



Council of the
European Union

Brussels, 2 July 2018
(OR. en)

14521/1/06
REV 1 DCL 1

SCH-EVAL 162
COMIX 880

DECLASSIFICATION

| | |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| of document: | ST14521/1/06 REV 1 RESTREINT UE/EU RESTRICTED |
| dated: | 13 November 2006 |
| new status: | Public |
| 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 |

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

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

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 13 November 2006 (13.11)
(OR. en)**

**14521/1/06
REV 1**

RESTREINT UE

**SCH-EVAL 162
COMIX 880**

NOTE

from : the Presidency
to: the Schengen Evaluation Working Party

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

RESTREINT UE

3. According to Article 3(2) of the Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met by the new Member States is a precondition for the Council to take Decisions on the abolition of checks at internal borders with those Member States.
4. The evaluations have been conducted new Member State by new Member State, and the by the Council Decisions referred to in Art 3(2) of the 2003 Act of Accession will also be taken individually.
5. In taking these Decisions, the Council may determine that not all the new Member States will be ready to apply the Schengen acquis as a whole from the same date. In such a case, it may be necessary to organise additional visits in order to evaluate the application of the Schengen acquis at the borders between Member States at which the Council has decided not to abolish border checks and which have not already been evaluated. No such visit has taken place so far.
6. The evaluation process started with a Declaration of Readiness for all non-SIS related evaluations by the Member States involved.
7. The Schengen Evaluation Working Party verified in writing the preparation for the application of all parts of the Schengen acquis by the new Member States through a questionnaire and a series of supplementary questions and answers.
8. The questionnaire was followed by evaluation visits by teams of experts which led to exhaustive reports containing factual descriptions as well as positive and critical assessments, and recommendations.
9. The purpose of the following Council Conclusions is to establish whether the new Member State in question, subjected to a full evaluation procedure, fulfill all the preconditions for the practical application of the relevant parts of the Schengen acquis. In case the preconditions have not been completely fulfilled, the Council conclusions indicate where additional measures are required and in which cases the necessary changes should be reassessed during new evaluation visits. These conclusions should be read in conjunction with the detailed evaluation reports. A list of the relevant reports and a follow-up table is annexed to these Council conclusions.

RESTREINT UE

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 in situ, too.
12. (Hungary has provided the Schengen evaluation working party with a follow-up report, in which it states that it will be possible to remedy the weaknesses that have been detected without creating unnecessary delays.)

PART II - Specific findings

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

In the field of **border management**, Hungary has been positively assessed. The organisation is streamlined and functional, including national level competency for supervision and instruction. The personnel is professional and in general terms, equipment is up to date.

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. Weaknesses were detected in relation to the thoroughness of border checks and the procedures for border checks on rail traffic. Surveillance at the borders is carried out systematically; it has been suggested to rationalise and to upgrade the mobile resources.

RESTREINT UE

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. ¹

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 CCI/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 and it should be ensured that the Commissioner remains entirely empowered with respect to the SIS and that the SIS be inspected before implementation of SIS

On police cooperation, most of the preparatory work for the full implementation of the Schengen acquis has already been realised as regards institutional and operational structures, whereas the practical execution of cross-border activities according to Articles 40 and 41 of the Schengen Convention is still hampered by the low number of bilateral agreements with the neighbouring countries.

¹ A revisit to Debrecen has been envisaged. SCH-Eval should decide on 16/17 November whether this visit is indispensable.

RESTREINT UE

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) is to be considered.

PART III – Conclusions

In order to allow the Council to take the Decisions referred to in Article 3(2) of 2003 Act of Accession, it requests Hungary to inform the Council in writing, on the follow-up it intends to give to these recommendations and those contained in the evaluation reports. Hungary is also invited to remedy the weaknesses listed the evaluation reports, especially those referred to in Part II.

The Schengen partners must be kept informed of the measures adopted to this end.

The Council requires no additional visits (except to the airport of Debrecen, see footnote on page 4).

DECLASSIFIED
