



Council of the  
European Union

Brussels, 2 July 2018  
(OR. en)

14520/06  
DCL 1

SCH-EVAL 161  
COMIX 879

## DECLASSIFICATION

---

of document:	ST14520/06 RESTREINT UE/EU RESTRICTED
dated:	27 October 2006
new status:	Public
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

---

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, 27 October 2006 (27.10)  
(OR. en)**

**14520/06**

**RESTREINT UE**

**SCH-EVAL 161  
COMIX 879**

## **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 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. The Schengen Evaluation Working Party has started evaluating the new Member States from 2005 on and has completed by the end of 2006 all non-SIS-related tasks. Altogether 58 themes were evaluated for the ten countries in the course of nineteen evaluation missions.
2. The evaluations were meant to ascertain whether the countries involved are able to apply all parts of the Schengen acquis with the ultimate goal of allowing the Council to decide on the abolition of controls at internal borders.
3. The evaluation task fits within the requirements of Article 3(2) of the 2003 Act of Accession which foresees that the provisions of the Schengen acquis and the acts building upon it or related to it, listed in the Annex referred to in that Article, shall be binding on and applicable in the new Member States from the date of accession.

# RESTREINT UE

The provisions and acts not referred to in that Annex, although binding on the new Member States from the date of accession, will only apply in a new Member State pursuant to a Council decision to that effect in accordance with that Article.

4. The Council Decisions referred to in Art 3(2) of the 2003 Act of Accession will be taken on a Member State-by-Member State basis. Each Member State will be evaluated on its own merits.
5. The legal basis for the evaluations is 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.
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 of the new Member States for the application by them of all parts of the Schengen acquis through a questionnaire and a series of supplementary questions and answers.
8. These visits 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 each of the new Member States subjected to the full evaluation procedure satisfies the conditions that are necessary for the application by it of all parts of the Schengen acquis, where additional follow-up measures are required and in which cases the necessary changes should be reassessed during inspection visits.
10. In taking the Decisions referred to in Article 3(2) of the 2003 Act of Accession, the Council may determine that all the new Member States will not 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 borders between Members States at which the Council has decided not to abolish border checks and which have not already been evaluated. No such evaluation has taken place so far.
11. These conclusions should be read in conjunction with the detailed inspection reports. A list of the relevant reports and a follow-up table is annexed to these Council conclusions.

# RESTREINT UE

12. The Council considers it necessary to require follow-up measures to remedy the weaknesses that were detected during the evaluation process, in particular as to the ones mentioned in the following Part II, in order to allow the Council to adopt the Decisions referred to in point 3 and 9.

## **b. Background for Estonia**

13. The Declaration of Readiness of Estonia allowed to start the Schengen evaluation by 1 May 2006, without any reservation.
14. 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 in situ, too.
15. (Estonia 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. In these reports, many positive findings are mentioned in these, in some cases even best practices; However, for the purpose of the underlying conclusions and in particular with a view to defining which sites should be revisited, it is obvious that more focus has been put on weaknesses that should be remedied.

In the field of **border management**, Estonia 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. A special note is taken concerning the intelligence and risk analysis system that was regarded as very good.

# RESTREINT UE

The **land borders** are controlled systematically as well at the Border Crossing Points as 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 and these stations should be revisited later on.

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 mostly quite old-fashioned. The slow motion data transfer to the border crossing points should be improved latest in the context of introducing the Schengen Information System.

At the Estonian **airborder** in Tallinn, the reconstruction plans comply with the Schengen requirements and Estonia is thus urged to start this work in the planned way and time, involving i.a. the Border Guard in this project. A revisit to the airport is envisaged.

Further reporting on the following issues is welcomed: The border agreement has not been ratified by Russia (which does not have any crucial impact for the implementation of the Schengen requirements); the division of responsibilities between authorities in immigration control could be clarified. Estonia is facing a challenge concerning the number of staff in the Border Guard. As appropriate staff and resources should be deployed to carry out border control at the external borders, Estonia is invited to report further on the development of the quantity of staff, in particular at the Russian land border.

Following the inspection of Estonian **visa issuance** at its consular sections in St Petersburg and Kiev, it was concluded that the Estonia may be in a position to implement the CCI/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.

# RESTREINT UE

However particular attention should be paid to 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 has in general a satisfactory level of **Data protection**, be it that a crucial element fails for the correct application of the Schengen acquis. Contrary to the provisions of Article 114 of the Schengen Convention, there is no independent authority entitled to supervise the SIS. This needs imperatively to be modified. Other efforts have been requested, e.g. as far as the independence of the Data Protection Authority is concerned.

## **Police cooperation**

Most of the preparatory work for full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures, whereas the practical execution of cross-border activities under Articles 40 and 41 of the Schengen Convention is still hampered by the lack of bilateral agreements in force with the neighbouring countries (with the exception of Finland) and the arrangements under the Treaty on Accession.

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, and especially Latvia.

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

# RESTREINT UE

## [PART III - Conclusions

The Council is of the opinion that Estonia has progressed in a substantial manner towards applying the Schengen acquis in full.

It is necessary to follow up the weaknesses that were detected, in particular to require correction of the weaknesses taken up in Part II, in order to allow the Council to take the Decisions referred to in Article 3(2) of 2003 Act of Accession. The Schengen partners must be kept informed of the measures adopted to this end. Among the weaknesses that will be re-visited in-situ, one can refer to the issues mentioned in Part II.

The Council cannot but underline that the legislation on data protection must be made compliant with Schengen. ]

DECLASSIFIED