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	- Draft Council conclusions on the state of preparedness of the REPUBLIC OF CYPRUS for implementation of all the provisions of the Schengen acquis except SIS-related issues, airports, seaports and visas

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

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

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**Brussels, 27 October 2006 (27.10)
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NOTE

from :	the Presidency
to:	the Schengen Evaluation Working Party
Subject :	Schengen evaluation of the new Member States
	- Draft Council conclusions on the state of preparedness of the REPUBLIC OF CYPRUS for implementation of all the provisions of the Schengen acquis except SIS-related issues, airports, seaports and visas

PART I

a. Background applicable to all new Member States

1. The Schengen Evaluation Working Party started evaluating the new Member States in 2005; by the end of 2006 it had completed all non-SIS-related tasks. Altogether 58 topics were evaluated for the ten countries in the course of nineteen evaluation missions.
2. The evaluations were designed to ascertain whether the countries involved are able to apply the whole of the Schengen acquis with the ultimate goal of allowing the Council to decide on the abolition of controls at internal borders.
3. The evaluation task follows on from the requirements of Article 3(2) of the 2003 Act of Accession, which provides that the provisions of the Schengen acquis and the acts building upon it or related to it, listed in the Annex referred to in that Article, are to be binding on and applicable in the new Member States from the date of accession.

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The provisions and acts not referred to in that Annex, although binding on the new Member States from the date of accession, will only apply in a new Member State pursuant to a Council decision to that effect in accordance with that Article.

4. The Council decisions referred to in Art 3(2) of the 2003 Act of Accession will be taken on a Member State-by-Member State basis. Each Member State will be evaluated on its own merits.
5. The legal basis for the evaluations is 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.
6. The evaluation process started with a declaration of readiness for all non-SIS-related evaluations by the Member States involved.
7. The Schengen Evaluation Working Party verified in writing the new Member States' preparedness to apply the whole of the Schengen acquis through a questionnaire and a series of supplementary questions and answers.
8. These visits 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, in respect of each of the new Member States subjected to the full evaluation procedure, whether the state satisfies the conditions necessary for it to apply the whole of the Schengen acquis, where additional follow-up measures are required and where the necessary changes should be reassessed during inspection visits.
10. In taking the decisions referred to in Article 3(2) of the 2003 Act of Accession, 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 this case, it may be necessary to organise additional visits in order to evaluate the application of the Schengen acquis at borders between Member States at which the Council has decided not to abolish border checks and which have not already been evaluated. No such evaluation has taken place so far.
11. These conclusions should be read in conjunction with the detailed inspection reports. A list of the relevant reports and a follow-up table is annexed to these Council conclusions.

12. The Council considers it necessary to require follow-up measures to remedy the weaknesses detected during the evaluation process, in particular those mentioned in Part II below, in order to allow the Council to adopt the Decisions referred to in point 3 and 9.

b. Background for Cyprus

13. The declaration of readiness from Cyprus enabled Schengen evaluation to start on 1 May 2006, with the exception of airports, seaports and visas, which were to be evaluated later.
14. On-site inspections took place regarding police cooperation and data protection.
15. (Cyprus has provided the Schengen Evaluation Working Party with a follow-up report, in which it states that the weaknesses detected can be remedied without creating any unnecessary delay, keeping in mind, however, that delays in full participation in Schengen will depend on solving the border issue.)

PART II - Specific findings

Given the particular circumstances, **no evaluation of Cypriot borders** has yet taken place.

Cyprus has **not yet requested evaluation of its Consulates**.

As regards **data protection**, the Data Protection Authority does not yet have all the human resources, budgetary means and capabilities necessary to play an active role with respect to the SIS, and an additional visit is needed to establish what progress has been made in this field.

Police cooperation

It is clear that most of the preparatory work for full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures.

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The European Criminal Intelligence Model (ECIM) is to be introduced. Fully interoperable law enforcement database structure is to be established.

It is essential to speed up launch of the SIRENE bureau and continue recruiting and training personnel.

The MoU between the police and the customs service is an excellent basis for cooperation between the two services. Nevertheless, customs should be invited to second a permanent liaison officer to the SIRENE office in order to enhance day-to-day cooperation.

The forthcoming bilateral agreement between Cyprus and Greece on sharing the Greek liaison officers in third countries with Cyprus will be a good example of the efficient use of Member States' resources.

[PART III]

The Council is of the opinion that Cyprus has made substantial progress towards applying the Schengen acquis in full.

It is necessary to follow up the weaknesses that have been detected, in particular to require correction of the weaknesses set out in Part II, in order to allow the Council to take the decisions referred to in Article 3(2) of the 2003 Act of Accession. The Schengen partners must be kept informed of the measures adopted to this end. Among the weaknesses that will be re-visited in-situ, one may refer to the issues mentioned in Part II.]