



Council of the  
European Union

026951/EU XXVI. GP  
Eingelangt am 18/06/18

Brussels, 18 June 2018  
(OR. en)

14523/1/06  
REV 1 DCL 1

SCH-EVAL 164  
COMIX 882

## DECLASSIFICATION

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of document: 14523/1/06 REV 1 RESTREINT UE/EU RESTRICTED

dated: 13 November 2006

new status: Public

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Subject: Schengen evaluation of the new Member States

- Draft-Council conclusions on the state of preparedness of the  
REPUBLIC OF LATVIA 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, 13 November 2006 (13.11)  
(OR. en)**

**14523/1/06  
REV 1**

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**SCH-EVAL 164  
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## **NOTE**

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from : the Presidency  
to: the Schengen Evaluation Working Party

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Subject : Schengen evaluation of the new Member States  
- Draft-Council conclusions on the state of preparedness of the REPUBLIC OF LATVIA 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. 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).

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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 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 Latvia

10. The Declaration of Readiness of Latvia allowed to start the Schengen evaluation by 1 May 2006, without any reservation (doc. 6409/05 SCHEVAL 14 COMIX 124).
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 in situ, too.
12. (Latvia 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.)

## 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.

In the field of **border management**, Latvia has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction. The Border management strategy in Latvia generally meets the Schengen requirements. The personnel is professional and in general terms, equipment is up to date. The well structured intelligence and investigation organisation and functional cooperation with several other countries' border authorities gives a good basis for combating illegal immigration effectively also in inland areas. Special note was taken of the integrated system of border control and aliens' control, which is deemed an effective solution.

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The **land borders** are controlled systematically both at the border crossing points and the green borders. The infrastructure at the visited land border crossing points is, in general terms, in line with the Schengen standards but the infrastructure, procedures and equipment in Zilupe railway crossing point do not yet fully fulfil Schengen requirements <sup>1</sup>.

Latvia has no border agreement with Russia (although this has no crucial impact on implementation of the Schengen requirements).

On **sea borders**: the coast is mostly covered by an integrated radar surveillance system backed up by a network of coast guard stations in readiness for rapid reaction. Also, an offshore element is present (offshore patrol crafts and helicopters), although the system is mostly old-fashioned and should be improved. The control of the sea borders is an issue, on which different ministries and services have been searching for ways of coordination., The requirement of full professionalism, notably in case of duties such as utilisation of intelligence, risk analysis, apprehension and searching of civilian persons or their vehicles, is emphasized as a Schengen standard.

Although the border management and the organisation at the **airport** of Riga was widely appreciated, the physical characteristics of the infrastructure, in particular the separation of passenger-streams, does not yet comply with the Schengen requirements unless construction work is carried out. The airport of Riga should therefore be revisited.

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

The amount and quality of information, the accreditation system for travel medical insurance companies and travel agencies, and certain security features (staff rotation scheme, ticket/number system) were appreciated.

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<sup>1</sup> A revisit has been envisaged to Zilupe railway station. SCH-Eval should decide on 16/17 November whether this visit is indispensable.

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However particular attention should be paid to the proper assessment of individual applications including personal appearance and interviewing, awareness of the risk of illegal immigration and misuse of visa (Kiev), the limited possibilities of the IT system for exchanging information including the limited possibilities for prior consultation, general security issues (keeping of visa stickers, premises) and the legibility of the machine readable zone.

In order to meet the **data protection** requirements, Latvia should strengthen the independence of the Data protection authorities and allows it to enhance its activities in the field of supervision, including that of SIS, rather than to concentrate on the notification of databases.

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 according to Articles 40 and 41 of the Schengen Convention is still hampered by the lack of bilateral agreements with neighbouring countries.

Latvia has established a well-structured coordination mechanism for the preparation for entry into the Schengen area. Furthermore there is a systematic multi agency approach, which increases effectiveness in terms of international police cooperation.

Latvia has set up and designated a single point of contact for international police cooperation, including Schengen art. 39 and 46 requests/information guaranteeing effective and efficient cooperation.

The telecommunications system of the Latvian Authorities is not compatible with those used in Lithuania and Estonia; a technical solution should be sought.

## **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 Latvia to inform the Council in writing, on the follow-up it intends to give to these recommendations and those contained in the evaluation reports. Latvia 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 of the airport of Riga (and the Zilupe railway crossing point- see footnote on page 4).