



Council of the  
European Union

Brussels, 3 July 2018  
(OR. en)

14519/06  
DCL 1

SCH-EVAL 160  
COMIX 878

## DECLASSIFICATION

---

of document: ST14519/06 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 CZECH  
REPUBLIC 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)

14519/06

RESTREINT UE

SCH-EVAL 160  
COMIX 878

## 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 CZECH  
REPUBLIC 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.

# RESTREINT UE

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.
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 the Czech Republic**

13. The Declaration of Readiness of the Czech Republic allowed to start the Schengen evaluation by 1 May 2006, without any reservation.
14. Inspections on site took place at the air borders as well as in two Consulates. Police cooperation and Data protection have been assessed in situ, too.
15. The Czech Republic 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.

The Czech Republic has created an integrated **border management** system for the special situation, where the future external border consists of airports only. A special note is taken of the ongoing reform of training.

# RESTREINT UE

Some responsibilities in field of border management have been distributed to outside of the Ministry of Interior, which to some extent disintegrates the required supervision and instruction function. The number of personnel at the Prague airport was deemed insufficient and that had lead to a solution, where the Army is involved in patrolling at the airport. There is also room for improvement in the risk analysis system, and infrastructure at both airports, which were visited (Prague, Brno). Additional training is needed in terms of profiling, interviewing skills and languages. A revisit to the airport of Prague is envisaged

Following the inspection of Czech **visa issuance** at the consular sections of the Czech Republic in St. Petersburg and Kiev, it was concluded that the Czech Republic 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.

The comprehensive exchange of information between the local and central level and the possibilities provided by the electronic data transmission system were appreciated.

However, issues requiring particular attention/reviewing included the visa decision-making process and awareness of the risk of illegal immigration; waiver of handling fees in certain cases; the security situation (premises, interview room, quick response in case of alarm and storage of visa stickers); stamping of the visa sticker, filing and the type of data in the machine readable zone, and staff training on Schengen related matters.

**Data protection** requirements with respect to Schengen were considered to be met, provided that the Amendments to the Police Act and other special acts, would specify the competences of the DPA over SIS and SIRENE and that no doubt remains as far as exceptions are concerned.

Most of the preparatory work on **Police cooperation** for the full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures. Close cross-border cooperation, in particular at the common borders with Germany and Slovakia, is an integrated part of the day to day police work. They have initiated a Schengen Action Plan that gives a clear time schedule for the implementation, and this should be seen as best practice.

However there is a clear need for one single contact point for cross-border surveillance and hot pursuit.

The European Criminal Intelligence Model (ECIM) is to be introduced.

# RESTREINT UE

## [PART III – Conclusions

The Council is of the opinion that the Czech Republic 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.]

\_\_\_\_\_

DECLASSIFIED