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

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

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 20 November 2006
(OR.en)

14521/2/06
REV 2

RESTREINT UE

SCH-EVAL 162
COMIX 880

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 HUNGARY 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).

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3. According to Article 3(2) of the Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met by the new Member States is a precondition for the Council to take Decisions on the abolition of checks at internal borders with those Member States.
4. The evaluations have been conducted new Member State by new Member State, and the 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).

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b. Background for Hungary

10. The Declaration of Readiness of Hungary allowed to start the Schengen evaluation by 1 January 2006, without any reservation (doc. 5188/05 SCHEVAL 1 COMIX 15).
11. Inspections on site took place at the land and air borders as well as in two Consulates. Police cooperation and Data protection have been assessed on site, too.
12. Hungary has provided the Schengen Evaluation Working Party with a follow-up report (doc.15526/06 SCHEVAL 186 COMIX 971), in which it states that it will be possible to remedy the weaknesses that have been detected without creating unnecessary delays.

PART II - Specific findings

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

In the field of **border management**, Hungary's state of preparedness to implement the Schengen acquis has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction, and the personnel is professional.

Hungary faces serious challenges at its **land borders** since it will become responsible for more or less 15 % of the future central-east external border of the Schengen area. The legal and organisational basis for border management was considered very satisfactory. Operational effectiveness can be improved by further developing human and technical resources in an appropriate balance with strategic and organisational needs.

While recognizing the particular relation between Hungary and Croatia, the current practice of allowing Croatian citizens to enter Hungary with identity cards at the international border crossing points should be reviewed in light of the Schengen acquis and the Regulation on Local Border Traffic.

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The reports conclude that border management of the **air borders** is organised in a clear way and ranks on some aspects as best practice. The airport of Budapest could already be assessed as generally meeting the Schengen requirements, and construction work in Debrecen was finalised in August 2006.

Following the inspection of **visa issuance** at Hungary's consular sections in Kiev and Belgrade, it was concluded that Hungary 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 the daily work. Access-management, electronic monitoring of the life-cycle of visa stickers and staff training was appreciated.

However particular attention should be paid to current practices involving the Hungarian Honorary Consul in Tbilisi; exemptions from personal appearance, the low number of interviews in relation to the number of applications and the low rejection rate (Belgrade); security risks concerning the checking of applicants and parts of the premises (Belgrade); the accreditation procedure and monitoring of travel agencies; collection of the handling fee; duration of the consultation procedure and the waiver of handling fees/invitations or travel medical insurance in certain cases. Finally, national legislation should take account of the procedural safeguards enjoyed by EU family members (refusals, right of appeal).

The preparations with respect to **data protection** and the SIS are already well-advanced. It should be ensured that the Commissioner remains entirely empowered with respect to the SIS and that sufficient attention is paid to this issue before the SIS becomes operational.

On police cooperation, most of the preparatory work for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures. The practical execution of cross-border activities according to Articles 40 and 41 of the Schengen Convention will be facilitated now that bilateral agreements have been signed with Austria, Slovenia and Slovakia.

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Hungary has set up and designated the International Law Enforcement Cooperation Centre as a single point of contact for international police cooperation, where all units involved are accessed through the front office. This guarantees effective and efficient cooperation.

As far as enhancing and encouraging the international exchange of information is concerned, the Common Contact Point Hegyeshalom-Nickelsdorf can be seen as a best practice.

Introduction of the European Criminal Intelligence Model (ECIM), as specified in the Police Cooperation Handbook, is to be considered.

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, Hungary is requested to implement the recommendations listed in the evaluation reports, especially those referred to in Part II of these conclusions.

Hungary 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.

The Council requires no additional visits.

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ANNEX

**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.

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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) 14817/06 SCHEVAL 175	
	<i>Follow-up (general)</i>			(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		

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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	

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	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>			

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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>			

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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		
	Follow-up (general)				
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		
	Follow-up (general)			15302/06 SCHEVAL 185 (all subjects are covered) (to be issued)	