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## DECLASSIFICATION

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Subject: Schengen evaluation of the new Member States

- Draft-Council conclusions on the state of preparedness of the  
REPUBLIC OF LITHUANIA towards the implementation of all provisions of  
the Schengen acquis except SIS-related issues

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

The text of this document is identical to the previous version.

# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 November 2006  
(OR.en)**

**14522/2/06  
REV 2**

**RESTREINT UE**

**SCH-EVAL 163  
COMIX 881**

## **NOTE**

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from: the Schengen Evaluation Working Party  
to: Coreper/Council - Mixed Committee

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Subject : Schengen evaluation of the new Member States  
- Draft-Council conclusions on the state of preparedness of the REPUBLIC OF LITHUANIA towards the implementation of all provisions of the Schengen acquis except SIS-related issues

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## **PART I**

### **a. Background applicable to all new Member States**

1. In 2005, the Schengen Evaluation Working Party started evaluating the readiness of the ten new Member States to implement the Schengen Acquis. All non-SIS-related evaluations of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia have now been completed, as is partially the case for Cyprus and for Malta. Altogether 58 themes have been evaluated for the ten countries in the course of nineteen evaluation missions.
2. The legal basis for the evaluation process in the new Member States is Article 3(2) of the 2003 Act of Accession in conjunction with the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 Def).

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3. According to Article 3(2) of the Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met by the new Member States is a precondition for the Council to take Decisions on the abolition of checks at internal borders with those Member States.
4. The evaluations have been conducted new Member State by new Member State, and the Council Decisions referred to in Art 3(2) of the 2003 Act of Accession will also be taken individually.
5. In taking these Decisions, the Council may determine that not all the new Member States will be ready to apply the Schengen acquis as a whole from the same date. In such a case, it may be necessary to organise additional visits in order to evaluate the application of the Schengen acquis at the borders between Member States at which the Council has decided not to abolish border checks and which have not already been evaluated.
6. The evaluation process started with a Declaration of Readiness for all non-SIS-related evaluations by the new Member States involved.
7. The Schengen Evaluation Working Party verified in writing the preparation for the application of all parts of the Schengen acquis by the new Member States through a questionnaire and a series of supplementary questions and answers.
8. The questionnaire was followed by evaluation visits by teams of experts which led to exhaustive reports containing factual descriptions as well as positive and critical assessments, and recommendations.
9. The purpose of the following Council Conclusions is to establish whether the new Member State in question, subjected to a full evaluation procedure, fulfills all the preconditions for the practical application of the relevant parts of the Schengen acquis. In case the preconditions have not been completely fulfilled, the Council conclusions indicate where additional measures are required and in which cases the necessary changes should be reassessed during new evaluation visits. These conclusions should be read in conjunction with the detailed evaluation reports. A list of the relevant reports and a follow-up table are annexed to these Council conclusions (doc. 10765/3/06 REV 3 SCHEVAL 110 COMIX 572).

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## b. Background for Lithuania

10. The Declaration of Readiness of Lithuania (doc. 6644/05 SCHEVAL 15 COMIX 138) allowed to start the Schengen evaluation by 1 May 2006, without any reservation.
11. Inspections on site took place at the land, sea and air borders as well as in two Consulates. Police cooperation and Data protection have been assessed on site, too.
12. (Lithuania has provided the Schengen Evaluation Working Party with a follow-up report, in which it states that it will be possible to remedy the weaknesses that have been detected without creating unnecessary delays).<sup>1</sup>

## PART II - Specific findings

As stated before, the current conclusions should be read in conjunction with the evaluation reports, which contain all weaknesses that should be remedied. Many positive findings are mentioned in these reports, which can in some cases be considered best practices. However, for the purpose of drawing conclusions and in particular with a view to defining which sites should be revisited, the focus has inevitably been put on the main weaknesses that should be remedied.

Lithuania's state of preparedness to implement the Schengen acquis has in general been positively assessed in the field of **border management**, which is based on the integrated border security model of the EU. There is however room for improvement in all elements of the system, with special emphasises on pre-entry measures at consulates (enhanced cooperation with border guards, document experts, liaison officers) and on actions inside Lithuania related to combating illegal immigration. The organisation is streamlined and functional, including national level competency for supervision and instructions on border control, risk analysis, intelligence and investigation of border related crimes. The surveillance of land- and sea borders is carried out systematically, based on patrolling, technical surveillance and maintaining necessary reaction capability.

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<sup>1</sup> To be confirmed by 24 November 2006.

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**Land border** control is mainly in line with Schengen requirements. Lithuania uses the UNISAS (Universal Surveillance & Alarm System) monitoring facility which is a state-of-the-art border protection tool. The system should make it possible to detect and respond to all border violations, day and night and irrespective of weather conditions.

The infrastructure of the Panemunė road border crossing point is not in line with Schengen standards at this stage. The ongoing reconstruction works and the procedures and number of staff should be re-evaluated. A revisit to Panemunė road border crossing point is considered necessary.

The control of the **sea borders** is an issue of concern where Lithuania faces a challenge with respect to the Schengen standards, especially as to managerial aspects and professionalism. It is imperative to maintain full professionalism in such duties as utilisation of intelligence, risk analysis, apprehension and searching of civilian persons or their vehicles, whereas detection and identification of vessels may be a shared function between professional border guards and other authorities operational at sea. From the managerial point of view, the Ministry working in the field of Justice and Home Affairs and the border control authorities should be in charge of supervision and instruction of border control. .

The direct involvement of the State Border Guard in border surveillance at sea, should be strengthened. <sup>1</sup> Coastal surveillance equipment and offshore patrol craft are mostly obsolete and integration into a single system is suggested. Follow-up is required in terms of professionalism in the control of sea borders.

Regarding **air borders**, border checks are mainly carried out in line with Schengen requirements. The infrastructure of the Vilnius and Palanga airports is not yet in line with Schengen standards at this stage due to ongoing reconstruction works. Vilnius airport should be revisited.

In order to meet the **data protection** requirements, Lithuania should strengthen the independence of the State Data Protection Inspectorate inter alia in relation to the position of the director of the Inspectorate as a (dismissible) civil servant.

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<sup>1</sup> DK: scrutiny reservation.

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Following the inspection of **visa issuance** at Lithuania's consular sections in Moscow and Kiev, it was concluded that Lithuania may be in a position to implement the Common Consular Instructions/Schengen acquis in full in due course and that no significant shortcomings were noted in the daily work.

The level of training and education of staff was appreciated, however the proper and thorough assessment of individual visa applications, including interviews and personal appearance of minors should be ensured: awareness of the risk of illegal immigration and other forms of visa misuse should increase. Certain practices e.g. regarding people travelling to Lithuania for 10 days or less, travel medical insurance, the affixing of visa stickers on passenger lists, collection of the handling fee, and the practice that an applicant whose visa has been refused cannot lodge a new application for a year, should be reviewed/abolished (incl. the use of the "refusal stamp"). Finally, the visa decision making process should be adapted to future needs resulting from the abolition of bilateral agreements.

On **police cooperation**, most of the preparatory work for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures, whereas the practical execution of cross-border activities under Articles 40 and 41 of the Schengen Convention will be facilitated now that bilateral agreements have been signed with neighboring countries.

Lithuania has effective and efficient cooperation concerning the exchange of information (including under Schengen Articles 39 and 46) at international level, as this is channelled via one single point. The channel chosen depends on the type of information.

However Lithuania has to speed up its decision concerning responsibility for surveillance cases. In taking this decision, the Lithuanian authorities must bear in mind that in Schengen police involvement in cross border surveillance is important.

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## PART III - Conclusions

In order to allow the Council to take the Decisions referred to in Article 3(2) of the 2003 Act of Accession, Lithuania is requested to implement the recommendations listed in the evaluation reports, especially those referred to in Part II of these conclusions.

Lithuania is requested to inform the Council in writing on the follow-up it intends to give to the recommendations referred to in Part II as well as those contained in the evaluation reports.

In addition, the Council requires a revisit of Vilnius airport and of the Panemunė border crossing point<sup>1</sup>.

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<sup>1</sup> LT reservation.

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ANNEX

**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 November 2006**

**10765/3/06**

**REV 3**

**LIMITE**

**SCH-EVAL 110**

**COMIX 572**

## **NOTE**

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from : Council Secretariat  
to : Schengen Evaluation Working Party

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Subject : Schengen evaluation of the new Member States  
- Overview of reports and follow-up documents

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Delegations will find enclosed an overview of the reports which were presented in the framework of the Schengen evaluation of the new Member States and their respective follow-up.

This table will be updated on a regular basis. Additions and/or modifications will be indicated in bold.



## RESTREINT UE

Country	Subject	References evaluation reports	adopted by Sch-eval	Follow-up docs	Council conclusions
<b>CYPRUS</b>	Data Protection	12748/2/06 REV 2 SCHEVAL 135	30.10.2006		
	Sea Borders (including airports)				
	Police Cooperation	<b>14828/06 SCHEVAL 178</b>	<b>16-17/11</b>		
	Visa <i>Follow-up (general)</i>				
<b>CZ REPUBLIC</b>	Data Protection	8399/1/06 REV 1 SCHEVAL 63	18.5.2006		
	Air Borders	12710/1/06 REV 1 SCHEVAL 129	30.10.2006	14554/06 SCHEVAL 169	
	Police Cooperation	8394/1/06 REV 1 SCHEVAL 60	18.5.2006	9295/06 SCHEVAL 83	
	Visa I (St. Petersburg)	12666/06 SCHEVAL 126	27-28.9.2006		
	Visa II (Kiev)	<b>14097/1/06 REV 1 SCHEVAL 141</b>	<b>16-17/11</b>	<b>15301/06 SCHEVAL 184 (to be issued)</b> 14817/06 SCHEVAL 175 (including police cooperation, data protection, visa and air borders)	
	<i>Follow-up (general)</i>				
<b>ESTONIA</b>	Data Protection	14179/1/06 REV 1 SCHEVAL 154	30.10.2006		
	Air Borders	12754/2/06 REV 2 SCHEVAL 137	30.10.2006		
	Land Borders	<b>14175/1/06 REV 1 SCHEVAL 151</b>	<b>16-17/11</b>		

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Sea Borders	12745/1/06 REV 1 SCHEVAL 132	30.10.2006	
Police Cooperation	14171/1/06 REV 1 + <b>ADD 1</b> <b>SCHEVAL 148</b>	<b>16-17/11</b>	
Visa I (St. Petersburg)	12667/06 SCHEVAL 127	27-28.9.2006	
Visa II ( Kiev)	14098/06 SCHEVAL 142	30.10.2006	
<i>Follow-up (general)</i>			
<b>HUNGARY</b>			
Data Protection	8400/1/06 REV 1 SCHEVAL 64	18.5.2006	
Air Borders	12711/06 SCHEVAL 130	27-28.9.2006	
Land Borders	10470/1/06 REV 1 SCHEVAL 99	27-28.9	
Police Cooperation	8395/1/06 REV 1 SCHEVAL 61	18.5.2006	9443/06 SCHEVAL 95
Visa II (Kiev)	14099/06 SCHEVAL 143	30.10.2006	
Visa III (Belgrade)	<b>14732/06</b> <b>SCHEVAL 171</b>	<b>16-17/11</b>	
<i>Follow-up (general)</i>			
<b>LATVIA</b>			
Data Protection	14181/1/06 REV 1 SCHEVAL 156	30.10.2006	
Air Borders	12755/1/06 REV 1 SCHEVAL 138	30.10.2006	

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	Land Borders	14178/06 SCHEVAL 153	30.10.2006	
	Sea Borders	12746/06 SCHEVAL 133	27-28.9.2006	
	Police Cooperation	<b>14174/1/06 REV 1</b> <b>SCHEVAL 150</b>	<b>16-17/11</b>	
	Visa I (St. Petersburg)	12668/06 SCHEVAL 128	27-28.9.2006	
	Visa II (Kiev)	14101/06 SCHEVAL 145	30.10.2006	
	<b>Follow-up (general)</b>			
<b>LITHUANIA</b>				
	Data Protection	14180/06 SCHEVAL 155	30.10.2006	
	Air Borders	12756/1/06 REV 1 SCHEVAL 139	30.10.2006	
	Land Borders	14177/06 + COR 1 SCHEVAL 152	30.10.2006	
	Sea Borders	12747/1/06 REV 1 SCHEVAL 134	30.10.2006	
	Police Cooperation	<b>14173/1/06 REV 1</b> <b>SCHEVAL 149</b>	<b>16-17/11</b>	
	Visa I (Moscou)	12662/1/06 REV 1 SCHEVAL 122	30.10.2006	
	Visa II (Kiev)	14100/06 SCHEVAL 144	30.10.2006	
	<b>Follow-up (general)</b>			

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<b>MALTA</b>	Data Protection	12749/1/06 REV 1 SCHEVAL 136	30.10.2006	
	Sea Borders (including airports)			
	Police Cooperation	<b>14830/06 SCHEVAL 179</b>	<b>16-17/11</b>	
	Visa I (Moscou)	12663/1/06 REV 1 SCHEVAL 123	30.10.2006	<b>14579/06 SCHEVAL 170 (to be issued)</b>
	Visa III (Tunis)	<b>14733/06 SCHEVAL 172</b>	<b>16-17/11</b>	
	<i>Follow-up (general)</i>			
<b>POLAND</b>				
	Data Protection	6897/06 SCHEVAL 31	21.4.2006	
	Air Borders	10473/1/06 REV 1 SCHEVAL 101	27-28.9.2006	12152/06 SCHEVAL 119
	Land Borders	<b>14819/06 SCHEVAL 177</b>	<b>16-17/11</b>	
	Sea Borders	8832/1/06 REV 1 SCHEVAL 78	30.6.2006	
	Police Cooperation	9064/1/06 REV 1 SCHEVAL 80	30.6.2006	
	Visa I (Moscou)	12665/06 SCHEVAL 125	27-28.9.2006	
	Visa II (Kiev)	14102/06 SCHEVAL 146	30.10.2006	
	<i>Follow-up (general)</i>			

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<b>SLOVAKIA</b>	Data Protection	6898/06 SCHEVAL 32	21.4.2006		
	Air Borders	10474/1/06 REV 1 SCHEVAL 102	27-28.9.2006	12153/06 SCHEVAL 120	
	Land Borders	<b>14818/06</b> <b>SCHEVAL 176</b>	<b>16-17/11</b>		
	Police Cooperation	9065/2/06 REV 2 SCHEVAL 81	27-28.9.2006		
	Visa II (Kiev)	14102/06 SCHEVAL 146	30.10.2006		
	Visa III (Belgrade)	<b>14734/06</b> <b>SCHEVAL 173</b>	<b>16-17/11</b>		
	<i>Follow-up (general)</i>				
<b>SLOVENIA</b>	Data Protection	8401/06 SCHEVAL 65	18.5.2006		
	Air Borders	12712/06 SCHEVAL 131	27-28.9.2006		
	Land Borders	10471/1/06 REV 1 SCHEVAL 100	27-28.9.2006	12604/06 SCHEVAL 121	
	Sea Borders	8830/06 SCHEVAL 77	30.6.06	10735/06 SCHEVAL 109	
	Police Cooperation	8396/1/06 REV 1 SCHEVAL 62	18.5.2006		
	Visa I (Moscou)	12664/06 SCHEVAL 124	27-28/09		
	Visa III (Belgrade)	<b>14735/06</b> <b>SCHEVAL 174</b>	<b>16-17/11</b>		
	<i>Follow-up (general)</i>			<b>15302/06 SCHEVAL 185</b> (all subjects are covered) (to be issued)	