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THE EUROPEAN UNION

Brussels, 6 November 2006

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REV 1

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REPORT

from : the Schengen Evaluation Committee Land Borders
to: the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- ESTONIA: Report on Land Borders

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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), the Land Borders Evaluation Committee visited Estonia from 12 to 15 September 2006.

Participants:

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During the mission, the experts visited the following sites:

- In the South-East Border Guard District, Koidula border crossing point, Piusa Border Guard Station's border section, Värskä Border Guard station and Saatse border crossing point.
- In the North-East Border Guard District, Varnja and Vasknarva Border Guard Stations, Narva road, railway and pedestrian border crossing points, Narva Border Guard Station, and Narva-Jõesuu Border Guard Station.

This report is the result of what the Evaluation Committee saw and heard; of what was shown and explained and what the Committee was able to evaluate, depending on the available information given by the central and local authorities, the available time on the spot and the period of the year in which the visits took place.

The Evaluation Committee would like to thank the Estonian authorities and especially to the Border Guard for their cooperation and for the hospitality shown by the local authorities. All the information requested during the visit was put at disposal of the Committee and the additional documentation provided was of great value for the experts.

2. MANAGEMENT SUMMARY

The Evaluation Committee implemented its tasks according to the agreed programme. Estonia has a 338,6 km long external land border with Russia, 112 km long external sea border and has 343 km long future internal land border with Latvia. The border with Russia has not yet been fully demarcated but a final agreement is expected to be signed in the future; this fact does not hamper the practical border management or raise any problems regarding to the effective implementation of the Schengen regulations.

The border situation is very stable at the Estonian land borders. The Committee is aware of the current low migratory risk but underlines the necessity to monitor the situation closely.

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The Schengen integrated border security model forms the basis of the border security system in Estonia. The competent authority responsible for border management is the Estonian Border Guard, subordinated to the Ministry of the Interior. Border checks and surveillance are exclusively performed by specially trained border guard professionals. Activities are based on systematic risk analyses and on continuous exchange of information between cooperative partners and international bodies. The border security strategy and organisational structure in Estonia can be considered as best practice in the application of the Schengen acquis.

Cooperation with the Russian border guards is well structured and functional at all levels. The system of border delegates facilitates the practical cooperation by means of regular meetings, exchange of information (including intelligence) joint risk analyses, joint investigation and coordinated actions at the border. The means of communication have been created between the units responsible for border control, guaranteeing rapid exchange of information and rapid reaction. The working language is Russian. This system can also be described as a best practice. The evaluation Committee had the possibility to discuss with the representatives of Russian Border Guards during their mission.

There are some bilateral crossing points (Narva-2, Saatse) which are open only for Russians and Estonians. In Narva-2 Ivangorod twin-city both countries are issuing 2000 visas free of charge for local inhabitants.

Combating illegal immigration is a joint task of the Police, Migration Board and the Border Guard. The Border Guard has a very well structured intelligence and investigation system, functional contacts with several other countries' border authorities and its main task is border control. It would be reasonable to strengthen the role of the Border Guard in the field of combating illegal immigration also inland and increase its resources accordingly. This would improve the Estonian capacity to meet future challenges related to illegal immigration.

The Committee considers that the sites visited widely meet the Schengen standards with regard to the professionalism of the personnel, risk analysis and infrastructure. However, the number of personnel, at least in some of the visited sites, is insufficient for the current tasks and responsibilities. The Estonian Border Guard has already for some time been facing the fact that trained, qualified Border Guard personnel leave their jobs looking for of higher incomes. During the last 3 years the Border Guard has lost over 12 % of its staff.

In general, the border control measures at the Estonian land borders are carried out following most of the Schengen requirements. Considering the low threat of illegal immigration, the natural character of the land borders, the geographical and climate conditions, the high-tech equipment, the infrastructure as well as the quality and motivation of the personnel, the Committee is of the opinion that the visited sites during the evaluation meet broadly, but not fully, the Schengen standards. Some serious but manageable shortcomings related to staffing, equipment, infrastructure and procedures exist in some places. However, the final assessment should be done taking into consideration, both the conclusions and recommendations for the visited sites and the general conclusions, including recommendations and follow-up set out in this report.

3. GENERAL INFORMATION

Information of a more general nature is contained in Estonia's answers to the questionnaire which was addressed to the Estonian authorities with a view to the evaluation of the application of the Schengen acquis i.e. doc. 15559/05 + ADD1 SCH-EVAL 119 COMIX 824 (RESTREINT UE). Reference is also made to the Estonian replies to additional questions, as contained in doc. 7655/06, 7398/06 and 9315/06 (RESTREINT UE). However, for reasons of clarity the Committee repeats here some of the main elements contained in those answers.

3.1. Strategy

3.1.1. *Legislation*

The main rules governing borders management are:

- the State Borders Act
- the Border Guard Act
- the Aliens Act
- the Citizen of European Union Act, and
- the Regulation of Border Regime

The principles and regulations of the Schengen Convention are adopted in the national legislation and implemented in the border management.

According to the Border Guard Act, border guards have the right to control the documents in the framework of the border regime or carry out any other related activities in order to prevent illegal crossing of the borders.

The procedure for individuals to cross the state borders is regulated by the State Borders Act and the regulations of the border regime. According to this legislation, procedures are established, based on which border guard officials may decide whether circumstances exist which prevent a foreigner from entering Estonia.

The Aliens Act regulates the arrival, stay, residence and work of foreigners in Estonia.

A new Border Guard Service Act is being drafted currently and is expected to enter into as of 1 January 2007.

3.1.2. *General strategy for border management*

The general strategy for border security in Estonia is comprehensive and covers many aspects of the Schengen four-tier integrated border security model. The basic idea follows the Schengen approach including activities abroad, good cooperation with transit and neighbouring countries, border management and close cooperation with national law enforcement authorities.

A central role in the integrated border management is played by the Estonian Border Guard which is an independent centralized and professional organization under the Ministry of Interior.

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According to the State Border Act and the Border Guard Act, the Border Guard has a general responsibility for the surveillance of the land borders as well as the competence to perform border checks of all persons crossing the borders.

The fundamental document directing the general organization and development of the Border Guard is the Border Guard Development Guidelines for 2004-2007 (2008) approved by the Government on 18 February 2003. The aim was that the Ministry of Interior, as the supervisor of the Border Guard, designates operational targets for the authority, defines its role and put in place all the necessary resources.

The strategic planning considers the full Schengen membership of Estonia and is reflected in the number of the staff, technical developments and policy making. The legal background is taken into account and the international bilateral and multilateral cooperation is strengthened continuously.

The aforementioned document reflects the development vision and goals of the Border Guard, as well as the activities and estimated resources necessary to achieve the goals until 2008. The development guidelines are the basis for the modernization of the organization, in order to adapt it to the changes that have taken place in the domestic and foreign environment.

Based on the development guidelines, every year the Board of the Border Guard compiles its investment plan for its administrative area for the next budgetary year and for the following three years. These guidelines are updated according to changes and needs resulting from the operating environment.

Border Guard activities are also referred in different action plans of the Government of the Republic and the Ministry of the Interior, such as:

- The Development Plan for Domestic Issues Related to Euro-integration for 2000;
- The 2001 Government Plan of Action for Integration with the European Union;
- The 2002-2003 Government Plan of Action for Integration with the European Union;
- The Ministry of the Interior Schengen Plan of Action.

Besides border control, the risk analysis, intelligence and criminal investigations constitute inseparable parts of border management.

The operational area of the Border Guard is not limited with the border area. The control of the border traffic at the designated border crossing points is carried out together with the Customs however the checks on passengers is solely the task of the Border Guard. The Border Guard can perform the customs checks at minor border check points on behalf of the Customs.

3.1.3. *Analysis of environment and threats*

The prevailing situation at the Estonian borders is stable; Estonia is neither a destination nor a transit country. The current migratory pressure seems to be low. The apparently good border security system of the neighbouring country plays a remarkable role for the current situation. A possible weakening in these structures would immediately increase the pressure against the Estonian external land border.

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The Russian border security system is already now changing and it is not possible to say the consequences that these changes will have for the border situation. According to the Estonian authorities, the main threats are related to border crossing points and cross-border traffic. Narva-Ivangorod twin city area is a clear risk area. Narva railway and highway border crossing points are the main places where migrants cross the border on the basis of valid passport and valid Estonian visas. The attempts to leave the country by using forged documents are primarily made at the border crossing points in Tallinn Passenger Port, the Airport or Paldiski Port. In addition, the smuggling of goods and migrants, illegal stay in Estonia, document conveyance abroad and the trafficking of drugs to Scandinavia are important risks in Narva area. Only a few cases of illegal or irregular border crossing were recorded.

The number of border crossings of persons and vehicles at the Estonian borders has increased continuously. In 2005 there were 17.298.207 border crossings of persons (6% more than in 2004) and 3.262.567 of vehicles (25% more than in 2004).

In 2005, 60 cases of illegal immigration and 90 illegal immigrants were detected. It represents twice as many cases as in 2004 and 32 more illegal immigrants detected. The main countries of origin were Moldova (28 persons), Russia (17 persons), and Ukraine (7 persons). 11 persons did have undetermined nationality.

During the first half of 2006, 25 cases of illegal immigration and 50 illegal migrants have been detected.

The following trends were identified in 2005:

- Increasing number of attempts to legally enter Estonia by illegal migrants arriving from countries of the former Soviet Union, for illegal stay or obtaining false travel documents and then further travel to other European countries, or get unofficial employment;
- double number of illegal migrants compared to 2004 tried to enter the country illegally through the land border along the South-Eastern part of Estonia;
- attempts to cross illegally the land border between border crossing points of people from African countries;
- the use of falsified Lithuanian passports by illegal migrants from Ukraine trying to enter the country by coaches;
- new attempts of illegal immigrants to enter Estonia via other border crossing points at the Estonian border, via Russia or Latvia, if refused of entry at first border crossing point;
- illegal migrants using falsified travel documents pretended to present themselves as victims of trafficking.

Some of the main routes used are:

- 1) Ukraine-Belarus-Lithuania-Latvia-Estonia. The illegal migrants try to travel into the Schengen countries using forged documents.
- 2) Kiev (Ukraine)-Tallinn (Estonia), mainly by using forged documents.
- 3) Russian Federation-Estonia. After a legal entry into Estonia (with a valid visa), the migrants try to enter the Schengen area with forged documents.
- 4) Russian Federation-Estonia. After illegally crossing the border, the migrants try to work and live in Estonia also illegally.
- 5) Russian Federation or Belarus-Latvia-Estonia.

The total number of refusal of entry decisions taken at the Estonian - Russian border was: 298 in 2003, 196 in 2004 and 238 in 2005.

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In 2004, some individuals succeeded in arriving in Estonia without leaving any trace only on a few occasions. The incidents were discovered when the individual was apprehended inland. A few cases of people (not identified) departing from Estonia using forged documents, were reported.

The number of detected illegal border crossings at the Estonian-Russian border has decreased from 177 cases in 2003 to 135 in 2005. The percentage of settled cases (when person was detained or his return to the other side of the border was fixed) increased from 73% up to 79% of all the cases. Most of the cases refer to local inhabitants that cross the border illegally while fishing or doing other recreational activities. However, the Estonian Border Guard mentioned the increasing number of illegal immigrants detained among those persons detected illegally crossing the borders.

3.1.4. *International cooperation (regional, bilateral and readmission agreements)*

The State Border Guard participates in several forms of regional and international cooperation. The widest regional cooperation organization is Baltic Sea Region Border Control Cooperation (BSRBCC) where all 9 Baltic Sea States, Norway and Iceland are involved.

Twice a year, trilateral meetings of the different levels of the Estonian, Russian and Finnish Border Guards (a management group, maritime guard working group, border control working group) take place.

The cooperation between Estonia, Latvia, Lithuania, and Finland is also implemented by the Police, Customs and the Border Guard. It is based on the performance of joint operations (up to 4 times a year) and the fight against cross-border organized crime.

With the Finnish Border Guard the contacts aimed at the exchange of information and experiences are maintained at central, regional, and local levels. An intense exchange of information takes place between Centre of Evaluation of Travel Documents of the Estonian Border Guard and the respective units of the Finnish and German Border Guards, the Belgium and Swiss Police, the Immigration and Naturalisation Service of United States and with some other authorities.

Estonia has signed cooperation agreements with the following European Union Member States: Finland, Latvia, Lithuania, Poland, Hungary and Germany and the Border Guard has signed cooperation protocols or agreements with the Border Guard Service of the Russian Federation, the Finnish Border Guard, the Swedish Coast Guard, the Hungarian, the Polish and the Ukrainian Border Guard, as well as with the German Federal Border Guard Service.

The cooperation with Ukrainian Border Guard is focused on the exchange of information, experience and experts.

With Russia, the cooperation can be regarded as functional and effective. Bilateral meetings between the Border Guards of both countries take place four times a year in order to discuss about the incidents occurred at the Estonian-Russian border, find solutions and give guidelines to the Estonian-Russian border delegates. At the regional level border delegates, who are commanders of the border guard districts responsible for border control, are responsible for practical cooperation. This cooperation includes regular meetings, joint risk assessment, joint investigation, exchange of information (including intelligence) and coordinated actions. Rapid reaction is guaranteed by direct lines of communication (telephone, radio) at all levels. An agreement is also in place about the use of the Narva-2 and Saatse border crossing points.

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They are only open to residents of Estonia and the Russian Federation as well as for residents of these countries and stateless people who have resided permanently or temporarily on Estonian or Russian soil at least 6 months. The objective of this agreement is to facilitate the movement of local residents. The residents in the border area of the Russian Federation are issued long-term visas, valid for up to 1 year, based on which they can visit Estonia and stay in the country up to 90 days during a half a year. For people travelling with these visas, the border check is conducted as specified in the Common Manual (verification of the existence of entry bans, if they are wanted by the police, the means of subsistence, and the passports are stamped on entry/exit).

With regard to that agreement and with a view to the Local Border Traffic Regulation that is due to be approved, the Committee invites Estonia to align the terms of the current agreement with the provisions mentioned in the mentioned regulation.

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

The Border Guard actively cooperates 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 Board of Border Guard is a member of the Management Board of the Agency and one officer has been seconded to the Risk Analysis Unit.

A national contact point has been established in the Board of Border Guard for the cooperation with FRONTEX. This cooperation is permanent in the fields of risk analyses and joint operations.

The Estonian Border Guard participates in several development and training programs in the framework of the Agency.

3.2. Organisational (functional) structure

3.2.1. Centralised supervision and instructions

The main forces involved in border management are the following:

The Estonian Border Guard, which is administered by the Ministry of the Interior, is structured at central, regional and local levels.

- At central level, the Board of the Border Guard manages all Border Guard activities.

Estonian Board of Border Guard has 4 Departments: Border Security Department, Intelligence Department, Personnel and Administration Department, Logistics Department.

The Border Guard Patrol Boat Division, Border Guard Aviation Group and Maintenance Centre are other authorities organised at central level.

- At regional level there are 5 Border Guard Districts: North, North-East, South-East, Valga, and West Border Guard Districts. They are responsible for guarding and protecting the state borders and ensure border control on their respective territories, prevent criminal activities and illegal immigration, and conduct maritime search and rescue operations. Each District has a maintenance centre, which provides technical and economic support (garages, repair shops, warehouses, etc). They also organize the cooperation with the structural units of the Police, the Tax and Customs Board, the Security Police, the Citizenship and Migration Board and the Customs, the Defence forces and with the relevant authorities of the neighbouring countries.

- At local level, the Border Guard Stations (BGS) are responsible for border surveillance, while the border crossing points (BCPs) guarantee the check of individuals and means of transportation crossing the border.

The Tax and Customs Board, under the competence of the Ministry of Finance, controls the cargo and goods that are transported across the border.

The Health Protection Inspectorate, administered by the Ministry of Social Affairs, deals with organizing the defence against epidemics on the state border.

The Border Service of the Veterinary and Food Board, administered by the Ministry of Agriculture, deals with the veterinary monitoring of trading in animals and animal products as well as their import and export.

The Plant Production Inspectorate, administered by the Ministry of Agriculture, deals with: the control of the production and import of plants and plant products, etc.

3.2.2. *Coordination and inter-agency cooperation, division of responsibilities*

The cooperation of authorities for conducting border control is regulated by cooperation agreements signed at central level. Taking these agreements into consideration the regional and local bodies prepare agreements and plans for execution which include all the practical details.

According to Regulation no. 259 of the Government of the Republic, dated on 10 July 1995 and entitled “The improvement of work organization in border crossing-points”, the heads of border crossing points are responsible for the organisation of general work organization in border crossing points, including the coordination of border, customs, and other controls related to the crossing of borders.

At national level there is an Executive Group composed of the leaders of the three main organizations in this field (Border Guard, Police and Customs) that decides about the strategy and guidelines for the cooperation.

When necessary, the local units (Border Guard Districts) have the authority to organize joint operations in cooperation with other authorities (Police Board, Tax and Customs Board, Citizenship and Migration Board), or to involve officials of those services in its operations.

In practice, the most common joint actions are joint patrols in certain areas as well as operations in companies and institutions in order to discover foreigners illegally staying in the country, or to detain either individuals involved in smuggling of goods or narcotics, or those suspected of trafficking in human beings or contraband. In such operations, the leading authority guarantees the existence of the necessary additional equipment and the communications.

The technological schema defines the entry of vehicles into the border crossing point, movement, positions, exit and the procedures to be followed during the inspections.

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

3.2.3. Specialised services

Apart from the Border Guard Aviation Group and the Border Guard Patrol Boat Division, the Estonian Border Guard does not count with rapid reaction teams.

The Border Guard Aviation Group performs regular patrol activities in the air, air inspections, searches and marine rescue work. However, the air support for land border surveillance is limited.

3.3. Operational effectiveness

3.3.1. Resources

Estonia has 65 border crossing points opened for international traffic. Out of them, 2 (Narva-2 and Saatsse border crossing points) are open only for residents of Estonia and the Russian Federation. During the last three years, only one new border crossing point has been opened (Praaga BCP) at the Russian border.

The border crossing points are distributed as follows according to border type:

- 19 land border crossing points;
- 39 sea or trans-boundary body of water border crossing points;
- 7 air border crossing points.

Of the 19 land border crossing-points, 16 are located on highways and 3 in train stations. 7 are located at the Estonian-Russian border and 12 at the Estonian-Latvian border.

Human resources

There are 10 border control units that operate as structural units of the Border Guard. Their responsibility is to provide service at the 23 border crossing points open for international traffic.

42 of the border crossing points are under the responsibility of Border Guard Stations (23) where border checks are performed by the personnel especially trained for this purpose and whose second task is to carry out border surveillance within the station's border section.

The total available staff of the Border Guard consists of 1718 border guards.

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The Estonian authorities estimate that, in order to fully staff the Estonian-Russian border, the number of border guards should be increased by 419 officers. This estimation has however not been documented. This need would be covered with training at the border guard college and by the personnel redeployed from the future internal borders.

Since 2003 the number of Border Guard officials has decreased in 265 persons (-12%).

Technical resources

The border crossing points are equipped with computer terminals connected to domestic databases, equipment for examination of travel documents, UV lamps, portable equipment, videospectral comparators, photo-phones, passport readers, digital cameras, metal detectors, endoscopes, etc.

It is planned to procure an additional endoscopes, CO2 detectors, and digital stereo microscopes in 2006.

For the surveillance of the borders air support, radar stations to monitor the sea borders (including 4 for lake borders) and several border guard ships are available.

In addition, 18 observation towers and different kinds of surveillance equipment are available.

The communication between the control centre and BCPs is ensured by means of telephones, faxes, mobile communication equipment, radio communication equipment, data or computer communication equipment and satellite communication equipment.

Additional information on communication means and encryption is contained in chapter 6 (Border Surveillance) of this report.

3.3.2. Level of controls at external border

Border checks are carried out systematically at the border crossing points, both on entry and exit and the border guards have access to the following databases:

- border crossings database;
- visa register;
- population register;
- document register;
- register of entry prohibitions;
- motor vehicle register;
- the part of a police information system that deals with fugitive individuals and vehicles;
- database on the originals and forgeries of foreign travel documents.

According to bilateral agreements, the Border Guard has the possibility to use data on individuals, vehicles, or documents being searched for by some other country.

The border sections located between border crossing points are surveyed 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 the illegal border crossings and to identify and detain the persons who crossed the border illegally.

3.3.3. *Situational awareness and reaction capability*

Situational awareness in Estonia is very good at all levels of the organisation. It is based on a well structured gathering and analysing of information coming from various international, national and own sources. Functional and comprehensive reporting system and effective intelligence organisation are the basis for reliable border situation image which is updated by continuous border surveillance and border checks. Estonian border guards presented very comprehensive and clear system of analysing the environment.

In the land-based activity areas, the Border Guard acts in response to needs or the actual situation; mutual aid is provided for the protection of public order, and information is exchanged about possible illegal activity in the area.

The green border surveillance is conducted by mobile patrols (on foot and in vehicles) supported by service dogs and the use of technical equipment. Good results have been achieved in cooperation with the local residents of some border areas.

While in the summer, the motorized surveillance is conducted primarily with the use of off-road vehicles, ATVs (all terrain vehicles), and observation cars, during the winter, and with the arrival of snowfalls, the motorized surveillance of the border is conducted with the help of snowmobiles. Patrol activities are conducted directly at the border.

In normal circumstances, neither the police nor other authorities are involved in the guarding the border as this is the sole competence of the Border Guard. However, in exceptional cases, it is possible to receive support of other authorities (Police, Defence League) to physically seal the border, but even then, the sole competence for border control remains in the Border Guard.

Reference is made to chapter 6 (Border Surveillance) of this report.

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

The main task of the Border Guard is border management. This means that all resources (human and technical) should be permanently available and also be mobilised rapidly if need be without relying on other organisations. Border Guard Districts organize and manage the border control. Border Guard Stations, subordinated to the Border Guard Districts are directly responsible for border surveillance and border checks.

The human resources are deployed according to risk analysis and they are available and movable when needed. In special cases it is possible to use the resources available in a flexible way. Technical resources are mostly located at the local level but some special equipment and resources (aviation) are used at national level. Databases and registers are available in all BCPs. Since the Estonian Border Guard has all necessary resources at its own disposal as well as its own budget, it is possible to create area of focus when and where needed.

The state borders are guarded 24 hours a day by patrols, electronic surveillance, and video equipment.

In 2004, an average of 851 hours a day were spent by all the guard stations on activities related to the border control of the future EU external borders, (Estonian-Russian border) by means of radar and visual observation, patrols and other activities related to the border surveillance.

In all Border Guard Districts and in the biggest border crossing points, there are separate positions for border guard officials dealing with operative surveillance work and investigations, who have sufficient rights and competencies to initiate investigations, to process cases, and to bring cases to a judicial deliberation.

The authorities consider that the high outflow of personnel and the difficulties in recruiting new staff can be derived from the modification of the status of the border guards, passing from being members of the Defence Forces to civil servants, with a possible change of the social guarantees, lose of competitiveness in terms of salary and absence of awareness about the future of the organisation due to absence of new Border Service Act.

Reference is made to point 6 (Border Surveillance) of this report.

3.4. Risk analysis, intelligence and data-flow management

3.4.1. Organisation, methods and responsibilities

The CIRAM (Common Integrated Risk Analysis Model) is the Estonian risk analysis methodology.

At central level these analyses are performed by the Analysis Section of the Intelligence Department and by the Border Security Department of the Board of the Border Guard. At the operational level intelligence led risk analyses including analysed intelligence information are performed by the Intelligence Sections of the Border Guard Districts. The border crossing points and the Border Guard Stations perform risk analyses for planning the operational activities and for carrying out border surveillance and border checks.

The collection of information on the state border situation takes place systematically and is analyzed and stored. The information gathering is done by using different sources, as the 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 Baltic Sea Region Border Control Cooperation, Early Warning System of CIREFI and Europol.

The products derived from the analysts' activities are: ad-hoc reports, weekly reports about the situation at and near the border areas; monthly reports about the situation at and near the border areas, outlining risks and threats; annual reports about activities in the area of responsibility; reports on illegal migration, human smuggling and trafficking (for CIREFI, FRONTEX, EUROPOL, ICMPD etc) and risk analysis and threat assessment.

Common risk analyses are carried out together with border guard services of Finland, Latvia and Russia. With Russia and Finland they are carried out at central, regional and local levels, while with Latvia they are performed at central and regional levels. Data protection regulations based on bilateral cooperation protocols secure the information exchange to avoid any misuse of that information.

With regard to the information exchange, the key factor is cooperation between different authorities. Based on domestic laws, it is possible for different authorities to get access to the Border Guard databases and to make inquiries.

The Committee considers that the risk analysis system in Estonia is comprehensive and it is also organised very well. Risk analysis, intelligence and investigation are combined in reasonable and effective way. People responsible for this task are specially trained and they have necessary resources available. This system can be described as a best practice.

3.4.2. Horizontal and vertical flows

The vertical data flow is ensured from each border guard up to the Board of the Border Guard 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.

3.5. Investigation and alien policing

3.5.1. Legal background

The arrival, stay, residence, and working of foreigners in Estonia and the basis for the legal responsibilities of foreigners are regulated by the Aliens Act. The enforcement of the provisions of the Aliens Act is executed by the Citizenship and Migration Board, the Board of the Border Guard, and Police prefectures. Based on it, the Police, Border Guard, and Citizenship and Migration officials have the right to check the legal basis of the arrival, stay and work of foreigners in Estonia.

The State Borders Act and the regulations of the border regime regulate the procedure for individuals who cross the state borders. This Act also specifies as misdemeanours, i.a. violating the border regime (pecuniary penalty of up to 200 penalty units) and the illegal crossing of the state border or the temporary border line (pecuniary penalty of up to 200 penalty units).

Based on the Border Guard Act, border guard officials have the right to control the documents of individuals suspected of violating the border regime, to perform examinations on the vehicles of suspects, and to enter the residences, buildings, structures, possessions, workplaces, and transport vehicles in order to pursue suspected individuals or to prevent the illegal crossing of the state borders.

The responsibility for offences against public security (incl. illegal crossing of state borders, and staying in the country without legal basis) is specified in the Penal Code. The illegal crossing of the Estonian state border or the temporary border line and the illegal conveyance of aliens over the state border of Estonia or the temporary border line, are included in articles 258 and 259 of the Penal Code, respectively. Border Guard is the only body in Estonia responsible for the investigation of the abovementioned crimes. On the reasons of expediency, the Prosecutor General of Estonia may alter the investigative power of crimes, strictly connected to illegal immigration (use of false travel document at border crossing), from Police to Estonian Border Guard, as 68% of crimes investigated by the border guard, are related to illegal immigrants presenting false passports at border crossings”.

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.

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The regulations, directives and other instructions regulating this sphere are issued by the Ministry of the Interior.

The Aliens Act specifies as misdemeanours the following behaviours: Facilitating housing or accommodations services for aliens staying in Estonia without a legal basis (§ 16²); the hiring of aliens having no legal basis to work in Estonia (§ 16³); working of aliens in Estonia without a legal basis (§ 16⁴) and the conveyance of aliens to the transit zone, state border, or temporary border line(§ 16⁷).

3.5.2. Organisation

The Aliens Act provides officials of the Police, Border Guard, and Citizenship and Migration Board (CMB) the right to control the legal basis for foreigners to arrive, stay and work in Estonia. The foreigners have the obligation, upon request, to present the official his/her identity document as well as documents proving his/her legal basis for staying or working in Estonia.

The same law obligates the foreigner, employer, and other related parties, upon request of the competent authority, to prove the circumstances of the foreigner's employment in the country and the circumstances that are the basis for the application, extension or possession of a legal basis for working.

The Border Guard, apart from the missions to be implemented at the border, is competent to control the legality of the stays of aliens in Estonia. In addition, the investigation of the crimes connected with illegal crossing of the border is coordinated by the Intelligence Department of the Board of Border Guard and investigated by the Intelligence Sections of the Border Guard districts.

In each region the Border Guard has its own responsibility for planning acts of alien policing. General orders to this purpose are given at central level. Every Border Guard district plans its own activities with regard to border control for every 3 months. If the level of personnel is expected to be too low, an application for extra staff can be made at neighbouring districts.

Police has also among its competences the control of the legality of foreigners' stay and work and the detention of people staying illegally in Estonia. This alien policing is mainly done in the context of regular police work and investigating some criminal cases (for example use of counterfeited documents or where illegal immigrants has committed another crime).

The Citizenship and Migration Board (CMB) is primarily tasked with preventive migration control, including the approval of visa invitations, decisions on the extension of periods of stay, and conducting supervision proceedings. The Visa and Illegal Immigration Department, which includes the Administrative Liability Office, deals with migration supervision and the application of administrative coercion.

The structure of the CMB counts with approximately 500 officials and it includes an expulsion centre. Officials of the CMB, Border Guard, and Police may apply to the Administrative Court for the detention of aliens in the expulsion centre.

Police Prefectures, Citizenship and Migration Board, and the Board of the Border Guard are the bodies conducting extra-judicial misdemeanour proceedings related to the Aliens Act.

As the three agencies involved have the competency to detect and apprehend persons residing illegally in Estonia it seems that there are no strict rules defining the responsible agency for each case but decisions are taking on the basis of the nature of the case or the first agency involved.

3.6. Staff and training

3.6.1. *Adequacy and the level of professionalism*

The border control is carried out by professional and especially trained personnel in possession of special equipment for the border control activities. These personnel are regularly trained and daily briefed on new trends, risk indicators and any legal modifications that could affect to their daily tasks. All persons, crossing the border are systematically checked on entry and exit and third-country nationals are normally subject to thorough checks.

The number of personnel of the Border Guard should be assessed taking into account the technical resources and the tasks assigned. Under these premises the Committee has observed that in certain areas this number is very limited to fully ensure and adequate level of border control activities.

This problem has also been identified by the Estonian authorities (i.a. "Development priorities for the subordinated institutions of the Ministry of the Interior 2007-2010".) This document highlights the fact that there is not enough personnel in the border check points to ensure smooth border crossing and the existence of training problems. It also refers to eventual collateral problems derived from the low pay as the pay of the border guards will fall below the national average pay.

The Committee noted that the number human resources available has suffered a decreasing tendency during the last years that is motivated in great part by staff leaving the service at their own request.

The Committee is aware of the evident staffing problems in the Estonian Border Guard at this moment. They could be in part motivated by the low pay, the working conditions (very often the border guards live far away from their places of work) and the no definition about the future conditions of their employment once the new Act on Border Guard is approved next year. In this context, the Committee invites the Estonian authorities to solve the structural problems that may be facing at the moment with a view to ensuring that once the internal border controls are lifted, the security of the external borders is guaranteed by sufficient number of motivated border guards.

3.6.2. *Responsibilities of the border guards*

The main responsibilities of the Border Guard are the following:

- the organization of the surveillance of the state borders on the land, at sea and on transboundary inland waters;
- the prevention of illegal crossing of borders in the area between border crossing points;
- the organization and performance of border checks and the control of means of transportation at border crossing points;
- the execution of customs control and the prevention of smuggling at sea, on transboundary inland waters, on sections of the border between border crossing points and at minor border crossing points;

- the control of legality of the foreigners' stay in Estonia in cooperation with the police and the Citizenship and Migration Board;
- carrying out risk analysis and intelligence about illegal immigration;
- performing misdemeanour procedure and criminal investigation;
- the organization and coordination of search and rescue operations on transboundary bodies of water and at sea;
- the clean-up of marine pollution in Estonian territorial waters, in the economic zone at sea, and on transboundary inland waters;
- the control of fishing regulations in Estonian territorial waters, in the economic zone at sea, and on transboundary inland waters;
- the support to the police in guarding public order in the border guard areas of competence.

3.6.3. *Selection criteria*

All candidates can be recruited if they are Estonian nationals without any criminal record, they are 18 years old, have upper secondary education (12 years), if they have served as conscripts in the military service or have passed military training, and have good physical condition. Candidates have to pass psychological and physical tests and Estonian and English language tests.

3.6.4. *Basic training*

The training of the border guards takes place at the Border Guard College. 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 weeks) and it concludes 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 to a II vocational qualification of a border guard official. The border guards who entered the service before 2002 receive their training in the form of distance learning.

To become a non-commissioned officer the border guard first must complete the "Border Guard Official" vocational secondary education curriculum and having a minimum of 3 years of service. The courses are organized by the Muraste Border Guard School. Currently, the non-commissioned officers' curriculum is 30 study weeks long. After the professional examination, the border guard official who has completed the curriculum is assigned a III vocational qualification of a border guard official.

To date, border guard officers have received their 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 specialty 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 are trained in the Border Guard College of the Public Service Academy. The studies are conducted based on 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 of a border guard official.

The work assignments of the II level border guard official include border surveillance and border checks of persons and vehicles as well as other tasks. 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.

3.6.5. *Further continuing education*

In-service training is organized centrally by the Board of the Border Guard. Other Border Guard institutions have also their own training budgets for organizing local in-service training. In 2005, the larger projects organized by the Board of the Border Guard included document control, motor vehicle identification, client service, customs work and legal training. Training on interview methods (first half of 2006) and asylum application proceedings training (first half of 2006) were completed along with instruction in security tactics and the Russian language, as well as supplementary courses in English.

With the reorganization of border guard training, the border guard in-service training system will also change significantly. The launch of the new system is planned for the autumn of 2006. In-service training will be organized in a coordinated fashion at the Public Service Academy's Centre for Public Service Training and Development as well as the Border Guard College.

At the end of 2003 and the beginning of 2004, a special training program for instructors was organized, with the goal of preparing instructors in Schengen subject-matter for the Border Guard Districts, who could quickly, and using a uniform method and program, achieve the schooling and readiness of the personnel already in service for guarding the borders under the conditions of Schengen implementation. In September 2005, a supplementary training program was organized for the instructors, wherein the history of Schengen legislation and the recently adopted Schengen borders code were introduced. 33 border guards completed the training (Board of the Border Guard- 4, West- 4, Valga- 4, South-East- 3, North- 10, North-East- 6, Muraste- 2).

Training courses have been organized in the Muraste Border Guard School or Border Guard districts by the Board of Border Guard, with the financial support of the Schengen Facility Programme. 611 border guards passed the training on Schengen acquis on border control, 341 border guards training on profiling and interviewing, 215 border guards training on dactyloscopy, 69 border guards advanced training on control of means of transport, 69 border guards training on misdemeanour procedure in 2005-2006. This training programme is still underway and more border guards will be trained in the future.

3.6.6. *Linguistic training*

The basic training includes linguistic training on English and a second foreign language on 2 different levels.

Intensive courses in English take place regularly. They are conducted by salaried Border Guard instructors at Muraste BGS and North BGD. During 2005 and 2006, 135 border guards have passed this intensive English course also co-financed by the Schengen Facility.

Additional courses on English and Russian languages are planned for 2006.

3.6.7. *Specialised document checking training*

The basic training includes a document examination course, which lasts for 3,5 weeks. A special training programme on this area takes place in the Border Guard Headquarters, in the Travel Documents Evaluation Centre. It lasts 2 weeks and is addressed only to second line officers. When the trained personnel return to their posts, they train other officers. 83 border guards passed additional specialised document checking training in 2005-2006.

The Border Guard College organizes specific training for supplementing the basic skills of the border guards, including document control and additional skills (e.g. dog handlers).

By means of the TEPI programme, the Border Guard Stations and BCPs receive up to date information on new trends, modus operandi and other news related to false documents.

Other trainings related i.a. to legislation, are organized by the Public Service Academy's Centre for Public Service Training and Development.

3.6.8. *Specialised training for different managerial levels*

To date, border guard officers receive their 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, the border guard course (40 credit points) is a specialization. In 2006, the final class of border guard officers based on this curriculum will graduate.

Since 2005, border guard officers are trained in the Border Guard College of the Public Service Academy. The studies are conducted based on the "Border Guard Service" applied higher education curriculum and last 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 is assigned to a IV vocational qualification of a border guard official.

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

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

3.7. Readmission, expulsion and illegal immigration. Carriers liability

3.7.1. *Administrative structures and coordination*

The prevention and combating of illegal immigration is under the jurisdiction of the Citizenship and Migration Board, the Police and the Border Guard.

The Board of the Border Guard is the body conducting extra-judicial misdemeanour proceedings related to the State Borders Act (violations of the border regime; illegal crossing of the state border or temporary border line).

Police Prefectures, Citizenship and Migration Board, and the Board of the Border Guard are the bodies conducting extra-judicial misdemeanour proceedings related to the Aliens Act, whereas:

Police and the CMB are responsible for taking legal actions against the following situations:

- facilitating housing for aliens staying in Estonia without a legal basis;
- the hiring of aliens not having a legal basis for working in Estonia;
- illegal work.

Police, the CMB and the Board of the Border Guard are competent to initiate legal actions in the following cases:

- when aliens stay in Estonia without a legal basis;
- when a legal person provides transport service, and transports aliens who do not have legal basis for staying in Estonia, to the transit zone, state border or temporary border line.

The basis for the cooperation on combating illegal immigration is specified in the law. However, there is no separate memorandum for the regulation of cooperation between authorities.

The Board of the Border Guard has signed a cooperation agreement with the Police Board, the Security Police Board, and the Customs Board.

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

According to the Obligation to Leave and Prohibition on Entry Act, the obligation to leave the country is an alien's obligation that results directly from the law or from an administrative act that is issued pursuant to law. An alien without legal basis to stay in the country is directly obligated by the law to leave.

The expulsion is the compulsory execution of the obligation to leave in the cases provided by the law.

The Citizenship and Migration Board is responsible for issuing the precepts to leave the country. They include a warning regarding the compulsory execution if the precept is not complied with. The compulsory execution is enforced from the seventh day after issuance of the precept.

Aliens are expelled normally when the deadline for the compulsory execution of the precept to leave arrives. Before that moment, the alien can be expelled with the permission of the administrative court in certain cases.

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The aliens that have illegally arrived in Estonia may be expelled without issuing a precept and without an administrative court permit.

When it is not possible to complete the expulsion of a person, he or she is placed in an expulsion centre based on a decision of an administrative court judge upon application from the governmental authority that applied for the expulsion or is executing the expulsion, until the expulsion is carried out, but for no longer than two months. The expulsion of the country implies a prohibition of entry for ten years from the date of the expulsion.

The CMB is also the central authority for processing and deciding readmission requests, in cooperation with the Ministries of Interior, Foreign Affairs, Border Guards and Police. Estonia has signed bilateral readmission agreements with Finland, Iceland, Sweden, Germany, Italy, France, Spain, Austria, Portugal, Belgium, The Netherlands, Luxembourg, and the Swiss Confederation. A trilateral readmission agreement has been signed with Latvia and Lithuania. Other bilateral readmission agreements have been signed with Hungary, Slovenia, Croatia, Bulgaria, and Romania.

In general, the functioning of the readmission agreements signed is considered by the Estonian authorities as appropriate. The number of individuals sent back, based on readmission agreements is, however, not great, as there are no readmission agreements signed with some of the third countries of origin of the illegal immigration.

However, the Estonian authorities have reported that in 2005, 38 persons were readmitted to the Russian Federation, 12 to Latvia and 2 to Ukraine.

3.7.3. *Means deployed to combat illegal immigration networks*

The main institutions responsible for combating illegal immigration networks are the Border Guard and the Police.

Within the Border Guard, the Intelligence Units carry out pre-trial investigation of cases related to illegal immigration and smuggling of persons across the state border, surveillance activities, collection and analysis of information about the situation at the border, checks of the legality of the aliens stay in the country and the processes for misdemeanours.

At the Border Guard Districts there are Intelligence Sections and at the biggest border crossing points intelligence officers who deal with this matter. There is also cooperation with the Security Police, and in particular with the Criminal Police, as sometimes it provides assistance to the Border Guard in criminal investigations due to the limited powers of the Border Guard in certain areas.

The prosecutors can decide to give the case either to the Police or to the Border Guard according to the particularities of the case.

3.7.4. *Implementation of carriers liability*

The provisions of Article 26 of the Convention Implementing the Schengen Agreement and Council are implemented following Directive 2001/51/EC, the Aliens Act and the State Borders Act.

RESTREINT UE

According to § 9¹ of the State Borders Act, individuals, carriers and cargo that arrive at a border crossing point from a foreign country, and are not authorised to cross the border, (as well as individuals who have illegally crossed the state border), are detained and sent back to the country from which or through which they have arrived or have been conveyed to Estonia.

The redispach from the border will be organized and paid by the carrier (or representative) who transported the individual, transportation vehicle or cargo, which was not permitted to cross the border.

According to § 16¹ of the Aliens Act, the person (or representative) that transported an alien, without legal grounds for staying in the country or without a document allowing him or her to cross the border, is obliged to return that person to the same place of origin or to the alien's country of residence. If the carrier does not fulfil the aforementioned obligation, is obliged to compensate the expenses related to the compulsory execution of the alien's obligation to leave, as well as the cost of stay in an expulsion centre or police detention house. Precepts are issued by the Citizenship and Migration Board, the Board of the Border Guard, or a police institution to the carrier to voluntarily cover the costs related to the compulsory execution of the alien's obligation to leave the country within 90 days after the issuance of the referred precept. It includes a warning regarding the compulsory execution of the precept in case of non compliance. Then, it is executed and the costs are claimed according to the procedure specified in the Code of Enforcement Procedure.

According to § 16⁷ of the Aliens Act, the legal person transporting other person, who does not have a legal basis for staying in Estonia or in a transit zone, state border or temporary border line, will be fined up to 50.000 kroons (€ 3.195,57).

No fines have been imposed on carriers at the land borders so far.

4. REPORT ON THE VISIT TO THE SOUTH-EAST BORDER GUARD DISTRICT. KOIDULA AND SAATSE BCPS.

4.1. General information

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

This District is located in the South-eastern part of Estonia and has an external land border of 192,5 Km, including 84,4 Km of blue borders. 5 BCPs and 5 Border Guard Stations are subordinated to this Border Guard District.

- Koidula BCP is located in the Tartu-Petseri highway, close to Koidula village. It is the second BCP by size of passengers and transportation flow at the Estonian-Russian border and is open to all types of traffic. More than 600 vehicles cross the border every day, mostly cars. In 2005, 460.364 persons crossed the border at this point (203.444 during the first semester of 2006). They are mainly Estonian and Russian nationals that live in the border region.

Third-country nationals represent approximately the 18% of the total amount of border crossers during 2006.

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The main threats identified in this area affect mainly the BCP, in particular in the form of Russian nationals who try to cross the border without fulfilling the entry conditions or are detected holding forged documents, including technical specifications of vehicles and health insurance certificates.

- Saatse BCP is located in Põlva District, (Värska county), at 500 meters from Saatse. It is subordinated to Saatse BGS that is in charge of the surveillance of a sector of the border section between Estonia and Russia.

This BCP is open only for pedestrians (from 7.00h to 18.00h) who are Estonian and Russian residents, for the residents of the border regions of both countries as well as for residents of these countries and stateless people who have resided permanently or temporarily on Estonian or Russian soil for at least 6 months.

On average, 17 to 20 persons cross the border every day. Only 19% are Russian nationals. No cases of illegal immigration have been reported so far and the level of threat is considered minimum.

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

Regional strategy follows the national structures. Border Guard District implements all elements of the strategy in its area of responsibility. Regional cooperation with other Estonian law enforcement authorities is well structured and cross-border cooperation with the Russian border guards has been established at all levels of the organisation. See chapter 3.1.4. (International cooperation)

The day by day cooperation with Customs seems to be good. Both agencies are aware of their duties and exchange their information on a regular basis. Contacts with the Russian side are normally conducted by the Chief of the BCP and the shift leaders and are maintained on a regular basis.

From the practical point of view the cooperation with the Russian authorities can be regarded as very fluent and efficient. It is also worth mentioning that when illegal border crosser is detained and joint investigation together with other evidence shows that person really came from Russia the immediate readmission is possible under the authority of the Border Delegates.

4.1.3. *Risk analysis and intelligence functions*

Risk analyses are conducted systematically at all levels, and the resources are deployed according to their results. Border Guards at the regional level were able to give reliable border situation image and also estimate in professional way what was the efficiency level of the border security system in their area of responsibility.

Neither at the Koidula nor at the Saatse BCPs there are officers dealing with intelligence functions, as they are performed, in case of need, by specialised groups at the level of the Border Guard District. Two or three border guards are entitled to initiate investigations in certain cases in the Koidula BCP.

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The deployment of officers is based on a common and reasonable risk analysis. The shift leader and the officers in first line were aware of the risk indicators. The BCP reports on a daily basis to the next level in the chain of command about the results of the work, so that these results contribute to the daily bulletin. However, the committee considers that risk analysis (profiling) and intelligence element is rather limited at the first level (border guards working in control booths and crossing points).

4.2. Infrastructure and equipment

4.2.1. *Separation of flows*

The infrastructure allows for a clear separation of entry and exit flows at the visited road BCPs.

4.2.2. *Lanes for checks*

- In Koidula there are 10 lanes available for the different types of vehicles; 5 of them on entry and 5 on exit. They are marked according to the type of vehicles and persons and in line with the laid down in the Schengen Borders Code, including special lanes for EU-EEA-CH citizens. The BCP has also two lanes for pedestrians (one on entry and one on exit).

- In Saatse there is only one lane for pedestrians but due to the size of the BCP it this does not represent any problem.

4.2.3. *Control facilities*

- In Koidula the control facilities are based on two stationary booths both on entry and exit (one for vehicles, busses and pedestrians, and another one for trucks). The rooms for the second line activities are located in the main building and they include detention premises, interview rooms and in general meet the requirements.

- In Saatse border checks are performed in a small stationary building located in the road connecting both sides of the border. The second line activities are carried out in Koidula BCP.

4.2.4. *Equipment: first line, second line, mobile*

- In Koidula, the equipment available in the first and second lines meets the Schengen standards and offers an adequate back up for the border checks. The equipment was in use during the visit. Passport readers were not available.

- In Saatse, the equipment also meets the Schengen standards. Out of the opening hours, all the technical equipment is removed from the BCP and stored in the Border Guard Station.

4.2.5. *Access control / fencing*

- Koidula BCP is secured by a fence and monitored round the clock by several video surveillance systems.

- Saatse BCP is also fenced; out of the opening hours is protected by one alarm system connected to the Saatse Border Guard Station. The opening hours are indicated in the main entrance of the BCP.

4.3. Controls and procedures

4.3.1. *Traffic handling / traffic modes*

In Koidula, the Border Guard is in charge of the border control procedures. Customs performs checks on a regularly basis only on entry.

Traffic lights and mobile barriers manned by border guards are used to regulate the traffic of all types of incoming and outgoing vehicles.

The traffic is canalised according to the type vehicles and categories of persons.

In Saatse, as Customs are not present, the border guards carry out also the control of goods.

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

- In Koidula checks are usually performed by three officers both on entry and exit. One officer covers the lanes for vehicles and pedestrians, other the lanes for lorries, and the third one is used as a kind of back up. Each border guard has to perform all checks on his own (establishing the identity, interviewing, examination of documents) plus searches in the databases.

Despite the fact that Customs are not permanently present on exit lanes, the border guards do not perform regular checks of cars leaving the country in order to prevent goods smuggling, stolen vehicles, etc. However, on entry both forces perform a hand-in-hand control of vehicles and persons. All trucks were systematically inspected and their cargo compartment open.

Third-country nationals are in general subject to thorough checks as their travel documents are systematically examined and then stamped, but they are not asked to present the means of subsistence (30 Euro per person and day of stay). The reason given by the Estonian authorities is that many of those persons are in possession of residence permits and cross the border several times a day.

The Committee considers that there is room for improvement with regard to the practical implementation of these checks, both on entry and exit, by improving the cooperation with Customs and by asking to present and prove that the person has the necessary means of subsistence for the intended stay.

The Committee also reminds that as laid down in the Schengen Borders Code, when possible, and for security reasons, border checks should be carried out by two border guards. This basic principle was not followed in Koidula.

- In Saatse, pedestrians are controlled at the Border Guard's control point that is usually occupied by two officers. Due to the absence of travellers during the Committee's visit, the experts could not see in practice how the border checks are carried out. However, the border guards seemed to be aware and know all the control procedures. The stamping procedures and management were done properly.

In both BCPs the stamps were stored safely and their use correctly registered.

4.3.3. *Utilization of registers*

All third-country nationals were checked against the registers and available databases. The systems of registers can be regarded as efficient and sufficient.

The Common Manual and the Schengen Borders Code were available in electronic format through the Border Guards intranet system.

4.3.4. *Processing of refusals and asylum applications*

- In Koidula 11 persons were refused entry during the first six months of 2006 (20 in 2005, 23 in 2004 and to 29 in 2003). The main reason for the refusal of entry was the lack of visa. The forms were in line with the harmonised form for refusal of entry and they were registered and stored in the second line.

Although in this point only one asylum application was processed in 2005, the officers were fully aware about the asylum procedures.

- In Saatse no cases of refusal of entry or asylum seekers have been reported so far.

4.3.5. *Issuance of visas at the border*

2 visas were issued at the Koidula BCP during the first six months of 2006 (6 in 2005, 10 in 2004 and 18 in 2003).

The decision about the issuance of a visa at the border is taken at the level of the State Secretary of the Ministry of Interior. The BCP receives the application, proves the reliability of the provided application and documents and sends the form to the State Board of Border Guards by fax. At the Ministerial level the request is studied and after the approval (normally it takes about 2 hours), the BCP concerned prints out the visa sticker. The interviewed officer in charge of the visa issuance was fully aware about the procedure. Visa stickers were safely stored and registered.

4.3.6. *Second line activities*

- In Koidula, separate rooms are available for second line activities. They are completely equipped with devices for deeper examination of travel documents and one officer with the advanced training on document examination is available in each shift.

Travellers are brought to second line for more thoroughly checks based on profiling and risk indicators.

- In Saatse, in case of doubts with a travel document, both the pedestrian and the document are transported to Koidula BCP for a deeper examination in the second line. The Committee, bearing in mind the type and amount of traffic existent in this BCP consider that this procedure is reasonable and adapted to the local circumstances.

4.4. Staff and training

4.4.1. *Adequacy and the level of professionalism*

The officers of Koidula and Saatse BCPs can be regarded as professionals, highly motivated and disciplined. They are trained according to the established programme at national level and are able to perform their duties in a satisfactory manner. They receive daily trainings at the beginning of their shift where they are explained about the latest developments with regard to risk indicators, modifications of the laws or other relevant information to adequately perform the duties assigned. The monthly risk analyses are received and all border guards are obliged to get acquainted of it.

4.4.2. *Further continuing education*

A system for the continuous education and training is in place. This training is provided regularly at national, regional and local levels by means of training courses and daily briefings. All border guards have received training on the Schengen Borders Code and the EU legislation and the head of the BCP and the most skilled officials train the other border guards in different subjects, following the "train the trainers" system. Trainers from other departments also come to the BCP to train the staff in different border related matters.

The main training activities carried out in 2005 and 2006 at regional level have been the study of the Schengen acquis, interview and profiling, dactiloscopia and foreign language.

In Saatse, the sub-unit holds monthly training days. The topics of the trainings are noted in the monthly plan of the sub-unit. In addition, every month the border guards receive 8 h professional training.

4.4.3. *Linguistic skills and training*

Both in Koidula and Saatse, all border guards speak Russian and some of them also English. 6 border guards received training in English from 2005 to 2006 at District level in Koidula. In Saatse more than 60% of the staff has acquired the basic level on English.

The Committee welcomes the fact that all border guards deployed at these BCPs speak Russian fluently. These language skills are very useful for the officials' daily work in this particular sector of the border, and the Committee also encourages the Estonian authorities to maintain and promote these language skills for the future.

4.4.4. *Specialised document checking skills and training*

- In Koidula every shift counts with the presence of an expert on document examination. The 8 specialists available in this District are trained at district level and regularly travel to Tallin to receive additional and practical training. Later on these specialists are used as trainers at local level, where they train the other border guards.

- In Saatse as it is a small BCP there are no document experts to perform second line examination of documents. If needed, Koidula BCP is informed about the case, and both, the person and the travel document are transported there for further checks. Document control training is carried out by trainers not deployed in the BGS.

As the border guards working at these BCPs are not confronted to a high pressure relating to illegal immigration, the Committee invites the Estonian authorities to maintain the situational awareness and to remain fully attentive to detect any new modification in the trends and the detection of new modus operandi.

4.4.5. *Specialised training for different managerial levels*

The border guards' managerial officers receive their basic training at the Military Academy of the Estonian National defence College.

During their career they receive training at District level, in the form of different modules following a continuous education system. During these trainings, they are tough in different subjects relating to their functions, including management courses and training tools as the heads of the Border Guard Stations and BCPs are in charge of the training of their respective subordinates.

4.4.6. *Availability and permanency of staff*

In Koidula personnel are available and the permanency is ensured. According the Estonian authorities, 72 posts should be filled in instead of the actual 39. That means almost an increase of 100%. The Committee considers that despite the fact that the traffic of vehicles observed during the visit, was very low, the number of border guards deployed in this BCP is indeed rather limited and barely able to solve any unexpected event or an increase in the traffic flows and recommends to increase its number up to a reasonable level. It is obvious that the level of border checks will be lower in peak times since border guards may not have time to implement strictly all regulations mentioned in Schengen Borders Code without creating unjustified delays.

The Committee also considers that there is room for improvement with regard to the use of the very limited human resources available at this BCP in order to improve the efficiency. This could be attained by using, in a more flexible way, both the lanes for vehicles and the border guards deployed there, so that the travellers are not subject to unjustified delays.

In Saatse the 2 border guards that pay service at the BCP belong to Saatse BGS. The Committee was informed that in church holidays the staff is increased as the number of crossings increases. The Committee considers that the current number of border guards is adequate bearing in mind the type and size of this BCP.

4.5. **Readmission, expulsion and illegal immigration. Carriers liability**

No cases have been reported in 2005 of illegal migrants having been intercepted crossing the border neither in this point nor in Saatse.

6 readmission cases have been implemented in 2005 through Koidula BCP.

Reference is made to point 3.7 of this report.

5. REPORT ON THE VISIT TO NORTH-EAST BORDER GUARD DISTRICT. NARVA-1 HIGHWAY BCP, NARVA RAILWAY BCP AND NARVA-2 BCP

5.1. General information

5.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

- Narva highway BCP (Narva-1) is located on the highway Tallinn - St. Petersburg, in the interior of the city of Narva. The Russian city Ivangorod is located on the other side of the Narva river bank.

The main particularity of this area is that out of the 70.000 inhabitants of the city, 86% of them are non-Estonian nationals.

This is the biggest border crossing point on a highway at the Estonian external borders and approximately 60% to 70% of all border crossings in the Estonian external land borders take place at this point. The BCP is open for all types of traffic but most of the crossings correspond to pedestrians.

More than 800 cars, 288 trucks and 35 buses cross the border every day. During the first six months of 2006, 1.006.154 persons crossed the border here (6.982 persons per day). Out of them, nearly 80% are third-country nationals.

The main threats for illegal immigration are caused by persons who try to cross the border hidden in vehicles and means of transportation, the use of forged documents and drug smuggling. The possibility to sneak through behind a vehicle is also considered by the Border Guard.

The current location of this BCP limits the possibilities of expansion, but the Committee was informed about the existing bilateral contacts between the Estonian and the Russian governments in order to build a new bridge that connects both cities and prepare the construction of a new road BCP.

- Narva railway BCP is also located inside the city of Narva, on the railway line Tallinn- Moscow. The area is about 3.3 km long. It is the unique BCP in Estonia that is open for regular train international passenger traffic.

Every day 2 passenger trains (one on entry and one on exit) and 37 freight trains cross the border at this point. 202.908 persons crossed the border in 2005 (556 persons per day on average) and 83.079 during the first six months of 2006. Approximately 60% of the passengers are third-country nationals.

The main threats for illegal immigration are posed by Moldavians who, using forged Romanian passports, try to enter the country with the intention to travel to the Nordic countries. Also Kazakhstan nationals try to enter Estonia with a 3-5 day tourist visa, with the intention to stay in the country and find an illegal job. Other important risk at this point is the attempts to use cargo trains to smuggle persons and goods.

RESTREINT UE

- Narva-2 BCP is a small BCP that depends in terms of staff and second line activities on the railway BCP. It is only open for pedestrian who are residents in the Republic of Estonia and the Russian Federation. Due to the conditions established by the Russian authorities, in practise only those citizens residents on the border area are allowed to cross the border at this point. The opening hours are from 07.00 to 17.00h.

246.733 persons crossed the border (676 per day) in 2005. During the first six months of 2006 this number was 109.143 (603 per day). 72% of these persons are third-country nationals.

This BCP is mainly confronted to the possibility that persons try to cross the border on the basis of false documents.

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

The day by day cooperation with Customs while checking passenger and travellers seems to function well. All agencies were aware of their duties and exchange their information on a regular basis. The contacts with the Russian side are normally assigned to the Chief of the Border Crossing Point and the shift leader and are implemented on a regular basis.

The same procedures are also applied in this District as the ones mentioned in chapter 4.1.2 of this report.

5.1.3. Risk analysis and intelligence functions

The deployment of officers is based on a common and reasonable risk analysis. The shift leader and the officers in line were aware of risk indicators, although that is not reflected in the control procedures. On a temporary basis the BCP gets a back up by intelligence officers from the district level.

5.2. Infrastructure and equipment

5.2.1. Separation of flows

The infrastructure of Narva-1 BCP allows for a separation of entry and exit flows. The BCP has three different terminals (one for light vehicles and busses, one for pedestrian and one for trucks. The pedestrian's terminal was inaugurated the day of the visit of the Committee.

The area of the railway station is divided in two different control zones: one for passenger trains, and one for cargo trains that stretches for about 3.3 km. The Committee considers that in terms of infrastructure, the railway BCP does not fully meet the Schengen requirements in order to ensure the surveillance of the area.

Narva-2 is exclusively open for pedestrians who cross the border using a pedestrian bridge.

5.2.2. *Lanes for checks*

In Narva- 1 there are only 2 lanes in each direction for buses and light vehicles; one is used exclusively by cars and the other by buses. In the trucks terminal there are 2 lanes both for entry and exit. In the pedestrians terminal there are 4 special lanes for pedestrians (2 on entry and 2 on exit).

The lanes used for vehicle traffic are quite narrow and despite there is a special place for thorough checks of cars the space is very limited. On the contrary, the trucks terminal has more space available to perform, in-depth checks when necessary.

The signs installed for the separation of persons according to their nationality (EU-EEA-CH and All Passports) are in place in all terminals. However, this separation is not fully effective in the terminal used for cars and buses as there is only one lane for busses and one lane for cars in each direction. Therefore and due to the lack of space the traffic is separated only according to the type of vehicle, i.a. cars or busses.

The number of lanes available at this BCP is considered by the Committee as very limited, but the current situation (the BCP is located inside the city and surrounded by buildings) does not allow for the opening of additional lanes in the space available.

In the railway station, the passengers who leave or enter the train in Narva are subject to passport checks in a booth that is located in the train station building.

In Narva-2 there are two lanes for pedestrians, one on entry and one on exit.

5.2.3. *Control facilities*

- In Narva-1 the control facilities are distributed among the three available terminals. The controls are performed in several stationary booths distributed as follows: two booths in the cars terminal, (one for entry and one for exit), two booths in the trucks terminal (one for entry and one for exit) and two brand new booths in the pedestrian's terminal.

The premises for second line activities are located in the main building and they include interview room, document examination centre or detention premises.

The Committee considers that the current infrastructure with regard to the terminal for cars and busses should be improved as the space available for in-depth checks of these vehicles is very limited and the number of lanes available is not sufficient to guarantee a fluid traffic in case of additional checks.

- At the railway BCP there are stationary premises for the control of passengers, both in the first and the second line. The second line is located inside the main building and in general meets the requirements. The new premises of the BCP are supposed to be finalised by the end of October 2006.

- In Narva-2 the Committee could see the ongoing construction works of the new control facilities that will replace the temporary premises that are in use today. They consist only of one temporary control booth that is used to perform both entry and exit checks. There are no second line premises available at this point. The Committee welcomes the fact that the new premises, currently under construction, will be finalised in January 2007 and will replace the existing facilities that are not fully in line with the Schengen standards.

5.2.4. *Equipment: first line, second line, mobile*

- In Narva -1, in principle the equipment of the first and second line meet the Schengen standards but there is room for improvement with regard to the passport readers and the technical equipment to check trucks. The Committee was informed and could see that the available passport readers do not work properly. On the other hand, the border guard performing checks on trucks did not have available the technical equipment for further inspection during the entry checks. This equipment is stored in a different location, what makes it difficult its daily use.

The acquirement of new passport readers is foreseen in a project of Schengen facilities. In the entry booth the Committee could see a special device to check all the data contained in the keys of BMW cars. This reader permits the identification of stolen cars or any other manipulation related to this type of vehicles.

- At the railway BCP, the Committee considers that the equipment available in the first line does not meet fully the Schengen standards. The available passport readers are not used by the border guards because of their malfunctioning and no mobile equipment for the consultation of the databases was available. One magnifier glass, one UV lamp for two border guards and one mini-microscope per officer were available for document examination in each team. The equipment for the second line activities was considered satisfactory.

- In Narva-2 the equipment for first line checks was adequate and used by the border guards while doing the border checks.

5.2.5. *Access control / fencing*

- Narva-1 is clearly marked, fenced and partially monitored by a surveillance system that is controlled by the Border Guard.

- The situation at the Narva railway BCP is different. The fence of the area of the railway station is under construction. The entrance to the station is blocked during the control procedures and the passengers proceed to the control booths before reaching the platform.

While the Estonian Border Guard is in charge of the border checks, a private company secures the area of the Station by means of patrolling that are supported by border guards when the train arrives.

The surveillance of the train in order to prevent uncontrolled movement of persons is considered insufficient (almost not existing). There is no video surveillance system available.

The area of the Narva-2 BCP is also monitored by technical equipment and out of the opening hours the pedestrian bridge is closed to the public.

5.3. Controls and procedures

5.3.1. *Traffic handling / traffic modes*

The Border Guard, Customs and the Sanitarian Border Inspection perform their duties at the Narva-1 BCP.

While for cars it is applied the one-stop principle, trucks are subject to customs control in a different area. Although there is a high risk of smuggling of persons and drugs the border guards do not count with specialised dogs. Customs have four dogs available.

All the traffic is regulated by mobile barriers and traffic lights controlled by the Border Guard. Both in the railway and pedestrians BCPs Customs officers were also deployed.

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

Both in Narva-1 and at the railway BCP the quality of the checks is strongly affected by the low number of personnel available.

Only one border guard was responsible for the check of trucks both on entry and exit (4 lanes in total). He had to perform all checks, interviewing, searches against the databases, etc. on his own.

The Committee considers that this number is insufficient not only to guarantee that border checks are performed in line with the Schengen standards but also from the security point of view and recommends to increase the number of personnel without delay.

In the first line for the checks of vehicles and busses there were two border guards deployed, one was operating the computer while the other had to establish the traveller's identity and to make the interviewing. The Committee could see that these checks were not performed thoroughly as the documents were in-depth examined only very rarely.

Passengers of busses are controlled inside the bus.

At the railway BCP, the lack of portable technical equipment for the consultation of the national databases also conditions the quality of the border checks.

Controls on passenger trains are performed at the station. Passengers leaving the train at the station are checked inside the passenger terminal. The others are checked inside the train by border guards and customs officials. After the travel documents are checked, the passenger list is brought to the Border Guard's premises, where foreigners' data, based on the passenger list ("post-entry check"), are checked against the national databases. Should an alert on one passenger be found, the border guard informs the next Border Guard Region that takes over the case.

On average, 6 to 7 border guards perform the border checks. One is located in control booth and the others are distributed in two teams to perform the checks inside the train in close cooperation with Customs. These checks are carried during the 45 minute technical stop for the change of the engine, but if needed, the train can be stopped longer. The engine train staff is checked while one officer surveys the platform. Border guards receive total number of passengers beforehand but not a list of passengers (names).

The number of passengers per train ranges between 180 and 400, and on average there are 37 freight trains per day. During the visit, most passengers were Russians, but also Armenians, Koreans, Australians, etc. The technical equipment for checking travel documents was used very rarely. Passengers were questioned about purpose of the trip and based on risk factors, not always they had to present their means of subsistence.

The procedure followed to check a cargo train that could be monitored during the visit was not in line with the Schengen standards (no in-depth checks of compartments, no use of the available equipment for the searching).

With regard to pedestrians most of the crossers were Russian citizens holding temporary residence permits or people who work or live in Narva city. In general the border checks were not performed thoroughly, however, most people were well known for the border guards because of their regular crossing of the border.

However, the experts noticed that in general the border guards seem to rely on the efficiency of the Russian border guards when performing border checks.

The Committee considers that the control procedures do not meet fully the Schengen requirements. There is a clear need to improve them, both at the road and at the railway BCP, with regard to the document examination and the verification of all the entry conditions. This refers in particular to the railway station, where the number of staff should also be increased and the portable devices for the consultation of the databases should be acquired in order to guarantee that border checks are performed in line with the Schengen standards.

5.3.3. *Utilization of registers*

In all BCPs visited all third-country nationals' travel documents were checked against the national data bases. The registration systems can be regarded as well functioning and sufficient.

The Common Manual and the Schengen Borders Code, were available in electronic format through the Border Guards intranet system.

5.3.4. *Processing of refusals and asylum applications*

- In Narva-1 a Belarusian truck driver was refused entry during the Committee's visit. The reason was that his passport was considered invalid as it was full of stamps. The border guard considered that there was no space left to affix a new entry stamp while, in fact, one of the pages of the passport had still space left to affix the entry stamp.

RESTREINT UE

The Committee was informed that according to the Estonian Border Guard's regulations, the entry stamps have to be affixed ¹ on the left side of the passport pages while the exit stamps have to be affixed on the right side. As in this case the only space left was not in the correct side, the document could not be stamped and therefore was considered invalid.

The procedure followed to formalise the refusal of entry was made in line with the Schengen standards despite the fact that the ground for the refusal was no correct.

140 refusals of entry were issued 2005, 50 during the first six months of 2006. The main reason was the lack of a valid visa, including the Schengen visas.

- At the railway BCP, 43 persons were refused entry in 2005 and 44 in 2006 (as of 30 June). The main reason is the lack of visa. The forms are registered and stored in the second line.

No asylum applications have been received in these BCPs so far.

5.3.5. *Issuance of visas at the border*

- 97 visas were issued in 2005 and 87 in 2006 (as of 30 June) in Narva-1. The visa applications are received at the BCP where the reliability and the conditions for the issuance are checked and then the form is sent to the State Board of Border Guard by fax. The final decision is taken at ministerial level (24/7 coverage). Then the visa sticker is printed out in the BCP.

- At the railway BCP, 20 visas were issued in 2005 and 4 in 2006 (as of 30 June).

The interviewed border guards in charge of the visa procedures were fully aware about the procedure. Visa stickers were safely stored and registered.

5.3.6. *Second line activities*

- In Narva-1 separate rooms are designated for second line activities. They are completely equipped with devices for deeper examination of travel documents; one officer in each shift has an advanced training on documents examination.

Travel documents are brought to second line for more thoroughly checks based on profiling and risk indicators but on a random basis. The examination of documents is registered in a log sheet. There were days where many documents were brought to the second line while for some weeks only one document per week was subject to second line controls.

¹ EE would like to clarify that the Border Guard Director General's decree no 223 dated 17.08.2005 approved part I of the border control manual, "The use of the border control stamp".

Instructions for the use of the border control stamp regulate the generic principles of entering the imprint of the stamp into documents. According to those principles, deviations in entering the entry or exit stamp on either the left or right side of the page are allowed. Based on that, it is allowed to enter the imprint of the entry stamp on the right side of the passport page.

Estonia apologizes for the incorrect information given to the Committee in regard to entering the imprint of the stamp.

- In the railway station separate rooms are available for second line activities. They are completely equipped with devices for deeper examination of travel documents and one officer in each shift has an advanced training on documents examination. This is also the place where second line activities of Narva-2 (pedestrian BCP) are held when necessary (so far no single case has been reported to the Committee). As in the previous BCP all the second line checks are registered.

Bearing in mind the category and number of persons that cross the border at this point, the Committee considers that the number of second line activities performed at this BCP is low. It also reminds that all third-country nationals should be subject to thorough checks on entry and exit and that in case of doubts the case should be solved in the second line.

5.4. Staff and training

5.4.1. *Adequacy and the level of professionalism*

The border guards of Narva BCPs can be regarded as professionals, highly motivated and disciplined. They are trained according to the established programme at national level and are able to perform their duties in a satisfactory manner.

They receive daily trainings at the beginning of their shift where they are explained about the latest developments with regard to risk indicators, modifications of the laws or other relevant information so that their duties can be performed in line with the guidelines received.

5.4.2. *Further continuing education*

Weekly trainings are provided to the personnel on a regular basis. Due to the fact that the personnel stay in the Border Guard Stations for several days, these weekly trainings are provided when the change of shift takes place.

The subjects included in this training are new modifications in legislation, interviewing techniques, travel document examination and other matters related to their daily duties. Most border guards have been instructed in the Schengen acquis and many others have received training during the periods 2005-2006 on visa issuance, second line border check training, or have followed the course "cultures and customs".

Some of the trainings provided during the period 2005-2006 have been financed by the European Union, i.e. IT training, English language training or management training.

The Committee considers that additional training should be considered with regard to the techniques for first line checks and refusal of entries so that the quality of the checks could be further improved.

5.4.3. *Linguistic skills and training*

All border guards speak Russian and a number of others were able to speak English at basic or medium level.

Additional trainings on foreign languages, in particular English, have been organised. Bearing in mind that Narva is mainly a Russian speaking city, the Committee considers very positive the fact that all border guards are able to communicate with the citizens in their language and encourages the authorities to continue to improve the language skills on other foreign languages.

5.4.4. *Specialised document checking skills and training*

- In Narva-1 there are 2 specialists on document examination. They have been trained at central level in a first moment and latter on they have followed additional courses, some of them with the participation of German experts. They train the other border guards during the training days and according to the needs observed during the second line controls experienced in the past.

Other 6 border guards have also been trained on this matter and can be used as support for second line activities when needed. The duty officers are trained to perform also these types of activities when needed. Good cooperation and information exchange exist at international level, in particular with the Finnish Valimaa highway BCP.

- At the Narva railway BCP, several border guards have been trained on travel document examination and one specialist is available in each shift.

5.4.5. *Specialised training for different managerial levels*

At both BCPs 1 border guard officer has received training on management issues in the period 2005-2006.

5.4.6. *Availability and permanency of staff*

- In Narva-1 the personnel is available and the permanency is ensured. According the Estonian authorities 107 posts should be filled in instead of the actual 64 available, or a shortage of almost 40%.

The shifts are composed of 12 border guards, on average, that must cover a total number of 8 lanes for vehicles and 4 for pedestrians. The quality of the control procedures depend to certain extent on the number of border guards on duty. The Committee considers that the current number of border guards deployed at Narva-1 BCP is insufficient to guarantee that border checks are carried out in line with the Schengen standards and the fact that only one border guard has to give service to 4 lanes is a clear indicator. In addition, the capacity to face an important increase on the number of border crossings with the current personnel is rather limited.

- Also at the railway BCP, the current number of personnel performing border checks is considered very limited and barely able to perform with all the guarantees the border checks of trains with great number of passengers. It should also be noted that these personnel has also to cover the activities of the Narva-2 BCP that will have in the near future up to 6 lanes for pedestrians.

Therefore, the Committee recommends increasing the number of border guards at these points in order to ensure that they can perform their duties fully in line with the Schengen standards and remind that where possible and for security reasons, these controls should be done by 2 border guards.

5.5. Readmission, expulsion and illegal immigration. Carriers liability

- In Narva-1 no persons were intercepted for illegal crossings during 2003. In 2004 and 2005 only one and two Russian citizens respectively tried to cross the border illegally. 7 persons were readmitted in Russia in 2005 using this BCP.

- At the Narva railway BCP no cases of illegal crossings have been detected since 2004.

Reference is made to point 3.7. of this report.

6. BORDER SURVEILLANCE

6.1. General information

The external Estonian land borders have a total length of 338.6 km with the Russian Federation. The Estonian land border is atypical in a sense that most of the border consists of water: 124.2 km of lake border (Peipsi jarv), 76.4 km of river border (Narva river) and only 138 km of land border. The State border with the Russian Federation is not properly defined and marked by means of a border line and border marks. According the Estonian authorities this should not be a problem for a practical border management, but according border guards interviewed the situation is a permanent risk for illegal border crossings, intentionally or accidentally.

Particular is the fact that from November till March this border becomes a land border since all water on the lake and the most part of the river turns into ice.

Border surveillance at the Estonian external land borders is the responsibility of 2 of the 5 existing Border Guard Districts. It is very difficult to say how many border guards are available at the green border since there is no distinction between border control duties and border surveillance duties. The fact that the authorities constantly communicate two kind of figures – statutory functions and really available staff – but not always in the same time, does not simplify the evaluation. Based on the Committee's estimation approx. 40% of the available staff is deployed at the external land border.

- The South East Border Guard District secures 192.5 km of external land border with the Russian Federation. On this border, 108.1 km is land border, the rest is lake border. Border security is managed by 241 border guards divided over 5 Border Guard Stations.

- The North East Border Guard District secures 144 km of external land border with the Russian Federation. On this border, 73.2 km is river border, 68 km is lake border, a water reservoir of 9.4km and a 1.7km dry river bed. Remarkable is the fact that in winter all this water turns into ice. Border security is managed by 256 border guards divided over 10 Border Guard Stations.

6.2. The visited sites

The Evaluation Committee visited both Border Guard Districts and 4 Border Guard Stations and additionally the Radar Surveillance Centre at Alatskivi.

In the South East Border Guard District the Committee visited the Värskä Border Guard Station. This station secures a land border section of 47 km with the Russian Federation, of which 31km land border and 16 km blue border. The available staff is 25 border guards who are only responsible for the green/blue border. The Committee paid also a brief visit to the area of the Piusu Border Guard Station. The station secures a land border of 44.2 km with the Russian Federation of which 8.7 km blue river border. The available staff is 33 border guards but the station is also responsible for Orava railway BCP.

In the North East Border Guard District the Committee visited the Border Guard Stations of Varnja, Vasknarva, Narva and Narva Jõesuu.

- Varnja Border Guard Station secures a State border of 24 km along the Peipsi lake with a staff of 21 border guards.
- Vasknarva Border Guard Station secures a State border of 24.8 km of which 18 km along the Peipsi lake and 6.8 km along the river Narva. They dispose of 38 border guards.
- Narva Border Guard Station is a very special one: it is situated in the middle of the city. Narva BGS secures over all a 17.2 km State border of which 9.4km of water reservoir, 6.1km river and 1.7km of dry river bed at the east side of the city. Narva BGS disposes of 48 border guards but is also responsible for one pedestrian BCP on his territory.
- Narva Jõesuu Border Guard Station is located partly at seaside and secures a section of 17.5 km sea border. The participation of the station in land border surveillance is the 12 km section on the river Narva. For both tasks, the BGS deploys a staff of 29 border guards. Narva Jõesuu Harbour BCP depends on the Narva Jõesuu Border Guard Station. Border control in this BCP is performed by personnel of the BGS.

The Evaluation Committee additionally visited the Radar Surveillance Centre in Alatskivi where all information from the three main radar systems arrive and be forwarded to the Border Guard Stations for adequate reaction.

The visited Border Guard Stations are responsible for 37% of the external land border and cover all the critical areas in the country. As a result the sample can be considered as representative.

6.3 Implementation of green border surveillance

6.3.1. Tactics applied in visited Border Policing Offices

According the general management of the Border Guard the Border Guard Districts are responsible for the organization and the management of the border protection. Border Guard Districts are directly responsible for the implementation of border surveillance in their area.

RESTREINT UE

The surveillance of land borders is based on mobile patrols, the use of control and communications systems, and fixed and mobile monitoring and alarm equipment. Electronic information is directed to local and regional monitoring centres.

The surveillance of green borders is conducted by mobile patrols (on foot and in vehicles). An important role is played by service dogs. In the summer, the motorized surveillance is conducted primarily with the use of off-road vehicles, ATVs, and observation cars, during the winter the motorized surveillance of the border is conducted with the help of snowmobiles. The surveillance of the big lakes and reservoirs is guaranteed permanently by technical equipment. The radar system covers the whole lake surface.

The tactics applies in Estonia are quite different than the classic methods in other countries. On land, border surveillance is executed immediately at the border itself. Since the border is not properly marked, patrolling is somewhat difficult and patrols keep carefully distance from the Russian border strips. In winter the snow scooters are equipped with GPS which should prevent from crossing the border.

The border length is divided in sectors of high (2 times a day), medium (once a day) and low importance (once in 2 weeks).

In the South East Border Guard District, the division on first, second and third line patrolling was not present during the moment of the inspection. The number of the staff did not allow for implementing such system. As a result the patrolling on land borders depends almost entirely on the tracking activities on the border line and the result of electronic surveillance, where available. Blue borders are not affected by this method since they are all under electronic surveillance.

Very positive is the system of Border Guarding Order (BGO). The BGO is initially an internal document used in planning and organizing the district's units. It is based on the State Border Guarding Order for a specific time period and analysis previous periods. The BGO describes the general situation at the border; the conditions that affect border guarding; tasks in service planning; service organization; service support and cooperation organizing and other tasks.

More concrete results of the BGO are the Monthly Plan made by the chief of each responsible unit; the Weekly Plan that regulates in detail border guarding and work resource usage in one week and finally the Order to Patrol that gives order to the border guards with all the necessary information (task, team, equipment, route, radio call, etc). The Evaluation Committee was able to go on patrol and received therefore an example of the Order to Patrol, similar to that of any other patrol. During the evaluation other Orders were asked and checked successfully.

Duty hours at the Border Guard Stations are organized per week (according the Weekly Plan) in a rhythm of 1 week on/1 week off duty and 12 hrs on/12 hrs off.

The tactics used at the Lakes and rivers are quite different. There is in principal no patrol system on lakes and rivers; units are in stand by at the BGS and wait for an order. This order will be the result of a target identified by the radar system or by border guards patrolling on shore or on duty on watchtowers. In principle, the unit on whose territory the target has been identified sails out for identification. Since the borderline on the water is not marked, the vessels on the lake and river are equipped with GPS. If the target concerns more than one unit the Radar Surveillance Centre coordinates the action.

RESTREINT UE

In 2005 the concerned Border Guard Stations registered a number of 85 cases of border regime violations. A lot of these cases are involuntarily border crossings by fishermen and tourists. Real illegal border crossings are a minority in this package.

Cooperation with the Russian counterparts seems to be good in the context of investigating border incidents and the exchange of information. Bilateral meetings between the border guards of both countries take place four times a year in order to discuss about the incidents occurred at the Estonian-Russian border, find solutions and give guidelines to the Estonian-Russian border delegates.

Also in the context of the good cooperation with Russia, border delegates have agreed on the use of roads that cross the Russian territory in two sectors (30 and 800 m respectively). These roads connect some Estonian villages and in practise only Estonian nationals use it. These persons must use means of transport and they are not allowed to stop while moving through those sections located on Russian soil. Similar kind of agreement allows Russians to cross control line (border line) when coming by boat from lake Peipsi to Narva river.

The Värskä Border Guard Station organized a demonstration of detection of tracks of possible illegal border crossing on the Estonian side of the border and the investigation of the case by Estonian and Russian border guards. The cooperation between both sides seemed to work efficiently; experts were able to notice that the equipment on Russian side was of good quality. The experts noted however that the Estonian patrol was equipped with tools that other patrols during normal duty were not able to show.

Command, control and decision making on border surveillance are professional. The tactics are based on plans and directives of central, regional and local level (the BGO). Commanding officers are aware of the current operational and situational needs on the green border. Executing officers know their tasks and missions and show good abilities to encounter incidents in routine situations.

6.3.2. *Situational awareness*

Situational awareness is aimed for by various means and techniques.

The Estonian Border Guard disposes of a well functioning investigation and intelligence unit. Risk assessment is organized on central (Intelligence department) on regional (Border Guard District) and on local level (Intelligence officers at the border). The information exchange is multi directional and aimed at, among others on surveillance activities of the Border Guard. Threat assessment is based on collection and evaluation of information and made concrete in the Border Guarding Order at all levels.

Methods of surveillance are organized by human and technical means.

Patrols are executed according the nature of the border, the environment and the seasons of the year on foot, by car, by off the road vehicle, by 4-wheel motorcycles (Quads) and by motor-sledges for the green borders. The management and officers of the Border Guard have in general good knowledge and awareness on the current operational situation at the green border. On the basis of interviews with officers from border patrols the Committee positively estimates their orientation in a terrain (also on maps).

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The officers were able to identify the place where they performed tasks, important places in the border zone and most critical sectors on the area of responsibility of their units. They knew their tasks (general and in cooperation with others patrols). They knew also how to cooperate with others patrols, what are basic roles, procedures, communication, etc. They were also able to inform how to react on an alarm situations.

Patrols are supported by a relative low number of tracking dogs (17) and a limited number of observation vehicles (5). Observation at the land border is also possible by the use of 18 observation towers.

Air support for surveillance is in theory available; Estonia disposes of 2 airplanes and 2 helicopters. Airplanes are however not very suitable for land border surveillance; they match perfectly for sea borders. One helicopter is in fact a SAR unit stationed at Tallinn and as a result not available for patrolling.

Technical surveillance is available.

In the South East BGD, with mainly land borders, surveillance is enhanced by the use of 3 mobile surveillance cars with heat-sensing cameras and a vast amount of sensors of different kind (IR, magnetic, broken wire and seismic). The blue border of the district is partly covered (47%) by radar.

In the North East District the radar system covers almost the entire area of the blue border. The system consists of three radars in one concept: the Päärissaar in the South; the Toruvere near the Surveillance Centre in the middle and the Smolnitsa in the North. Together they cover the whole lake, day and night. The water reservoir at Narva BGS is controlled by radar and the dry riverbed in Narva is controlled by a daylight surveillance system backed up by long range searchlight. Some Border Guard Stations dispose of mobile thermo vision cameras.

Situational awareness is enhanced by the cooperation with Russian counterparts in exchanging useful operational information, joint investigation on border violations, and daily information exchange between duty officers of Border Districts.

Finally, the cooperation with the local population is an asset in the overall strategy. In some parts of Estonia the population is in majority Russian. It is not so evident that the population of the city of Narva for example, should be hostile towards illegal border crossings coming from Russia. The cooperation with local inhabitants can be based on intelligence methods if necessary.

6.3.3. *Reaction capability*

The Estonian Border Guard do not dispose of special units (Quick Response Units or similar). Reaction capability has to be built up entirely with own resources. Bearing in mind the limited resources of some Border Guard Stations this reaction capability becomes sometimes questionable.

Reaction capability in routine situations at the green border is possible in reasonable time. Patrols can be activated and moved to other areas within 30 minutes. On the blue border boats and other floating material can sail out in 15 to 20 minutes time.

The average distance from the coastline to the border on the lake is 15 km; water depth is in principle not a problem but along the coast the water depth varies from 1.5 m to less than 1m. During a test at Varnja BGS the vessel with 3 experts on board did not manage to reach open waters; the boat got stuck in the mud and was hardly and after considerable time able to liberate itself. ²

Reaction capability in case of major incidents is not evident. The organization of duty allows in theory to have 50% of the available staff on the job; they can be mobilized immediately. The other 50% can be mobilized in a few hours time. Other kinds of back-up in case of emergency cases or massive border crossings are to be dealt by other law enforcement agencies in cooperation with the Border Guard.

6.3.4. *Availability and permanency*

- **Human resources**

Surveillance of the borders is executed by trained professionals. The availability of human resources however is limited. Based on the evaluation of the visited sites it is obvious that in some areas the available manpower is hardly capable to control the border in an efficient and effective way.

At Värška BGS for example with an external border of 47km, of which 31km land border, the Border Guard disposes of 25 border guards. That means that every day a maximum of 12.5 men is on duty, commander, duty officer etc. included. Every single problem of any kind will immediately affect the capability of the station in a negative way. The number of staff has also an influence on the tactics; no 2nd or 3rd line surveillance on the green border. The situation in the Piusa BGS is not much better.

The situation in the North East Border Guard District is a bit better because of the technical surveillance of the blue border. Since the lake, the reservoir and the river are guarded by radar the men can stay in stand by at shore and perform other tasks.

The situation on the border is still in hand; so far there have been no major incidents. But the slightest increase of pressure will destabilize the system because the resources are too tight. The Committee is able to notice this situation but cannot give a precise idea of how many men are really needed. For that is a more in depth evaluation necessary with the character of an audit.

- **Technical resources**

Except for the blue border, there is no integrated electronic surveillance system that covers the entire green border; that detects and identifies targets and enables immediate reaction. The amount of day and night vision equipment is limited and does not assure a water tight surveillance of the green border.

² EE. The Estonian delegation would like to clarify the fact that Estonia has the lowest water level in the Peipsi lake during the last 50 years. The crew of the vessel is usually composed of two border guards.

Even the radar system can be improved; the system is able to identify a moving target as a target but cannot see it. There for the system should be backed up with video equipment in order to have a precise idea of who and what is crossing the border and what kind of reaction is necessary.

Vehicles seem to be sufficiently available; the number of tracking dogs could be improved and the number of sensor sets increased.

6.3.5. *Communication*

Radio communications between the mobile units monitoring land and blue borders and their local operational centre at the Border Guard Stations are enabled by the use of classic radio equipment. The digital radio system TETRA is not implemented yet. The current system provides communication in: directing, interacting and alarming. The Border Guard installed retransmission stations in order to ensure the communication range throughout the area of responsibility of each organizational border unit.

The lack of a modern radio network system, limits the practical cooperation between law enforcement authorities.

All units dispose of stationary and mobile (portable, in vehicles and on boats) radio equipment. The Border Guard Stations dispose of direct telephone lines with Russian counterparts.

Patrols at the green and the blue border may use sometimes portable cell phones, when radio communication is difficult.

According to the available information no communication lines are encrypted.

7. CONCLUSIONS AND RECOMMENDATIONS FOR THE VISITED SITES

1. At the Koidula BCP the infrastructure and equipment are considered adequate and in line with the Schengen standards.
2. The officers of the visited sites can be regarded as professionals, highly motivated and disciplined. Their knowledge of the Russian languages was very positively assessed by the Committee.
3. The Committee considers that in Koidula there is room for improvement with regard to the practical implementation of border checks, both on entry and exit. This could be attained by improving the cooperation with Customs and by asking to present and prove that third-country nationals have the necessary means of subsistence for the intended stay. The Committee also reminds that, as laid down in the Schengen Borders Code, when possible and for security reasons, border checks should be carried out by two border guards.
4. In Saatse, the Committee did not observe the practical implementation of border checks due to the absence of border crossings. However, the border guards seemed to be aware of all the procedures.

5. The Committee also considers that the use of the very limited human resources available in Koidula could be improved in terms of efficiency. This could be attained by using, in a more flexible way, both the lanes for vehicles and the border guards deployed there, so that the travellers are not subject to unjustified delays.
6. In Narva-1, the infrastructure with regard to the terminal for cars and busses is very limited in space and counts with a low number of lanes. This fact does not guarantee a fluid traffic in case of additional checks, although there is a separate area for searches of vehicles. The Committee is aware of the difficulties to expand the BCP's premises due to its geographical position (in the middle of a city), and encourages the Estonian authorities to continue the ongoing negotiations with Russia with a view to opening a new BCP in the area in the future.
7. In Narva-2, (pedestrians BCP) the current premises are just temporary and count with the minimum equipment and infrastructure necessary to maintain the site open. New premises, currently under construction, will be delivered in the near future.
8. The technical equipment available in the BCPs visited are in line with the requirements, generally speaking. However, with regard to the passport readers, the Committee was informed that they are not used on a regular basis due to their malfunctioning. The Committee recommends the substitution of this equipment for other devices more reliable.
9. Border checks carried out on railway traffic at the Narva BCP are considered by the Committee not to be fully in line with the Schengen standards. The number of border guards, the equipment available for the verification of documents inside the train, the use of this equipment and the checks carried out on third-country nationals are not adequate to state that entry and exit checks are performed with all the guarantees. The surveillance of the railway station should also be improved.
10. In Narva-1, border checks of trucks were performed just by one border guard, who had to cover all the lanes. The Committee considers that this situation is not in line with the standards, not only because the quality of the checks can be clearly affected by this lack of personnel, but also from the point of view of the security. The Committee also reminds that, as laid down in the Schengen Borders Code, when possible and for security reasons, border checks should be carried out by two border guards.
11. The Committee considers that there is room for improvement with regard to border checks carried out in Narva-1 BCP. Travel documents were examined thoroughly on a random basis.
12. The Committee appreciates the language skills of the border guards deployed in Narva as all of them speak Russian fluently and some others speak also other languages. The document examination specialist seemed to be well trained, motivated and committed with his work.

8. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

1. Estonia has a very important land border with Russia. The special geographical position of Narva-Ivangorod twin-city is very demanding from the border security point of view. The lack of a formal agreement on the demarcation of the border does not have any real impacts for practical border management. The border situation in Estonia is very stable. Currently the Estonian borders are not confronted to serious threats of illegal immigration, but this situation may change in the future once the internal border controls are lifted. Another explanation for the relatively calm situation is the effective functioning border security system on the Russian side. The Committee recommends to continue and maintain the situational awareness so that any possible modification in current trends can be detected at an early stage and the necessary measures adopted in due time.
2. The general strategy for border management is widely based on the Schengen border security system and the main elements of the 4-tier border security model exist. Especially the intelligence and investigation system is very well organised and could be considered as best practice. The legal basis for border management is in place and the powers of the border guards are adequate.
3. At the first level there is a need to improve pre-entry control of aliens. Estonian Border Guard does not have any document advisors or immigration liaison officers deployed in consulates. This area of the border security will become more important after Estonia joins the Schengen visa regime. It is recommended to increase the direct cooperation between the consulates and the Border Guard in order to enhance pre-entry checks by means of i.a. permanent or temporary document expert advisors, training, etc.
4. The Estonian Border Guard is a fully professional and independent organisation responsible for border security in Estonia. It has resources at its own disposal and the commanding structure is clear. This guarantees, in principle, a unified approach along all the borders and the general organisation could be regarded as a best practise in accordance with the Schengen Catalogue. However, due to the lack of human resources in some sites and the non existence of quick response teams, a rapid reaction is not always possible.
5. The inter-agency cooperation is based on agreements and is organised at central, regional and local level in an acceptable way.
6. Combating illegal immigration inland will also be more important in the future. At the moment, the Estonian Border Guard has a very well structured and effective intelligence and investigation system and very good international connections with the neighbouring countries' border authorities responsible for combating illegal immigration. Police, Border Guard and Citizenship and Migration Board, are authorities involved in preventing illegal immigration in Estonia. The Committee recommends clarifying the coordination mechanism and the roles of the different authorities and take advantage of the existing instruments available within the Border Guard.

7. Cooperation with the Russian border authorities is well-structured and functional at all levels. Direct communication systems are in place everywhere guaranteeing rapid reaction if needed. Practical cooperation includes joint risk analyses, joint investigations and exchange of information (intelligence). This practical cooperation is based on the system of border delegates. These border delegates are at the same time Commanders of the Border Guard districts so all regional resources are also under their command. This guarantees a rapid and effective implementation of the measures needed. The Committee is of the opinion that this system could be considered as best practise.
8. The risk analysis model in use is based on the CIRAM system. It is organized at central (Intelligence department), regional (Border Guard District) and local levels (Intelligence officers at the border). The intelligence and data transmission runs fluently from the central to the local level and vice-versa. This system could also be regarded as best practise. Situational awareness is satisfactory in the Estonian Border Guard. The risk areas and possible threats are known to the Border Guard and the surveillance methods are various. The Border Guard disposes of a well functioning investigation and intelligence unit.
9. Practical arrangements and resources are deployed according to risk assessment. It is recommended to pay more attention to the first level officers' ability to conduct profiling of traffic and passengers since there are no permanent intelligence officers at all BCPs.
10. Border guards are well trained and educated. Motivation is good and people respect their work. The training programme is in a period of transition. The language skills of the border guards, and in particular the use of the Russian language, are considered very adequate to the current needs. The Committee encourages Estonia to continue and promote the use of other languages like English, as has been done during the last years, in order to improve the international cooperation.
11. The infrastructure, generally speaking, is in place and the technical equipment available in the BCPs is in general state-of-the-art. However, the Committee invites the Estonian authorities to finalise the ongoing works at certain border crossing points (Narva pedestrian BCP and Narva railway station) and informing SCH-EVAL about the finalization of the works.
12. Border checks are performed in general in line with the Schengen standards but certain shortcomings were detected in some road BCPs. The Committee recommends performing thorough checks according to the requirements and using the second line more often in those cases where border guards have doubts about the validity of the documents presented.
13. The situation at the Narva railway station is considered by the Committee unsatisfactory. Surveillance of the area is very limited; the checking procedures of passenger and cargo trains do not meet fully the Schengen requirements; there are no mobile (portable) document readers, what means that there is no possibility to consult the national registers from the train; the equipment to check documents inside the train are very modest, and finally, the number of border guards is too limited. All those factors put together, mean that the possibility to carry out thorough checks with the necessary guarantees is practically non existent. The Committee is therefore of the opinion that the current procedures are not in line with the Schengen standards and recommends amending them according with the current Community legislation.

14. In some BCPs, the Committee was informed that third-country nationals are refused entry when their passports are full of stamps, even when they are in possession of valid visas, as the travel document is considered invalid. The Committee considers with regard to this practice, that current Community legislation does not fully define the procedure to be followed in such cases, and gives Member States the possibility to apply different procedures to the same situation. Therefore, the Committee invites the Commission and Member States to explore the possibility of harmonizing these procedures for the future.
15. The availability of human resources is under pressure. According the Estonian authorities there is an actual shortage of almost 40% going up to 60% in some stations. If this would be effectively the case, this situation would be unacceptable, but also impossible because work in these circumstances is not possible. An open question for the Committee is on what basis this shortage has been calculated. So far, the Estonian authorities did not come up with a plausible explanation. The Committee noted, however, that the reaction capability, the level of border surveillance and the quality of the checks are indeed clearly and seriously decreased. Security risk for staff is also obvious since in some cases border guards have to work alone, without any close back up. The Committee would invite the Estonian authorities to define the real needs of each element of the organisation, considering the current deficiencies and the future situation, once the internal border controls are lifted, in order to meet the Schengen requirements. In the mean time all the necessary efforts to stop the outflow of personnel must be made. The actual situation represents a serious obstacle meeting the Schengen requirements. The Committee recommends adopting the necessary measures to ensure that the human resources combined with the technical equipment are adapted to the level of threats at the external borders and to report the SCH-EVAL Working Party on the measures adopted.
16. Estonia and Russia have border crossing points that are open only for Russian and Estonian citizens. The new Regulation on Local Border Traffic that will be approved within the following months should be taken into account by the Estonian authorities, who should ensure that their bilateral agreement is consistent with the Community legislation.
17. The organisation and implementation of border surveillance is performed according to the main purpose of preventing unauthorised border crossings, countering cross-border criminality and taking measures against persons who have crossed the border illegally. The Estonian Border Guard should continue to meet the objectives of the Border Guard strategy, by increasing its own potential but in close cooperation with the national law enforcement agencies.
18. Border surveillance is in practice implemented at international level in close cooperation with the relevant neighbouring states. Cooperation and exchange of information between the competent authorities of the different States, EU Member States and third countries can not be underestimated.
19. Green border surveillance is based on patrolling, management and communication systems as well as technical surveillance systems. Tactics are however hampered by poor staffing in the South East Border Guard District. Due to limited coverage, illegal border crossings could be detected too late or not at all.

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20. Command, control and decision making in relation to green border surveillance are professional, based on plans and guidelines adopted at central, regional and local level. Commanding officers are aware of the current operational and situational needs on the green border. Executing officers know their tasks and missions and show excellent ability in dealing with incidents in routine situations.
21. Reaction capability is basically very limited. Besides the own limited resources there is no back-up available in reasonable time. There are no special forces or Quick Reaction Units. The situation on the lakes and rivers is somewhat different; due to the different tactics (no patrolling but electronic surveillance) reaction capability is available.
22. Human resources are available in limited amounts but variable according to the regions. A programme of training in crisis management at the green borders, including practical exercises on full-scale operations dealing with intensive threats, should be considered.
23. Generally speaking, the technical equipment of the Border Guard at the blue borders is sufficient to perform adequately surveillance tasks and appropriate to the current border situation. At the green border the technical means (vehicles, thermal vision equipment, and of the road material, sensor systems) should be further developed.