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- Draft-Council conclusions on the state of preparedness of the REPUBLIC OF ESTONIA towards the implementation of all provisions of the Schengen acquis except SIS-related issues

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

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



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THE EUROPEAN UNION**

**Brussels, 27 November 2006
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**14520/3/06
REV 3**

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NOTE

from: the Schengen Evaluation Working Party
to: Coreper/Council - Mixed Committee

Subject : Schengen evaluation of the new Member States
- Draft-Council conclusions on the state of preparedness of the REPUBLIC OF ESTONIA towards the implementation of all provisions of the Schengen acquis except SIS-related issues

PART I

a. Background applicable to all new Member States

1. In 2005, the Schengen Evaluation Working Party started evaluating the readiness of the ten new Member States to implement the Schengen Acquis. All non-SIS-related evaluations of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia have now been completed, as is partially the case for Cyprus and for Malta. Altogether 58 themes have been evaluated for the ten countries in the course of nineteen evaluation missions.
2. The legal basis for the evaluation process in the new Member States is Article 3(2) of the 2003 Act of Accession in conjunction with the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 Def).

3. According to Article 3(2) of the Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met by the new Member States is a precondition for the Council to take Decisions on the abolition of checks at internal borders with those Member States.
4. The evaluations have been conducted new Member State by new Member State, and the Council Decisions referred to in Art 3(2) of the 2003 Act of Accession will also be taken individually.
5. In taking these Decisions, the Council may determine that not all the new Member States will be ready to apply the Schengen acquis as a whole from the same date. In such a case, it may be necessary to organise additional visits in order to evaluate the application of the Schengen acquis at the borders between Member States at which the Council has decided not to abolish border checks and which have not already been evaluated.
6. The evaluation process started with a Declaration of Readiness for all non-SIS-related evaluations by the new Member States involved.
7. The Schengen Evaluation Working Party verified in writing the preparation for the application of all parts of the Schengen acquis by the new Member States through a questionnaire and a series of supplementary questions and answers.
8. The questionnaire was followed by evaluation visits by teams of experts which led to exhaustive reports containing factual descriptions as well as positive and critical assessments, and recommendations.
9. The purpose of the following Council Conclusions is to establish whether the new Member State in question, subjected to a full evaluation procedure, fulfills all the preconditions for the practical application of the relevant parts of the Schengen acquis. In case the preconditions have not been completely fulfilled, the Council conclusions indicate where additional measures are required and in which cases the necessary changes should be reassessed during new evaluation visits. These conclusions should be read in conjunction with the detailed evaluation reports. A list of the relevant reports and a follow-up table are annexed to these Council conclusions (doc. 10765/3/06 REV 3 SCHEVAL 110 COMIX 572).

b. Background for Estonia

10. The Declaration of Readiness of Estonia allowed to start the Schengen evaluation by 1 May 2006, without any reservation (doc. 5822/05 SCHEVAL 9 COMIX 67).
11. Inspections on site took place at the land, sea and air borders as well as in two Consulates. Police cooperation and Data protection have been assessed on site too.

PART II - Specific findings

As stated before, the current conclusions should be read in conjunction with the evaluation reports which contain all weaknesses that should be remedied. Many positive findings are mentioned in these reports, which can in some cases be considered best practices. However, for the purpose of drawing conclusions and in particular with a view to defining which sites should be revisited, the focus has inevitably been put on the main weaknesses that should be remedied.

In the field of **border management**, Estonia's state of preparedness for implementing the Schengen acquis has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction. The personnel are professional and in general terms, the equipment is up to date. Special note was taken of the intelligence and risk analysis system, which was regarded as very good. Attention should be paid to the first tier in border management, inter alia the role of document advisors and liaison officers.

The coordination between the authorities involved in immigration control should be clarified. Estonia faces a challenge regarding the number of staff in the Border Guard. Estonia should therefore pay particular attention to ensure the necessary human resources to implement a high level of external border control. Appropriate staff and resources should be deployed to carry out these tasks.

The **land borders** are controlled systematically both at the border crossing points and at the green borders. The infrastructure, procedures and equipment at Narva railway crossing point as well as at Narva-2 crossing point (pedestrian) do not yet fulfil all Schengen requirements. A revisit to Narva is considered necessary.

The **sea borders** are entirely covered by an integrated radar surveillance system backed up by a network of coast guard stations in readiness for rapid reaction. Also, an offshore element is present (offshore patrol crafts and helicopters), even if that equipment is partly obsolete. The slow-data transfer to the border crossing points should be improved, by the latest in the context of introducing the Schengen Information System.

At the Estonian **air border** in Tallinn, the reconstruction plans comply with the Schengen requirements. Estonia is urged to start work in line with its planning, involving inter alia. the Border Guard. A revisit to the airport is considered necessary.

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

The synchronised cooperation between all relevant authorities to optimise the handling of an application, the travel agencies' accreditation system and staff training and education was appreciated.

However particular attention should be paid to (physical) security (visa stickers, premises), the visa decision making process (Kiev: handling time); awareness of the risk of illegal immigration (Kiev); the insured sum of travel medical insurance, stamping of the visa sticker and the data in the machine readable zone.

Estonia in general has a satisfactory level of **data protection**, although a crucial element fails for the correct application of the Schengen acquis. Contrary to the provisions of Article 114 of the Schengen Convention, no independent authority has been designated to supervise the SIS. This needs to be modified imperatively. Additional efforts are required, e.g. as far as the independence of the Data Protection Authority is concerned. A revisit is considered necessary.

On **police cooperation**, most of the preparatory work for full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures, the practical execution of cross-border activities under Articles 40 and 41 of the Schengen Convention will be facilitated by the bilateral agreements with Finland and Latvia. Estonia has a very good level of international police cooperation with Finland in fighting crime and organised crime, mainly in the border area. Estonian authorities are encouraged to reach the same standards of international police cooperation with other countries, especially Latvia.

Estonia has introduced the concept of intelligence-led policing with a multi-agency approach, including an outstanding on-line database for sharing of both information and intelligence between Law Enforcement Authorities.

PART III - Conclusions

In order to allow the Council to take the Decisions referred to in Article 3(2) of the 2003 Act of Accession, Estonia is requested to implement the recommendations listed in the evaluation reports, especially those referred to in Part II of these conclusions.

Estonia is requested to inform the Council in writing on the follow-up it intends to give to the recommendations referred to in Part II as well as those contained in the evaluation reports.

In addition, the Council requires revisits of the airport of Tallinn, at the landborder in Narva and at the Data Protection Authority.

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 November 2006

10765/3/06

REV 3

LIMITE

SCH-EVAL 110

COMIX 572

NOTE

from :	Council Secretariat
to :	Schengen Evaluation Working Party
Subject :	Schengen evaluation of the new Member States - Overview of reports and follow-up documents

Delegations will find enclosed an overview of the reports which were presented in the framework of the Schengen evaluation of the new Member States and their respective follow-up.

This table will be updated on a regular basis. Additions and/or modifications will be indicated in bold.

DECLASSIFIED

Country	Subject	References evaluation reports	adopted by Sch-eval	Follow-up docs	Council conclusions
CYPRUS	Data Protection	12748/2/06 REV 2 SCHEVAL 135	30.10.2006		
	Sea Borders (including airports)				
	Police Cooperation	14828/06 SCHEVAL 178	16-17/11		
	Visa				
	<i>Follow-up (general)</i>				
CZ REPUBLIC	Data Protection	8399/1/06 REV 1 SCHEVAL 63	18.5.2006		
	Air Borders	12710/1/06 REV 1 SCHEVAL 129	30.10.2006	14554/06 SCHEVAL 169	
	Police Cooperation	8394/1/06 REV 1 SCHEVAL 60	18.5.2006	9295/06 SCHEVAL 83	
	Visa I (St. Petersburg)	12666/06 SCHEVAL 126	27-28.9.2006		
	Visa II (Kiev)	14097/1/06 REV 1 SCHEVAL 141	16-17/11	15301/06 SCHEVAL 184 (to be issued)	
	<i>Follow-up (general)</i>			14817/06 SCHEVAL 175 (including police cooperation, data protection, visa and air borders)	
ESTONIA	Data Protection	14179/1/06 REV 1 SCHEVAL 154	30.10.2006		
	Air Borders	12754/2/06 REV 2 SCHEVAL 137	30.10.2006		
	Land Borders	14175/1/06 REV 1 SCHEVAL 151	16-17/11		

	Sea Borders	12745/1/06 REV 1 SCHEVAL 132	30.10.2006		
	Police Cooperation	14171/1/06 REV 1 + ADD 1 SCHEVAL 148	16-17/11		
	Visa I (St. Petersburg)	12667/06 SCHEVAL 127	27-28.9.2006		
	Visa II (Kiev)	14098/06 SCHEVAL 142	30.10.2006		
	<i>Follow-up (general)</i>				
HUNGARY					
	Data Protection	8400/1/06 REV 1 SCHEVAL 64	18.5.2006		
	Air Borders	12711/06 SCHEVAL 130	27-28.9.2006		
	Land Borders	10470/1/06 REV 1 SCHEVAL 99	27-28.9		
	Police Cooperation	8395/1/06 REV 1 SCHEVAL 61	18.5.2006	9443/06 SCHEVAL 95	
	Visa II (Kiev)	14099/06 SCHEVAL 143	30.10.2006		
	Visa III (Belgrade)	14732/06 SCHEVAL 171	16-17/11		
	<i>Follow-up (general)</i>				
LATVIA					
	Data Protection	14181/1/06 REV 1 SCHEVAL 156	30.10.2006		
	Air Borders	12755/1/06 REV 1 SCHEVAL 138	30.10.2006		

	Land Borders	14178/06 SCHEVAL 153	30.10.2006		
	Sea Borders	12746/06 SCHEVAL 133	27-28.9.2006		
	Police Cooperation	14174/1/06 REV 1 SCHEVAL 150	16-17/11		
	Visa I (St. Petersburg)	12668/06 SCHEVAL 128	27-28.9.2006		
	Visa II (Kiev)	14101/06 SCHEVAL 145	30.10.2006		
	<i>Follow-up (general)</i>				
LITHUANIA	Data Protection	14180/06 SCHEVAL 155	30.10.2006		
	Air Borders	12756/1/06 REV 1 SCHEVAL 139	30.10.2006		
	Land Borders	14177/06 + COR 1 SCHEVAL 152	30.10.2006		
	Sea Borders	12747/1/06 REV 1 SCHEVAL 134	30.10.2006		
	Police Cooperation	14173/1/06 REV 1 SCHEVAL 149	16-17/11		
	Visa I (Moscou)	12662/1/06 REV 1 SCHEVAL 122	30.10.2006		
	Visa II (Kiev)	14100/06 SCHEVAL 144	30.10.2006		
	<i>Follow-up (general)</i>				

MALTA	Data Protection	12749/1/06 REV 1 SCHEVAL 136	30.10.2006		
	Sea Borders (including airports)				
	Police Cooperation	14830/06 SCHEVAL 179	16-17/11		
	Visa I (Moscou)	12663/1/06 REV 1 SCHEVAL 123	30.10.2006	14579/06 SCHEVAL 170 (to be issued)	
	Visa III (Tunis)	14733/06 SCHEVAL 172	16-17/11		
	<i>Follow-up (general)</i>				
POLAND	Data Protection	6897/06 SCHEVAL 31	21.4.2006		
	Air Borders	10473/1/06 REV 1 SCHEVAL 101	27-28.9.2006	12152/06 SCHEVAL 119	
	Land Borders	14819/06 SCHEVAL 177	16-17/11		
	Sea Borders	8832/1/06 REV 1 SCHEVAL 78	30.6.2006		
	Police Cooperation	9064/1/06 REV 1 SCHEVAL 80	30.6.2006		
	Visa I (Moscou)	12665/06 SCHEVAL 125	27-28.9.2006		
	Visa II (Kiev)	14102/06 SCHEVAL 146	30.10.2006		
	<i>Follow-up (general)</i>				

SLOVAKIA	Data Protection	6898/06 SCHEVAL 32	21.4.2006		
	Air Borders	10474/1/06 REV 1 SCHEVAL 102	27-28.9.2006	12153/06 SCHEVAL 120	
	Land Borders	14818/06 SCHEVAL 176	16-17/11		
	Police Cooperation	9065/2/06 REV 2 SCHEVAL 81	27-28.9.2006		
	Visa II (Kiev)	14102/06 SCHEVAL 146	30.10.2006		
	Visa III (Belgrade)	14734/06 SCHEVAL 173	16-17/11		
	<i>Follow-up (general)</i>				
SLOVENIA	Data Protection	8401/06 SCHEVAL 65	18.5.2006		
	Air Borders	12712/06 SCHEVAL 131	27-28.9.2006		
	Land Borders	10471/1/06 REV 1 SCHEVAL 100	27-28.9.2006	12604/06 SCHEVAL 121	
	Sea Borders	8830/06 SCHEVAL 77	30.6.06	10735/06 SCHEVAL 109	
	Police Cooperation	8396/1/06 REV 1 SCHEVAL 62	18.5.2006		
	Visa I (Moscou)	12664/06 SCHEVAL 124	27-28/09		
	Visa III (Belgrade)	14735/06 SCHEVAL 174	16-17/11		
	<i>Follow-up (general)</i>			15302/06 SCHEVAL 185 (all subjects are covered) (to be issued)	