



Council of the
European Union

026911/EU XXVI. GP
Eingelangt am 18/06/18

Brussels, 18 June 2018
(OR. en)

14518/1/06
REV 1 DCL 1

SCH-EVAL 159
COMIX 877

DECLASSIFICATION

of document:	14518/1/06 REV 1 RESTREINT UE/EU RESTRICTED
dated:	13 November 2006
new status:	Public

Subject:	Schengen evaluation of the new Member States
	- Draft-Council conclusions on the state of preparedness of the REPUBLIC OF CYPRUS towards the implementation of all provisions of the Schengen acquis except SIS-related issues, airports, seaports and visa

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

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

RESTREINT UE



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**Brussels, 13 November 2006 (13.11)
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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 towards the implementation of all provisions of the Schengen acquis except SIS-related issues, airports, seaports and visa

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. All non-SIS 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).

RESTREINT UE

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 by 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. No such visit has taken place so far.
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 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, fulfill 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 is annexed to these Council conclusions.

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b. Background for Cyprus

10. The Declaration of Readiness of the Cyprus allowed to start the Schengen evaluation by 1 May 2006 with the exception of airports, seaports and visas which would be evaluated later (doc. 7555/05 SCHEVAL 18 COMIX 192).
11. Inspections on site took place on Police cooperation and Data protection.
12. (Cyprus 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, keeping in mind however that delays for full participation in Schengen will depend on solving the border issue.)

PART II - Specific findings

Given the particular circumstances of preparedness, **no evaluation of borders (sea and air borders)** has yet taken place, nor has Cyprus **requested that its Consulates be evaluated**.

In the field of **data protection**, the Data Protection Authority does not yet have, in full, the human resources, the budgetary means and the capabilities necessary to play an active role with respect to the SIS.

On **police cooperation**, most of the preparatory work for full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures.

The European Criminal Intelligence Model (ECIM) is to be considered. A fully interoperable law enforcement database structure is to be established.

The acceleration of the launch process of the SIRENE bureau and the continuous recruitment and training of personnel at the earliest possible is indispensable.

RESTREINT UE

The MoU between the Cyprus Police and the Customs and Excise Department is an excellent basis for good cooperation between the two services. Nevertheless, the Customs and Excise Department should be invited to second a permanent liaison officer to the SIRENE Office in order to enhance day-to-day cooperation once this Office becomes operational.

The forthcoming bilateral agreement between Cyprus and Greece on sharing the Greek liaison officers posted to other EU Member States and third countries with Cyprus, is a good example of using Member States' resources in an efficient manner.

PART III - Conclusions

In order to allow the Council to take the Decisions referred to in Article 3(2) of 2003 Act of Accession, it requests Cyprus to inform the Council in writing, on the follow-up it intends to give to these recommendations and those contained in the evaluation reports. Cyprus is also invited to remedy the weaknesses listed in the evaluation reports, especially those referred to in Part II.

The Schengen partners must be kept informed of the measures adopted to this end.

In addition, the Council requires a revisit in the field of Data protection.
