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COUNCIL OF
THE EUROPEAN UNION

Brussels, 19 October 2006

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REPORT

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

This report was drafted by the Air Borders Evaluation Committee 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 Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), an expert team has visited the Republic of Estonia for a Schengen evaluation of the air borders of Estonia.

Participants:

Finland	Mr Olli LAMPINEN (leading expert)
Austria	Mr Andreas BIEBER
Netherlands	Ms Janneke BOK
Czech Republic	Mr Jiri CELIKOVSKY
Germany	Mr Detlef W. KARIOTH
Greece	Ms Archontoula TOURLOMOUSI
Sweden	Mr Fredrik WALLEN
Commission	Ms Gabriela CALDAS
Council Secretariat	Mr Aare EVISALU

The Evaluation Committee visited Tallinn International Airport and evaluated the border security-related activities there. Presentations were also held at the Estonian Border Guard Board and at Border Guard College.

The Committee would like to thank the Ministry of the Interior, the Estonian Border Guard Board, the Border Guard District North and the representatives of the airport for the excellent organisation of the visits, the well-prepared and structured materials, and the hospitality, open attitude and commitment offered by the coordinators and interpreters who accompanied the Committee.

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2. MANAGEMENT SUMMARY

The Committee is of the opinion that the Estonian border management strategy actively developed by the Estonian authorities is comprehensive and based on an integrated border security model and therefore represents best practice in the application of the Schengen acquis. National legislation largely corresponds to the Schengen acquis and, along with the particular national strategic plans and programmes, provides a solid basis for border management, development of which is still ongoing.

The Committee found the organisation and principles of the activities of the Border Guard of the Republic of Estonia in line with the Schengen principles. The existence of a direct command line between Border Guard units at central, regional and local levels assures a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of organisation.

The Committee highlights the exemplary system of intelligence and risk analysis that provides the basis for the Border Guard's intelligence-led management system. The Committee is of the opinion that the Estonian intelligence and risk analysis system is an efficient tool for the Border Guard's operational activities in combating illegal immigration and could be regarded as a best practice.

The professional and motivated personnel with a dutiful attitude towards the responsibilities and the threats to be tackled seem to be providing a good level of border control at the air borders that largely meets the Schengen requirements. However, knowledge of regulations concerning interviewing and decisions on detention of aliens, training to improve the level of English knowledge and some other issues should be further developed to guarantee the full implementation of the Schengen acquis and to provide a high level of border control at the Estonian air borders.

The necessary resources have been allocated for performing border control duties sufficiently at Tallinn Airport. However, the Committee is of the opinion that the nationwide departure of personnel from the Border Guard is worthy of note and may cause severe problems to the Estonian border security system in the future. The Committee stresses the importance of a sufficient quantity and quality of personnel and invites the Estonian authorities to take all appropriate measures in order to guarantee the operational effectiveness of the Border Guard also in future.

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The Committee highlights the need to improve information exchange between authorities having responsibilities concerning illegal immigration. Consensus on the division of tasks and responsibilities would contribute to the efficiency of immigration control. A comprehensive cooperation mechanism between authorities participating in immigration control should therefore be worked out, especially between the Border Guard and the Citizenship and Migration Board.

Current airport buildings and the infrastructure used for carrying out the border checks are not fully in line with the Schengen standards and do not provide for separation of passengers on Schengen and non-Schengen flights. Necessary reconstructions have been planned and must be implemented as a precondition for full accession to the Schengen area. The Committee is of the opinion that the competent authorities of the Republic of Estonia should further inform the Schengen Evaluation Working Party of progress in the development of the infrastructure. Adoption of the infrastructure for separation of passengers on Schengen and non-Schengen flights according to the Schengen *acquis* needs to be followed up in due course.

The Committee would like to highlight the great efforts made by the Ministry of the Interior and the Border Guard Board to provide proper specialised training for the border guard units and to supply them with the necessary amount of modern border control equipment and IT systems. The Committee stresses the need to continue development of resources and preparation for the implementation of SIS II, VIS, and the use of FADO at the border.

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

3. GENERAL INFORMATION

3.1. Strategy

3.1.1. Legislation

The main legislation with regard to border control is:

- State Borders Act of 30.06.1994 (RT I 1994, 54, 902).
- Border Guard Act of 30.06.1994 (RT I 1994, 54, 903).
- Aliens Act of 08.07.1993 (RT I 1993, 44, 637).
- Citizen of European Union Act of 17.05.2006 (RT I 2006, 26, 191)
- Government Regulation No 17 of 17.09.1997 on Border Regime. (RT I 1997, 69, 1126).

The principles of the Schengen Convention and subsequent Schengen regulations were found to have been adopted in the relevant national legislation and implemented in border management. The Committee was informed that the Border Guard Act would be updated before the end of 2006.

3.1.2. General strategy for border management

The general border management strategy in Estonia has been designed taking into account the principles of the integrated border security model and the national interests of protecting the internal security of the State, the geographical location of Estonia, the threats faced today and those anticipated over the next few years, as well as the available resources.

As regards the role of Estonia in the management of the European Union's external borders, it has 338,6 km of external land borders with Russia and 769 km of sea borders, of which 122 km are sea borders with Russia. There are 7 international airports in Estonia, however only three of them have been used for regular international passenger flights.

The general border management strategy is covered in the Estonian Border Guard Development Priorities Until 2007 (2008), which were approved by Government on 18 February 2003. The aim was that the Ministry of the Interior, as the supervisor of the Border Guard, in the light of the key elements and main directions of the comprehensive strategy should designate operational targets for the authority, and define its role, place and all the necessary steps.

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The strategic planning takes into consideration the full Schengen membership of Estonia. The legal background is taken into account as well, and international bilateral and multilateral cooperation is strengthened continuously.

The border management strategy follows the four-tier integrated border security model, described in the Schengen Catalogue. In the strategy border management is seen as a comprehensive system of integrated measures in third countries, at the external borders and inside the country, including future internal borders, against threats to the internal security of the Republic of Estonia and the other Schengen countries from third countries in the field of justice and home affairs. Integrated border management as a complex of measures enables integrated operation of several State agencies and Estonian and foreign authorities in a cooperative and coordinated way. Effective border management has been seen in Estonia for years as one of the main instruments to prevent illegal immigration and to combat trafficking of human beings, people smuggling and other types of cross-border crime.

The central role in integrated border management in Estonia belongs to the Estonian Border Guard which is an independent centralised and professional organisation under the Ministry of the Interior responsible for missions relating to law enforcement and rescue. According to the State Border Act and Border Guard Act the Border Guard has general responsibility for performing border surveillance at the land and sea borders along the full length of the borders and border checks of all persons crossing the borders. The risk analysis provides a basis for border control measures which are planned according to solid principles at a national, regional and local level. The Border Guard is also responsible for conducting intelligence and investigation of illegal immigration. The operational area of the Border Guard is not limited to the border area. In order to enhance the fight against illegal migration the Border Guard has developed a system of intelligence and investigation of illegal immigration throughout the State territory.

The Police is involved in border security management inside the State territory and in the framework of national and international cooperation.

The control of aliens is performed in cooperation with the Citizenship and Migration Board, the Border Guard, and the Police.

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Border checks and border surveillance at the external border are carried out in cooperation with the respective law enforcement authorities of the neighbouring countries irrespective of whether the neighbouring country is an EU Member State or a third country. Cooperation with the partner services in neighbouring countries is organised at the central, regional and local level. Cooperation is governed by bilateral or multilateral international agreements.

Border management is ensured by supplementing the strategy with staff, technology and equipment. The resources have been allocated according to permanent risk analysis.

3.2. Analysis of environment and threats

The number of persons crossing the Estonian borders is increasing continuously. There were 17 298 207 border crossings by persons in 2005, i.e. 6% more than in 2004.

The Committee found the number of illegal immigrants that managed to enter illegally to Estonia, presented by representatives of Estonian Border Guard small, compared to respective figures on Central and Southern Europe countries. There were only 60 cases of illegal immigration discovered and 90 illegal migrants from third countries apprehended or discovered in 2005 at the territory of the Estonian Republic who had entered Estonia illegally or tried to leave or had left Estonia illegally. The Committee was presented information that there were only 22 persons who had transited via Estonia to other Member States of EU identified by authorities of Estonia and the other Member States of the EU in 2005.

However compared to 2004 twice as many cases occurred in 2005 and 32 more illegal immigrants were detected. The main source countries of illegal immigration were the Russian Federation and the Republic of Moldova in 2005.

The following trends were identified in 2005:

- There were more attempts to enter Estonia illegally for illegal residence and unofficial employment in Estonia by illegal migrants from countries of the former Soviet Union.
- Compared to 2004 the number of illegal migrants who tried to enter Estonia illegally over the land border in the South-East of Estonia has doubled.
- Several persons from African countries made attempts to cross illegally the land border between border crossing points.

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- Illegal migrants from Ukraine tried to enter Estonia by coach using falsified Lithuanian passports.
- Illegal migrants refused entry tried to enter via another border crossing point or via a neighbouring country (Latvia).
- Illegal migrants using falsified travel documents tried to present themselves as victims of trafficking.
- The air borders of Estonia were mainly used by illegal immigrants trying to leave Estonia in possession of falsified travel documents acquired in Estonia.

The main nationalities of illegal immigrants detained or detected in Estonia in 2005 were Moldovan (28 persons), Russian (17 persons), and Ukrainian (7 persons). There were 11 persons whose nationality remained uncertain.

The number of cases of discovery of falsified documents at the border in 2005 was lower than in 2003, but compared to 2004 the number increased by about 25%. However the absolute number of counterfeit documents discovered is small. There were 46 cases in which the use of counterfeit documents was detected, including 9 cases at Tallinn Airport.

3.2.1. International cooperation (regional, bilateral and readmission agreements)

The Border Guard participates in several forms of regional international cooperation. The widest regional cooperation organisation is the Baltic Sea Region Border Control Cooperation (BSRBCC) in which all 9 Baltic Sea States, Norway and Iceland are involved. The Border Guard also participates in several activities of the Operative Committee of the Task Force on combating organised crime in the Baltic Sea area.

A tripartite cooperation protocol was signed between the Estonian Border Guard, Finnish Border Guard and Federal Border Guard Service in 1994 and regular tripartite cooperation has taken place since that time. The cooperation consists of information exchange, common operations, exchange of experience and common training.

Within the scope of bilateral cooperation, since 1993 intergovernmental agreements have been signed with neighbouring countries - the Russian Federation and the Republic of Latvia - on activities of authorised border representatives.

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There are agreements between the Governments of Estonia, Latvia and Lithuania on the organisation of common border control, cooperation in border-guarding issues and the carrying out of operational measures and the procedure for exchanging operational information.

The Border Guard has signed cooperation protocols or agreements with the Border Guard Service of the Russian Federation, the Border Guard of the Republic of Finland, the Coast Guard of the Kingdom of Sweden, the Border Guard of the Republic of Hungary, the Border Guard of the Republic of Poland, the Border Guard of Ukraine and the Federal Border Guard Service of Germany. There is an intensive exchange of information between the Centre of Evaluation of Travel Documents of the Estonian Border Guard and corresponding units of the Finnish Border Guard, the Federal Border Guard Service of Germany, the Belgian Police, the Police of Switzerland, the Immigration and Naturalization Service of the United States and with some other authorities.

A system of Estonian, Finnish, Latvian and Lithuanian Border Guard, Customs and Police cooperation has been set up and developed.

Cooperation with neighbouring countries is permanent and functions actively at national, regional and local levels. A regular information exchange is arranged and joint operations have been carried out.

Readmission agreements are concluded:

- With 13 EU and Schengen countries;
- With 2 EU candidate countries (Bulgaria and Romania);
- With 2 third countries (Croatia and Swiss Confederation).

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

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

In respect of EU external border management, the Estonian Border Guard actively participates in cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX).

The Director General of the Border Guard Board is a member of the Management Board of the Agency. The State Border Guard has seconded an officer to the Risk Analysis Unit of FRONTEX.

A permanent contact point has been set up for cooperation with FRONTEX in the Border Guard Board. The duty officer of the Tallinn Airport BCP is permanently appointed as a National Contact Point on air borders.

There is permanent cooperation with FRONTEX in the field of risk analysis and joint operations at the EU external borders. The Estonian Border Guard participates in several development and training programmes in the framework of FRONTEX.

3.3. Organisational (functional) structure

3.3.1. Centralised supervision and instructions

The Border Guard has a centralised three-level structure with a clear command line connecting the Border Guard units at central, regional and local levels.

The Border Guard is led by the Director General. The Border Guard Board is the central unit of the Border Guard for border management at national level.

There are 5 Border Guard Districts as regional units of the Border Guard. The Border Guard Districts are the main units of the Border Guard responsible for carrying out all border management activities in the border sector belonging to the district. The Border Guard Patrol Boats Division, Border Guard Aviation Group and Muraste Border Guard School are directly subordinate to the Director General as independent units at the central level. As from 1 September 2006 the Muraste Border Guard School will be integrated into the Public Security Academy.

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The Estonian border management system is based on the territorial liability principle. The Border Guard Districts execute management of all the tasks of the Border Guard on the territory for which they are liable and ensure the operation of its structural units and border crossing points. There are 23 Border Control Points and 38 Border Guard Stations subordinate to the Border Guard Districts at the local level. 40 Border Control Points have been manned by Border Guard Stations.

The Border Guard Districts organise cooperation with the structural units of the Police, the Tax and Customs Board, the Security Police, the Citizenship and Migration Board, the Customs, and the Defence forces, and with the relevant authorities of neighbouring countries.

The Border Crossing Points are responsible for border checks, while Border Guard Stations are responsible for border surveillance between border crossing points.

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

The responsibilities between the authorities participating in border management have been divided according to Estonian legislation, regulations of the Government or bilateral cooperation agreements between the Border Guard and the Police, the Border Guard and the Security Police and the Border Guard and the Tax and Customs Board. Taking these agreements into consideration, the regional and local bodies prepare agreements and plans for execution which include all the practical details.

The main goals of cooperation are seen as:

- coordinating the activities of the parties,
- increasing the efficiency of their activities,
- decreasing expenses, and
- avoiding any duplication of activities performed.

The main tasks of the cooperation in border management are to:

- prevent and combat cross-border crime,
- monitor the legality of entering and leaving the country,
- monitor the legality of import and export of goods.

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The main fields of cooperation are as follows:

- common actions during the border and customs checks,
- maintaining security and order at Border Crossing Points,
- joint planning of the infrastructure of the border checkpoints,
- common use of information systems and databases,
- cooperation during investigation of criminal cases,
- joint operations,
- participation of the Police and the Customs in search and rescue activities at sea,
- assistance with transport arrangements,
- joint procurement and use of technical equipment,
- common education,
- common use of the control facilities and sharing the expenses.

There is an Executive Group of the leaders of three organisations at national level which decides on strategy and guidelines for cooperation.

Close cooperation is organised with Estonian consulates and embassies in third countries at central and also regional level of the Border Guard structure. The Border Guard provides expertise on checks of travel documents and organises regular training in travel documents and methods of falsification of documents. The Border Guard participates in the visa consultation process.

There is some cooperation also with the Citizenship and Migration Board (CMB) which is performed more actively at the local level than at central level. There is no agreement on cooperation with the CMB as there are with the Police, the Tax and Customs Board and the Security Police.

During execution of the border checks at the main international Border Crossing Points there is cooperation with representatives of the Health Protection Inspectorate, the Border Service of the Veterinary and Food Board and the Plant Production Inspectorate.

3.4. Operational effectiveness

3.4.1. Resources

Human resources:

In total, the staff of the Border Guard consists of 2917 people, but actually on 1 July 2006 there were 2347 employees working in the Border Guard: 1899 of them were professional border guards and 448 civil servants.

Technical resources:

As a result of the technical development of the Border Guard, different surveillance equipment and technical means for the border checks, vehicles, vessels and boats, three patrol planes and two helicopters are deployed by the units operating at the borders. The border crossing points, including the border crossing points at the international airports, are equipped with technical devices for carrying out border checks at the first and second line.

The major land, port and airport border-crossing places are equipped with a stationary radiation control system. If necessary, the radiation control system is supplemented with portable radiation perception measuring units.

0,9% of the State budget was allocated to border control in Estonia in 2005.

3.4.2. Level of controls at external border

All persons crossing the border were checked on entry and exit. Border sections between border crossing points were under surveillance by mobile patrols and technical surveillance equipment. Intelligence activities are carried out at the border, at the border area and inside the country to prevent illegal border crossings and to identify and detain those persons who crossed the border illegally.

3.4.3. *Situational awareness and reaction capability at different parts of the border*

The number of illegal migrants in the first half of 2006 is already at the same level as for the whole of 2005. The Estonian authorities are clearly aware of this increase and of the possibility of a further increase after full implementation of the Schengen acquis. They anticipate this development by considering increasing staff at the external border, the technical surveillance equipment and the level of cooperation.

There is only one mobile unit in the structure of the Estonian Border Guard which belongs to the North-East Border Guard District. The unit is not yet fully operational.

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

Since 2003 the number of Border Guard officials has decreased by 265 persons or 12%. The number of Border Guard officials' posts according to the structure as from 01.01.2006 was 2917, occupation was 65%. Labour turnover was 10,4% in 2005. According to the explanation given to the experts, the high outflow of personnel and difficulties in recruiting new staff result from the change of status of Border Guards from members of the Defence Forces to civil servants with a possible change of social guarantees, cancelling and restructuring of the Border Guard organisation with the aim of optimisation, loss of competitiveness of the salary in the labour market and absence of awareness of the future of the organisation due to the lack of a new Border Service Act.

Evaluation of the personnel is continuous, since a Committee competent for this task periodically grades their effectiveness and level of professionalism.

3.5. **Risk analysis, intelligence and data-flow management**

3.5.1. *Organisation*

CIRAM (Common Integrated Risk Analysis Model) is the Estonian risk analysis methodology. The risk analysis at central level is performed by the Analysis Section of the Intelligence Department and by the Border Security Department of the Border Guard Board. At the operational level intelligence-led risk analysis is performed by the intelligence sections of the staff of the Border Guard Districts.

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The Border Crossing Points and the Border Guard Stations perform risk analysis for planning operational activities and for carrying out border surveillance and border checks.

There is regular exchange of information and even common risk analysis carried out with border guard services of Finland and Russian Federation. Data protection regulations based on bilateral cooperation protocols according to national law secure the misuse of information.

Management is aware of the important role of strategic analysis, with a clear strategy focusing on future developments.

3.5.2. Methods

Information gathering is done using different sources, including results of the border control, surveillance activities, pre-trial proceedings, information from partner services, different databases, visa consulting system and diverse open sources. There is access to the information of the Baltic Sea Region Border Control Cooperation, the CIREFI Early Warning System and Europol.

Analysts produce a broader range of intelligence items:

- ad hoc reports,
- weekly reports about the situation in areas at and near the border,
- monthly reports about the situation in areas at and near the border, outlined risks and threats,
- annual report about activities in the area of responsibility,
- reports on illegal migration, human smuggling and trafficking (CIREFI, FRONTEX, EUROPOL, ICMPD etc.),
- Risk analysis and threat assessment in the orders on border control from the Director General of the Border Guard Board, orders on border control from the heads of the Border Guard Districts and border control plans of the local units.

Risk analysis provides a basis for taking strategic decisions and for the planning of border control at the strategic, operational and tactical level.

3.5.3. *Responsibilities*

Risk analysis is performed by special trained analysts and intelligence officers and experienced officers of the Border Security Department of the Border Guard Board and the relevant officers of the Border Guard Districts. At BG headquarters, the intelligence department has 7 special analysts in service, the regional level has about 4, particularly at major border crossing points (e.g. Tallinn harbour and airport), and up to 2 analysts are in service at local level.

There were 341 border guards trained to carry out profiling during 2005-2006.

3.5.4. *Horizontal and vertical data flows*

A broad exchange of information provides for a large-scale information transfer (e.g. information from local cooperation partners, open sources, all BG levels, and analysis products of neighbouring security agencies). The vertical data flow runs from the individual border guard up to the Border Guard Board and vice versa. The horizontal data flow is organised at all levels between cooperation partners inside the country and widely in the framework of international cooperation.

3.6. **Investigation and alien policing**

3.6.1. *Legal background*

The arrival, stay, residence, and employment of foreigners in Estonia and the basis for the legal responsibilities of foreigners are regulated by the Aliens Act. Measures for combating illegal immigration can also be found in the Border Guard Act, the Police Act, and the Obligation to Leave and Prohibition on Entry Act. The regulations, directives and other instructions regulating this sphere are issued by the Ministry of the Interior.

3.6.2. *Organisation*

Alien policing is carried out by the Police, the Border Guard and the Citizenship and Migration Board (CMB). The provisions of the Aliens Act are enforced by the CMB, the Border Guard Board, Border Guard Districts and police prefectures. The aforementioned bodies are specified in the Aliens Act as those conducting extra-judicial proceedings in respect of misdemeanours.

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Investigation of the crimes connected with illegal border crossings is organised by the Intelligence department of the Border Guard Board and by the Intelligence Sections of the Border Guard Districts. The Border Guard is responsible for carrying out criminal investigation in cases of the illegal crossing of the State border (in 2004 investigations were carried out in 17 cases and in 2005 in 20 cases) and in cases of the illegal conveyance of persons across the State border (in 2004 investigations were carried out in 3 cases and in 2005 in 2 cases).

For reasons of expediency the Prosecutor's Office may alter the investigative jurisdiction in a particular criminal matter. In this way the use of counterfeit documents, seals or blank document forms with the aim of facilitating illegal immigration was investigated by Border Guard investigators in 2004 in 17 cases and in 2005 in 37 cases.

3.6.3. Methods

Based on the Aliens Act, the Police, Border Guard and CMB have the right to check the legal basis for arrival, stay and employment of foreigners in Estonia. Upon a specific request, foreigners are obliged to present their identity document and documents proving the legal basis for their stay or employment in Estonia. The Border Guard, the Police and CMB all have the right to apprehend individuals staying illegally in Estonia. The tasks in this field are carried out in cooperation and, if necessary, the respective agencies provide reciprocal help to each other. All three agencies have the ability to make administrative decisions. If the handling of a case requires wider competence than the Border Guard or CMB have, the case is transferred to the Police. They all have the competence to organise expulsions from Estonia. However this competence is not the same for all three authorities.

The Border Guard is responsible for checks at the border, for border surveillance, for criminal intelligence of illegal immigration and for handling criminal cases connected with illegal crossing of the State border. Within the Border Guard each district has its own responsibility for planning alien policing operations. General orders for this purpose are given at the central level. Each Border Guard District plans its own activities under the Order of the District Commander on border control for every 3 months. If the level of personnel is expected to be too low, an application can be made to neighbouring districts for extra staff.

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Alien policing by the Police is mainly effected in the context of regular police work and by investigating some criminal cases (for example the use of counterfeit documents or where illegal immigrants have committed other crimes).

The central office of the CMB makes use of the registration of entry and exit for the surveillance of aliens. The registration system reports a “hit” if a foreigner has been overstaying. In the case of such a hit the central office will inform one of the regional offices of the CMB, which will then take appropriate action to investigate this case. Depending on the character of the case, the central office of the CMB may also decide to inform the BG or the Police for action to be taken. The Committee was informed that no information was transmitted to the Police and Border Guard by the CMB in 2005 and 2006.

All three agencies involved have the competency to detect and apprehend persons residing illegally in Estonia. It seems that the responsibility is mostly decided on the basis of who initiates the case. There have been no conflicts about competency or responsibility, but if there would be, these would have to be solved by the heads of the agencies. Conducting of criminal investigation is the responsibility of Border Guard on the cases of illegal crossing of the state border and human smuggling.

The asylum procedures are carried out by the CMB and Border Guard. The Border Guard is responsible for performing an accelerated asylum procedure at the border, which should be completed within 48 hours.

The experts were of the opinion that the lack of explicit agreements on responsibility for cases involving illegal migration might cause confusion about competence. This might especially be the case as all agencies concerned have different backgrounds against which they exercise their competence in fighting illegal migration.

3.7. Staff and training

3.7.1. Adequacy and the level of professionalism

According to the Border Guard Act, a Border Guard is an official of the Ministry of the Interior who ensures the fulfilment of the tasks of guarding the border and who is granted a special service rank. A border guard is a specialised State civil servant. Border Guard personnel comprise Border Guard officers, non-commissioned officers, other ranks, cadets, trainees and employees. There are 5 levels of Border Guard officials.

3.7.2. Responsibilities of the Border Guards

The main tasks of the Border Guards carrying out border control and combating illegal immigration are:

- performing border surveillance at land and sea borders and carrying out border checks;
- control of the border regime;
- checking the legality of aliens' stay within the territory;
- carrying out intelligence on illegal immigration;
- carrying out risk analysis;
- performing misdemeanour procedures and criminal investigations.

3.7.3. Selection criteria

A person may be recruited as a Border Guard if he/she is an Estonia citizen without any criminal record, is at least 18 years old, has higher secondary education (12 years), has done conscription service or military training and is in good physical shape. Candidates have to pass a psychological and a physical test, an Estonian-language and English language test.

The experts were told that the military training requirement would be abolished after adoption of the new BG Service Act.

3.7.4. Basic training

In 2002 the professional standard for the profession of border guard officials was approved and in 2003 the Justice and Internal Security Council was given a licence to award qualifications to border guard officers.

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

Since 2004, the curriculum of the Border Guard School has been supplemented by the introduction of EU and Schengen general legislation and the introduction of legislation directly regulating border control at external borders. Both the Convention Implementing the Schengen Agreement and its practical application in the form of the Common Manual are introduced in detail. The curriculum of the Border Guard School corresponds to the Common Core Curriculum for border guard training.

The work assignments of the II level border guard official include border surveillance and border checks of persons and vehicles crossing the border as well as other established tasks for border guards. A border guard official who has obtained this qualification participates directly as an ordinary border guard or junior non-commissioned officer member of a local Border Guard unit fulfilling tasks laid down by laws or other legal acts. He/she performs duties independently under differing circumstances, having obtained proficiency and experience in addition to skills and knowledge.

3.7.5. Further continuing education

To become a non-commissioned officer in the Border Guard, one must first complete the “Border Guard Official” vocational secondary education curriculum and a precondition for the candidate is at least 3 years of service. Non-commissioned Border Guard officers are trained under the qualification course curriculum. The courses are organised by the Muraste Border Guard School. Currently, the non-commissioned officers’ curriculum lasts for 30 study weeks. After taking the professional examination, the border guard official who has completed the curriculum is assigned a III vocational qualification as a border guard official.

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Different additional training courses have been organised by the Border Guard Board, Muraste Border Guard School or Border Guard Districts. 611 border guards passed the training in the Schengen *acquis* on border control, 341 border guards training in profiling and interviewing, 215 border guards training in dactyloscopy, 69 border guards advanced training in the control of means of transport, and 69 border guards training in misdemeanour procedures in 2005-2006.

3.7.6. Language training

The basic training includes language training in English and a second foreign language at 2 different levels. An additional language course is also organised (2 months' intensive course). During 2005-2006 135 border guards passed this intensive English course.

3.7.7. Specialised document-checking training

The basic training includes a document examination course, which lasts for 3.5 weeks. There is a special training programme on this subject only for second-line officers. This programme takes place in the Border Guard Headquarters, in the Travel Documents Evaluation Centre, and lasts for 2 weeks. When the trained personnel return to their posts, they continue training other officers. 83 border guards took additional specialised document-checking training in 2005-2006.

3.7.8. Specialised training for different managerial levels

To date, border guard officers have received training at the Military Academy of the Estonian National Defence College, based on the applied higher education curriculum for military leadership, which lasts for 3.5 years. Within this curriculum, a special border guard course (40 credit points) takes place. In 2006, the final class of border guard officers will graduate based on this curriculum.

Since 2005, border guard officers have been trained at the Border Guard College of the Public Service Academy. Study is conducted on the basis of the "Border Guard Service" applied higher education curriculum. The study period is 3 years (120 credit points). When the curriculum is completed, an applied higher education for a border guard official is acquired and after taking the professional examination, the border guard official who has completed the curriculum is assigned a IV vocational qualification as a border guard official.

RESTREINT UE

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

The Border Guard Board has organised special management courses for border guard officials of levels IV and V of 240 hours in duration. 26 officers took these training courses during 2005-2006.

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

3.8.1. Administrative structures and coordination

There are several organisations participating in readmission and expulsion of illegal migrants. Their role is defined by legislation. They all have competence to organise expulsion from Estonia; however this competence is not the same for all authorities¹.

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

According to § 91 of the State Borders Act, individuals, transportation vehicles and cargo which arrive at an Estonian border crossing point from foreign countries and do not have permission to cross the border, as well as individuals who have illegally crossed the State border according to the procedures specified by law and international agreements, are to be sent to the country from which or through which they arrived or were conveyed to Estonia.

A decision under the Estonian Aliens Act requiring an illegally resident person to leave the territory of Estonia, or a decision on removal, is issued by the Citizenship and Migration Board.

The main official responsibility for both voluntary and forced removal also lies with the CMB. The methods for forced removal however depend on the circumstances and both the Estonian Border Guard and State Police can assist in the practical removal. For example, the Border Guard conducts forced removals by air.

¹ See also point 3.5.3.

RESTRICTION OF THE EXERCISE OF THE STATE AUTHORITY

In principle the journey out of Estonia for the individuals concerned must be organised and paid for by the carrier that transported or whose representative transported the individual. If the readmission or removal is carried out by State authorities, the carrier has to reimburse the costs of maintaining and removing the alien. If there was no carrier or the carrier is not identified, the costs are borne by the State.

The CMB operates the Estonian detention centre for persons due for removal. The detention centre can house a maximum of 40 people. In addition to the CMB, the Border Guard and Police may also apply to the Estonian Administrative Court for aliens to be held in the detention centre. Each detention must be renewed by the Administrative Court every two months. Estonia has no formal time limit for how long a person can be detained.

The CMB also keeps records on the individuals who are staying or who have stayed in Estonia without any legal basis.

3.8.3. Means deployed to combat illegal immigration networks

The Border Guard is responsible for combating illegal immigration networks together with the Criminal Police. In combating illegal immigration networks, the Intelligence Units of the Border Guard carry out the following measures:

- pre-trial investigation of cases relating to illegal immigration and smuggling of persons across the State border,
- surveillance activities,
- collection, analysis and preservation of information about the situation on the border,
- checking the legality of the aliens staying in the country,
- processing misdemeanours,
- carrying out information exchange on illegal immigration networks with cooperation partners in Estonia and in other countries.

There is an Intelligence Department in the Border Guard Board as a leading unit carrying out and coordinating the combat against illegal immigration networks. Intelligence Sections have been deployed in the structure of Border Guard Districts and intelligence officers in the structure of the biggest Border Crossing Points.

RESTRICTION OF THE BORDER GUARD INVESTIGATION ACTIVITIES

There is close cooperation with Criminal Police and some cooperation with Security Police. The Border Guard intelligence units have to use the assistance of the Criminal Police in carrying out some criminal surveillance measures, especially the technical measures, as their own rights are limited.

3.8.4. *Implementation of carriers' liability*

According to § 16⁷ of the Aliens Act a carrier can be fined up to EEK 50.000 (EUR 3195) if it has transported a person without valid documents or visa to Estonia. The carrier may also be responsible for the costs of transporting the person out of Estonia and the Aliens Act also provides for the possibility of making the carrier pay for the costs of detention etc.

The Committee found that in practice fines have not been imposed on carriers. It was explained to the experts that this had not been necessary. The Committee invites Estonian authorities to comply with Council Directive 2001/51/EC and the Aliens Act.

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

The experts were appreciative of the following facts:

- The border management strategy in Estonia is comprehensive, based on the integrated border security model of the European Union. The Committee is of the opinion that the general strategy represents best practice in the application of the Schengen *acquis*.
- The Committee found organisation of the State Border Guard centralised and clearly structured. Unified and specialised organisation ensures a common approach to border control at central, regional and local level, a unified planning system and an extensive and fast data flow at all levels of organisation.
- The implementation of the risk analysis system seems to be very efficient. Especially the utilisation of the output was found by the Committee to be a good example of intelligence-led activities. The experts were of the opinion that the approach of the Estonian Border Guard to using intelligence and introducing a system of information exchange, data flow, risk analysis and risk assessment made a significant contribution to effective border control.

RESTRIENT UE

- Widely developed cooperation between the Border Guard, the Police and Customs exists at all three levels. The Committee highlights the secondment of liaison officers of the Border Guard and Customs to the Criminal Police in order to support the exchange of information and planning of common operations.
- It was apparent to the Committee that extensive multilateral, regional and bilateral international cooperation takes place at central, regional and local levels of organisation of the Estonian Border Guard.
- Joint use is made of databases and registers for border and migration control and execution of law enforcement tasks by the Border Guard, the Police, the Customs and the Citizenship and Migration Board.

Experts took special note of the following items:

- A comprehensive system of professional basic training for different levels of border guard officials has been set up according to the border guard training concept, supplemented with extensive additional training. However, the Committee wishes to stress that the Border Guard management must have a real possibility of influencing the content of education also after the integration of the Border Guard College with the Public Security Academy ².
- There is no ILO abroad at the moment. The Committee stresses the importance of active preventive measures at the first tier of the border management system. For that reason the Committee encourages the Estonian authorities to assess the situation carefully and to consider the placement of a joint liaison officer or document adviser together with other European Member States.
- A change in the status of border guard personnel and reform of the border guard organisation is currently under way. The current Border Guard Act was adopted in 1994 and needs updating. The Committee invites the Estonian authorities to ensure that in this process the legal background for an efficient border management system is provided.

² EE: Five members of nine of the Council of the Border Guard College of the Public Service Academy are officials of the Border Guard. One of the five members is a General Director of the Estonian Board of Border Guard. Due to these reasons the Board of Border Guard is an active participant in shaping the training and curricula of the Border Guard College.

RESTRICTION

The experts consider that there is room for improvement in the following areas:

- Based on the information provided, the Committee is of the opinion that the outflow of personnel from the Border Guard is worthy of note. Some reasons for this outflow and a plan concerning countermeasures were presented to the experts. The Committee stresses the importance of a sufficient amount and quality of personnel and invites the Estonian authorities to implement this plan and also to take all additional measures needed in order to guarantee the operational effectiveness of the Border Guard also in the future.
- The Committee takes the view that in the Estonian system, where different organisations have responsibilities concerning illegal immigration, a well-organised information exchange is essential to contribute to a high level of effectiveness in combating this phenomenon. Since the fields of work of the Border Guard and CMB and of the Police and CMB are inter-linked, the Committee feels that a comprehensive cooperation mechanism between these bodies should be worked out in greater detail. Consensus on the division of tasks and responsibilities and on the need to cooperate would contribute to a high level of immigration control.
- The Committee calls on the Estonian authorities to adhere to Council Directive 2001/51/EC and the Aliens Act on imposing sanctions on carriers. If needed, improvement of the legal framework for implementing sanctions on carriers should be reconsidered.

4. TALLINN INTERNATIONAL AIRPORT

4.1. General information

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

Tallinn International Airport is the biggest airport in Estonia operated by Tallinn Airport Ltd, a self-financing company with 100% of the shares belonging to the Estonian Government. Tallinn Airport handles approximately 8% of international passenger traffic in Estonia. Besides Tallinn Airport there are 6 other international airports in Estonia but regular international flights are arranged only via the helicopter terminal in Tallinn and Kuressaare Airport on the Estonian island of Saaremaa.

The Airport was renovated in 1999 and has a I category runway of 3070 m in length. The airside extension is planned for 2006-2008.

The volume of border traffic totalled 1 401 059 passengers in 2005 and has doubled since 2003. The airport is mainly used for international scheduled flights inside the European Union. 87,5% of flights were scheduled and 12,5% non-scheduled in 2005. International flights accounted for 98% of all flights in 2005 and domestic flights for about 2%.

The airport has 25 regular air connections in Europe. There are 10 destinations in third countries, 4 of them destinations for regular flights. The main non-Schengen destinations for regular flights are London, Dublin and Moscow, and for charter flights Sharm el Sheikh and Hurghada in Egypt, Antalya in Turkey and Monastir in Tunisia. The percentage of non-Schengen passengers was 12,9%, and Schengen passengers 85,4% of the total passenger flow. For 2007 the majority of scheduled passenger traffic will be from EU countries: the British Isles, Scandinavia, Central Europe and Southern Europe.

There is one passenger terminal and two cargo terminals at the airport. The building of a general aviation terminal is only under consideration. The Airport attained its expected number of passengers in 2005. As the airport administration calculates an increase in traffic of about 200 000 persons per year over the next three years, a terminal extension is planned during 2006-2008.

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The reconstruction of the airport also aims at adopting the Schengen requirements. The yearly capacity of the terminal after reconstruction will be approximately 2,5 million passengers per year. The reconstruction work at the passenger terminal of Tallinn Airport will take place from 01.08.2006.-01.03.2008. The infrastructure necessary for ensuring that border control is in compliance with the Schengen *acquis* will be completed by 01.09.2007 at the latest. The experts were told that from 01.10.2007 the passenger terminal would be ready for separation of passengers on Schengen and non-Schengen flights.

The following law enforcement authorities operate in the airport: the Border Guard, the Police and the Tax and Customs Board.

Border control at Tallinn Airport is carried out by the Tallinn Airport Border Crossing Point (BCP) of the North Border Guard District. There is 1 officer, 13 non-commissioned officers and 16 border guards in the structure of the BCP.

During border control 83 persons were refused entry, 9 forged documents used by illegal immigrants were discovered, 1 impostor was detected and 36 persons were apprehended in 2005. All illegal immigrants were detected during the departure checks. The illegal immigrants detected at the Tallinn Airport BCP had entered Estonia legally. The counterfeit documents were acquired in Estonia and the persons tried to leave Estonia for other countries of the European Union.

The Committee considered the threat of illegal immigration at the Tallinn airport BCP to be low at present. Over the next few years there will be several flights from Russia and Ukraine, which are regarded as high-risk flights.

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

The BCP carries out the following tasks:

- Border checks on persons;
- Checks on VIP passengers;
- Checks on small aircraft;
- Issue of C-type and B-type visas at the border;
- Removal by air; and
- Apprehension of persons wanted by police.

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There is cooperation at the BCP between the Border Guard, the Customs, Airport authorities, especially Air Traffic Control, the Police unit at the airport, the private company responsible for access control and airport security, and the main carriers.

In the framework of international cooperation, direct contacts are maintained with border control authorities at several destination airports

4.1.3. Risk analysis and intelligence functions

Risk analysis was carried out by two intelligence officers and the management of the Tallinn Airport BCP. Tactical risk analysis in the form of profiling was carried out by the border guards at first and second line.

As sources of information, regular Orders from the Head of the Border Guard District concerning border control, weekly and monthly situation reports and risk analysis submitted by the Border Guard Board, activities of the Tallinn Airport BCP, information from national and international cooperation partners, and the results of risk analysis by FRONTEX were used.

Results of the risk analysis were used for preparation of the monthly order issued by the Head of the Tallinn Airport BCP and regular briefing of the border guards. Results of the risk analysis were forwarded to the Border Guard District headquarters and to cooperation partners. The information flow from the individual border guard is then guaranteed by daily and weekly service reports via the different levels, up to the Border Guard Board, and used for risk analysis at the upper levels.

Border guards receive a daily briefing before their shift starts. They receive the latest information about warrant orders, and important issues having an influence on daily work. Different risk analysis materials were available on the Intranet.

The experts considered that the approach to information exchange and the use of risk analysis and risk assessment made a significant contribution to efficient border management at the Tallinn Airport BCP.

RESTRICTION UE

4.2. Infrastructure and equipment

4.2.1. Signposting

The signposting was found to be in accordance with Council Decision 2004/381 on the minimum indications on signs at external border crossing points and with Annex III to the Schengen Borders Code. Signs could be changed from the control booth and there are three options: EU, EEA and CH citizens; all passports; or the stop sign which means that the line is closed for border checks.

4.2.2. Separation of flows

Separation is arranged between domestic and international flights and between arrival and departure checks. There is separation of passengers on Schengen and non-Schengen flights on arrival but not on departure. There are 6 gates for departure and arrival in the airport. The departures and arrivals are handled on the first floor of the terminal. Two first gates are used for flights from third countries and during the border checks on arrival of passengers from third countries this area of the passenger hall is separated by a glass wall from the area used for passengers on Schengen flights.

Domestic flights (departure and arrival) are handled on the ground floor.

It was explained that after reconstruction there would be 9 gates. 5 of them would be used for Schengen traffic, 4 for non-Schengen flights. The non-Schengen gates could be used as flexible gates. There would be one bus gate for Schengen passengers and one bus gate for non-Schengen passengers.

Separation of passenger flows will take place as follows:

- Passengers arriving on non-Schengen flights will be directed to an area of the arrivals border checks area on the second floor of the terminal. After passing through border control, arrivals from non-Schengen states will be directed along the corridor to the first floor of the terminal where they can proceed to baggage claim and then pass through customs, exiting the travellers' area to public areas or proceeding to the intra-Schengen transit area to continue their trip within the Schengen area. The non-Schengen passengers continuing their trip to another non-Schengen destination exit the arrivals area to the non-Schengen flight departure area one floor below without passing the border checks.

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- Passengers on Schengen flights enter the Schengen arrivals area on the first floor of the passenger terminal which they can exit through baggage claim, or proceed to another Schengen flight or through border control to the non-Schengen departures area.
- Departing passengers enter, passing through security control, the departures area on the first floor of the passenger terminal and leave on a flight within Schengen, or pass through border control to the non-Schengen departures area, where they can leave on a flight to a non-Schengen country.

4.2.3. Lanes for checks

There are six lanes without any physical separation of the lanes in front of the booths at arrivals and departures. There are separate lanes for border checks of EU, EEA and CH citizens and of persons in possession of all other passports on arrival and on departure. All aircraft crew members proceed through the regular border control but have priority when passing the border checks. The experts found that the space between the security control and the booths on departure was too small for passengers in queues during peak hours in conditions where all passengers were subject to thorough checks.

4.2.4. Control facilities

There are 3 booths with 6 working positions for border checks of arrivals and 3 booths with 6 working positions for border checks of departures. The position of the booths does not provide a front view of the passengers waiting for border checks. The booths are spacious but the inside of the booths was visible from the side on which the control was carried out.

Installation of new booths with a front view is planned in the process of reconstruction of the airport.

There are two second-line offices at the BCP. The main second-line office is situated on the ground floor and is manned 24 hrs per day by a duty officer and a document expert. There is another beside the arrivals area used for interviewing passengers. This second-line office can be used for monitoring passengers in queues for additional profiling.

In the new terminal there will be two second-line offices, one beside arrivals and another beside departures.

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4.2.5. Equipment: first line, second line, mobile

Each workplace at the first line is equipped with a computer in a complex with a passport reader, document control equipment with UV and extra lighting, a magnifying glass, a retro-reflective lamp. In addition there were 6 mini stereo microscopes, 2 Retro Check sets and one endoscope for use at the first line.

There were 92 entry and exit stamps at the BCP. Each border guard at the BCP has 2 personal stamps: an entry and an exit stamp.

A VSC 4 CX document examination device, a stereo microscope, two digital cameras and equipment for taking fingerprints were available at the second line. For the issue of visas, the second-line office was equipped with a scanner and a visa printer. There was only one mobile kit for document inspection for the whole airport. No EURODAC-fit station was on the Border Guard premises. Experts were told that the national AFIS along with the EURODAC application would be set up at the end of July 2006.

There is a Passport Handbook in two volumes compiled by specialists of Germany, the United Kingdom, the Netherlands and Belgium, at the BCP, which contains photos and a detailed description of travel documents. The border guards also used an Intranet information system “TEPI”, which includes a database of travel documents and falsifications.

There were also screens connected to the security cameras that supervise several areas of the terminal and the space in front of the booths.

4.2.6. Communication

Each workplace at the first and second line was connected to the computer network, offering the possibility of using the border guard Intranet and at the second line also Internet. There is a direct phone line between every first-line workplace and the second-line office. The booths have been equipped with signal buttons for security reasons and for cooperation between border guards and customs officers. In addition VHF radio transmitters were used.

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4.2.7. Access control / fencing

The perimeter of the territory of the airport is fenced along its entire length. Access is controlled by a private security service under agreement with the Airport Administration. All exits from the terminals to the airport operating zone are equipped with card readers. For access the use of an ID card and a code system is necessary.

4.2.8. Detention / readmission premises

Near to the second-line office on the ground floor there is a room for interviewing. Beside this room there is a room for detention. In the arrivals area there is a zone for asylum applicants with one bedroom and one bathroom.

4.2.9. Storage of blank visas

Blank visa-stickers are kept in the metal safe in the shift manager's room. The issue of visas is recorded in the special journal. Visa applications and written decisions on the issue of visas were available in the shift manager's room.

4.3. Controls and procedures

4.3.1. Traffic handling / traffic modes

All passengers pass through the passenger terminal. Passengers generally arrive at the gates.

Passengers in general aviation are transported from/to the plane by bus. The crews of the planes use the same control lines as ordinary passengers but have priority in passing the checks. There is a VIP lounge on the ground floor of the airport and the passengers using the VIP lounge are checked on entry and exit.

Border guards carry out checks on transit passengers in the transit area. They observe passengers who come to the transit desk or who are staying in the transit area.

RESTRICTION

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

All passengers were checked on entry and exit. Third-country nationals pass a thorough control and are interviewed by an officer performing border checks. Passport readers were used for entering the passport data of the third-country nationals. When the data on persons is inserted the system checks automatically via the Information System of Border Checks (PIS) if an alert has been entered for the person and data will be registered in the BG database. One of the border guards indicated that when doubts arise about the authenticity of the document of an EU citizen, thorough checks are carried out. However the experts did not observe any case of thorough checks of EU citizens at the second line. Because of the G8 summit that was being held in St Petersburg during the evaluation mission, data on all passengers was consulted in the PIS information system in the course of border checks on entry and exit.

To send a case to the second line in the event of suspicions of forgery, first-line officers make use of a special form of a practical size which can be attached to the document concerned. On this form the officer indicates his suspicions about the document.

The Committee found that the crews were checked very thoroughly. The Crew Member Certificate (CMC) was compulsory and crew members were checked against the named daily crew list present in the control booth.

The control of crews and passengers in general aviation is conducted according to the same principles as other passengers.

No gate checks are carried out at Tallinn airport.

The experts noted that despite the presence of sufficient personnel, the shift manager saw no need to move additional staff to available extra departure booths when the queue of passengers for the departure check grew longer.

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Entry and exit stamps were affixed to the travel document of third-country nationals. The entry and exit stamps were kept in a special sealed locker under the guard of the duty officer of the BCP. Each withdrawal of the stamp and placement under guard is registered in the relevant journal. The changing of security codes of stamps is regulated by a procedure approved by the Order of the Director General of the Border Guard Board, according to which the security codes are changed once every month. At the end of the calendar year the security codes for the next year are forwarded to the Heads of Border Guard Districts who, at the end of each month, organise the forwarding of the relevant information to the border crossing point.

The Committee found that the stamping of the travel documents of third-country nationals was carried out in line with the Common Manual and Council Regulation No 2004/2133/EC.

4.3.3. Utilisation of registers

The following databases are consulted when carrying out border checks on third-country nationals at the first line:

- Information System of Border Checks (PIS) containing information about
 - wanted persons;
 - prohibitions of entry;
 - invalid / stolen travel documents;
 - persons under discreet surveillance.

In addition the visa register is consulted when checking persons who are subject to the visa obligation.

There is access to the population register, the database of residence and work permits and the database of Estonian identity documents on the first line. These databases are consulted according to specific needs.

At the second line, in addition to the above-mentioned databases, the following are available:

- Population register
- Motor vehicle register
- Punishment register

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- Commercial register
- Database of aliens staying in Estonia illegally
- State Register of Refugees
- Database of persons who have acquired, recovered or lost Estonian citizenship
- Database of registration of short-term employment of an alien in Estonia

In the booths an Estonian handbook for border guards (TEPI) was available via the Intranet. This handbook contains information on legislation, procedures to be followed, usage of entry and exit stamps but also practical information, such as a list of the European Member States and a list of countries for which a visa is required. Also specimens of travel documents are included in this manual. Links to public registers are also available in TEPI. TEPI is updated regularly by an officer of the Border Security Department of the Border Guard Board. The experts were told that all Estonian Embassies have access to TEPI

4.3.4. Utilisation of the Common Manual

The Common Manual was available in the booths at the first and second line via the Intranet and at second level also as a printed version. Additionally the Schengen Borders Code was available on the Intranet and on paper.

4.3.5. Processing of refusals and asylum applications

For processing the refusals of entry, the standard form for refusal of entry at the border is used in line with the Schengen Borders Code. The decision on refusal of entry is taken by the shift manager or his/her assistant. The refusals were found to be processed according to the requirements of the Common Manual. 103 persons were refused entry in 2003, 69 persons in 2004 and 83 persons in 2005 at the Tallinn Airport BCP. The top five countries whose nationals were refused entry in 2005 were the Russian Federation, stateless persons, Turkey, Germany and Georgia.

4.3.6. *Issuance of visas*

C-type and B-type visas are issued at the BCP. The visas are issued by the shift manager. The decision on issuing a visa has to be made by the Minister for the Interior or by the persons approved by him (the Deputy State Secretary of the Ministry of the Interior). Information about the visa applicant is provided to the person responsible for the decision by the duty officer of the BCP via the duty officer of the Northern Border Guard District. 356 visas were issued in 2003, 396 visas in 2004 and 630 visas in 2005. The top five countries whose nationals acquired visas at the airport in 2005 were Serbia and Montenegro, the Philippines, Bosnia and Herzegovina, Macedonia and India.

4.3.7. *Second-line activities*

The second-line activities consist of:

- Processing refusal of entry;
- Issuing visas;
- Thorough checks of third-country nationals and EU citizens;
- Thorough examination of travel documents;
- Processing of apprehended persons wanted by police.

For second-line control and interviews a non-commissioned officer is available 24 hrs a day. The shift manager usually takes the decision on whether the passenger controlled at second line will be allowed to enter Estonia. If the person performing the second-line control decides that the passenger needs to be investigated further, the case is handed over to a Border Guard investigator as soon as possible. The experts were told that the second-line border guard usually requests assistance if the second-line checks cannot be performed within one hour. The experts were informed that second-line checks are usually conducted 5-6 times a week. No second-line control was performed during the inspection; no passengers were referred from first to second line.

The non-commissioned officers and also some first-line border guards are able to use the advanced passport control equipment. Personnel competent to operate this equipment were available 24 hrs a day.

The experts found that some border guards were not fully aware of the time limits for holding persons for questioning at the second line.

RESTRICTION UE

4.4. Border surveillance

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

The territory and the perimeter of the airport is surveyed using 112CCTV cameras. The camera system is maintained by the security service. The Border Guard has access to the information from the camera system, but cannot use the cameras. During reconstruction of the airport more than 100 cameras will be added.

The perimeter is patrolled by the private security service. A Police patrol observes the public area of the airport.

4.5. Staff and training

4.5.1. *Adequacy and the level of professionalism*

There are 3 persons dealing with administration and 27 border guards for the first and second line. 16 border guard posts are used for the first-line control and 13 border guard posts for second-line checks. 6 persons serve as shift manager and 5 persons as his/her assistant. The Committee was informed that 100% of border guards have had training for first-line work and 33 % of border guards have had training for second-line work. The border guards trained for the second line can also be deployed to carry out first-line checks. The personnel of the Tallinn Airport BCP were found to be professional and seemed motivated.

4.5.2. *Selection criteria*

See point 3.6.3.

4.5.3. *Basic training*

All border guards at the Tallinn Airport BCP have passed the basic training course for the Border Guard official II, non-commissioned officers have passed the course for Border Guard official III and officers have passed the course for Border Guard official IV.

4.5.4. *Further continuing education*

Further continuing training is organised at central level by the Border Guard Board or Border Guard College, at regional level by Border Guard District North or at the BCP.

At the regional level Border Guard Districts have instructors (English teachers, experts on Schengen *acquis*, profiling, issuing visas, misdemeanour investigation and vehicle control) who give training. There is one instructor on Schengen *acquis* at the Tallinn Airport BCP

All personnel of the Border Crossing Point took 14 hours of Schengen *acquis* training and profiling training (7 hours) in 2005/2006, 2 border guards took a 40-hour training course on asylum procedures, 6 border guards training in issuing visas, 5 persons training in taking and checking fingerprints and 2 persons an 8-hour training course in professional ethics. Training in second-line checks was provided for 8 border guards, lasting 6 hours.

4.5.5. *Linguistic skills and training*

19 border guards at the Tallinn Airport BCP had taken an English course lasting 240 hours. The English language knowledge level of the border guards encountered during the Evaluation Committee's visit was found to be intermediate. Almost all personnel are able to speak Russian at different levels.

4.5.6. *Specialised document checking skills and training*

All border guards have taken the basic document checking training. The personnel used at the second line have taken additional training in examination of documents.

4.5.7. *Specialised training for different managerial levels*

3 non-commissioned officers at the BCP took in 2005/2006 a special management training course lasting 80 hours.

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4.5.8. Availability and permanency of staff

25 persons were available for border checks at the Tallinn Airport BCP. 5 posts were vacant at the time of the inspection. Of the staff available at the BCP, 14 persons were deployed on first-line checks and 10 persons on second-line checks.

There are always border guards at the airport. During the night shift there are at least 4 border guards and during the day shift from 7.30 to 21.30 at least 9 border guards. Officers have a service period of 8 hours per day, the first-line border guards 12 hours and the border guards designated for the II line control 24 hours per day. The intelligence officer's shift usually lasts 8 hours.

During the summer period, when passenger traffic increases, the personnel of the BCP are reinforced by border guards from other crossing points. The experts found that every first-line border guard performs about 27 000 border checks on non-Schengen passengers per year and the number of personnel for the border checks was assessed as acceptable in the current situation, however the limited number of personnel will affect the quality of border control in peak hours and increase the waiting time of passengers.

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

4.6.1. Administrative structures and coordination

The personnel of the Tallinn Airport BCP participate in removal and readmission of aliens. The border guards of the BCP take aliens to be removed from representatives of the CMB, arrange their security and border checks and send them to the flight. The Border Guard arrange the escort of aliens by air to the third country if this is needed. Two persons in the structure of the Tallinn Airport BCP have trained for escort operations. Additional personnel for escorting can be provided by the North Border Guard District.

4.6.2. Particular cases (UMs, persons constituting a threat for public security)

44 persons were readmitted and 12 persons expelled via Tallinn Airport in 2005. The number of persons readmitted and expelled decreased in 2005 compared to 2004. In 2006 the Estonian Border Guard sent 7 transit requests to Member States.

4.6.3. *Means deployed to combat illegal immigration networks*

There are two intelligence officers at the Tallinn Airport BCP for:

- collection and analysis of information for planning border control, including the determination of risks and threats in the field of illegal migration and human trafficking;
- dealing with infringements and surveillance;
- prevention and combating official misconduct, conducting security checks on the personnel of the BGD;
- coordinating accelerated asylum procedures at the border crossing point;
- cooperation with representatives of law enforcement authorities in Estonia and neighbouring countries; and
- providing training to personnel of the BCP on risk analysis, in particular on profiling,

4.6.4. *Sanctions imposed on carriers*

No fines were imposed on carriers even though 75 persons were refused entry at the airport who were not in possession of a visa or valid travel document in 2005 and 43 persons were refused entry in 2006.

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

The experts were appreciative of the following facts:

- The border checks were carried out in line with Schengen requirements with some minor exceptions.
- The activities were based on intelligence and risk analysis and carried out together with police and customs and also together with foreign counterparts. The experts considered that the approach to information exchange and the intelligence-led management system made a significant contribution to efficient border checks at the Tallinn Airport BCP.
- The quality of personnel was sufficient to perform the given tasks and the border guards seemed to be well motivated. The Committee noted that most border guards had appropriate English and Russian language knowledge.
- The further education system of the border guards seemed to be functional and efficient.
- International cooperation seemed to be sufficient.

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- The experts consider the use of the form for transferring a case from first to second line as an efficient practice, by which it is possible to limit the duration of second-line controls. Also, the possibility of using the form for estimating the training needs of individual border guards according to document knowledge is considered to be an efficient management tool.
- The experts considered the national border guard handbook (TEPI), available via the Intranet, as a useful tool for training and providing assistance to border guards carrying out border control.
- The signposting was considered appropriate, the technical equipment and databases implemented in first and second-line border checks were found to be sufficient.
- The second-line interview room for arrivals is well placed beside the first line for arrivals.

The experts took special note of the following items:

- The Committee was worried about the number of personnel for the border checks. Although the number of personnel was assessed as acceptable in the current situation, the limited number of personnel will affect the quality of border control in peak hours and increase passengers' waiting time.
- The experts found that in one case the available personnel and infrastructure at the airport were not used to full efficiency. More flexibility in staff deployment is recommended to limit the waiting time for passengers.
- Although some border guards made effective use of the equipment available in the booths, and were efficient in interviewing passengers based on profiling, the experts found that other border guards seemed less aware of the possibilities of using the equipment available in the booths for checking counterfeit documents.
- The Committee was of the opinion that border guards at the first line should be encouraged to make more frequent use of the possibilities for thorough control at the second line when it is justified.
- The room used for second-line checks of documents was located away from the first line. The Committee proposes to consider the position of the second-line offices in the new terminal.
- No gate checks are carried out at Tallinn airport. The experts did not consider this a problem at present. However, taking into account the possible increase in the amount of passengers, accompanied by a possible rise in the pressure of illegal immigration after the abolition of border checks at internal borders and also the more complicated layout of the airport following reconstruction, the experts were of the opinion that the Border Guard might consider conducting gate checks on high-risk flights in future.

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The experts consider that there is room for improvement in the following areas:

- Some of the border guards at the first and second line were found not to be fully aware of timeframes for interviewing passengers. The experts recommend improving the knowledge of the regulations concerning interviewing and decisions on detention of aliens.
- Experts found the procedure for checking persons on departure is slowed down in peak hours, because of the lack of space in the operation area of aviation security and border control. It is therefore recommended, in the light of the reconstruction of the airport, to take into account the possibility of increasing the space between the security checks and the border checks.
- No use was being made of the existing possibility of fining carriers at Tallinn Airport.
- The current infrastructure at the airport does not fully meet the Schengen requirements for separation of passengers on Schengen and non-Schengen flights. There is no real transit zone. The construction of the booths is not in line with recommendations. A plan for the construction of a new terminal presented to the Committee seemed to be appropriate. The experts were informed that the new terminal should be finished in September 2007. The contract has not been signed yet. The Committee calls for rapid implementation of measures to begin reconstruction of the airport, so as to complete the works on time. The reconstruction of the airport and designed technology of the border checks should be introduced in the planned way and on time. The Border Guard should be actively involved in this project.

5. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

- The border management strategy in Estonia is comprehensive and based on the integrated border security model and on the particular national strategic plans and programmes. The Committee is of the opinion that the general strategy represents best practice in the application of the Schengen acquis.
- The Committee found organisation of the Border Guard centralised and clearly structured. A direct command line exists between Border Guard units at central, regional and local level, assuring a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organisation.
- The Committee appreciates the situational awareness and the intelligence-led management system. The implementation of the risk analysis system seemed to be very efficient. Especially the utilisation of output was found by the Committee to be a good example of intelligence-led activities. The Estonian Border Guard's approach to carrying out intelligence and the introduced system of information exchange, data flow, risk analysis and risk assessment makes a significant contribution to effective border control and was found to be exemplary. Therefore the Committee is of the opinion that the Estonian intelligence and risk analysis system could be regarded as best practice.
- Widely developed cooperation exists between the Border Guard, the Police and Customs at all levels. The Committee highlights the secondment of liaison officers of the Border Guard and the Customs to the Criminal Police in order to develop the exchange of information and planning of common operations. Joint use of databases and registers is in place for border and migration control and the execution of law enforcement tasks by the Border Guard, the Police, the Customs and the Citizenship and Migration Board.
- Extensive multilateral, regional and bilateral international cooperation seemed to take place at central, regional and local levels of the organisation of the Estonian Border Guard.
- Corresponding national legislation seems largely to correspond to the Schengen acquis. However the Committee invites the Estonian authorities to adhere to Council Directive 2001/51/EC and the Aliens Act on imposing sanctions on carriers. If necessary, the legal framework for implementing sanctions on carriers should be reconsidered. The current Border Guard Act adopted in 1994 needs updating.

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The Committee invites the Estonian authorities to ensure that the legal background for efficient border management system is provided also in future.

- The professional and motivated personnel and the dutiful attitude towards the responsibilities and the threats to be tackled seem to be providing a good level of border control at the air borders that largely meets the Schengen requirements. Experts found border checks efficient with some minor exceptions. However, knowledge of the regulations concerning interviewing and decisions on detention of aliens, training to improve the level of English knowledge and some other issues should be further developed to guarantee full implementation of the Schengen *acquis* and to provide a high level of border control at the Estonian air borders.
- A comprehensive system of professional basic training for different levels of border guard officials has been created according to the border guard training concept, supplemented with extensive additional training. Basic training of border guards seems to meet the professional standards for border guard officials and be in line with the Common Core Curriculum of the Border Guard training. However the Committee would like to stress that the Border Guard management should be in a position to influence the content of education also after the integration of the Border Guard College with the Public Security Academy.³
- The Committee noted the general level of knowledge of foreign languages of the border guards, especially of Russian and also English. However the Committee is of the opinion that additional training to upgrade the level of knowledge of English would be welcome.
- The nationwide departure of Border Guard personnel is worthy of note and may cause severe problems in the future. In the current situation the Committee found the number of personnel for air border checks to be acceptable. The Committee stresses the importance of a sufficient quantity and quality of personnel and invites the Estonian authorities to take all appropriate measures – such as providing some additional resources for financing the costs of personnel – in order to guarantee the operational effectiveness of the Border Guard also in the future.
- In the Estonian system, where different organisations have responsibilities concerning illegal immigration, a well organised information exchange is essential to contribute to a high level of effectiveness in combating this phenomenon. The Committee highlights the need to improve information exchange about illegal immigration between the relevant authorities. Since the fields of work of the CMB and the Border Guard are inter-linked, the Committee feels that cooperation between the two bodies should be worked out in greater detail.

³ See footnote 2.

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Consensus on the division of tasks and responsibilities and on the need to cooperate would contribute to an effective level of immigration control. For that reason a comprehensive cooperation mechanism between the authorities participating in immigration control should also be worked out.

- The Committee stresses the importance of active preventive measures at the first tier of the border security model. The Committee therefore encourages the Estonian authorities to assess the situation carefully and to consider the placement of a joint liaison officer or document adviser together with the other Member States of the European Union.
- The current infrastructure at the airport is not fully in line with Schengen requirements and does not provide for separation of passengers on Schengen and non-Schengen flights. A plan for a new terminal presented to the Committee seemed to be appropriate. The experts were informed that the new terminal should be finished in September 2007. The Committee calls for rapid implementation of measures to begin reconstruction of the airport, so as to complete the works on time. The reconstruction of the airport and designed technology of the border checks should be introduced in the planned way and on time. The BG should be actively involved in this project. The Estonian authorities are invited to inform the Schengen Evaluation Working Party of the completion of the construction works. A follow-up will be needed in due course.