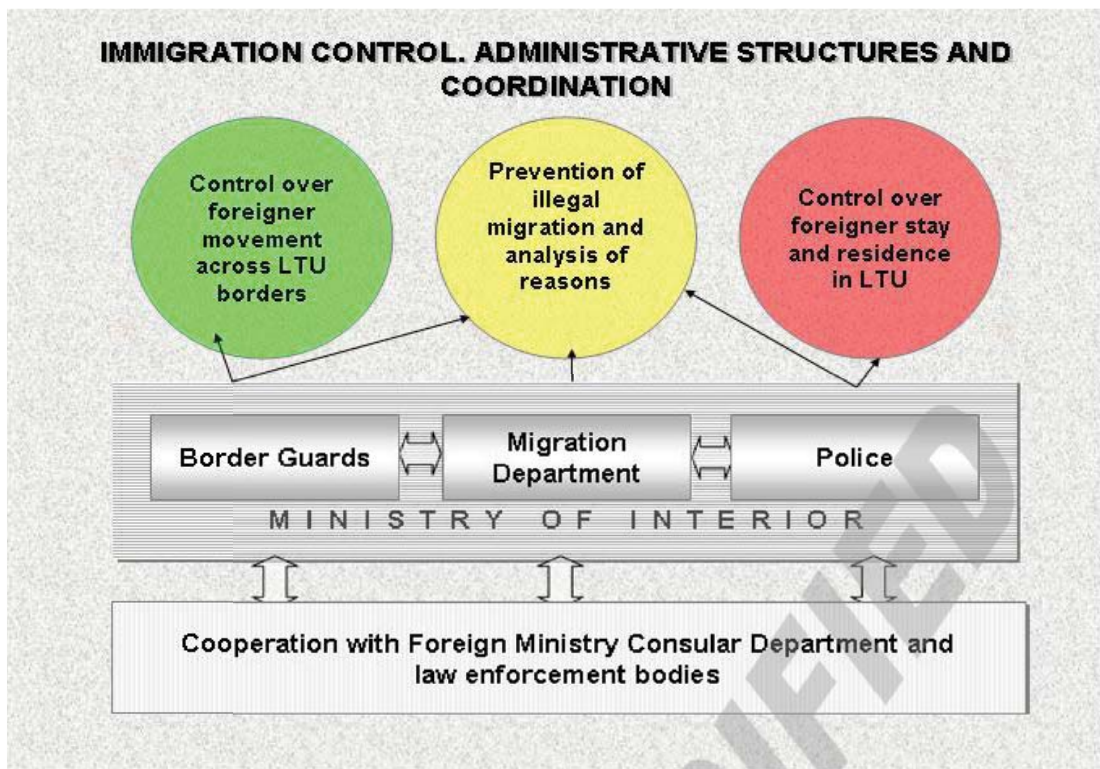
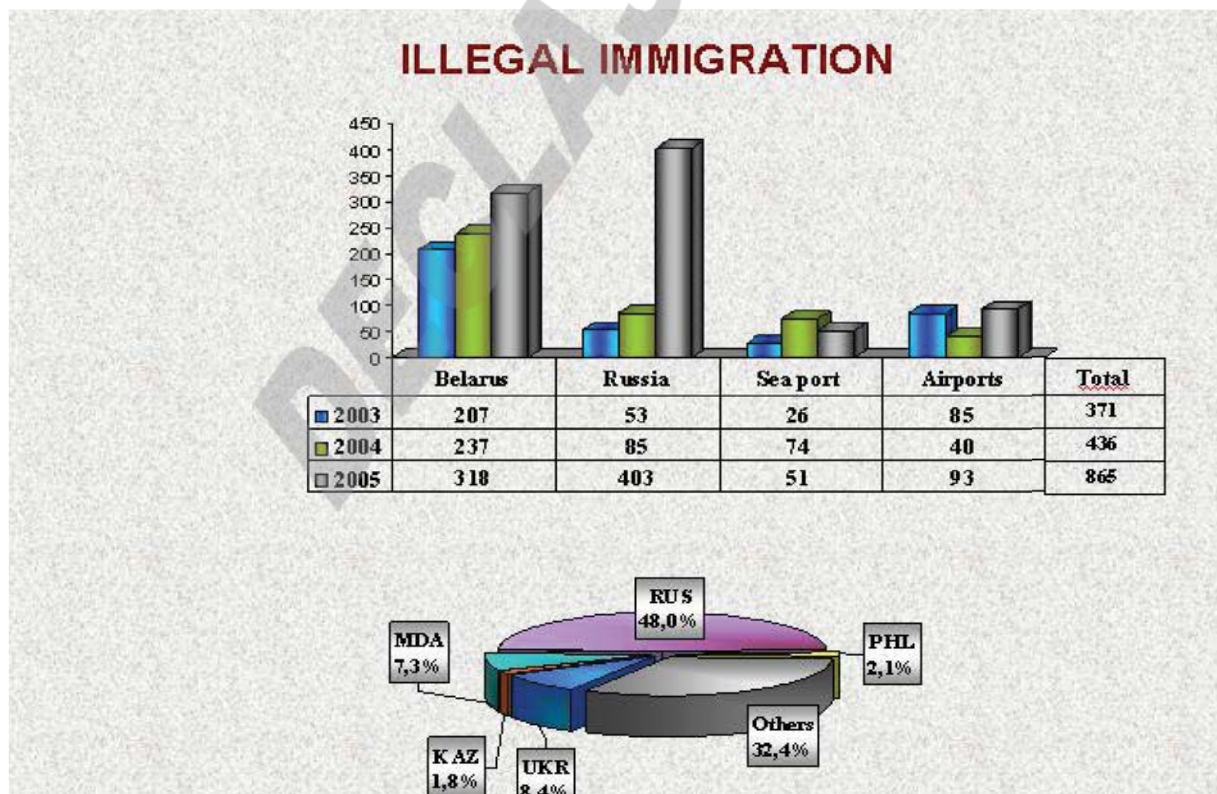
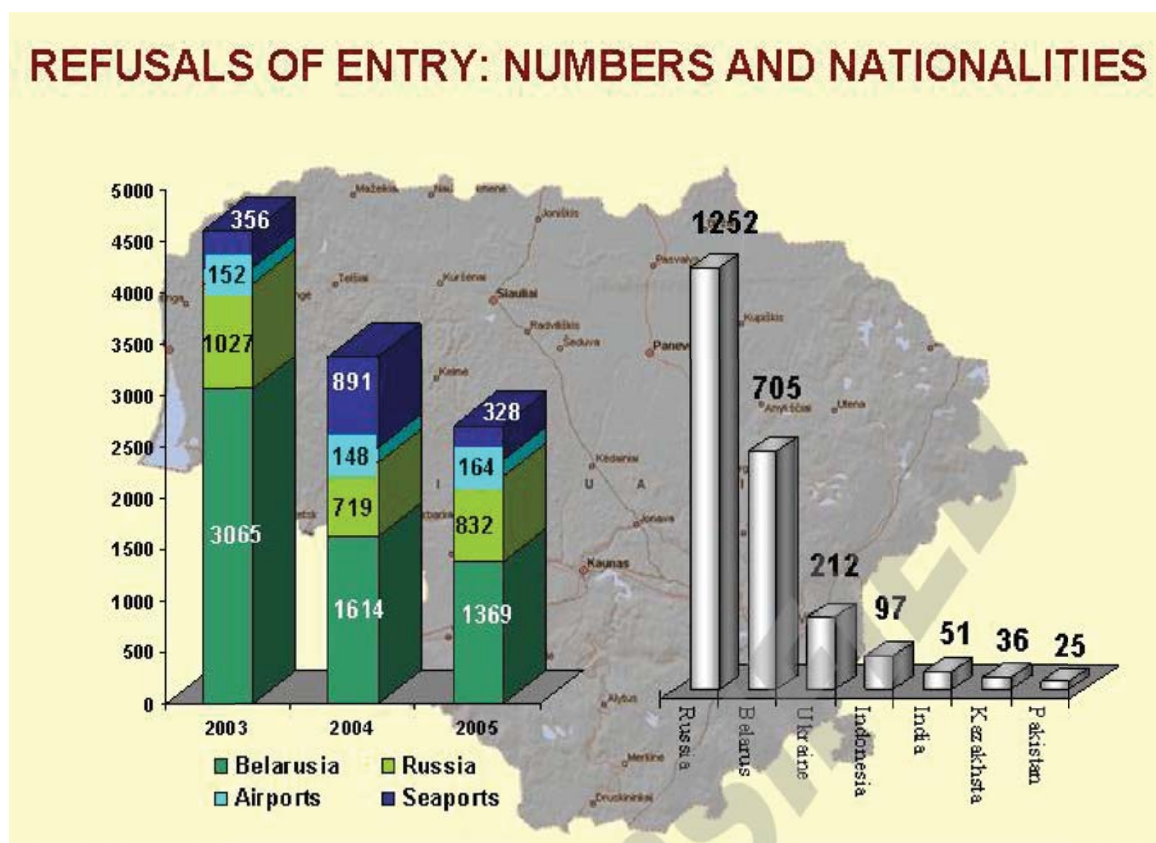


Table G (Illegal immigration 2003-2005)



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Table H (Refusals of entry)



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Table I (Readmission agreements)

Lithuania has signed bilateral readmission agreements with:	The agreement entered into force
Armenia	15-September-2003
Austria	09-December-1998
Belgium	09-June-1999
Croatia	28-May-1998
Estonia	30-June-95
Finland	18-March-1997
France	04-December-1998
Germany	16-December-1998
Greece	01-July-1999
Iceland	04-April-1997
Italy	20-May-1997
Latvia	30-June-95
Luxemburg	09-June-1999

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Moldova	06-December-2001
Poland	13-July-1998
Portugal	11-February-1999
Romania	19-February-2004
Russia	12-May-2003
Slovenia	06-May-1996
Spain	18-November-1998
Sweden	10-February-1997
Switzerland	26-September-1996
The Netherlands	09-June-1999
Ukraine	23-September-1996

Persons have not been sent back according to these agreements.

Table J (Specialised training for different managerial levels)

OLYMP Training Programme for Organisation Leaders (level of participants: Commander and Deputy Commanders of the Border Guard)

Participation: 1 official in 2002, 1 official in 2004, 1 official in 2005, 1 official in 2006.

Efficient Leadership (level of participants: Chiefs of Border Guard Districts)

Participation: 10 officials in 2004

Border Guard Leadership and Management (level of participants: Deputy Commanders of the Border Guards, Chiefs of Border Guard Districts, and Leaders and Deputy Leaders of Border Guard Stations)

Participation: 25 officials in 2002, 17 officials in 2003, 23 officials in 2004, 5 officials in 2005

Efficient Use of Resources (level of participants: Heads of Units of the Border Guard and Border Guard Districts)

Participation: 34 officials in 2002

Activity Planning and Decision-making; Psychology of Communication (level of participants: Leaders of Border Guard Stations)

Participation: 35 officials in 2005

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Public Relations; Protocol (level of participants: Deputy Commanders of the Border Guards, Chiefs and Deputy Chiefs of Border Guard Districts, and Leaders of Border Guard Stations)

Participation: 43 officials in 2005, 20 officials in 2006

EU/Schengen Requirements (level of participants: Commander and Deputy Commanders of the Border Guard, Chiefs and Deputy Chiefs of Border Guard Districts, Leaders and Deputy Leaders of Border Guard Stations, Chiefs of Shifts of Border Guard Stations)

Participation: 27 officials in 2003, 59 officials in 2004, 68 officials in 2005, 147 officials in 2006

Border Checks (bilateral cooperation between the Finnish Border Guard and Lithuanian Border Guard) (level of participants: Leaders of Border Guard Stations, Chiefs of Shifts of Airports BCPs)

Participation: 11 officials in 2002, of these, 8 visited Finland

Foreign Language Training (level of participants: Commander and Deputy Commanders of the Border Guard, Chiefs and Deputy Chiefs of Border Guard Districts, Leaders and Deputy Leaders of Border Guard Stations, Chiefs of Shifts of Border Guard Stations)

Participation: 27 officials in 2002, 56 officials in 2003, 43 officials in 2004, 35 officials in 2005, 27 officials in 2006

Prevention of Corruption (level of participants: Heads of Units of the Border Guard, staff of Internal Security Division, Deputy Leaders of Border Guard Stations, Leaders of Patrol Squads)

Participation: 24 officials in 2004, 15 officials in 2005, 2 officials in 2006.