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COUNCIL OF  
THE EUROPEAN UNION

Brussels, 23 October 2006

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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 - LITHUANIA: 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 Lithuania from 4 to 7 September 2006.

### *Participants:*

Finland	Arto NIEMENKARI (leading expert)
Austria	Kurt PILWAX
Belgium	Georges PIJL
Germany	Peter KAROHL
Poland	Marek ADAMCZYK
European Commission	Durante RAPACCIUOLO
Council Secretariat	Julio VIJANDE RIVERA and Aare EVISALU

During the mission, the experts visited the following sites:

- In Pagėgiai Frontier District, Kybartai Frontier Station, including Kybartai railway and road border crossing points, Pagėgiai Frontier Station, Panemunė road border crossing point and the green border.
- In Vilnius Frontier District, Kena Frontier Station and railway border crossing point, Medininkai border crossing point and the green border section and unexpected visit to Sumskas BCP.
- In Varena Frontier District, the green border section of Tribonys Frontier Station.
- In Ignalina Frontier District, Tverečius border crossing point and the green border section of Tverečius Frontier 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 Lithuanian authorities and especially the State 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 task according to the agreed programme and visited and evaluated the Lithuanian land borders with Russia (272 km/Kaliningrad) and with Belarus (651 km). The demarcation of the Lithuanian – Russian border has not yet been accomplished but this does not have any serious implications for the practical implementation of border control.



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The prevailing border situation in Lithuania is relatively stable and calm and currently it can be considered more a transit country than a destination country for illegal immigration. Over the last few years, illegal migration has decreased substantially due to improved border management, stricter laws against smuggling of human beings and more effective detention and return of migrants to their countries of origin.

Many elements relating directly to the border situation are nowadays changing and the future situation is unpredictable right now. The current border security systems applied in the neighbouring countries are being modified and they could, therefore, become more vulnerable. Lithuania could also become a more attractive country for illegal immigrants after it joins the Schengen space and once internal border checks have been lifted. The requirements for an effective border security system at all levels will be more demanding in the future and therefore all elements of the system will have to be enhanced.

The border security system in Lithuania is well developed and covers many elements of the Schengen 4-tier border security model. The competent authority responsible for border management is the Lithuanian State Border Guard Service (SBGS), an authority within the Ministry of the Interior. Its activities are based on systematic risk analyses and continuous exchange of information between cooperation partners and international bodies. Border checks and border surveillance at the land borders are performed exclusively by especially trained professionals. All passengers are checked and the basic infrastructure and equipment is generally, but not fully in place. Cooperation with consulates exists to a certain extent, but there are no liaison officers or document experts deployed in any of the Lithuanian consulates. Taking into account that Lithuanian visas will be valid throughout the Schengen area in the future, it is necessary to strengthen this particular pre-entry control mechanism.

Migration control inland is developing but there is still a need to enhance and strengthen the role of the SBGS in combating illegal migration.

Based on a bilateral agreement with Belarus, some bilateral crossing points are open only for Lithuanian and Belarusian citizens.

The number of visas issued at the border (mostly at the Belarus border) is relatively high and this is not in line with the basic approach.

In general, border control measures on land borders are widely carried out in accordance with the Schengen requirements. There are no crucial or fundamental gaps in the border security system.

Considering the current low threat of illegal immigration, the level and quality of the equipment and infrastructure and the current number and quality of staff, the Committee is of the opinion that the sites visited at the land borders, broadly but not fully meet the Schengen standards. 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 the Lithuanian answers to the questionnaire addressed to the New Member States with a view to the evaluation of the application of the Schengen acquis, i.e. doc. 15562/05 SCH-EVAL 121 COMIX 826 (RESTREINT UE). Reference is also made to the Lithuanian replies to additional questions, as contained in doc. 8437/06 (RESTREINT UE) and 8439/06 (RESTREINT UE). However, for reasons of clarity the Committee reiterates some of the main elements contained in these answers.

### 3.1. Strategy

#### 3.1.1. *Legislation*

The organisation and measures undertaken in the Lithuanian Republic with regard to state border control are governed in great detail by the:

- Law on the State Border and Protection thereof (09.05.2000).
- Law on the State Border Guard Service (10.10.2000).
- Law on the Legal status of aliens (30.04.2004).
- Law on the Operative Activities (20.06.2002).
- Law on the Police activities (17.10.2000).
- Law on the Basics of National Security (19.12.1996) and
- Statute of Internal Service.

Pursuant to Article 2 of the Law on the State Border Guard Service (hereinafter, SBGS) the State Border Guard Service is the competent authority to control and monitor the borders (border surveillance and border checks) in Lithuania.

The Law on the State Border Protection defines a frontier zone whose width can reach up to 5 kilometres at the state border. This is the area where the SBGS performs most of its activities. While Lithuanian citizens entering this frontier zone are required to show their identity cards, the aliens must show their passports or the relevant travel documents allowing them to reside in the territory of Lithuania.

Moreover, the Law determines the State border protection zone applied to vulnerable sites in terms of illegal migration as well as other frontier-related criminal act. The State border protection zone is marked across local regions (fields, woods, water pools). In order to enter this area, it is required to be in possession of a permit issued by the SBGS.

#### 3.1.2. *General strategy for border management*

There is not a single and all-inclusive national border management strategy in Lithuania. However, the questions related to the national border security strategy are defined by several programmes that have been prepared at national level.

A *National Security Strategy* was adopted by the Parliament in 2002. It urges to enhance the international cooperation, to strengthen good neighbouring relations between the SBGS and foreign border control agencies and to implement security promoting measures. Particular emphasis is laid on prevention of illegal immigration and cross-border crime.

A *State Border Protection Development Program* was also adopted by the Parliament in May 2002. It aims at ensuring the security of the state border, fulfilling the requirements regarding integration into the EU and ensuring permanent readiness to counteract external risks and possible threats to the national security of Lithuania. To implement this program the Government adopted a detailed *Action Plan* that specifies the measures that need to be taken until the full implementation of the Schengen acquis.

*The Strategy on Development of Public Security until the year 2010* was adopted by the Minister of the Interior in July 2003. It stresses the importance of enhancing the protection of the state border aimed at ensuring the national security. A *Program Implementing the Strategy on Development of Public Security till the year 2010 in the Sphere of the State Border Protection* is in place now where the main objectives are the following:

- to create the system of cooperation with the society (to establish and implement the procedures of how to provide the information and to account on the public; to establish the rules for cooperation with the residents of the frontier zone);
- to ensure that the training of the officers is in line with the requirements set for the state border control;
- to get ready for the application of the requirements of the Schengen Agreement.

All these components of the strategy for the border management are widely based on the Schengen four-tier integrated border security model. The SBGS draws up the Strategic Action Plan every year to ensure that the objectives mentioned above are attained.

The border security model covers actions taken in consulates, international cooperation (especially with the neighbouring countries) and border control. Additionally to the border surveillance and border checks, operational measures are implemented within the country as well. The aim of those activities is to combat illegal immigration, remove the illegal foreigners and combat crime. The Committee is of the opinion that the structure clearly exists, but there is a need to improve all elements contained in this concept in order to make it really functioning as a one entity.

### 3.1.3. *Analysis of environment and threats*

The prevailing border situation in Lithuania is relatively stable and this country is not facing a high illegal migration pressure at its external land borders, but many important elements affecting the border security environment may change in the future. The border security systems of the neighbouring countries play a remarkable role for the current situation. A possible weakening in these structures will increase the pressure against Lithuanian external land borders. The Russian system is already now changing and it is difficult to predict how long the border control system will function effectively in Belarus.

However, approximately 500 persons are detected at the border or inside the territory per year. Most of these persons are detected at the land borders with Russia and Belarus, being the main nationalities: Russian, Belarusian and Ukrainian. Usually, after having entered Lithuania legally, these persons overstay in the country. Many Russian citizens, after having entered the country, submit an asylum application and, upon reception of the necessary documents, they transit to the Western or Scandinavian countries. Ukrainian and Moldovan nationals enter also legally the country and then they attempt to travel to other countries of the European Union with counterfeit or forged Lithuanian passports.

Illegal migrants from Asian or African countries enter Lithuania by crossing the Lithuanian–Belarus “green border” on foot. Then they illegally try to cross the Lithuanian–Polish border and upon detention, they apply for asylum. Later on, they re-attempt to travel to other EU countries. New trends detected on those persons are the use of false or forged documents or, after having arrived to any official event, try to stay in the country by submitting asylum applications.

In 2005, 2.700 persons approximately were refused entry at the external borders, mostly at the land borders with Belarus and Russia. The main nationalities were Russian, Belarusian and Ukrainian.

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

International cooperation in the field of border security is wide and well structured. The SBGS as main player for the border security in Lithuania has created a functional bilateral and multilateral relationship with several law enforcement organisations.

The cooperation with the border authorities in the neighbouring countries has been established at three levels: at central level between the national border authorities, at regional level by means of Frontier Districts and at local level between Frontier Stations or border crossing points (BCPs).

Cooperation with the Belarus Border Troops is administered at semi-annual meetings between the Chiefs of Services. They exchange statistical data and analysis on general border issues and they establish the mandatory guidelines for activities in specific fields. The Chiefs of the SBGS Frontier Districts hold regular quarterly meetings with their Belarus counterparts, exchanging information and drawing plans for the activities within their border sectors. In October 2005, an intergovernmental agreement on the activities of border delegates was signed with a view to facilitate bilateral cooperation (pending ratification). The SBGS has been actively involved in the activities of the Lithuanian and Belarus Joint Commission for Demarcation that has been involved in the legalisation and formalisation of the borderline.

Cooperation with the Russian Border Service is based on inter-agency protocols signed in 1996. Meetings on the level of the Chiefs of Services takes place occasionally. Cooperation is more active with the Russian Border Service's Directorate for the Kaliningrad Region. Meetings between the Representatives of the Chiefs of the Services are held on an annual basis.

Cooperation with Russian border authorities at the regional and local level covers regular and ad hoc meetings and exchange of information (incl. intelligence), joint risk analysis, coordinated and integrated border surveillance measures and joint operations. The Commander of the Pagėgiai Border Guard District is also a border delegate responsible for cross-border cooperation. This guarantees a rapid implementation of the decisions taken. Direct connections (telephone) exist between the counterpart's duty officers (7/24) and between all border crossing points. The working language is Russian. The SBGS Deputy Commander co-chairs the Commission for Border Crossing Points established within the Lithuanian and Russian Council for long-term Cooperation between Lithuanian Regions and Kaliningrad Oblast, which aims at optimising the traffic management procedures at border crossing points.

Lithuania does not have liaison officers or immigration liaison officers stationed in third or transit countries.

In fighting against illegal immigration, law enforcement institutions collaborate with Lithuanian diplomat and consular missions in foreign countries, within their scope of competence. Nevertheless, Police liaison officers are deployed in Poland, Spain, the Netherlands and Europol.



Bilateral cooperation with Poland and Latvia is in place, and the use of "Border Delegates" and common contact points facilitates the resolution of problems at the border on a non-diplomatic basis.

Cooperation with the Latvian State Border Guard, the Swedish Coast Guard, the Finnish Frontier Guard, and the German Federal Police is also active. Additional cooperation exists also with the Hungarian, Georgian and Ukrainian Border Guards.

A sub-committee for border issues within the Committee of Senior Officials of the Interior has been established between were the Chiefs of the Border Guard Services of Latvia, Lithuania and Estonia work on the harmonisation of border security standards, information exchange and experience sharing between the three countries.

Cooperation between Lithuanian, Latvian, Estonian and the Finnish Police, Customs and Border Guard authorities (a total of 12 institutions) is ensured through annual meetings.

## **The Kaliningrad transit system**

The Kaliningrad region is a unique part of Russian Federation, which is geographically separated from the rest of the country and, since the 2004 EU enlargement, is located in the middle of the EU. Due to its location, among other Member States (Lithuania and Poland), developments and problems in the region have a direct impact on the wider regions and on the EU Member States. The cooperation between the EU and the Russian Federation concerning Kaliningrad has been ongoing for some years now with a focus on transit questions. As a result, the EU and the Russian Federation agreed on a transit of the Russian citizens between the Kaliningrad region and the remaining part of the Russian Federation through the territory of Lithuania.

In this context, in April 2003, two Council Regulations (EC) 693/2003 and (EC) 694/2003 established the Facilitated Transit Document (FTD) and Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, to enable the transit of the Russian nationals through the Lithuanian territory.

The Committee had the opportunity to verify the functioning of this scheme during the visits to the external borders with Russia and during the trip in the Kaliningrad transit train from Vilnius to Kybartai rail BCP. All in all, the facilitated railway transit document's scheme functions quite well. It takes almost no extra time for a passenger to undergo the necessary procedures. The percentage of rejections is very low (under 1%). The number of issued FRTDs is more important than Lithuanian visas and FTDs. Additional information about the control procedures followed with the passengers of these trains is mentioned in the reports on the visit to Kybartai and Kena rail border crossing points.

Facilitated transit system in train passengers seems to be well organised and it also fulfils security requirements related to Schengen. Facilitated transit system for road traffic is not at the same level in terms of security than the transit train system. Passengers using this possibility are not under control when travelling across the Lithuania. Several cases of misuse have been identified. There is a possibility, that this transit system may be used more often as a way to enter Schengen space when internal border controls are lifted. A very cheap price of the FTD and easy access to it makes this system very attractive.

The Committee did not have the opportunity to assess the practical functioning of the FTD regime in the BCPs visited.

4.521 FTDs were issued in 2005 (1.646 during the first nine months of 2006).

The number of misuses of the FTD facilitation system was 227 in 2005 and 129 during the first nine months of 2006.

The committee recommends the Lithuanian authorities to enhance inter-agency cooperation (including interoperable radio system) between the SBGS and the Police in order to closely monitor the correct implementation of this regime and be better prepared to tackle any problems that could appear in the future.

### *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*

With regard to the cooperation with FRONTEX, the SBGS has implemented the following activities:

- Lithuania is represented in the Management Board of the FRONTEX
- A National FRONTEX Point of Contact is established.
- Units of the Lithuanian Border Guard participated in joint operations organised in the framework of FRONTEX at the land borders in 2005, 2006 and in operation "Torino" in 2006.
- Participation in different meetings.
- Implementation of a Common Core Curriculum and EU-Training Day.
- There is national expert seconded to FRONTEX.

## **3.2. Organisational (functional) structure**

### *3.2.1. Centralised supervision and instructions*

The Ministry of the Interior is responsible for centralised supervision and instructions for border control. The State Border Guard Service is responsible for the border surveillance of the country and the control of persons and vehicles at the border crossing points. Other authorities involved border management at the border crossing points are the following:

- Customs Department (subordinated to the Ministry of Finance) prevents illegal import or export of goods into EU territory through the border crossing points. Customs work together with the SBGS at all international border crossing points.
- The State Food and Veterinary Service (subordinated to the Ministry of Environment) is in charge of the veterinary control.
- The State Plant Protection Service (subordinated to the Ministry of Agriculture) is in charge of phyto-sanitary control.
- The State Public Health Care Centre (subordinated to the Ministry of Health) is in charge of quarantine and medical control.

The SBGS is in charge of coordinating the activities of the above-mentioned services. It has a centralised three-level structure with a clear line of command connecting the central, regional and local levels.

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The Commander of the SBGS, subordinated directly to the Minister of Interior, leads and controls the regional and central units, either directly or with the assistance of the Chief of Staff and the other Deputies.

There are five central units directly subordinated to the Commander of the SBGS:

- the Special Tasks Unit;
- the Aviation Squadron;
- the Foreigners' Registration Centre;
- the Visaginas Border Guard School and
- the Ignalina Nuclear Power Plant Security Unit.

The 6 Border Guard Districts and the Coast Guard District organise the implementation of the functions of the local units. There are 38 Border Guard Stations (29 of them located at the external borders) and 76 Border Crossing Points (BCPs), 37 of them located at the external borders. The Border Guard Stations are responsible for the border surveillance and border checks in BCPs.

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

The cooperation among different bodies (Police, Customs and the SBGS), at central and operational levels, is established by the Interagency Cooperation Agreement of 2002. According to it, working groups are formed and contact persons appointed at central, regional and local levels. Based on this tripartite agreement, bilateral and trilateral cooperation agreements between the relevant regional units of the Police, Customs and SBGS have additionally been signed to establish cooperation forms at regional and local levels. The main forms of cooperation are the following:

- regular meetings of the leaders of the central, regional and local levels;
- access to the database of the contracting authorities;
- exchange of risk analysis data;
- joint training;
- intelligence-led joint operations;
- joint patrolling (along the border and at the frontier zone).

The cooperation between the aforementioned institutions in the BCPs is regulated by the Rules on the Activity of the Border Crossing Points and the Regulation on the Operation of the Border Crossing Points approved by the Commander of the SBGS and the Director of Customs.

## 3.2.3. *Specialised services*

The SBGS has the following special units which are directly subordinated to the Commander of the SBGS:

- The Aviation squadron is used for regular patrolling of the green and blue borders.
- The Foreigners' Registration centre is a special unit for the detection of the illegal immigrants and lodging asylum applicants, carrying out identification of foreigners and implementation of removal orders.
- The Ignalina Nuclear Power Plant Security Unit is a special unit for guarding the Ignalina Nuclear Power Plant.

The Quick Response Squads, directly subordinated to the Chiefs of the frontier districts, are available at each frontier district. They are reserve forces used for several purposes and in case where there is a need to enhance the surveillance of the border or at the frontier zone. They can be deployed within a reasonable time.

## 3.3. Operational effectiveness

### 3.3.1. Resources

Lithuania has 29 border crossing points at the external land borders; out of them 20 are located at the land border with Belarus, and 9 at the land border with Russia.

From 2002 to 2005 the following border crossing points were constructed or re-constructed: Raigardas road BCP, Kena rail BCP, Šalčininkai road BCP, Lavoriškieiai road BCP (construction will be finished in 2006) at the border with Belarus and Panemunė road BCP and Kybartai rail BCP at the border with Russia.

#### Human resources

The number of personnel of the State Border Guard Service, as of 1 July 2006, was 4.431 persons. 4.151 posts correspond to professional border guards. 88.6% of the total statutory posts are filled in and 62% of the personnel (2.750) is deployed at the external borders. The remaining personnel render service in the future internal borders of the EU, at Visaginas Border Guard School, in the Foreigners Registration Centre, in the Ignalina Nuclear Power Plant Security Brigade and in the SBGS's headquarters.

603 Customs officers are deployed at the border crossing posts located at the external borders; out of them 296 officers are deployed in the road BCPs and 82 in the rail BCPs.

#### Technical resources

As a result of the technical development of the SBGS different surveillance equipment and technical means to carry out border checks, vehicles, vessels, boats, an airplane and two helicopters are deployed in the units operating at the borders. There is a considerable arsenal of night and day surveillance equipment, more than 500 different vehicles for the land units, 4 vessels, 24 motorboats and 2 hovercrafts for patrolling the sea, border rivers and lakes.

The border crossing points are equipped with technical devices for carrying out border checks at the first and second line.

The SBGS information system (VSATIS) is used during the border checks at every BCP; it gives access to the following national registers: aliens who have an entry ban, wanted persons, vehicles in quest, items in quest and list of invalid documents.

Mobile terminals are used for checking the passengers in railway border crossing points.

The FADO system is available at the Documents Investigation Centre of the SBGS.

In addition to the equipment above-mentioned, radiation monitoring devices (stationary/mobile) and video surveillance system are installed in the BCPs. Customs have 4 mobile X-ray scanning systems for checks on cargo buses/ trailers. The large border crossing-points are equipped with separate premises for in-depth vehicle checks.

The Aviation Squadron of the SBGS also renders support to the Frontier Districts when possible and necessary.



Voice and data transfer is conducted via departmental telecommunication network. Wireless communication is performed via departmental aerial system. The administration of the telecommunication network is the responsibility of the IT and Communication Department under the Ministry of Interior. The telecommunication network means the intranet network which includes data communication lines and routers.

Additional information on communication means and encryption is contained in chapter 7 (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. The conditions of entry are in general verified for all third-country nationals and their passports are systematically stamped. These checks are performed in the first or when necessary in the second line, as mentioned in the Schengen Borders Catalogue.

The SBGS and the Customs officers work together at the BCPs ensuring that every person or vehicle crossing the border is checked and the traffic runs fluently through the BCP.

Passport controllers receive up to date intelligence but this information is not always used in profiling. The information system is connected to several databases that are used both to perform border checks and to gather information, as all entries of third-country nationals are recorded. The relaxation of checks are not utilised as a standard procedure.

The access to the land BCPs is surveyed by patrols and by technical means. Security fences are mounted at large international BCPs. Border surveillance is carried out around the BCPs as they are considered risk areas.

The SBGS administrative units contact and receive support from the territorial police and customs services when pursuing persons who have illegally crossed the border. According to bilateral agreements, Lithuanian, Belarusian and Russian frontier services exchange urgent data on border related violations and violators detained and registered evidence of illegal border crossing in frontier districts level.

The SBGS possesses the information concerning suspicious vehicles and persons and the SBGS Information System is used when carrying out border checks and border surveillance.

Border checks of international trains are carried out at the ports of entry, inside the train carriages, while the train is standing on the platform. Border checks are carried out on moving trains only when they are moving from Kena station (located at the border with Belarus) towards Vilnius station.

The Activity Results Calculation System (ARCS) is the source of the following statistical data about the level of patrolling at the external borders:

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Data name	Border with Belarus	Border with Russia
Patrol duration (by foot, by motorcycle, car, motor-sledge), persons–hours/ day	1656	536
Patrol by aircraft, hours/ day	0.6	0.7
Stationary control (using radars, thermal imagers, video cameras), hours/ day	216	12

For the time being, Lithuania does not have agreements on local border traffic. However, in the Temporary Agreement between Lithuania and Belarus on the travels of the citizens from both states contains provisions for the facilitation of the issuance of visas for local border residents.

Based on the exchange of diplomatic notes additional bilateral border crossing points are open on holidays in order to facilitate the border crossing for people living in the border region. As recognised by the Lithuanian authorities, these temporary agreements are not completely in line with the Community legislation in force at the moment.

The Committee is aware of the importance of such agreements, both from the political point of view, and to the local population at practical level. Nevertheless, this situation should be reconsidered in the near future keeping in mind the provisions set out in the Council and Parliament Regulation on Local Border Traffic that will come into force in the near future.

### 3.3.3. *Situational awareness and reaction capability*

In principle, it seems that the SBGS is aware of the situation at the external land borders of Lithuania. The conclusions derived from the risk analyses are taken into account while preparing the daily duties both at the BCPs and the Border Guard Stations.

The SBGS participates in various intelligence led operations organised and conducted by the police on a regular basis. Such operations could be conducted in the border zone or at BCPs (e.g. liquidation of plantations of drug plants, fight against illegal production of alcoholic beverages, prostitution, smuggling and the like).

Based on the interagency cooperation agreement between the Border Guards, Customs and the Police, and upon the agreement between the head of the frontier station and the head of the police station joint patrols are formed on a regular basis. These patrols are sent either to the border or to the border zone.

Reference is made to chapter 7 (Border Surveillance) of this report.

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

The Frontier Districts organize and manage the border protection. The Frontier Stations, subordinated to the Frontier Districts are directly responsible for border surveillance and border checks. Human resources are deployed according to risk analysis and they are available and movable when needed. In special cases it is possible to use resources in flexible way and also national reserves can be deployed rapidly. 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 SBGS 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.

In the sites visited, the availability and permanency of human resources are in general ensured and the technical equipment available is in general in line with the Schengen standards.

Situation by land and sea borders is permanently monitored by the Headquarters of the SBGS, Frontier Districts; the reaction to frontier events can be immediate. The information is registered and transferred according to a strategic planning and based on evaluation of the risk level.

### **3.4. Risk analysis, intelligence and data-flow management**

#### *3.4.1. Organisation, methods and responsibilities*

The SBGS is doing risk analysis and intelligence at central, regional and local levels. Special units and specially trained staff are responsible for these tasks at all levels. Risk analysis and intelligence at the national level is a task of the Operative Activity Board. At regional level this task is carried out by the Operative Activity Division of the District Headquarters. The SBGS intelligence unit cooperates with the police and customs intelligence units. Some officers of the intelligence division have been deployed at the local level but there are no real intelligence elements at this level. First line border guards were not always aware of the meaning and importance of intelligence for their work (station or border crossing point). However, the border situation and risk indicators are explained to first line border guards by the shift leader at the beginning of the shift.

The SBGS is one of the entities with "operative activity" in Lithuania. These entities are divisions of the Ministry of National Defence, the Ministry of the Interior, the Customs Department, the State Security Department and Special Investigation Service. Operative activities mean overt and covert intelligence activities conducted by certain entities in accordance with the procedures established by the Law on Operative Activities.

The Special Tasks' Brigade is involved in the intelligence and investigation activities related to illegal immigration at the border area and inside the country.

The Operative Activity Board of the Central Headquarters and the Operative Activity Divisions in each frontier district conduct operative activities and covert cooperation with individuals aimed at preventing or disclosing criminal acts related to illegal crossing of the border, smuggling and trafficking of people, contraband, trafficking of stolen vehicles and other cross-border crimes. The Pre-trial Investigation Board (at the SBGS Headquarters), and the Pre-trial Investigation Division (at each of the Frontier Districts) investigate criminal acts and conduct pre-trial investigation, in accordance with the provisions of the Code of Criminal Procedure.

Customs carry out risk assessments using all available information sources and create risk profiles, which automatically are notified to customs officers about risks at the borders. Information concerning smuggling and other customs related crimes is gathered from other law enforcement agencies, enterprises, organizations and private persons. Customs performs its own risk profiling system at central and regional level.

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The concept and structure of the risk analysis is based on a brand new administrative order given on June 16 2006 by the Chief of SBGS. This concept covers all levels of the organisation. The main products are quarterly risk analysis reports, list of risk indicators and strategic inter-agency risk analyses. The Operative Activity Board is responsible for this work at national level. At regional level, the Frontier Districts compile quarterly risk analysis reports that are delivered to subunits electronically. However, Lithuanian border guards were not in the position to show any quarterly reports since the first one is still in process.

One element of this system is a list of risk indicators submitted to border guard stations and crossing points. The Central HQ compiles a daily report containing main incident along all the borders.

The SBGS receive the information on illegal immigration, cross-border crime from the Lithuanian Criminal Police Bureau, the Customs Criminal Intelligence Service, the Migration Department under the Ministry of the Interior, other law enforcement agencies, border guard services of neighbouring countries, Europol, Interpol, working groups of the EU Council, etc.

The strategic risk analysis is done at central level by the Operative Activity Board of the SBGS, where the main threats are identified and the measures to eliminate them foreseen. The Operative Activity Board is obliged to prepare periodical quarterly reports which also include an analytical review on risk factors at the borders. In case there are essential urgent risks indicators this information is immediately forwarded to the Frontier Districts.

At regional level the Border Guard Division and the Division of Operative Activities collect and analyse criminal information from the BCPs and the surveyed border sector. The Division of Operative Activities transmits the summarized information to the headquarters and to the local units and processes information about organised criminal activities. The Border Guard Division and Division of Operative Activities in the Frontier District organise training about risk analysis for the staff of the District.

The Frontier Districts are obliged to assign officers of the Operative Activity Divisions to be responsible for risk analysis at the local and regional levels. In that way a network of officers that specialize in risk analysis is being created, so that a summary of information on risk factors received from their sub/units be periodically (not less than once per quarter) submitted to the Operative Activity Board in the Headquarters of the SBGS.

At local level a risk assessment is made both at BCPs and at Frontier Stations. Data regarding illegal immigration, border violations, cross-border crimes, modus operandi is stored, analysed and forwarded to the regional and central levels.

### 3.4.2. *Horizontal and vertical data flows*

The use of information is based on the horizontal and vertical exchange of information within the SBGS and other law enforcement structures, by means of electronic systems (e-mail). Law enforcement institutions share data of their databases pursuant to agreements on provision of information in order to prevent illegal immigration and cross-border and organised crime.



## 3.5. Investigation and alien policing

### 3.5.1. *Legal background*

The legal bases are mentioned in chapter 3.1.1. (Legislation).

The Criminal Code and the Code of Administrative Offences of the Republic of Lithuania establish the criminal or administrative liability for illegal immigration or illegal residence in the territory of the country. Detailed information in these provisions is provided in Doc. 15562/05 RESTREINT UE).

Article 23 of the Law on Legal Status of Aliens determines the cases of illegal residence of aliens in the territory of Lithuania.

The Migration Department is the institution responsible for approving decrees concerning aliens who are prohibited to enter the Republic of Lithuania. The relevant law enforcement institutions, including the SBGS, enjoy a right to submit the proposals by the prescribed order, concerning the “black list” of aliens who have trespassed the rules for entering and residing in the territory of the Republic of Lithuania.

The SBGS, within the scope of its competence, controls the transit of aliens through the state border of the Republic of Lithuania.

Legal residence of aliens in Lithuania is controlled by police forces collaborating with the relevant law enforcement institutions, the Lithuanian State or municipal institutions or establishments.

In establishing the identity of aliens who have crossed the state border illegally the SBGS may use all available sources of information, including those from abroad.

### 3.5.2. *Organisation*

Police, the SBGS and the Migration Department under the Ministry of the Interior are in charge of control of aliens inside the country. These authorities maintain close cooperation with each other in the fight against illegal immigration and render support within the sphere of their respective competences.

The operative and pre-trial investigation units of the SBGS maintain close cooperation with units of other law enforcement institutions, especially with the Criminal Police Bureau and the Customs Criminal Intelligence Service.

In certain cases, in accordance with the provisions of Article 171 of the Code of Criminal Procedure, when investigating serious crimes during the pre-trial investigation, the prosecutor has the right to set up a joint investigation group consisting of officers from several institutions authorised to conduct pre-trial investigations (Border Guards, Customs, the Police, etc).

Police is primarily responsible for alien policing inside the country, but the SBGS also participates in the control of aliens inside the country, intelligence and investigation of the illegal immigration, accommodating detained illegal immigrants and carrying out removal orders on aliens.

Apprehended illegal migrants may be brought to the Foreigners Registration Centre. Illegal migrants can be detained in this centre in relevant cases. Asylum seekers are also housed in this centre. The regime for illegal migrants and asylum seekers, however, is strictly separated. Illegal migrants can be detained, whereas asylum seekers are in principle allowed free movement. The Centre is designed to accommodate 500 persons: 300 illegal immigrants and 200 asylum applicants. There were 377 illegal immigrants detained in 2003, 318 illegal immigrants in 2004 and 278 in 2005.

89% of the apprehended migrants in 2005 were persons who entered Lithuania legally but did not leave a country at the end of the period provided for staying. After a vast decrease of refusals of entry in the last years, the SBGS considers the flow of illegal migration now to have stabilised.

### 3.6. Staff and training

#### 3.6.1. *Adequacy and the level of professionalism*

Border control is carried out by professional and especially trained personnel in possession of special equipment for the border control activities. Border checks are carried out at the border crossing points and in principle all border guards are entitled to carry out such checks. There is no specialization on border checks or border surveillance, but only those officers trained at basic level on document checking can carry out border checks.

Border guards can be regarded as professionals, disciplined, duly trained and seem to be motivated.

Bearing in mind the present situation at the Lithuanian borders, the local authorities consider that the current number of personnel is adequate to carry out border controls with the necessary guarantees. However, approximately 11,4% of the available posts were vacant as of 1 July 2006.

The average age of the staff is between 34 and 35 years and the biggest amount of personnel have served in SBGS during 5 to 15 years.

The Committee considers that despite the fact that the tendency in the loss of manpower seems to have stopped, additional efforts should be done in order to guarantee that all the available posts are filled in with the required and duly trained personnel in order to guarantee the security of the external borders.

#### 3.6.2. *Responsibilities of the border guards*

The main responsibilities of the SBGS are as follows:

- performing border checks and border surveillance;
- enforcement of the regulations of the frontier and, within the scope of their competence, the regulations of border crossing points;
- search and rescue activities in the sea, in the Curonian Lagoon and in other inland waters;
- security of the "Ignalina Nuclear Power Plant";
- radiation control at the border control points;

- implementing state control over immigration, in particular:
  - 1) by disclosing and detaining aliens who have crossed the state border illegally throughout the entire territory of the state;
  - 2) by establishing the identity of the aliens who have crossed the state border illegally;
  - 3) by ensuring security of the aliens who have crossed the state border illegally at the Foreigners Registration Centre, until an appropriate decision is adopted by the competent institutions;

### 3.6.3. *Selection criteria*

A candidate to join the SBGS can be recruited under the condition that he or she is a Lithuanian citizen and speaks Lithuanian, has an age between 18 and 35 years, is in possession of a secondary education certificate and has the adequate psycho-physical conditions.

In addition a candidate to become a SBGS officer must be in possession of proficiency education or has finished proficiency school introductory courses.

### 3.6.4. *Basic training*

The SBGS officers' training is based on a national curriculum. The basic professional border guard training is conducted at Visaginas Border Guard School. According to the internal service system, the border guard officers shall be considered as of the primary level.

The period for border guard training (learning) is 2 years. The new Border Guard Curriculum that was endorsed in 2005 is in line with the Common Core Curriculum (CCC). It includes subjects as the State Border Guard strategy, frontier control organization (following the requirements of the EU/Schengen acquis) and the Military training (1.000 hours curriculum on this discipline is compulsory according to the national security concept, programme). The number of hours for teaching foreign languages (English, German, and Russian) was increased in 2 times.

Theoretical training is combined with practical training (initial practice and 2 traineeships at the Frontier Districts of the SBGS with 920 hours, or 30 % of total curriculum time).

Upon successfully passing the final qualification test, the border guard officers acquire the national border guard qualification; this examination is also equalled to the compulsory initial military service for the school graduates.

Professional qualification (specialization) of border guard can also be acquired by passing the equivalency examination by border guards who have been in active service for no less than 1 year, but do not acquire the border guard professional qualification.

Initial training courses are offered to persons with high education diploma, seeking to become the SBGS officers. According to the particularities of service at the SBGS units, 2 weeks and 15 weeks tutorials have been drafted. During these tutorials, the attendees are introduced in legislation regulating the statutory service or border guarding necessary for serving as a SBGS officer.

The educational system is theoretical and practical, and the students are assigned to work on probation at the SBGS units.

In 2005, the 1<sup>st</sup> students crop graduated Kaunas Police Faculty of Mykolas Romeris University under the bachelor full time curriculum “Law and State Border Guard“.

### 3.6.5. *Further continuing education*

The SBGS officer's education as well as the disciplined, sustained qualification development is the basis for officer's career making.

The "Rules for Qualification Development of Officers of Internal Service System" states that officers' qualification shall be constantly and methodically developed (enhanced). The officer shall develop his qualification at work time for no less than 8 academic hours during one year of his active service.

These courses are conducted at the Visaginas Border Guard School, other local educational institutions and also at the work sites. The officers have an opportunity to perform their traineeship at overseas high schools.

Special qualification development courses for officers of the SBGS are arranged according to the needs of the Frontier Districts and Frontier Stations and under the approved schedule.

Officers responsible for professional training at the work sites are involved in annual workshops, and instructors (according to the different spheres of activity) are trained in order to transfer their skills and experiences to the colleagues at the work sites.

These trainings at the work sites are conducted regularly under the schedule drawn up by the head of unit. In this way it is ensured the qualification development and the necessary training hours. The professional training at works sites for officers of the SBGS and the Frontier Districts' Headquarters must be no less than 40 hours a year (4 hours per month), in the Frontier Stations not less than 70 hours a year, and in the Special Task Force not less than 140 hours a year.

All border guards deployed at the Frontier Stations or BCPs are briefed and instructed at the beginning of each shift before they perform the border surveillance or border checks. During the instruction, they are informed about changes in the legislation and other relevant information.

Since 2002, qualification development courses “Schengen Activity on Border Guard and Frontier Control“ have been conducted by Visaginas Border Guard School. The new qualification development programme “EU/Schengen Acquis Requirements for Border Guard“ (24 hours) was drafted in 2005; it was the basis for officers working at the headquarters of administration of the SBGS and at the BCPs. The Schengen Acquis is translated into Lithuanian and recorded in CD-ROMs. It is also available at the internal network of the SBGS.

### 3.6.6. *Linguistic training*

Language courses are organised and conducted in the Visaginas Border Guards School following the annual training curriculum but other foreign language courses can be conducted in other educational establishments (as procurement of services) or abroad.



Since 2002, the joint project of the SBGS and British Council concerning the English language learning is dedicated to establish the standard system of foreign languages learning for the SBGS officers. The concepts as well as four level programmes of English language learning were drafted; an English language learning centre was established in Medininkai.

German language courses are arranged by the Embassy of Germany in Vilnius.

Most of the border guards deployed at the external border are able to speak in Russian, what facilitates the communication with the travellers as most of them also speak Russian. The Committee would like to encourage the Lithuanian authorities to maintain those linguistic skills in the future as the study of the Russian language is no longer a compulsory in the primary education.

### 3.6.7. *Specialised document checking training*

The basic border guard training includes a special training on travel documents checking. The further training is based on the additional courses provided by the multipliers inside the SBGS or lecturers from other institutions. The "multipliers" from the higher level instruct and share knowledge with lower level specialists. The system is carried out in four levels:

- The top level includes officers of the Document Examination Centre authorised for forensic examination.
- The higher level (instructors) includes specialists of Frontier Districts (multipliers) responsible for document checks and instructors of the Border Guard School.
- The middle level is made of document check specialists. They are immediate assistants to the first control line. The plan is to have at least 2 such officers in each shift.
- The basic level is applied to all staff working at Border Crossing Points.

### 3.6.8. *Specialised training for different managerial levels*

According to the needs, the high ranking officers of the SBGS are educated at local high schools under the master tutorials of 1, 5 to 2 years.

The training of officers at the secondary, high (and higher) level, is carried out at the Mykolas Romeris University (4 years bachelor studies at Kaunas Police Faculty under the curriculum "Law and State Border Guard") and the Lithuanian War Academy of General Jonas Žemaitis (4 years bachelor studies).

For all border guards and also for mid-level officer career, the training is possible after a selection process. After this career training the border guards are promoted to senior border guard or junior specialist. The mid-level officers are promoted to higher-level officer.

## 3.7. Readmission, expulsion and illegal immigration. Carriers liability

### 3.7.1. *Administrative structures and coordination*

The main institution in charge of control of aliens inside the territory of Lithuania is the Police. The cooperation between the authorities involved in combating illegal immigration inside the country, is governed by:

- a cooperation agreement between the State Border Guard Service, the Customs Department and the Police Department of 20 May 2002;
- a cooperation agreement between the State Border Guard Service and the Police Department on exchange of information of 31 December 2002.

According to the Law on Legal Status of Aliens, at the request of police, aliens must produce documents confirming their identity (travel document, residence permit or any other document) as well as other documents specifying the purpose and conditions of their presence in the state and attesting to the lawfulness of the alien's stay in the Republic of Lithuania.

The decision on obliging an alien to depart from Lithuania and the implementation thereof are taken and shall be supervised by the Police and the SBGS according to their respective competences. The decision on the expulsion of an alien is taken by the Migration Department, while the said decisions are implemented by the SBGS or the Police.

The decision on the return of an alien or on his transit through the territory of the country is taken by the Migration Department or the SBGS, whereas the decisions shall be implemented by the Police or the SBGS.

### 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)*

Lithuania has signed readmission agreements with the following EU Member States and associated countries: Sweden, Finland, Iceland, Italy, Spain, Austria, France, Germany, Portugal, Belgium, Luxembourg, the Netherlands, Greece, Switzerland, Estonia, Slovenia and Poland.

In addition it has signed agreements with the following third countries: Ukraine, Croatia, the Russian Federation, Moldova, Armenia and Romania but so far, no persons have been sent back based on those agreements.

A total of 11 aliens were returned to the country of origin or to a foreign country to which they have the right to depart in 2005 (until 1 October 2005); 5 of them were citizens of the Russian Federation, 2 from Ukraine, 1 from Azerbaijan, 1 from Belarus, 1 from Iraq and 1 from Pakistan.

In 2005 (until 1 October), the percentage of aliens returned to the country of origin or to other foreign country to which they have the right to return was:

- (a) 9.1% to other Schengen States (Greece)
- (b) 54.5% to neighbouring States (Latvia, Belarus, Russia)
- (c) 90.9% to the countries of origin of the persons concerned

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The number of aliens expelled from Lithuania is shown in the following chart:

2000	2001	2002	2003	2004	2005	TOTAL
345	342	312	376	206	142	1723

### 3.7.3. *Means deployed to combat illegal immigration networks*

The main institution tasked with combating international organized crime is the Lithuanian Criminal Police Bureau. When investigating organized cross-border crimes the SBGS officers of pre-trial investigation and operative units can render support to the police and be included into joint investigation groups.

At regional level, the fight against illegal immigration networks is carried out by the officers of the Divisions of Operative Activity and Pre-trial Investigation of the district; in Vilnius District also by the Special Task's Brigade.

### 3.7.4. *Implementation of carriers liability*

Article 20 (1) of the Law on the Basics of Transportation Activity of the Republic of Lithuania envisages that sea, air carriers or operators of international coach services that organise special or charter travels to Lithuania are obliged to ensure that an alien is in possession of a valid travel document.

Article 20 (2) of the mentioned law, establishes that the carrier shall be imposed a fine ranging from 11.000 to 18.000 Litass (between 3100 and 5100 EURO) for each passenger transported to Lithuania without the required travel document.

Article 19 (1) establishes that carriers at their own expense are obliged to:

- return an alien to the country he/she came from;
- return an alien to the country that issued a travel document;
- carry an alien to the state he/she has the right to enter.

Carriers' responsibility is also regulated by the Law on the Basics of Transportation Activity. The SBGS is authorised to draw up protocols on violations of the Law and impose fines in cases where violation of the law is established.

No penalties have been imposed to carriers at the Lithuanian land borders so far in the context of the article 26 of the Schengen Convention.

## 4. REPORT ON THE VISIT TO PAGĖGIAI FRONTIER DISTRICT. KYBARTAI RAILWAY AND ROAD BCPs AND PANEMUNĖ ROAD BCP

### 4.1. General information

Pagėgiai Border Guard District is responsible for a border control at almost entirely Lithuanian – Russian (Kaliningrad) border. Several elements of the security environment are evolving; Russian border security system is under a reorganising process and the current practice of free visas for Kaliningrads and Lithuanians entering Kaliningrad may change when Lithuania starts to implement Schengen fully. These changes may have several impacts on the border situation.

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

Kybartai Frontier Station is responsible for the border surveillance and the border checks at two BCPs located at the border with the Kaliningrad District of the Russian Federation: Kybartai road BCP that is located on the highway Kaunas-Kaliningrad and Kybartai rail BCP, which is located on the railway from Kaliningrad to Moscow. They are separated for a distance of 500 meters.

- The road BCP is open for pedestrians and all type of vehicles. Approximately 900 vehicles and 2.200 persons cross the border every day. In 2005, the number of persons crossing the border was 821.584. During the first semester of 2006, the number was 361.203.

The main threat at this point is posed by some people, mostly Russian nationals, who try to enter the country without fulfilling the necessary requirements. However, the number of aliens who infringe the Aliens Law has recently increased and some persons have tried to circumvent the BCP in order to avoid border checks.

- The railway BCP is open for the control of passenger and freight trains running between Moscow and Kaliningrad. 7 to 8 passenger trains (1.676 passengers approximately) and 28 freight trains cross the border every day. In 2005, the number of persons crossing the border was 605.999. During the first semester of 2006, the number was 267.016.

Two types of trains stop at the station: transit trains running to or from Kaliningrad to Russia via Belarus and those other international trains to or from Kaliningrad to Belarus and Ukraine. Only passengers of the first type of trains are beneficiaries of the FRTD facilitation regime. The other passengers need to be in the possession of a regular visa. Most of them are Ukrainian or Belarusian nationals.

45% of the persons crossing the border are EU-EEA-CH nationals while 55% are third-country nationals, most of them from Russia.

- Panemunė BCP, under the jurisdiction of Pagėgiai Frontier Station, is located in Panemunė at the border with the Kaliningrad region, on the highway Ryga-Kaliningrad. It is situated on the bank of the Nemunas river. The closest Russian city on the other side of the border is Sovetsk. There is an intense traffic of pedestrians and vehicles through the bridge that connects both sides of the border.

More than 600 vehicles cross the border every day approximately. In 2005, the number of persons crossing the border was 896.955. During the first semester of 2006, the number was 584.905; 75% of them were EU-EEA-CH nationals, while only 25 % were third-country nationals, most of them from Russia, Belarus and Ukraine.

The main threat detected at the BCP is mainly posed by Russian citizens who try to cross the border without fulfilling all the entry conditions (including the lack of health insurance policy). Many aliens are detained on exit for overstay or infringement of the transit rules. Some violators of the frontier area's regime are detained at the vicinity of the BCP (mostly Lithuanian nationals) in connection with illegal smuggling of goods. In some cases those persons belong to organised and armed groups. The Committee was informed that in connection with those cases, the border guards, sometimes, need to make use of their firearms.

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

The regional strategy follows the national structures. Border guard district implements all elements of the strategy in its area of responsibility. Regional cooperation with other Lithuanian 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).

#### *4.1.3. Risk analysis and intelligence functions*

The concept and structure of the risk analysis is based on a brand new administrative order given by the Chief of SBGS. This concept covers all levels of the organisation. At regional level, border frontier districts compile quarterly risk analysis reports that are delivered to subunits electronically. However, Lithuanian border guards were not in the position to show any quarterly reports since the first one is still in process. One element of this system is a list of risk indicators submitted to border guard stations and crossing points. This report was shown to the Committee in Panemunė.

Intelligence at regional level is a task of the Operative Activity Division of the District Head Quarters. Intelligence officers cooperate with the police and customs intelligence units. Some officers of the intelligence division have been deployed at the local level but there are no real and permanent intelligence elements at this level. The border guards working at BCPs were not well aware of the meaning of intelligence or profiling.

Due to the lack of staff and the current working system there is actually no time for comprehensive profiling. However, the prevailing border situation and risk indicators are explained to all border guards by the shift leader at the beginning of the shift.

The SBGS conducts investigations in its area of competence. Investigators from the Pre-trial Investigation Division are responsible for investigations at the regional level. Joint investigation teams are also created with the police.



## 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*

- At the Kybartai road BCP there are 4 inbound and 4 outbound lanes for checks; of them 2 lanes are for cars and busses and 2 for trucks. There are no special lanes for EU-EEA-CH citizens and the signs available are not in line with the ones laid down in the Schengen Borders Code. The lane marked for “Diplomats”, is in fact the one assigned and used for EU citizens. As there is no control booth available there, it is difficult to perform deeper checks when necessary, neither by border guards nor by Custom officers.

The lane that is used for busses and Non- EU citizens has a control booth that is used also for checking travel documents of truck drivers. There is no space for deeper checks of cars available.

In addition there is one lane for incoming pedestrians and another one for outgoing pedestrians.

- In Panemunė there are 3 lanes for inbound and 3 lanes for outbound vehicles (cars, buses and trucks) and one lane for entry and exit of pedestrians. They are marked according to the type of vehicle but there are no separate lanes for EU-EEA-CH citizens.

### 4.2.3. *Control facilities*

- At the Kybartai road BCP checks are carried out in stationary facilities. There are 5 control booths, 2 on entry and 2 on exit, but not all lanes have booths available. One additional booth with two working positions is available for pedestrians. A special area for deeper checks of busses is available inside the main building and frequently used.

- At the Kybartai rail BCP, Border Guard premises are located in the area of the train station.

- At the Panemunė road BCP checks are also carried out in stationary premises. The BCP consists of two terminals; one is used for border and customs checks of pedestrians, buses, cars and trucks; the other one, which is administered by Customs and located at 1,5 kilometres, is where trucks undergo customs and veterinary checks.

In the main BCP terminal, there are no booths installed between the lanes but two fixed working places at the main building (one for entry and one for exit).

The three BCPs have separate premises for second line activities, including detention and interview rooms.

The Committee considers that the current premises of the road BCPs visited (Kybartai and Panemunė) do not fully meet the Schengen standards and recommends adapting them, in particular Panemunė, by i.a. adding new booths and marking the lanes according to the provisions laid down in the Schengen Borders Code. These shortcomings may be remedied in the future as there are plans to rebuild both BCPs.

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

- Both at the Kybartai and Panemunė road BCPs the first and the second lines are equipped in accordance with the Schengen standards. The booths have terminals connected to the Border Guard databases and passport readers, and the personal equipment for the examination of documents was available and functioning.

In the second line there are video spectral comparators, microscopes and additional equipment for document checking. One officer with advanced training on document examination is usually available in each shift.

- At the Kybartai rail BCP, first line border guards are equipped with portable devices for the consultation of the national register of searched persons, passport readers, and portable document check kits. These portable devices are updated every two hours in the premises of the BCP as they do not have direct access via radio to the database but the storage capacity of this equipment is very limited.

The Committee considers that the portable devices currently in use are not suitable for the future consultation in the SIS databases due to their limited storage capacity and recommends replacing this equipment for any other that may ensure the future consultation of the SIS from the train.

The second line equipment meets also the Schengen standards. Several kits for monitoring via GPS the movement of the transit trains to and from Kaliningrad during the journey through Lithuanian territory (VSATORAS) are also available in order to ensure the train monitoring and alert in case of reduction of the speed below 20 Km/h.

## 4.2.5. *Access control / fencing*

- The road BCPs visited are clearly marked and secured by fences and the areas are controlled by video surveillance systems that are used by the SBGS. The separated lanes for pedestrians are also fenced.

- At the Kybartai rail BCP is fenced and monitored by 88 cameras that are administered by the railway administration and used by the Border Guard, Customs and the Railway Service.

## 4.3. **Controls and procedures**

### 4.3.1. *Traffic handling / traffic modes*

In the visited BCPs the Border Guard is responsible for border checks with regard to all type of traffic. In the road BCPs the traffic is regulated by means of mobile barriers and traffic lights.

The Kaliningrad transit train is permanently monitored by a removable GPS system that is installed on the train coming into Lithuania and taken off again leaving the country. The system permits the Border Guard to locate exactly every train transiting through the Lithuanian territory. In case of any stop, the BCP reports this fact to the nearest Police Station that is obliged to arrive to the stopping site within 40 minutes and report to the BCP.

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

- At the Kybartai road BCP, checks on persons are carried out following a two- stop regime; first the border guards perform the passport checks and then Customs carry out controls of goods.

After the passport is examined the document is given to the border guard located inside the booth. Third-country nationals were checked against the available databases, documents were more in-depth examined based on profiling and then stamped correctly. However, and due to the lack of infrastructure the possibility to carry out deeper checks on EU nationals and "diplomats" in the designated lane is rather limited. Checks on pedestrians were performed also in a satisfactory manner.

Truck drivers are checked after the Customs control. Based on profiling and on the close cooperation between the Border Guard and Customs, trucks can be subject to thorough checks by using the Customs' facilities and equipment. A Customs X- ray device is in place and every truck is checked before leaving the BCP area. The technical equipment available (CO-2 detector, endoscope) was used during the visit.

The Committee considers that the number of border guards deployed at this road BCP is very limited and barely able to solve any unexpected given problem without reducing the quality of the border checks.

- With regard to the control of the Kaliningrad facilitation system, the experts had the opportunity to board the transit train from Russia to Kaliningrad in Vilnius, and see the procedure followed by the passengers disembarking in the city.

In Vilnius, all passengers due to leave the train are first pre-checked by the staff of the Russian railway company. Once on the platform they have to proceed towards a checkpoint of the State Border Guard and Customs in order to be verified their travel documents. In case a passenger holds an FRTD document he or she is not permitted to leave the station and is returned to the train. In order to prevent any uncontrolled movement of passengers, the train is monitored by border guards while it is at the station. The Committee considers that, in this regard, there is room for improvement as a pedestrian bridge located in the station was almost uncontrolled.

- Once at Kybartai Station, the train with destination Kaliningrad is detained between 30 and 40 minutes. This time seems to be sufficient to perform the border checks. In case of incidents the SBGS is entitled to retain the train until the problem is solved.

On average 8 to 9 border guards perform these checks. .

Checks on persons travelling in the transit train (St. Petersburg- Kaliningrad) as well as in the international train (Kaliningrad- Charkow) were performed in accordance with the Schengen standards. Third-country nationals were checked in the available databases, the documents were examined more in-depth based on profiling and then stamped.

The Committee observed certain lack of coordination among the border guards during the border checks as sometimes they were not sure whether the passengers had already been checked or not. Checks on cargo trains are usually performed by two border guards accompanied by Customs officers.



- At the Panemunė road BCP checks are carried out jointly by the Border Guard and Customs.

During the visit there was just one border guard carrying out the entire check on exit (checks of documents, examination of documents, searching in databases and available registers), while on entry there were two officers (one covering the three entry lanes and taking the documents, and the other inside the booth, verifying travel documents and checking the databases). Due to the lack of human resources, the reinforcement of personnel in order to solve any unexpected event is not possible at the level of the BCP. They need to call either a patrol from the green border or from Frontier District (Special Task Force Brigade) that last a minimum of 15 minutes.

Despite third-country nationals were questioned about the purpose of the trip and means subsistence they were not requested to present them. Deeper checks on vehicles were performed very rarely. Traffic flow management was insufficient.

Checks on trucks were considered not to be fully in line with the Schengen standards. Incoming trucks and their drivers are subject to the travel document checks. If the BCP is not overcrowded, the officer asks the driver to open the trailer, but there is no equipment available for deeper examination of the cargo compartment. Once the document check is finished, trucks are escorted to the Customs Terminal, which is located at 1.5 km, by Customs officers. Although an X-ray device is in place not all trucks are controlled there. According to the statement of a Customs officer, only 2 to 3 % of the trucks are opened there, but if the driver declares that the trailer is empty, he often can leave the terminal without further checks.

The Committee considers that this procedure may undermine the border security and represents a serious risk with regard to the prevention of illegal migration and smuggling of goods. It recommends modifying the current procedure for checks on heavy traffic and increasing the availability and use of technical devices.

Bus passengers are checked inside the bus following the same procedure as with cars. Pedestrians are checked in separated exit/entry lanes, checks are here performed in a satisfactory manner.

The stamps are correctly stored and registered

#### 4.3.3. *Utilization of registers*

In all BCPs visited, third-country nationals' travel documents are systematically checked against the available databases (bans of entry, wanted persons, searched vehicles, invalid documents, residents in Lithuania and vehicles registered in the country (REGITRA).

The Common Manual was also available, both on paper and electronic format.

#### 4.3.4. *Processing of refusals and asylum applications*

In 2006, as of 30 June, 159 persons were refused entry (266 in 2004, 295 in 2005) in Kybartai road BCP. The main reasons were the lack of visa or lack of appropriate travel documents (i.e. health insurance).

For the same period 27 persons were refused entry (95 in 2004 and 49 in 2005) in Kybartai rail BCP. The main reasons were the lack of FTD/ FTRD, lack of visa and lack of appropriate travel documents.

At the Panemunė road BCP also as of 30 June 2006, 112 persons were refused entry (232 in 2004 and 298 in 2005) because of the same reasons mentioned above.

The forms used for the refusal of entry are stored at the BCP and a copy is given to the person concerned. However, since this form was not in line with the one laid down in Council Decision 2004/574 (EC), the Committee recommends replacing the existing form for the one established in the Schengen Borders Code.

The Committee was informed that in case of third-country nationals in possession of a valid visa and a valid passport but without space left for stamping, the travel document is considered invalid and the holder refused entry.

No asylum applications have been presented since 2002, in any of these BCPs, but the officers are aware of the procedure to deal with such applications.

#### 4.3.5. *Issuance of visas at the border*

No visas have been issued since 2004 in either of the BCPs located in Kybartai. Only one visa has been issued at the Panemunė road BCP during 2006. Visa stickers are registered and safely stored. Only the shift leaders have access to them.

The officer in the second line was aware of the visa issuance procedures.

#### 4.3.6. *Second line activities*

In all BCPs visited there are separate rooms available for second line activities as rooms for interviews, for asylum applicants and temporal detention premises. The technical equipment for deeper document examination was also available in this lane and the security codes of the stamps replaced on a monthly basis.

### 4.4. Staff and training

#### 4.4.1. *Adequacy and the level of professionalism*

The officers at the BCPs visited can be regarded as professionals, highly motivated and disciplined. Most of them have acquired the 2 year basic training and are trained in accordance with the Border Guard training programmes. This also applies to border guards carrying out border surveillance activities. All of them are briefed at the beginning of the shift and are informed about the last novelties.

#### 4.4.2. *Further continuing education*

Personnel follow the systematic career development programmes and continuous training programmes. Every border guard follows a 70 hour training every year that is provided at local regional and central level, and includes subjects as Schengen acquis, travel document investigation, foreign languages, etc. At the Frontier Stations this training is provided by the head of the Station or other trained personnel.

In Panemunė the Committee was informed that approximately 60% of the personnel has been trained on the Schengen Borders Code. Some border guards have studied it by themselves. The Committee would invite the Border Guard to train all the staff before 13 October 2006.

#### 4.4.3. *Linguistic skills and training*

Most of the officers present at the visited places were able to communicate in the Russian language at medium level and some others knew the German language at basic level. English was spoken by a limited number of border guards.

Since the vast majority of third-country nationals crossing the border at this sector are Russian, the Committee appreciates the large amount of border guards able to speak fluently this language as it is an effective tool in order to allow for a more in-depth questioning and control of persons in doubtful cases. The Committee would also encourage Lithuania to continue to promote these language skills in the future and to improve the knowledge of English.

#### 4.4.4. *Specialised document checking skills and training*

A system for training on document checking skills and investigation seems to be in place.

Personnel are trained at three different levels (basic, intermediate and advanced) at local, regional and central level. All border guards working at the BCPs are supposed to acquire at least the basic level. Those who have attained the advance level are used as multipliers at local levels.

The Lithuanian authorities informed the Committee that in Kybartai Frontier Station there are 1 or 2 experts at medium level available at the BCPs in each shift, and a total of 2 border guards trained at the advanced level posted at the Frontier Station (Kybartai) in order to render support the BCPs when needed.

During the inspection, the Committee could see that at the rail BCP, the officer performing document checking at the second line had just acquired the basic level on document checking. The Committee considers that in all shifts border guards with the highest training on document checking should be available to solve any special case at the second line.

At the Panemunė BCP there are normally two border guards trained at intermediate level per shift, while 2 more are trained at advance level and available at the Frontier Station. Second level document experts are usually the shift leaders. Due to the low number of forged documents detected, this task seems not to interfere in other duties, however the experts recommend to consider the possibility to deploy additional second level document experts at this BCP and ensure a high level of expertise permanently.

#### 4.4.5. *Specialised training for different managerial levels*

High ranking officers follow every year a 16 credits education with different duration. This training is provided either at the Visaginas Border Guards school, at the University or at other education institutions.

In order to be promoted the officers have to follow special courses focused on Schengen legislation, Kaliningrad system, forgeries, etc.

#### 4.4.6. *Availability and permanency of staff*

Permanency of staff is ensured but it should be noted that in Pagėgiai District, 17,4% of the posts seem to be vacant. In emergency situations the Special Task Brigade can render support to the Frontier Stations.

- In Kybartai Frontier Station there are 101 border guards. The officers carry out service in 5 shifts of 17 officers. Out of them 5 to 6 work at the road BCP, while 8 to 9 are posted at the railway BCP and 2 carry out border surveillance, but this figures are flexible and adapted to the needs.

In summer additional personnel reinforces the rail BCP coming from the road BCP or from the border surveillance units. In case the passenger flow increases at the road BCP, officers from the rail BCP or those coming from the Special Tasks Brigade can render the support.

While during the visit the number of personnel at the rail BCP could be considered adequate, the situation is different at the Kybartai road BCP. The Committee considers that the number of officers at this site should be increased in order to guarantee a fluent and more efficient border control, especially in peak seasons, without undermining the resources assigned to the green border.

- Personnel serving at Panemunė BCP belong to the Pagėgiai Frontier Station, where there are 86 border guards (77,5% of total number of posts available). They carry out service in 5 shifts of 13 border guards. Out of them 5 to 6 of are stationed at Panemunė BCP, one at a rail BCP and 5 performing border surveillance.

In the summer, the BCP is reinforced with 1 to 2 border guards coming from either from the Special Tasks Brigade or from the border surveillance groups.

The Committee considers that the current number of personnel at the Panemunė BCP should also be increased in order to perform border checks fully in line with the Schengen standards and to be able to solve any unforeseeable event without interfering in the normal functioning of the BCP.

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

The operational activities and pre-trial investigations are performed at the level of the Frontier District by specialised officers.

The number of illegal migrants detained during the first semester of 2006 at Pagėgiai and Kybartai Frontier Stations are rather low (15 and 27 respectively). There have been no readmission cases in any of the visited BCPs since 2004.

Intelligence activity and pre-trial investigation are performed at regional level by 1 officer of the Operative Activity Division and by 1 officer of the Pre-Trial Investigation Division of the Pagėgiai Frontier District.

Reference is made to chapter 3.7. of this report.

## **5. REPORT ON THE VISIT TO VILNIUS FRONTIER DISTRICT. KENA RAILWAY BCP, MEDININKAI BCP AND SUMSKAS BCP**

### **5.1. General information**

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

Vilnius Frontier District is the regional unit of the SBGS responsible for border checks in 9 BCPs and the surveillance of 214,5 Km of the external land borders.

- Kena rail BCP, under the competence of Kena Frontier Station, is located at 6 km of the border with Belarus and 30 km far from Vilnius. Inbound trains come from Russia, Ukraine and Belarus. This is one of the main entry ports on the route from the East to Western Europe and is also used for the facilitated Kaliningrad transit.



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There are special transit passenger trains where Lithuanian consular authorities onboard issue Facilitated Rail Transit Documents (FRTD) for the citizens of the Russian Federation travelling to or from the Kaliningrad District.

12 passenger trains and 40 freight trains cross the border everyday on average, and 858.911 passengers crossed the border in 2005. During the first half of 2006 this number was 342.882. 82% of the passengers are third-country nationals, mostly from Russia, Belarus and Ukraine.

The main threats are identified at the level of the BCP in the form of refusal of entries. Some passengers overstay in the country as they are engaged in different types of trade. The detection of falsified documents and the cases of aliens found hidden in concealments or among transported goods are very rare. Illegal crossings of the land border are also rare and they are individual cases. Some cases have been detected linked to alcohol and tobacco smuggling.

- Medininkai road BCP is subordinated to Padvarionys Frontier Station. It is located at the border with Belarus at a distance of 35 kilometres from Vilnius on the road linking Vilnius and Minsk. Compared to other BCPs located at this border, the vehicle and passenger flows are bigger as this is the main route for the facilitated Kaliningrad transit by land.

This BCP is open for all type of vehicles and most passengers are citizens of Belarus, Russia, Ukraine and Lithuania.

Around 1.300 vehicles and 1.848 persons cross the border everyday. In 2005, 750.297 persons crossed the border through this point and during the first semester of 2006 this number was 463.972. Approximately 70% of the persons are third-country nationals.

The main threat is identified also at the BCP, where the number of refusal of entries is high. Some Moldovan nationals try to enter the country with forged Lithuanian passports. Stolen cars and smuggled cigarettes or alcohol are also detected during the checks. There are very few cases reported on attempts to cross border illegally and they mainly concern residents of the frontier zone, who illegally cross the border with the aim to visit relatives.

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

Regional strategy follows the national border security concept. The Border Guard is responsible for border security issues regionally and locally. Cooperation with Belarusian border authorities at regional and local level covers regular and ad-hoc meetings and exchange of information (incl. intelligence), joint risk analysis, coordinated and integrated border surveillance measures and joint operations. District commanders are responsible for cross-border cooperation under the command of Chief of SBGS. Direct connections (telephone) exist between the duty officers of counterparts (7/24) and between the crossing points. The working language is Russian.

## 5.1.3. *Risk analysis and intelligence functions*

Reference is made to point 4.1.3. of this report.

## 5.2. Infrastructure and equipment

### 5.2.1. *Separation of flows*

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

### 5.2.2. *Lanes for checks*

At the Medininkai BCP there are 10 lanes for inbound traffic and 8 lanes for outbound traffic. The signs indicating the different types of vehicle also distinguish between lanes for EU-EEA-CH citizens and lanes for All Passports.

### 5.2.3. *Control facilities*

- Kena rail BCP is located physically in the building of the Kena Frontier Station. The premises are quite new, meet all the standards and have separate rooms for second line activities. As there is no space available in the interior of the station to perform border checks of passengers wishing to take an international train, these checks are performed on the platform.

- At the Medininkai road BCP in the area assigned for the control of cars and busses, there are only two booths available, both on entry and exit. They are located inside small constructions installed between the central lanes. Not all lanes are therefore equipped with a control booth.

The officers performing the first line check have to walk across several lanes in order to give the travel document to the border guard stationed inside the booth for further inspection and checking against the databases.

The second line activities are carried out in the main building, where separate rooms are available for document checking, interviews, etc.

The Committee considers that there is room for improvement with regard to the infrastructure of the BCP, in particular the construction of new booths, in order to facilitate the border guards to carry out the checks in a better and more efficient manner.

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

- At the Kena rail BCP all first line border guards performing border checks were equipped with the same portable devices as the ones mentioned in Kybartai rail BCP.

The equipment of the second line is satisfactory and meets the requirements. Devices for deeper examination of documents are available and the access to various national databases is guaranteed.

- At the Medininkai road BCP the working places were equipped with the required technical devices such as electronic passport readers, devices for the examination of documents and permanent access to the available databases. Personal equipment for the examination of documents was available for each officer. The technical equipment for the first line is located in a facility that is placed in the middle of the lanes and offers three permanent working places.

The available equipment in the second line also meets the Schengen standards. One officer with advanced training on document examination is usually available in each shift.

Equipment for checks on trucks was available (CO2 detector) and used during the visit. However the Committee recommends the acquisition of more equipment for checks of trucks, i.e. laser measurement equipment or endoscopes.

## 5.2.5. *Access control / fencing*

- Kena BCP is secured by a fence and monitored round the clock by several video surveillance systems. In addition, the area located around the railway existing between the BCP and the border is monitored by an impressive surveillance system able to detect any attempt to use the railway to illegally enter the country.

- Medininkai road BCP is also fenced and monitored by video cameras property of the different services operating in the BCP (Border Guard, Customs, State Veterinary Service and State Plant Protection Service).

## 5.3. Controls and procedures

### 5.3.1. *Traffic handling / traffic modes*

At the visited BCPs the Border Guard is responsible for border checks with regard to all type of traffic on the road BCP and the control of passengers on trains.

At the Medininkai road BCP the traffic is regulated by traffic lights and mobile barriers operated by two border guards.

The Kaliningrad transit train is permanently monitored by a removable GPS system that is installed on the train coming into Lithuania and taken off again leaving the country. The system permits the Border Guard to locate exactly every train transiting through the Lithuanian territory. In case of any stop, the BCP reports this fact to the nearest Police Station that is obliged to arrive to the stoppage site within 40 minutes and report to the BCP.

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

- In Kena the trains stop between 35 and 40 minutes. This time seems to be sufficient to perform the border checks. In cases of problems with passengers, the Border Guard is authorised to retain the trains until the problem is solved.

Checks of passengers in the transit train (Moscow- Kaliningrad) were performed in a satisfactory way. Third -country nationals were checked in the national databases, the travel documents were examined and more in-depth verifications were done based on profiling. Then the documents were stamped. Customs officers checked the locked compartments of the train.

The Committee was informed that the train staff's travel documents are not systematically stamped on entry and exit, but stamped only the date of the first entry and last exit within the validity period of the visa. Since this procedure is not in line with the Schengen standards, the Committee recommends modifying it in line with the provisions set out in Annex IV of the Schengen Borders Code.

Checks of cargo trains are usually performed by two border guards and Customs officers.

During the visit one person travelling in the Kaliningrad transit train was refused entry. The case was dealt in accordance with the standards and the person obliged to return to Russia.

- At the Medininkai BCP the checks of travellers follows a two- stop regime; first the SBGS perform their duties and then Customs take over.

Usually two border guards regulate the traffic at the entrance and exit of the control area. Two officers perform border checks of trucks on entry and exit each; two others perform checks of persons on entry and exit at the front line while two others perform the searches in the available databases and examination of documents inside the booths.

Border checks were performed in a satisfactory manner; third-country nationals were questioned about the purpose of the trip, the means of subsistence, searched in the available databases, their documents were thoroughly examined and later on the travel documents were stamped.

Trucks are checked by Border Guards after the drivers have gone through the Customs clearance. Based on profiling and in close cooperation with Customs, the trucks can undergo thorough checks by using Customs facilities. An X- ray device, belonging to that Service is in place and needs to be passed by each truck before leaving the control area of the BCP.

The stamps were correctly stored and registered.

### 5.3.3. *Utilization of registers*

In all BCPs visited, third-country nationals' travel documents are systematically checked against the available databases (bans of entry, wanted persons, searched vehicles, invalid documents, residents in Lithuania and vehicles registered in the country (REGITRA)).

The Common Manual was also available, both on paper and electronic format.

### 5.3.4. *Processing of refusals and asylum applications*

- In 2006 (as of 30 June) the entry was refused to 214 persons (696 in 2004, 547 in 2005) in Kena. The main reasons for these refusals were the lack of FTRD, lack of visa and appropriate travel documents (passports, health insurance, etc.). The officers are aware about the procedures and a copy of the form is stored.

1 asylum application was received in 2006 (as of 30 June 2006) in the BCP. The staff is aware about the required procedures for asylum seekers.

- In 2006 (as of 30 June 2006) 187 persons were refused entry in Medininkai (398 in 2004 and 335 in 2005). The main reasons were the lack of visa or lack of appropriate travel documents (i.e. health insurance). The procedures were followed correctly.

The form used for the refusals of entry was not in line with uniform form for refusal of entry laid down in Council Decision 2004/574 (EC). The Committee recommends to replace the existing form for the one established in the Schengen Borders Code that is due to enter into force.

### 5.3.5. *Issuance of visas at the border*

Both in Kena and Medininkai the number of visas issued at the border (Kena: 90 in 2006 -as of 30 June-, 185 in 2004 and 144 in 2005. Medininkai: 129 in 2006 -as of 30 June-, 996 in 2004 and 300 in 2005) is remarkable. The main reasons for the issuance of visas were urgent family reasons (funerals, deceases), and transit visas for seamen and truck drivers.



The officers are fully aware of the procedures and the visa stickers are registered and safely stored in a safe.

With regard to the high number of visas issued at the border, the Committee would like to remind the exceptional nature of this possibility and the fact that visas at the border should only be issued in exceptional cases in accordance with Council Regulation (EC)415/2003.

#### 5.3.6. *Second line activities*

In all BCPs visited there are separate rooms available for second line activities as rooms for interviews, for asylum applicants and temporal detention premises. The technical equipment for deeper document examination was also available at this lane.

### 5.4. Staff and training

#### 5.4.1. *Adequacy and the level of professionalism*

The officers at the BCPs can be regarded as professionals, highly motivated and disciplined. Most of them have acquired the 2 year basic training and are trained in accordance with the Border Guard training programmes. This also applies to border guards carrying out border surveillance activities. All of them receive a daily briefing at the beginning of the shift where they are informed about the novelties that may affect their duties.

#### 5.4.2. *Further continuing education*

Personnel follow the systematic career development programmes and continuous training programmes. Every border guard receives 70 hours training every year that is provided at their work places by the Leader and Deputy Leader of the Frontier Station, officers of the Frontier HQ and other experts (document examination experts).

A training programme is prepared annually by the Vilnius BG District and addressed to the different Frontier Stations where different subjects as EU/ Schengen Acquis, Kaliningrad system, document investigation, SIS-SIRENE, foreign languages, etc. are included. This training is provided either by specialists from different Centres or by the officers of the Frontier Stations and BCPs at managerial level.

- In Kena, 99 border guards followed several additional training courses during the first half of 2006 related to border checks and surveillance. 90 officers received also training in the context of the EU training day and 32 on Schengen issues.

- In Medininkai, all border guards receive on average, 16 hours training per year. The most attended courses by the personnel were "Influence of the EU/Schengen System on border protection and border control with 42 border guards, and "Check and investigation of the documents required for Kaliningrad transit" with 18 border guards.

#### 5.4.3. *Linguistic skills and training*

In general all border guards at the visited places were able to speak in Russian.

Both in Kena and Medininkai, the English language is studied by many officers, mostly at basic level. German and Polish languages are also taught at basic level by many officers.

Other foreign language courses are conducted at Visaginas Border Guards School following the annual training curriculum. Additional language courses can be conducted in other educational centres.

Since the vast majority of third-country nationals crossing the border speak Russian, the experts appreciate these language skills and encourage the Lithuanian authorities to continue these training programmes in order to enhance the communication skills of the border guards while performing their tasks. Additional training on English would be an asset.

#### 5.4.4. *Specialised document checking skills and training*

A system for training on document checking skills and investigation is in place.

In the visited BCPs there are from 2 to 3 medium level document experts in each shift. They are available at the second line to solve the problems encountered with travel documents during the border checks.

In both Frontier Stations, Kena and Padvarionys, there is also 1 advanced document expert that can render support the personnel of the BCP when needed.

The Committee considers that the number of officers that have received training during the first half of 2006 on document checks at the Medininkai BCP (2) is rather low compared with the ones provided at Kena rail BCP (24).

The Committee would recommend increasing the number of officers able to receive this special training in these BCPs and ensure that high standard training in the detection of false documents is applied similarly in different BCPs.

#### 5.4.5. *Specialised training for different managerial levels*

Leaders, Deputy Leaders and medium ranking officers, can follow the same courses as the ones provided to the other border guards. In addition, they receive regular training on subjects as Schengen acquis, foreign languages, management skills and administration within the Border Guard, Psychology, and communication with the press, etc.

#### 5.4.6. *Availability and permanency of staff*

Only 87% of the SBGS available posts at Vilnius District are occupied at present.

Kena Frontier Station has 102 border guards. They carry out service in 4 shifts of 17 officers. Out of them, 10 to 12 are stationed at the rail BCP. (During the Committee's visit the team of border guards performing border checks was composed of 10 border guards). The rest of the personnel are at the Frontier Station or performing border surveillance activities.

During short peak periods when train traffic is very intense the number of border control officers is reinforced with personnel from the Šumskas BCP (dependent from Kena Frontier Station) or from those assigned to survey the border. In longer periods of intense traffic the support can be rendered by the officers from the Special Tasks Brigade.

Personnel serving at Medininkai BCP belong to Padvarionys Frontier Station where there are 128 border guards. They carry out service in 4 shifts composed of 23 officers, on average. Out of them, 13 to 15 are posted at Medininkai BCP. The others perform their duties either at the Frontier Station or in border surveillance activities (5 to 9).

During the peak periods the number of personnel at the BCP is increased with officers in charge of the border surveillance. The decrease in the number of the staff assigned to the green border is compensated with officers brought from the Special Tasks Brigade.

The Committee considers that in order to enhance the efficiency on the road BCP without affecting the human resources, the border guards that are used just to regulate the access of vehicles to the BCP secured area, could be used to support the execution of the border checks on the lanes.

## **5.5. Readmission, expulsion and illegal immigration. Carriers liability**

Operational activities and pre-trial investigations are performed at the level of the Frontier District by specialised officers.

In Kena, 48 illegal migrants were detected in the area of competence of the Frontier Station (33 in 205) and 1 asylum application received during the first semester of 2006. There are no cases of implementation of the readmission procedure.

In the territory of Padvarionys Frontier Station 62 illegal migrants were detected during the first half of 2006, (76 in 2005). No cases of asylum applications or readmission were reported since 2003.

The intelligence activity and pre-trial investigation are performed by 2 officers of the Operational Activity Division and 1 officer of the Pre-Trial investigation Division of Vilnius Frontier District conduct.

Reference is made to chapter 3.7. of this report.

## **5.6. Unexpected visit to Sumskas BCP**

The Committee could also visit Sumskas BCP. This visit was not included in the programme.

This BCP falls under the jurisdiction of Kena Frontier Station and is open only for cars and permanent residents of Lithuania and Belarus, vehicles being registered in any of these countries. The persons who cross the border are mainly residents of the frontier region and they are known to the border guards. 323.390 persons and 190.000 vehicles cross the border every year, on average and during the first half of 2006, the number of refusal of entries has been 13. In principle border checks were performed in accordance with the Schengen standards

## 6. REPORT ON THE VISIT TO IGNALINA FRONTIER DISTRICT. TVERECIUS FRONTIER STATION AND BCP

### 6.1. General information

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

Tverečius Frontiers Station is situated on the local road Adutiškis-Vidžiai close to a small settlement called Tverečius, at the border with Belarus. The biggest city of the area is Visaginas located at a distance of 70 km. On the Belarusian side Vidžiai is situated at a distance of 5 km.

According to a bilateral agreement signed between the Lithuanian and Russian governments, in July 1995, Tverečius "bilateral BCP" is open only for Lithuanian and Belarusian nationals and depends on Tverečius Frontier Station.

Most of the cross border movements correspond to cars (140 per day on average) and approximately 250 persons cross this point every day. Empty lorries (cargo transportation through the BCP is forbidden) and minibuses cross this point rarely. In 2005, 105.959 persons crossed the border here and during the first half of 2006, 45.836. Approximately 90% of the persons are known by the border guards because of their regular crossing and as they are residents of the border region. 82 % are Lithuanian nationals.

The level of threats for illegal immigration is very low both at the whole section of the border controlled by the Tverečius Frontier Station and in Tverečius BCP, as they are situated quite far away from big cities and main roads, and the border runs along the river, which constitutes a natural barrier. As the traffic of lorries is insignificant and all of them are empty, the possibility for illegal immigrants to enter the country illegally hidden in concealments is practically excluded. False documents are detected very rarely. Only petty contraband is detected in the form of small amounts of alcoholic beverages or cigarettes. Cases of illegal crossings of the land border circumventing the BCP are very rare (2-3 persons per year) and they are exclusively citizens of Lithuania and Belarus.

### 6.2. Infrastructure and equipment

This small BCP is located in a two lanes road that allows the border guard controlling inbound and outbound traffic without difficulties. There is only one lane open on entry and one on exit that is used for all types of traffic. There is no need for additional lanes bearing in mind the traffic flow at this BCP.

Border checks are carried out in one stationary booth situated at the road while the second line activities are carried out in a separate building located close to the booth. Both premises meet the requirements.

The available equipment, both in the first and second line, meets the Schengen standards and offers the border guards the necessary technical support. During the visit the equipment was functioning. The consultation of the FADO system was available from this point. The BCP is clearly marked and fenced. The area is monitored by 3 video cameras that are operated by the SBGS and can be managed from the Frontier Station.

## 6.3. Controls and procedures

The Border Guard is the unique authority present at the BCP as there is no Customs control. The traffic flow is regulated by traffic lights and mobile barriers.

Usually two or three border guards per shift are deployed in this BCP. They are fully aware of the procedures, and most travellers are known them. Third-country nationals (Belarusian) are subject to thorough checks on entry and exit. The officers knew how to operate the existing equipment and the travel documents were stamped on entry and exit. The stamps were stored and registered correctly.

During the visit, the experts could see that one of the stamps that were in use had fixed a wrong date. Despite this is a single case, the Committee would like to remind the importance of stamping the right date on the passports because of the legal consequences that this act imply for the third-country national travelling in the Schengen area.

Third-country nationals were checked in the available databases. The system of registers can be regarded as sufficient and well functioning.

8 persons were refused entry during the first semester of 2006, (15 in 2005), mostly because of the lack of valid visa or residence permit. All of them were Belarusian nationals.

The forms are registered and stored in the second line and the border guards were aware of the entire procedure, including the one referred to asylum seekers, despite the fact that no asylum applications have been received at this site since 2003.

In this BCP it is not authorised the issuance of visas at the border.

The separate building with premises for second line activities is equipped with devices for deeper examination of travel documents that meet the Schengen standards as well as communication means; the shift leader has an advanced training on document examination.

## 6.4. Staff and training

The officers at the Frontier Station and BCP can be regarded as professionals, motivated and disciplined. The deployment of officers is based on a common and reasonable risk analysis. The shift leader and the border guards were aware of the risk indicators.

Personnel follow a continuous training programme. All border guards receive 70 hours of training every year that is provided by the leader and the deputy leader of the Frontier Station, by document examination experts of the Frontier District and other experts from different centres. During 2005, 47 officers (45 officers during the 1<sup>st</sup> half of 2006) were provided different vocational training.

During the first half of 2006, several border guards received training on EU and Schengen matters and in the context of the EU training day, some others were trained in their work places.

All border guards speak Russian and 10 officers have achieved the basic level in English language. Other languages that have been studied at basic level are Belarusian and German.



A system for training on document checking skills and investigation is in place. Personnel are trained at three different levels, following the national model. There are 5 document examination experts at intermediate level in the Frontier Station and 1 of them is always available in each shift.

The availability of the personnel is ensured, however, the permanency of the staff has changed and the outflow of personnel is bigger than the inflow of new border guards.

At the Frontier Station there are 58 employees out of which 50 are border guards. It represents 87% of the posts available.

The staff is divided into 5 shifts, 12 hours long, and the average number of border guards in each shift is 8 to 9 officers. Of these, 2 to 3 are deployed at Tverečius BCP.

The Committee considers that current number of officers at the BCP is adequate to the passenger flow. In case of a need for reinforcement, the shift leader and other personnel from the Frontier Station can render support. However, at the level of the Frontier Station, the number of personnel seems to be rather limited.

## **6.5. Readmission, expulsion and illegal immigration. Carriers liability**

No readmission cases have taken place at this site since 2003. The last case (1) reported of an illegal immigrant detained at this section of the border was in 2005.

## **7. BORDER SURVEILLANCE**

### **7.1. General information**

The external Lithuanian land borders have a total length of 1.042,8 km, of which 651 km are with the Republic of Belarus and 272 km with the Russian Federation (Kaliningrad Oblast). The borders with Belarus are typical green borders (forests and open land, rivers and swamps) with in the North East a small sector of blue border (Druksiu ezeros). The border with Russia at Kaliningrad is in fact a blue border formed by the river Nemunas, which is a natural barrier because of its wideness and strong stream. The river flows directly from East to West at the estuary Kursiu Marios and further to the Baltic sea.

The state border with Russia is still not marked by means of a border line and border signs. The Committee was informed, by the management of the SBGS, that the situation has no negative influence on efficiency of the practical surveillance of the border. However some of the interviewed officers of the SBGS specified that this is as one of the most problematic issues to be resolved.

Green border surveillance at the Lithuanian external borders is the responsibility of 5 of the 7 existing Frontier Districts; only the Coast Guard District (sea border) and the Siauliai District in the North (internal border with Latvia) are not involved. Approximately 60% of the available staff is concentrated along the external borders.

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- The Pagėgiai Frontier District secures 212 km of the State border with the Russian Federation's Kaliningrad Oblast. Of the total length, only 10 km is real green border; the rest consists of the river Nemunas and some improvement canals. Border security is managed by 560 border guards divided over 7 Frontier Stations.
- The Lazdijai Frontier District secures 177 km of State border, but only two small sections of external border; one section of 39 km with the Kaliningrad Oblast and a section of 34 km with Belarus. The border stretches along forests and fields, rivers, lakes and swamps. Border Security is managed by 109 border guards; 49 in 1 Frontier Station at the Russian border and 60 in another Frontier Station at the border with Belarus.
- The Varena Frontier District secures 218 km of State border with the Republic of Belarus. The border line stretches approx. 100 km across forests and fields, the remaining part across rivers and swamps and improvement canals. Border security is managed by 490 border guards divided over 5 Frontier Stations.
- The Vilnius District secures 215 km of State border with the Republic of Belarus. The border line stretches approx. 177 km across forests and fields, the remaining part across rivers, swamps and improvement canals. Border security is managed by 657 Border Guards divided over 6 Frontier Stations.
- The Ignalina District secures 185 km of State border with the Republic of Belarus. The border line stretches approx. 110 km across fields and forests, an important part across lakes and rivers. Border security in general is managed by 336 Border Guards divided over 4 Frontier Stations.

## 7.2. The visited sites

The Evaluation Committee visited 4 Frontier Districts at the external border and 5 Frontier Stations.

- The Pagėgiai Frontier District with the Frontier Stations Pagėgiai and Kybartai. Both stations secure 52 km of State border with the Russian Federation's Kaliningrad Oblast and dispose together of a staff of 187 border guards. The green border sector of the Kybartai Frontier Station is rather limited (7.2 km) but most of the attention goes to the road and railway BCP that serves the facilitated Kaliningrad transit. Pagėgiai Frontier Station serves also 1 road and 1 railway BCP.
- The Varena Frontier District with the Frontier Station Tribonys. The station secures 1 road and 1 railway BCP and a sector of 40 km border with Belarus. The total available staff is 107 border guards.
- The Vilnius Frontier District with the Frontier Station Kena. The station secures 1 road and 1 railway BCP that serves the facilitated Kaliningrad transit. The green border sector is limited to 8 km of border with Belarus. The total available staff is 102 border guards.
- The Ignalina Frontier District with the Frontier Station Tverečius. The station secures 1 road BCP and a green border sector of 51 km with Belarus. The total available staff is 50 border guards.

The visited Frontier Stations are responsible for only 16% of the external land borders but cover most of the critical areas. Since the green border surveillance system in Lithuania is developed on national level and regionally and locally implemented as such, the visited areas give a sufficient picture of the green border surveillance system.

## 7.3. Implementation of green border surveillance

### 7.3.1. *Tactics applied in visited Border Frontier Stations*

According to the general management of the Border Guard the Frontier Districts are responsible for the organisation and the management of the border protection. The Frontier Stations are directly responsible for the implementation of the border surveillance in their area.

Green border surveillance is based on patrolling, management and communication systems and technical surveillance systems. Tactics and techniques are changed whenever needed to adapt them to the border situation and the information gathered.

The border security system is generally organised in three lines:

- 1<sup>st</sup> line: the control of the marked border line itself by human and technical means. The green border line is divided in three parts; a clearance strip of 5 meter immediately besides the border line, a footprint tracking strip of 5 meter and a patrol path. All together 13 meter wide.
- 2<sup>nd</sup> line: the control of the frontier zone and the territory beyond the limits of that frontier zone.
- 3<sup>rd</sup> line: the rest of the territory.

1<sup>st</sup> and 2<sup>nd</sup> line control are executed by the staff of the Frontier Stations; the area is again divided in low-risk, medium-risk and high risk-areas according to the risk assessment on District level.

3<sup>rd</sup> line control is executed on the level of the Districts in collaboration with the Police Department and the Migration Department.

Duty hours at the Frontier Stations are organised per week: 1 week on duty/ 1 week off duty on a rhythm of 12 hours on duty and 12 hours off duty. This is a very demanding system for human capacity but on the other hand very effective. It means practically that 50% of the available staff is on the job (25% on duty/ 25% off duty).

In 2005, the concerned Frontier Districts registered a number of 201 green border violations; which is a decrease of 32% regarding 2004. Most of the border violations are of an administrative nature (not respecting border areas, trespassing while hunting, fishing, picking mushrooms, etc).

Command, control and decision making on the green border surveillance are professional. Tactics are based on plans and directives of 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 abilities to encounter incidents in routine situations. It appears however that in peak times the staff for border control is increased by decreasing the patrols at the green border.

Lithuania put into practice relevant forms and instruments of action within the international cooperation. The contacts with border services of neighbouring states are considered as the frontline. The SBGS concluded agreements on methods and directions of cooperation with border services of Russia and Belarus. They were adapted to the current situation at the state border and also the relationship, readiness and willingness of Russian and Belarusian border services. The cooperation covers i.e. information exchange. Direct communication lines between some of the SBGS units and the border services of Russia and Belarusian are established to exchange information on urgent issues. The cooperation does not cover actions consisting in alternative and joint patrolling and safeguarding the particularly threatened border sections.

## 7.3.2. *Situational awareness*

Situational awareness is aimed for by various means and techniques.

Risk assessment is made on the central, regional and local level. At local level, all information from border control and border surveillance is gathered and put together with the information on illegal migration, border violations and cross-border crimes. The information on wanted persons and vehicles is made available to the green border surveillance teams through the Border Guard Information system.

The methods of surveillance are organised 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 and by different kind of boats on the rivers. The management and officers of the SBGS 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). 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 alarm situations.

Patrols are supported by more than 150 service dogs, mobile surveillance systems mounted on vehicles (3), portable thermo vision equipment (52), other night vision equipment (333) and portable sensor systems (in limited amount).

Air patrols are available but in limited amount since they are also used for maritime borders.. The Aviation Squadron of the Border Guard, stationed in Vilnius city, consists of 1 aeroplane C 172 RG and 2 helicopters EC 120B. This kind of method is however very effective, as the experts were able to witness during an air patrol on helicopter on the green border with Belarus. One helicopter is equipped with night vision equipment.

# RESTREINT UE

The technical monitoring facilities are various:

- 28 surveillance towers (19 at the Belarus border and 9 at the Russian border);
- 83 km of security trenches at the Belarus border;
- 65 km of security fences, mostly at the Belarus border;
- 80 km of stationary surveillance systems (48 km at the Belarus border, 32 km at the Russian border);
- 404 km of footprint tracking strip at the border with Belarus.

An example of 100% effectiveness is the green border of the Kena Frontier Station. Although only 8 km long, this section is water tight secured by a security fence at both sides; 76 stationary cameras and 8 controlled cameras, 10 vibro-acoustic sensors, 70 PIR detectors and 200 illumination lamps. The experts were allowed to test the system to their satisfaction.

Another monitoring facility was found very interesting and promising. It is the Universal Surveillance & Alarm System (UNISAS). The system should enable to detect and respond to all border violations, day and night and in all weather conditions. The system is made of four components: detection equipment (sensors), video surveillance equipment (fixed on special masts and mobile on 11 units of all terrain vehicles), communication channels (digital radio communication system) and hardware and software for control and operation.

The system is operated by the Frontier Station where the operator controls all UNISAS information; controls all cameras within the Stations' territory, is able to engage alarms; controls the duration of the incidents and is able to create incident records, review and to supplement information.

For the moment UNISAS is only available starting October 2006 in the Frontier Stations Pagėgiai (27 km) and Tribonys (25km). According the Lithuanian authorities the system will be enhanced up to 180 km along the Russian and Belarusian border by the end of 2007.

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

Finally, the cooperation with the local population is an asset in the overall strategy. Many Border Guards are recruited locally and work practically in their front yard.

### 7.3.3. *Reaction capability*

Reaction capability in routine matters should be sufficient. Own patrols arrive at the place of an incident within 20 minutes together with available patrols of neighbouring Frontier Stations.

In case of major incidents the staff of the Frontier Station is in first instance depending on its own resources. Mobilisation of 85% of the staff of the station is possible in 1 to 2 hours. Police assistance and assistance from other Frontier Stations is limited in reasonable time.

The SBGS prepared, in theory, procedures to react on possible forced crossings via roads. Taking into account the fact that there are no such cases known, the Committee has doubts that the staff is properly prepared for immediate and adequate reaction on such situations. There is not enough special equipment (barrier, spiked timber connector, etc.) at the disposal of the staff.

Air support is possible depending on availability and not before 1 to 2 hours.



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Each Frontier District disposes of a special unit, called Quick Response Squad. The QRS has two functions: a reserve force for the District in order to enhance the surveillance of the border and to support Frontier Stations when needed. Secondly, the QRS is a reaction force on major incidents (use of violence, firearms, hostages taken, etc.) in possession of all necessary equipment and means of transportation. According to the geographical situation of the Frontier Station, the QRS can arrive in 15 minutes up to 3 hours. Each unit counts 30 officers.

In order to deal with intensive threats the QRS units can be put together; some of them or all available units under one command to serve as one force.

Reaction capability has been tested in the Pagėgiai Frontier Station area at the river Nemunas approx. 15 km from the Frontier Station. A mobile patrol arrived on the spot after 13 minutes; an additional patrol after 20 minutes. A section of the QRS arrived after 25 minutes. A helicopter, on duty in the District, was asked on the spot and arrived after a short period.

## 7.3.4. *Availability and permanency*

### • **Human resources**

Surveillance of the borders is executed by trained professionals. The availability of human resources is however not always sufficient. The amount of available staff for border surveillance goes from only 15% up to 50%. This means that the organisation of the border security system in three lines, of which 2 lines are the responsibility of the Frontier Station, cannot be ensured at all times and at all places.

Green border areas at Kena Frontier Station and Kybartai Frontier Station are very short (not more than 8 km) and well guarded by technical means.

The Pagėgiai Frontier Station area has a border of 45 km and on average 13 Border Guards for border surveillance per day. The borderline is however the Nemunas river and as such a natural barrier for all border crossings.

The area of Tribonys Frontier Station has a green border of 40km but can count on almost 50% of the daily staff for border surveillance, which taking into account the technical support can be considered as sufficient.

The area of Tverečius Frontier Station has a green border of 50 km but only 3 to 4 border guards for border surveillance. Taking into account the limited technical resources this situation is far under the Schengen requirements.

### • **Technical resources**

There is no integrated electronic surveillance system that covers the entire border; that detects and identifies targets and enables immediate reaction. The UNISAS system can do that but will cover at completion not more than 20% of the external border.

The length of the external border with Belarus covered by fixed border surveillance systems is 72.3 km or 11%.

The length of the external border with Russia covered by fixed border surveillance systems is 60.7 km or 22%, of which 18.5 km belong to the Coast Guard and are covered by Navy radar, which brings the effort for green border surveillance back to 16%.

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Vehicles, service dogs and portable equipment seem to be sufficiently available, with the exception of sensor systems of all kind.

Efficient night vision equipment is limited; there are no fixed heat-sensing cameras able to detect movements in forests and difficult accessible environment. Mobile surveillance systems are limited to three for the whole territory.

The availability of air support is limited; the average is 1 hour and forty minutes per day for both external borders.

### 7.3.5. *Communication and encryption*

Radio communication between the mobile units monitoring land borders and their local operational centre at the Frontier Districts are enabled by the use of classic radio equipment. The digital radio system TETRA is not yet installed. The current system provides communication in: directing, interacting and alarming. The SBGS 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 and in vehicles) radio equipment Motorola. The Frontier stations dispose of direct telephone lines with Russian and Belarusian counterparts.

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

As from October 2006 two Frontier stations will be equipped with digital radio communication in the context of the UNISAS system.

According to the available information no communication lines are encrypted.

## 8. CONCLUSIONS AND RECOMMENDATIONS FOR THE VISITED SITES

1. In general, the infrastructure and the equipment are in place at all visited sites. However, at Kybartai and Panemunė road BCPs, the infrastructure is not considered to meet fully the Schengen standards and the Committee recommends adapting them, in particular Panemunė, by, i.a. adding more booths and marking the lanes according to the categories of persons and vehicles as laid down in the Schengen Borders Code.
2. Border checks on railway traffic (Kybartai and Kena) are performed with the support of portable devices for the consultation of the national databases. This equipment is considered not to be suitable for the future consultation in the SIS databases due to their limited storage capacity, and the Committee recommends replacing it by any other equipment more suitable and adapted to the future needs.
3. In Panemunė, the Committee considers that border checks could be improved. Despite third-country nationals are questioned about the purpose of their trip and their means of subsistence, they are not requested to present them. Deeper checks on vehicles are performed very rarely and the traffic flow management is not really possible.
4. In Panemunė, particular attention was paid to checks on trucks. The Committee considers that they are not carried out fully in line with the Schengen standards. The system of escorting trucks for more than 1 Km, together with the apparently low number of deeper searches performed by Customs, may undermine the border security system and represents a serious risk with regard to the prevention of illegal migration and smuggling of goods. The Committee recommends modifying the current procedure and increasing the availability and use of technical devices.
5. The Committee recommends replacing the existing form used for the refusal of entry at all BCPs by the one established in the Schengen Borders Code.
6. With regard to the availability of document experts in the second line, the Committee recommends considering the possibility to deploy additional second level document experts at the Panemunė BCP and to ensure a permanent high level of expertise at the Kybartai and Medininkai BCPs.
7. Both in Kybartai and Panemunė road BCPs, the Committee considers that the number of officers deployed should be increased in order to guarantee a fluent and more efficient border control, without undermining the resources assigned to the green border, specially in peak seasons.
8. In Medininkai, the Committee considers that there is room for improvement with regard to the infrastructure of the BCP. The shortcomings found could be remedied with the construction of more booths in order to facilitate border guards carrying out checks in a better and more efficient manner. In addition, the Committee recommends the acquisition of more equipment for checks of trucks, i.e. laser measurement equipment or endoscopes.

9. At the railway BCPs, the train staff's travel documents are not systematically stamped on entry and exit, but stamped only the date of the first entry and last exit within the validity period of the visa. Since this procedure is not in line with the Schengen standards, the Committee recommends modifying it in accordance with the provisions set out in Annex IV of the Schengen Borders Code.
10. In Kena and Medininkai the number of visas issued at the border is remarkable high. The Committee would like to remind the exceptional nature of this possibility.
11. In Tverečius, border control procedures are performed in line with the Schengen standards, generally speaking. However, the date marked in one of the stamps that was in use was not correct. In this regard, the Committee would like to remind the importance of the correct stamping of the passports (including the correct dates for entry and exit) because of the legal consequences that this act imply for the third-country national travelling in the Schengen area.
12. The officers at the BCPs visited can be regarded as professionals, highly motivated and disciplined. The Committee would invite the Border Guard to train all the staff on the Schengen Borders Code before 13 October 2006. In most of the BCPs visited the Committee could note that a large number of border guards were able to speak Russian. The Committee would encourage Lithuania to continue to promote border guards' language skills in the future.

## 9. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

1. Lithuania has extensive land borders with Russia and Belarus. The particular situation of Kaliningrad Oblast, linked to the special arrangements for transit between Russia and Kaliningrad are very demanding from the border security point of view. The lack of final demarcation of the Lithuanian – Russian border does not have any real implications for practical border management. The border situation in Lithuania is currently very stable. Lithuania is not the main destination for illegal immigrants, but rather a transit country to Western Europe. This situation may change in the near future once internal border controls are lifted. Another explanation for the relatively calm situation is the effective functioning of border security systems in the neighbouring countries. 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 good time.
2. The border security system in Lithuania is well developed and broadly based on the Schengen concept with four levels of security filter. Although the border security strategy is not clearly described in one single document, all elements can be found in various official documents. A single professional and specialised organisation, the State Border Guard Service, is responsible for land border control in Lithuania. The legal basis and powers of the SBGS are in line with the requirements for an adequate border management system, and this type of organisation can be regarded a best practice in accordance with the Schengen Catalogue. Cooperation with the Russian and Belarus border authorities is clearly structured and functions in a satisfactory manner. The Committee invites the Lithuanian authorities to implement their plans to set up liaison officers abroad.

3. Cooperation with other law enforcement bodies (Police, Customs) is based on agreements. Clear structures for such cooperation exist at national, regional and local levels. Several joint actions are conducted annually. The Committee noted that, at practical level, (border crossing points) there seem to be different approaches to daily cooperation. The Committee invites the Lithuanian authorities to expand the use of the model whereby border guards and customs officials work together at the border crossing points based on the one-stop principle.
4. The prevailing border situation is relatively stable and the existing border security system meets most of the requirements. However, there are some clear signs and forecasts that the situation may become more demanding in the future. Therefore the Committee is of the opinion, that there is a need to improve all elements of the system, with special emphasises on pre-entry measures at consulates (enhanced cooperation with border guards, document experts, liaison officers) and on actions inside Lithuania related to combating illegal immigration. To this end, the Committee recommends clarifying and strengthening the role of the SBGS as a leading organisation in this field, taking advantage of the good connections established with the neighbouring countries, the functional investigation structures and the special knowledge of these matters.
5. Situational awareness is satisfactory in the Lithuanian Border Guard. Risk areas and possible threats are known to the border guards; the methods of surveillance are various and adequate. Practical arrangements and resources are deployed according to a clearly structured risk assessment. The risk assessment system and methodology behind it is based on a brand new internal order reflecting the Schengen Catalogue and CIRAM. Since this system has not yet been implemented fully, it is of utmost importance to ensure that staff are provided with the necessary training. The evaluation Committee stresses that there is a need to improve the ability of border guards on the first line to conduct passenger profilings and to consider strengthening the intelligence element at BCP level.
6. The infrastructure is mostly functional and meets the requirements. In some places, however (Panemunė) the situation is quite unsatisfactory. Despite very intense traffic, there is only one fully equipped checkpoint in place both on entry and exit. This point is located in the main building and there are no control booths situated between the lanes. The lack of premises prevents border checks from being conducted according to Schengen standards. At the same place there was also only one border guard outside the building (on entry) trying to manage 3 – 4 lanes and different types of traffic. The Committee is of the opinion that the infrastructure, procedures and number of border guards at Panemunė, do not fulfil the Schengen standards. The Committee recommends that equipped control booths be added, that the number of personnel (also for security reasons) be increased and that signposting be brought into line with the Schengen Borders Code. The Committee was informed that the complete reconstruction of the infrastructure at the Panemune BCP in order to comply with the Schengen standards is expected to be completed by July 2007. The Committee considers that a further evaluation should be considered in order to verify that the Schengen standards are attained.



7. The checking procedures followed at the road border crossing points meet the Schengen standards generally speaking. Their command of Russian makes it easy for border guards to ascertain the purpose of passengers' trips. Registers are also consulted regularly. Information about means of subsistence is not always requested, and when requested is not always checked. The Committee is of the opinion that sometimes these deficiencies are linked to the lack of personnel and fully equipped control booths. The Committee recommends the Lithuanian authorities to increase staff and the number of equipped control booths at the biggest border crossing points. The checking procedures for trucks at Panemunė and the role of the border guards need to be enhanced. The current situation, where after a minimum level passport check, trucks are escorted to another terminal for customs control, means that trucks are hardly ever checked in terms of illegal immigration. There is a clear gap in the system and the Committee recommends reorganising this procedure.
8. Border checks and surveillance related to trains meet many of the Schengen requirements. The mobile document readers currently in use may be adequate for the present situation, but their limited storage capacity may not be sufficient to allow future consultation of the SIS. The stamping procedures for railway company staff travelling on the international transit train to and from Kaliningrad, seem not to be in line with the current Community legislation in force.
9. The Committee observed that although second line checks are performed in general at all BCPs, the level of expertise of the document experts is somewhat limited. The Committee recommends ensuring that the level of professionalism of these officers is maintained at the highest level in all BCPs.
10. 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, because 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.
11. The Committee confirmed that the harmonized form for refusal of entry was not used. The Committee recommends that the Lithuanian authorities begin using the harmonised form for refusal of entry as established in the Schengen Borders Code.
12. With regard to the issuance of visas at the border, the Committee would point out the exceptional nature of this measure and the fact that visas at the border should only be issued in exceptional cases in accordance with Council Regulation (EC) 415/2003.
13. On the basis of a bilateral agreement signed between Lithuania and Belarus, several "bilateral border crossing points" have been opened just for nationals of these two countries. The new Regulation on Local Border Traffic, which is due to be published in the next few months, should be taken into account by the Lithuanian authorities, who should ensure that their bilateral agreement is consistent with the future Community legislation.

14. The Committee would invite the Lithuanian authorities to continue the training programmes with regard to the Schengen Border Code, so that all border guards will be aware of and familiar with the new provisions by the time this Regulation enters into force.
15. The Committee appreciates the current language skills of the border guards, many of whom can speak Russian and would invite Lithuania to continue to promote the use of and training in the Russian language skills in the future, as well as the promotion of the study of the English language in order to improve the cooperation at international level.
16. The organisation and implementation of border surveillance is organised according the main purpose of preventing unauthorised border crossings, countering cross-border criminality and taking measures against persons who have crossed the border illegally. The Lithuanian Border Guard should continue to meet the objectives of the Border Guard strategy, relying on its own potential but in close cooperation with the national law enforcement agencies.
17. 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 other countries can not be underestimated. Common positions on migration issues have to be elaborated together with these countries.
18. Green border surveillance is based on patrolling, management and communication systems as well as technical surveillance systems. Tactics and techniques are changed whenever needed to adapt them to the border situation and the information gathered.
19. Command, control and decision-making in relation to green border surveillance are professional. Tactics are based on plans and guidelines 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. It appears however that at peak times the number of border control staff is increased by reducing the number of patrols on the green border.
20. The UNISAS (Universal Surveillance & Alarm System) monitoring facility is a state-of-the-art border protection tool. The system should make it possible to detect and respond to all border violations, day and night and irrespective of weather conditions. Lithuania is invited to implement and further develop this system as much as possible.
21. Reaction capability was tested and found to be satisfactory.
22. Human resources are in general available in sufficient means but could be increased in some Frontier Stations as described in this report. The Committee considers that there is a need for a programme of training in crisis management at the green border (practical exercises on full scale operations dealing with intensive threats).
23. Generally speaking, the technical equipment of the SBGS is sufficient to perform surveillance tasks adequately and are appropriate to the current border situation. In the short term, Lithuania should further develop its technical means and planning the reinforcement of the external borders by human resources actually stationed at the internal borders.