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SCH-EVAL 175  
COMIX 914

## DECLASSIFICATION

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Subject: Follow-up report to the Schengen evaluation of the CZECH REPUBLIC  
- Information on progress in the implementation of recommendations of the  
evaluation committees for the correct application of the Schengen acquis -  
2006

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**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 November 2006**

**14817/06**

**RESTREINT UE**

**SCH-EVAL 175  
COMIX 914**

## **NOTE**

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from : the Czech delegation  
to: the Schengen Evaluation Working Party

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Subject : Follow-up report to the Schengen evaluation of the CZECH REPUBLIC  
- Information on progress in the implementation of recommendations of the  
evaluation committees for the correct application of the Schengen acquis -  
2006

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The delegation of the Czech Republic to the Working Party on Schengen Evaluation hereby submits its report that provides an up-to-date state of play concerning comments and recommendations of the evaluation committees in terms of the following Schengen evaluation missions that took place throughout the year 2006: Police Cooperation II (19-23 February 2006), Data Protection II (7-9 March 2006), Air borders II (19-22 June 2006) and Visa I - Sankt Petersburg (16 May 2006). Information concerning visa evaluation in Kiev is not included as the final report has not yet been discussed.

Submission of this report is in line with the request of the Presidency expressed at SCH-EVAL meetings on 21 April and 30 June 2006, where the new Member States were encouraged to provide the Presidency and the General Secretariat of the Council with information on progress achieved since the evaluation missions. Such information should be taken into consideration while drafting the Council conclusions set for December 2006.

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The report is based on the recommendations and comments of the evaluation committees as listed in final conclusions of the evaluation reports that have been already adopted (police cooperation, data protection and visa I) as well of those under discussion (air borders). In case the final conclusions do not fully cover all recommendations/comments of the evaluation committee related to the same issue, reference to the respective part of the text is indicated as well.

The report provides an up-to-date overview as of 25 October 2006.

Further progress in all evaluated areas (including Visa II) will be provided by the Czech Republic in due time.

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## 1. POLICE COOPERATION

Doc. 8394/1/06 REV 1 SCHEVAL 60 ENFOPOL 68 COMIX 362 RESTREINT adopted by the SCH-EVAL WP on 18/5/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE CZECH REPUBLIC
Art. 40	<p>As regards the implementation of Article 40 of the Schengen Convention, the Czech authorities are asked to ensure that the future application of this article as a vital part of cross-border police cooperation will meet the requirements and time limits provided in the Schengen Convention and the subsequent best practices.</p> <p>(p. 34, par.2 + p. 27, par. 2)</p>	<p>Czech Republic is capable to ensure sufficient promptness of reaction of competent authorities in case of cross-border surveillance and its application in line with requirements laid down in Article 40 of the Schengen Convention. These requirements are ensured on the basis of those bilateral agreements, which provide for carrying out cross-border surveillance.</p> <p>Designation of one authority that has competences to allow cross-border surveillance for the entire border of the Czech Republic is the prerequisite for ensuring rapid reaction to request of a foreign authority is. This authority is the Regional Public Prosecutor's Office in Prague. Taking into consideration that the SIRENE Bureau also has its seat in Prague, this fact enormously facilitates communication and interaction of these two authorities. In practice (both as regards solution of specific cases or during regular trainings), no problems have been so far encountered.</p> <p><u>To be done:</u> Should a situation occur in the future when requirements and time limits set by the Schengen Convention are not fulfilled, appropriate measures will be taken without delay.</p>

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<p><b>Single contact point</b></p>	<p><b>There is a clear need for one single contact point for cross-border surveillance and hot pursuit.</b> (p. 34, par. 3) In addition, all services of the Police and the Customs authorities vested with investigative powers should be given explicit competency in applying cross-border surveillance and hot pursuit. (p. 27, par. 3)</p>	<p>The fact that there are two contact points for cross-border surveillance is based on the content of the bilateral agreement with Germany. Between these contact points there is a developed system of cooperation arising from competences laid down in the Criminal Procedure Code. According to it, “designated customs authorities are in position of police authorities as far as criminal proceedings are concerned in terms of violation of customs regulations and regulations on import, export and transfer of goods”.</p> <p>The Agreement between the Ministry of Finance and the Ministry of Interior on mutual assistance and cooperation of the authorities of the Customs Administration and the Police of the Czech Republic from 24 October 1994 contains a solution. It states that with regards to application of Article 40 of the Schengen Convention, IPCD represents the only contact point of the Czech Republic for carrying out cross-border operations that applies both to police and customs authorities of the Czech Republic.</p> <p>All cases of cross-border surveillance and hot pursuit have to be announced to the IPCD, no matter which authority carries out such operations.</p> <p><u>To be done:</u> By September 2007, the current agreement between the Ministry of Finance and the Ministry of the Interior will have been extended so that it will apply also to Article 41 of the Schengen Convention.</p>
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<p><b>Statistics</b></p>	<p>The Evaluation Committee is of the opinion, that the Czech authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term this can influence the threat assessments and the solutions that are defined in response to them. (p. 34, par. 4 + p.27, par.4)</p>	<p><u>Progress:</u></p> <p>On 14 – 15 September 2006, a trilateral meeting of representatives of Czech Republic, Slovakia and Poland took place in Zakopane. Participants agreed i.a. on the need for collection and mutual assessment of selected statistical data. This initial consensus was further debated on 28 September in Brussels where all participants confirmed common interest in setting up a mechanism that would enable to assess the situation in the field of security and public order in cross-border regions. Such a system shall comprise of indicators arising from an agreed set of statistical data gathered on both sides of common borders and of their common assessment.</p> <p><u>To be done:</u></p> <p>As a first step, at the above mentioned meeting it was agreed that by the end of October 2006, assessment of the current system of collecting statistical data at the regional level would be carried out in terms of crimes listed in Art. 41 of the Schengen Convention. At the same time, Czech Republic, Poland and Slovakia will consider other possible data that should be subject to common assessment as well.</p> <p>Consequently, comparison of the methodology used by each country will be made followed by creation of a set of indicators/data that will become subject of regular collection and common assessment performed by responsible authorities of the Czech Republic, Poland and Slovakia.</p>
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		<p>These activities shall result in compiling of reliable and comparable statistics with regards to border regions prior to the full application of the Schengen acquis. Depending on the result, similar systems will be set up with Germany and Austria.</p>
<p><b>Cross-border surveillance and hot pursuit</b></p>	<p>The Czech Republic is encouraged to complete all bilateral agreements for police cooperation so that the application of the relevant provision for cross-border surveillance and hot pursuit can be applied prior to the full implementation of the Schengen acquis. Further Police Cooperation Centres should be established, and the Contact Centre in Furth im Wald should be seen as best practice for enhancing and encouraging cross-border cooperation between neighbouring countries. (p. 34, par. 5 + p. 32, par. 2,3 + p. 27, par. 1)</p>	<ul style="list-style-type: none"> <li>▪ Agreements on police cooperation and on legal assistance with <b>Germany</b> are in force and include all Schengen instruments.</li> <li>▪ Agreement with <b>Austria</b> is effective since 1 July 2006 and includes all Schengen instruments.</li> <li>▪ Agreement with <b>Slovakia</b> is in force. However it does not include cross-border surveillance. Slovakia has declared a reservation to the Art. 17 of the Second Amendment to the European Convention on Mutual Cooperation in Criminal Matters of 20 April 1959. As a result, it is not possible to carry out cross-border surveillance. Taking into consideration that the Czech legislation ranks cross-border surveillance among the judicial instruments, an appropriate solution will be negotiated in order to eliminate this obstacle before the full application of the Schengen acquis. The negotiation with be launched before the end of the year 2006. Results of the JHA Council meeting in December on Schengen enlargement will be taken into account.</li> </ul>
<p><b>Police cooperation centres</b></p>		<ul style="list-style-type: none"> <li>▪ Agreement with <b>Poland</b> (ratification process is currently under way) does not provide for cross-border surveillance. Taking into consideration the</li> </ul>

	<p>fact that Poland has declared a reservation to the Art. 17 of Second Amendment to the European Convention on Mutual Cooperation in Criminal Matters of 20 April 1959, there is no legal basis for carrying out of cross-border surveillance. Application of Art. 11 of the agreement, which regulates the hot pursuit, has been postponed until the date of abolition of controls at common state borders. As Czech Republic and Poland are aware of the need to use this instrument at an earlier date, representatives of both countries agreed at meetings on 14 September in Zakopane and 27 September in Brussels that they would submit a proposal concerning the following matters by the end of the year 2006:</p> <ul style="list-style-type: none"><li>- Poland will submit a draft proposal for a change of a bilateral agreement concerning police cooperation in terms of cross-border hot pursuit (by abolishing par. 2 of Article 25, which suspends its effect until the abolishment of controls at common borders); this proposal will become subject of official negotiations after the end of the ratification process of the agreement.</li><li>- Czech Republic will submit a draft proposal for a bilateral agreement on mutual cooperation in criminal matters enabling carrying out cross-border surveillance. Formal negotiations will be launched subsequently. Results of the JHA Council meeting in December on Schengen enlargement will be taken into account.</li></ul>
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	<p>The officers of the Police of the Czech Republic have at their disposal various types of handbooks related to each agreement on police cooperation, which i.a. include the contact points of their counterparts in neighbouring countries. A similar tool is also planned in connection with the agreement with Poland after its coming into force.</p> <p><b>Practical cooperation:</b></p> <ul style="list-style-type: none"> <li>▪ With regards to the above mentioned countries with which the legal basis for cross-border surveillance and/or hot pursuit currently does not exist, handing over of the pursuit/surveillance is carried out at state borders.</li> <li>▪ The ability to carry out cross-border operations (surveillance, pursuit) has been proved during several joint exercises with police units of neighbouring countries after the visit of the evaluation committee in February 2006. Czech Republic plans to participate in such exercises also in the future.</li> <li>▪ Apart from everyday cross-border cooperation aimed at fulfilling police tasks, regular meetings of heads of regional police units are organized and also the language and technical trainings are provided.</li> </ul> <p><u>Progress:</u> Based on bilateral agreements on police cooperation, Czech Republic can set up common cooperation centres with all neighbouring countries.</p>
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		<ul style="list-style-type: none"> <li>▪ With regards to <b>Germany</b> there are currently two cooperation centres operating close to the state borders: in Furth im Wald and at the border-crossing point Petrovice-Bahratal. These two centers are considered as sufficient.</li> <li>▪ Taking into consideration historical and close relations with <b>Slovakia</b>, there is no need for setting up special joint centers. Instead, it was agreed that command centres of the regional police administrations take over the functions of common centres .</li> <li>▪ As to <b>Austria</b>, the Czech-Austrian cooperation centre Mikulov-Drasenhofen will become fully operational on 1st October 2006.</li> <li>▪ As a result of recent negotiations with <b>Poland</b>, setting up of joint cooperation centres at border crossing points Chotebuz-Cieszyn and Nachod-Kudowa Slone was agreed. These centres will be used by all bodies of the Police as well as by the Customs administrations. Detailed discussion of experts on the establishment of cooperation centres took place on 20th October 2006 and will be followed by another meeting before the end of 2006.</li> </ul>
<p><b>IPCD-CPIS cooperation</b></p>	<p><b>The Evaluation Committee recommends closer cooperation between the IPCD and the CPIS on the Presidium level in order to enable comprehensive analysis and produce threat assessments based on the intelligence and information gathered. In this respect the Czech authorities may consider the introduction of European Criminal Intelligence Model (ECIM).</b></p>	<p><u>Progress:</u> Analytical-coordination centre was set up within the Bureau of the Criminal Police and Investigation Service (CPIS). Its purpose is to elaborate a national model of criminal intelligence, which shall also comprise of a central knowledge database of the CPIS including a system of providing information to designated authorities</p>

	<p>(p. 35, par. 1 + p. 17, par. 4)</p>	<p>of the Police of the Czech Republic, state administration authorities and international partners via the International Police Cooperation Division (IPCD). The draft concept will be ready by the end of October 2006.</p> <p>Within the organisational structure of the Police Presidium, possible organisational arrangements are being considered with regards to achieving closer operation between the IPCD and the CPIS.</p> <p><u>To be done:</u> Foreseen in 2008, central knowledge database of the CPIS will be set up and will ensure effective use of criminal analysis in line with the ECIM. IPCD will contribute to this database.</p>
<p><b>Radio-communications</b></p>	<p><b>As regards radio-communications, the Czech Republic should continue with their strategy to further improve cross-border telecommunication structures, although a new digital system covering its whole territory, based on the TETRAPOL system, has already been installed, and bodies currently ensuring border control will gradually be equipped.</b> (p. 35, par. 2)</p>	<p><u>Progress:</u> National Plan for Integrated Border Management of the Czech Republic, approved in June 2006, set down tasks and deadlines for ensuring the digital radio system.</p> <p>At all bodies of the Police on the whole territory of the Czech Republic, analysis focused on identification of unused end stations was carried out. These stations will be withdrawn and redistributed in the framework of regular re-programming.</p> <p><u>To be done:</u> In November 2006, the Czech Republic will organise a meeting with representatives of Poland that will focus on finding solutions for ensuring mutual cross-border communication under current situation when communication systems of the Czech Republic and</p>

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	<p>Poland are not compatible. A document on mutual cross-border communication in terms of the number of end stations, reciprocity of costs of the connection and rules for cross-border hot pursuit and surveillance is to be discussed.</p> <p>The Police of the Czech Republic will elaborate specification of its requirements for cross-border radio communication by the end of 2006. Subsequently, a concept for realization of cross-border radio communication will be created. Further progress in the field of cross-border communication shall be ensured as a result of negotiation with Slovakia, Germany and Austria that will be initiated by the Czech Republic.</p> <p>By April 2007, equipment with the radio communication system will have been finished. Redistribution of end stations and communication infrastructure respectively within the Police of the Czech Republic will be finished.</p>
<b>Training</b>	<p><b>Special emphasis should be given to a constantly recruiting training regime of all officers, including those at management level, seconded to the International Police Cooperation Division and all police officers involved in police cooperation.</b> (p. 35, par. 3)</p> <p>Training regime of officers of the Police of the Czech Republic is subject to a special attention. All police officers, including those in management positions, are regularly trained on the basis of requirements and practical need of the Police arising from the tasks fulfilled in the framework of international police cooperation.</p> <p>In order to ensure the fulfilment of all requirements for particular job position in the area of Schengen cooperation, regular update of the educational programmes provided by the Secondary Police Schools is carried out reflecting new regulations and needs of the Police.</p>

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		<p>Currently, an innovation course addressed to teachers of Secondary Police Schools and instructors of Police educational centres is under preparation.</p> <p><u>To be done:</u> Czech Republic will continue its projects presented to the evaluation committee, which should ensure that all police officers involved in cross-border and international police cooperation have adequate knowledge of all relevant Schengen acquis and practice.</p>
<p><b>Organizational structure</b></p>	<p>The organizational structure of the IPCD and its services is well established and seems to be efficient. Whilst SIRENE and INTERPOL officers currently share the 24/7 duty of the Permanent Service, this should be enlarged to include Europol NU officers, as foreseen in the best practices. The Evin-Sires case management system is an efficient practical tool concerning the handling of requests received by the IPCD. (p. 17, par. 3)</p>	<p>Informational coverage of the Permanent Service of the IPCD applies also to Europol NU.</p> <p><u>To be done:</u> Police officers of the Europol NU will be incorporated in the Permanent Service in line with best practice as soon as necessary premises are available, by September 2007 at the latest.</p>
<p><b>Cooperation with the Customs Administration</b></p>	<p>The Evaluation Committee is also of the opinion, that the absence of the Custom Service in the IPC Division limits the range of the possibilities for cooperation in different criminal issues, which are related to police and financial aspects. (p. 17, par. 5)</p>	<p><u>Progress:</u> Police president and the director of the General Directorate of Customs concluded the 5<sup>th</sup> amendment to the Implementation Protocol to the Agreement between the Ministry of Finance and the Ministry of Interior on mutual assistance and cooperation of the authorities of the Customs Administration and the Police of the Czech Republic from 24 October 1994. This amendment deals with technical and organisational aspects of incorporation of the Customs Administration in the international police cooperation, i.e. access to respective databases and</p>

		<p>criteria for selection of the customs liaison officer to be deployed in the IPCD. The amendment entered into force on 21 September 2006.</p> <p><u>To be done:</u>                  Within the IPCD, detached workplace of the Customs Administration will be set up as soon as the necessary premises are available and technical conditions met, by September 2007 at the latest.</p> <p>Setting up of such a workplace of the Customs Administration and deployment of customs officer to the IPCD workplace (Europol NU) will ensure deeper involvement of the Customs Administration in the international police cooperation.</p>
<p><b>Foreign languages</b></p>	<p>Whilst there is good foreign language capacity in the central services responsible for police cooperation the expected increase of the work load and more complex legal issues they will have to deal with (e.g. European Arrest Warrant) the absence of professional translators might create problems in the future and cause delays in the response capability of these services. (p. 17, par.6)</p>	<p>Present system of translations relating to the European Arrest Warrant via external and accredited judicial translators fully cover the current needs of law enforcement authorities.</p> <p><u>To be done:</u>                  Should this be needed, use of professional translators or their direct deployment to the workplace will be considered.</p>
<p><b>Petrovice/Bahratal</b></p>	<p>Concerning the Communication Centre of the Petrovice/Bahratal, the Evaluation Committee is of the opinion that the cooperation is mainly concentrated on border issues in a regional scope of work and wonders about its future after the abolishment of the internal borders between Czech Republic and Germany. In the</p>	<p>Communication centre Petrovice/Bahratal is designated for carrying out the cooperation in the whole spectrum provided by the Schengen acquis. The activities of the centre will thus not end with the abolition of controls at Czech-German border. On the contrary. The frequency of its use will further increase in relation to implementation</p>

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	<p>same context, the quite low number of requests from the Czech authorities transmitted to the JPS is a clear indicator for a lack of acceptance of this tool within its own police service. (p. 32, par. 5)</p>	<p>and application of Schengen institutes in practice.</p> <p><u>To be done:</u> Another impulse that shall contribute to a more active use of the communication centre by authorities of both countries is the foreseen extended participation of authorities of the Czech Republic and Germany (customs and police officer from regional police body).</p>
<p><b>Access to the eASF application</b></p>	<p>The equipment available at the Centre is sufficient. However access to the eASF application (forged travel documents, stolen cars, etc) of the I-24/7 system of Interpol could increase the efficiency of the conducted controls and therefore is recommended. (p. 33, par. 1)</p>	<p><u>Progress:</u> On 1 October 2006, the Order of the Police president No 107 from 21 August 2006 became effective. It regulates connection and use of the Interpol information system “e-ASF”. Following this order, provisional operation of the system came to an end and routine operation of the information system has been launched.</p> <p><u>To be done:</u> By the end of 2006, assessment and analyses of functional possibilities of the Mobile Interpol Network Data (MIND) system will be carried out. Based on its results, binding deadline for setting up the connection of selected units of the Police of the Czech Republic to the eASF application will be laid down.</p> <p>Access to the eASF will be provided to all operational centres and selected units of the Police of the Czech Republic by the half of 2008 at the latest. The system will be also used by all cooperation centres which are operated by the Czech Republic together with its neighbouring countries.</p>

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### 2. DATA PROTECTION

Doc. 8399/1/06 REV 1 SCHEVAL 63 COMIX 365 RESTREINT adopted by the SCH-EVAL WP on 18/5/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE CZECH REPUBLIC
<p><b>On the legislation</b></p> <p><b>Legal amendments</b></p>	<p><b>It is recommended 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 under Act 101 or special acts remain.</b></p> <p>(p. 11, par. 2)</p>	<p><u>Progress:</u></p> <p>The DPA finalises the preparation for amending the Personal Data Protection Act No. 101/2000 Coll. The amendment will ensure the extent of rights and obligations of the controller and processor when processing data as well as the supervisory competences of the DPA in relation to SIS II. The following provisions of the Personal Data Protection Act will be amended:</p> <ul style="list-style-type: none"> <li>- <u>in § 2</u> . – a new paragraph 3 will be supplemented and will probably read: “the DPA further exercises competences of a supervising authority for the area of personal data protection resulting from the announced international agreements which were ratified by the Parliament and which are binding for the Czech Republic.</li> <li>- <u>in § 3 par. 6</u> – the extent of the present exception will be reduced in relation to SIS II simultaneously complying with the condition that the provision of § 3(6) will be amended consistent with the conditions of the right of the data subject to access information on data according to the Act on Police of the Czech Republic.</li> </ul>

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	<p>- <u>in § 29 par. 1(a)</u> concerning the concrete expression of the competence of the DPA e.g.: „carries out supervision over compliance of obligations when processing personal data in SIS “.</p> <p>The possible restriction of DPA competences by amendments to other acts is blocked by the governmental legislative procedure, where the DPA always takes part and by the possibility of the President of DPA to turn to the Parliament if necessary.</p> <p><u>To be done:</u> The above-mentioned amendment is a part of the amending legal package which comprises all necessary changes in various acts in relation to the participation of the Czech Republic in the Schengen cooperation and connection to SIS.</p> <p>The package will be submitted to the government and subsequently heard by the Parliament in a shortened legislative procedure so that it can enter into force in October 2007 (this also depends on a political commitment stemming from the December JHA Council).</p> <p><u>Progress:</u> Ministry of Interior has elaborated a draft amendment to the Police Act No. 283/1991 Coll., repealing the provision of § 42j(3) which originally restricted the right of data subject to introduce a request to access the data processed by the Police only once a year.</p> <p>Further, the Customs Administration of the Czech Republic has elaborated a draft amendment to the</p>
<p><b>Time limits on requests</b></p>	<p><b>Experts recommended that the provision on limitation period between requests of access, should be formulated in a more flexible way e.g. "at reasonable intervals".</b> (p. 11, par. 3)</p>

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	<p>Customs Act No. 13/1993 Coll., repealing an identical provision of § 4b(4).</p> <p>That means that for the possibility of introducing a request to access the processed data a general legal regulation of § 12 of Personal data Protection Act No. 101/2000 Coll., will be applied. This regulation does not constitute any restrictions of the data subject.</p> <p><u>To be done:</u></p> <p>The above-mentioned amendments are a part of the amending legal package which comprises all necessary changes in various acts in relation to the participation of the Czech Republic in the Schengen cooperation and connection to SIS.</p> <p>The package will be submitted to the government and subsequently heard by the Parliament in a shortened legislative procedure so that it can enter into force in October 2007 (this also depends on a political commitment stemming from the December JHA Council).</p> <p>Another possible option for adopting the necessary legal changes is an early adoption and subsequent implementation of the proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters (Article 19 concerns the above-mentioned issues).</p>
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	<p>Experts were puzzled by this possible 'untrue' answer. It might give a data subject who is told that there is no data concerning him being stored, reason to believe that there are data to which access is denied.</p> <p>(p. 6, par. 7)</p>	<p>The draft amendment to the Police Act will be submitted to the government after adoption of the Framework Decision respecting the necessary implementation period.</p>
<p><u>Progress:</u></p> <p>In the scope of discussion over the Draft Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters Czech Republic drew delegations' attention to the fact, that up to now there is not an unambiguous correct practice when acting upon a request from the data subject in certain cases (to avoid prejudicing of investigations, inquiries or proceedings etc.).</p> <p>There is not a clear recommendation to the Czech Republic in the evaluation report in this respect, on the contrary there is an invitation to the WP on Sch-Eval stated below to consider this issue as a horizontal topic:</p> <p><i>“Recommendation to the SCH-Eval group</i></p> <p><i>Experts support the suggestion made by previous inspection teams to the Sch-Eval group and aiming at the possibility of a guideline being issued for the content of answers to be given to data subjects, both when no data are held and when data are held.”</i></p> <p><u>To be done:</u></p> <p>Czech Republic is aware of the fact that the current respective provision in the Police Act can not be considered fully corresponding with the principles of personal data protection. Czech Republic will therefore elaborate an appropriate amendment to the Police Act reflecting the Framework Decision on the protection of</p>		

	<p>personal data processed in the framework of police and judicial co-operation in criminal matters (after its adoption).</p> <p>The possible amendment would entail an answer in the sense that every requester (data subject) will be addressed with a statement in the response e.g. “These are all data which can be communicated to you in accordance with the Police Act. You can as well turn to the DPA with your request for further information” (the DPA would after examining the case only state that the Police Act was not breached, i.e. all possible data which could have been provided were provided.).</p> <p>According to DPA’s opinion, the DPA in its exclusive position fully accomplishes the constitutional guarantee of the right for protection of privacy in situations when data are processed contrary to law and when the person is not able to obtain this information directly, but it can be provided indirectly by a state approved authority, i.e. the DPA.</p>
<p><b>On the implementation</b>  <b>SIS/SIRENE data security</b></p>	<p><b>Experts recommend that the DPA takes a closer interest in the coming months in the preparation of data security in relation to SIS and SIRENE (1), since the workflow at the SIRENE office (2), the additional copy at the airport of Prague (3), the authentication procedure (4) and the list of people having access to logfiles (5) deserve additional attention.</b>                  (p. 11, par. 4)</p> <p><b>Progress:</b>  <b>Ad 1,2,3,4,5</b> – A close cooperation among the DPA and different services of the Police in this concern continues in the framework of the expert working group on personal data protection, which is a subgroup to the inter-ministerial working party “Schengen Evaluation – Czech Republic”. The basic element of cooperation and supervision from the DPA side consists of a consultation activity based on presentations in situ.</p>

	<p>1 - general 2 – page 8, par. 5 3 – page 9, par. 1 4 – page 9, par. 1 5 – page 9, par. 3</p>	<p><b>Ad 2 - NC SIRENE</b> has elaborated draft amendments to workflow which have been in accordance with the report recommendation submitted to the DPA for its opinion. The DPA will be kept informed about the software changes concerning NC SIRENE.</p> <p>At the meeting of Heads of SIRENE in Vienna it was confirmed that the Czech solution on interaction between SIRENE workflow and SIS is fully in compliance with the Schengen acquis.</p> <p><b>Ad 4 – already explained in the report</b> Further, introduction of HTTPS protocol is under preparation, already available SSL accelerators will be utilized. In such a way encryption will be guaranteed at the client station from the moment of log in to the centre and back. SSL accelerators will take over the decipher functionality on the server side and provide, that the process will not be delayed because of encryption (encryption of the communication in the transmission of information acquired from the centre).</p> <p><b>Ad 5 –</b> The Unit for Personal data of the Bureau of the Police president has elaborated an internal regulation regarding rules for future access to SIS and it has been submitted to the DPA for its opinion.</p> <p>In addition to that, the register of accesses is automatic. It includes the register of queries. In this register the following is recorded automatically:</p> <ul style="list-style-type: none"><li>a) date and time of the query,</li><li>b) user name,</li></ul>
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		<p>c) domain where the user account was established,  d) information system queried,  e) purpose of the query,  f) formulation of the query,  g) personal evidence number of the person querying,  h) type of the query,</p> <p>The purpose of the register of queries is to collect the necessary information for control procedures.</p> <p><u>To be done:</u>  The DPA continues to carry on inspections in the Police to examine processing of personal data. The DPA further plans to launch an inspection aimed at processing of personal data in SIS which would take place e.g. in the phase of testing data in SIS.</p>
<p><b>Visa</b></p>	<p><b>The DPA should be involved in the preparatory work at the MFA in relation with visa issuance and access rules in consulates.</b>   (p. 11, par. 6)</p>	<p><u>Progress:</u>  A close cooperation between MFA and DPA in this concern continues in the framework of the expert working group on personal data protection, which is a subgroup to the inter-ministerial working party “Schengen Evaluation – Czech Republic”.</p> <p><u>To be done:</u>  DPA intends to carry out an inspection on processing of personal data in situ at some consulates of the Czech Republic abroad. For this purpose the DPA will ensure necessary staff and budgetary means.</p>
<p><b>Information campaign</b></p>	<p><b>The Czech Republic is invited to develop plans for a campaign accompanying the implementation of the Schengen acquis in 2007.</b>   (page 12, par. 1)</p>	<p><u>Progress:</u>  An expert group on information campaign was set up in the framework of the inter-ministerial working party “Schengen Evaluation – Czech Republic” and it</p>

	<p>elaborated a draft concept and strategy for the information campaign accompanying the full participation of the Czech Republic in the Schengen cooperation.</p> <p><u>To be done:</u></p> <p>In November 2006, a draft concept of the campaign will be discussed at the inter-ministerial level. Its final version will result from joint work of representatives of the respective authorities.</p> <p>The DPA will be involved in this joint information campaign coordinated by the Ministry of the Interior and will participate in the work of the expert group on information campaign. The DPA is preparing an information leaflet and pays attention to the SIS issues in its traditional means of communication (annual report, bulletin, Journal, press conferences, website).</p> <p>Increased attention will be focused on the availability of information on SIS on the internet. All relevant state authorities should establish a section dedicated to SIS issues on their websites that shall contain basic information about the purpose of the SIS, competences of the authority and rights of data subject, supplemented with a link to DPA website. The DPA will establish on its website a detailed section on SIS, rights of data subject, DPA competences etc. The information will also be available in English.</p> <p>The information campaign focused on public shall be launched in 2007 (this also depends on the political decision of the Council on the enlargement of the Schengen area).</p>
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<p><b>On the functioning Budget</b></p>	<p><b>Budgetary means should be adequate considering the fact that new tasks will befall on the DPA in the light of the Schengen implementation, i.a. a public awareness campaign, new inspections will be necessary, training of other public authorities.</b></p> <p>(p. 12, par. 2)</p>	<p><u>Progress:</u> Draft budget of the DPA for 2007 consists of assumed expenses of the DPA related to the preparation for connection of the Czech Republic to SIS and its role as a supervisory authority for N.SIS.</p> <p><u>To be done:</u> In the time prior to entry into Schengen area, budgetary means will be used mainly for:</p> <ul style="list-style-type: none"> <li>- information campaign,</li> <li>- training of experts,</li> <li>- setting up of expert technical background for carrying out inspection activities.</li> </ul> <p>In the period after the entry of the Czech Republic to the Schengen area a need for an increase in the number of personnel of the DPA as well as the financial and technical background for this agenda will be taken into consideration. Activities related to complaints and inspections also at the consular posts abroad are to be taken into account.</p>
<p><b>Information on turned down visa applicants</b></p>	<p><b>The DPA should consider providing DPA specific information about the rights of subjects for turned down visa applicants.</b></p> <p>(p. 12, par. 4)</p>	<p><u>Progress:</u> Close cooperation between the MFA and the DPA in this field continues in the framework of the expert working group on data protection, which is one of the subgroups of the inter-ministerial working party “Schengen Evaluation – Czech Republic”.</p> <p><u>To be done:</u> Information for these persons will become a part of the general information campaign. Information leaflets of the</p>

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	DPA (or possibly information signs, posters) will be placed directly in the seat of respective authorities. Another possibility that is considered is to provide short information for applicants included in the visa application form.
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### 3. AIRBORDERS

Doc. 12710/06 SCHEVAL 129 FRONT 170 COMIX 739 RESTREINT presented and discussed at the SCH-EVAL WP on 27/9/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE CZECH REPUBLIC
<b>Directive 2004/82/EC</b>	<p>The Committee notes that Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is not yet implemented in the Czech Republic. (page 61, par. 3)</p> <p>The Committee asserts that some responsibilities (risk analysis, intelligence and investigation) concerning border management in the Czech Republic are shared between several bodies in the Police and authorities outside the Ministry of the Interior. The Committee stresses a continuous need for high-level cooperation and coordination of the activities of the ABPS and other police units involved in border management at the central, regional and local level. (p. 30, par. 4 + p. 61, par. 4)</p>	<p>Council Directive 2004/82/EC of 29 April 2004 was transposed by the amendment to the Civil Aviation Act (Act No49/1997 Coll.), which entered into force on 1 July 2006.</p>
<b>Inter-agency cooperation</b>		<p><u>Progress:</u> In line with the National Plan for Integrated Border Management of the Czech Republic, works aimed at improving the coordination between authorities involved in state borders control are carried out. An inter-ministerial coordinating body will be newly established, representing all authorities participating in the four-tier integrated state border control system. This high-level body will be responsible for evaluation of the situation in the field of border surveillance system and discussion of proposals for taking adequate measures.</p>

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		<p><u>To be done:</u> At the beginning of 2007, first meeting of senior officers with decision-making powers appointed to the coordinating body will be convened.</p>
<p><b>Education and training</b></p>	<p><b>The control procedures were found to be mainly in line with Schengen requirements, although not all police officers were fully aware of a number of border checking procedures. Additional training seems to be necessary to improve the level of performance of border checks, including profiling and interrogation. The Committee calls on the responsible authorities to give particular attention to language training.</b> (page 61, par. 5 + p. 48, par. 2 + p. 47, par.6, 9 + p. 30, par.6,7)</p> <p>The Committee appreciates the police education reform in the Czech Republic and the new education concept. However, the Committee suggests that an assessment be made of the extent to which the modules on document examination, organised crime and airport control of the curriculum of the basic training at the Secondary Police School in Holesov correspond to the Common Core Curriculum for border guard training. (p. 30, par. 5)</p> <p>The Committee sees a need for the ABPS to consider increasing the amount of special document-checking training in the process of the basic training of personnel. Additional specialised education on travel documents for the first line officers is recommended. (p. 61, par. 1)</p>	<p><u>Progress:</u> At present a pilot project of a new extended (18-months long) model of the “Basic Professional Training” for police officers of the Alien and Border Police Service has been carried out. As of 1 May 2007 first graduates will perform their tasks in the practice. From this date, the pilot project will be assessed in terms of the Schengen acquis and updated Common Core Curriculum for border guard training, of which preparation continue within the Frontex Agency. The educational program will be adapted accordingly if needed.</p> <p>A comparison of curriculum in terms of number of hours between the Basic Professional Training and the CCC has been carried out in the field of document examination, organized crime and airport control. On the basis of this analysis the curricula of the Basic Professional Training were adapted in adequate manner.</p> <p>In co-operation with foreign partners a methodology for profiling is under preparation.</p> <p>As regards the language training in the framework of the longlife education, it has been provided within the standardized courses concluded by an exam (3 degree model) that correspond to the standards Stanag I, II, III. These courses are provided at 4 of 6 Secondary Police Schools. This regular language training of the police</p>

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officers of the Alien and Border Police Service deployed at the airports Prague Ruzyně and Brno-Turany continue in 14-days courses lasting 5 months.

To be done:

By October 2007 at the latest all officers involved in the border control at international airports will be trained in all areas, in which shortcomings were revealed during the evaluation mission. The training course takes one week and will be provided in the framework of the existing system of further education; it may be extended if needed. Part of the training designed for police officers at the executive and management level will also include techniques of profiling and interrogation. The training will be concluded by an exam which will prove achieved level of skills.

As of December 2006 an intensive language training for police officers in the Basic Professional Training specialized for the Alien and Border Police Service will be opened at the Secondary Police School of the Ministry of the Interior in Holesov. The course will provide an intensive language training of 336 hours.

In February 2007 a theme-specialised language training at the Secondary Police School Holesov will be launched in system of 14-days courses for 5 months.

At present, so called Police Language Exam is being prepared and will be mandatory for selected police positions. Its elaboration will be concluded till June 2007. Taking this exam will become a qualification prerequisite

		<p>for performance of position in question.</p> <p>The Czech Republic is prepared to harmonize curriculum of the Basic Professional Training and especially of the specialized courses addressed to new police officers that will be deployed at the international airports with the new Common Core Curriculum Air-Border Module, which is currently under preparation.</p>
<p><b>Risk analysis</b></p>	<p><b>The Committee appreciates the measures taken by the ABPS in creating the system of risk analysis and recommends considering the carrying out of joint risk analysis with the authorities involved in border management and the fight against illegal immigration. The Committee suggests improving the provision of the outcome of risk analyses for the local level and increasing the role of risk analysis at the local level.</b></p> <p>(page 62, par. 1)</p> <p>The Committee suggests providing the outcome of risk analyses for the local level and increasing the role of risk analysis at the local level. The system of passenger profiling should be improved and training in profiling should be developed.</p> <p>(p. 47, par. 9)</p>	<p><u>Progress:</u></p> <p>In line with the National Plan for Integrated Border Management of the Czech Republic, preparations for setting up of an analytical center have been launched that will ensure inter-ministerial information exchange and common assessment of the situation in the field of border control. An effective system of information flow, ensuring that the officers carrying out border control will be provided with the outcome of analyses and will appropriately use it in their everyday work, will become a part of the concept of the centre. At the same time, gathering of relevant information and their processing at the local, regional and central level shall be ensured.</p> <p><u>To be done:</u></p> <p>The concept of the analytical centre will be finished by the end of 2006. The centre will be supported by a system of risk analysis and vertical as well as horizontal information flow.</p> <p>At the beginning of 2007, 6- months pilot operation of the analytical centre will be launched. After its finishing and on the basis of assessment of all experiences and practice, decision will be taken on the final form and location of this inter-ministerial analytical workplace.</p>

<p>As of September 2007, a new system of risk analysis and threat assessment, information flow and exchange at the central, regional and local level will be operated in the Czech Republic.</p>		
<p><u>Progress:</u> The electronic version of the Schengen Border Code are placed at the Intranet sites of the Alien and Border Police Service Directorate and are available for all police officers of the ABPS on the first and second control line. Police officers on the second control line have the Code at their disposal also in the printed version.</p> <p><u>To be done:</u> By December 2006, printed versions of the Code will be available to police officers of the ABPS on the first control line as well.</p>	<p>Either a complete published version of the Common Manual and, at least from the date of entry into force, a complete published version of the Schengen Borders Code have to be available for all police officers at the first and second line. (p. 48, par. 1)</p>	
<p><u>Progress:</u> Ongoing increase in the number of police officers at the Prague Ruzyne Airport is in line with the National Plan for Integrated Border Management of the Czech Republic. Since June 2006, the number of police officers has increased by 47 officers. Currently, 347 police officers perform their duties at the airport.</p> <p><u>To be done:</u> Increase in the number of personnel will continue in following months in order to fulfill the targeted 95 per cent out of 420 positions of the Alien and Border Police Service planned for carrying out state border control at the Prague Ruzyne Airport.</p>	<p><b>The Committee considers that the present number of personnel is not fully sufficient for carrying out high-level border control at border crossing points at the airports. The Committee points to the need to increase the number of personnel for border checks in line with p. 4.2.1.3 of the National Plan for Integrated Border Management of the Czech Republic. Concerning the border control-related duties, it should be ensured that Army soldiers are not involved.</b>  (p. 62, par. 2 + p. 31, par.1+ p. 47, par. 11)</p>	<p><b>Personnel</b></p>

<p><b>Infrastructure</b></p>	<p>The Committee is of the opinion that the existing infrastructure for border checks at Prague Ruzyně Airport is largely in place and the preconditions for separating passengers on Schengen and non-Schengen flights are already assured. However, some improvement is needed, including signposting.</p> <p>The Committee notes the need for premises for the temporary detention of persons refused entry at the airports.</p> <p>The construction work on the new terminal of the Brno Turany Airport is not completed.</p> <p>The Committee suggests that the responsible authorities of the Czech Republic should remove existing gaps in the infrastructure and ensure that the reconstruction work at Brno Turany Airport is completed on time. The Scheval Working Party should be informed about the completion of the work and follow-up (Brno- Turany) is recommended. (page 62, par. 3+ p. 60, par. 4+ p. 47, par. 3,8)</p> <p>The Committee suggests reconsidering the border control plan in Terminal South (signposting, separation of flows, control facilities, staffing). (p. 47, par. 7)</p> <p>Brno-Turany: The Committee points to the need to use the signs "EU, EEA, CH nationals" and "all passports" in line with the Council Decision of 29 April 2004</p>	<p><u>Progress:</u></p> <p>At the Prague Ruzyně Airport, a project is under preparation aiming at the change of signposting at the North 1 and South 2 terminals.</p> <p>Premises were assigned at the Prague Ruzyně Airport for temporary placement of persons refused entry to the territory of the CR or persons to be temporarily detained. These premises are situated in North 1 terminal and their capacity is approx. 20 beds.</p> <p>A room for placement of persons who were refused entry, detained or applied for international protection was designated also at the Brno-Turany Airport – in the arrival terminal.</p> <p>Construction of the new terminal of the Brno-Turany Airport was completed and the departure terminal became operational on 18 September 2006. Use of the flexible signposting was adapted and brought in line with the requirements of the Council Decision of 29 April 2004.</p> <p><u>To be done:</u></p> <p>Termination of construction works at the departure terminal will be followed by reconstruction of the old terminal of the Brno-Turany Airport into an arrival terminal. Completion of works is expected in May 2007.</p> <p>Adjustment of the South 2 Terminal at the Prague Ruzyně Airport will be carried out as follows:</p>
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<p>determining the minimum indications to be used on signs at external border crossing points (2004/581/EC). (p. 60, par. 6)</p>	<ul style="list-style-type: none"> <li>- preparation and processing of documentation for the call for tender (by 15 January 2007)</li> <li>- conclusion of the call for tender (by 30 April 2007)</li> <li>- realization (by 15 August 2007)</li> </ul> <p>As regards signposting at the North 1 Terminal of the Prague Ruzyně Airport, modifications will be carried out according to the following schedule:</p> <ul style="list-style-type: none"> <li>- preparation and processing of the documentation for selection of an external consultant including a contractor (by 1 November 2006)</li> <li>- call for tender for the project of a complex information system of the Prague Airport (by 31 December 2006)</li> <li>- realization (by 1 May 2007).</li> </ul>
<p><b>Directive 2001/51/EC</b></p>	<p>The Committee notes that the minimum amount of penalties applicable to carriers according to the legislation of the Czech Republic is considerably lower than the minimum amount of penalties established by the Council Directive 2001/51/EC. The Committee invites the responsible authorities of the Czech Republic to take measures to comply with the Directive when imposing the penalties on carriers. (p. 31, par. 4 + p. 61, par. 2)</p>
<p><b>Brno-Turany Airport</b></p>	
<p><b>Refusing entry – decision-making</b></p>	<p><b>Brno</b> The Committee suggests reviewing the decision-making process concerning refusals of entry. The decision is made by the first and second line officers. Taking into account the low number of refusals and the</p>
<p><b>Progress:</b> Currently, inter-ministerial discussion is on the way concerning amendment of the Aliens Act (No. 326/1999 Coll.) laying down minimum amount of penalties applicable to carriers to 100 000 CZK (approx. 3 570 EUR) and the maximum amount to 500 000 CZK (approx. 17 850 EUR). It is expected that the amendment will become effective in September 2007.</p>	
<p><b>Progress:</b> Decision has been taken to review existing practice so that recommendations of the Evaluation Committee are met.</p>	

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	<p>understandable lack of experience, it could be worth having decisions made at the level of the head of shift or some other superior. (p. 60, par. 5)</p>	<p><u>To be done:</u> An internal regulation will be adopted until December 2006, which guarantees that decision on refusal of entry can only be taken only by the head of shift.</p>
<b>Surveillance of passenger flow on the apron</b>	<p>The surveillance of passenger flow on the apron should be reconsidered. (p. 60, par. 3)</p>	<p><u>To be done:</u> By February 2007 a new concept of surveillance of the airport apron will be elaborated ensuring that passengers on internal and external flight cannot be mixed up.</p>
<b>Refusing entry of EU nationals</b>	<p>As far as the refusal of EU citizens is concerned, the authorities of the Czech Republic are invited to revoke the procedures in force. (p. 60, par. 7)</p>	<p>The Czech legislation is in compliance with the EU legislation on refusing entry to EU nationals. In such a case an administrative decision is issued to an EU national. It should be noted that so far no EU national has been refused entry at Brno-Turany Airport. To avoid possible shortcomings in the procedure, the Police staff has been retrained already.</p>
<b>Transit passengers</b>	<p>The Committee recommends taking into account the possible future development of passenger traffic in order to reconsider the concept of handling transit passengers. (p. 60, par. 8)</p>	<p><u>To be done:</u> New concept for handling transiting and transferring passengers will be elaborated by February 2007.</p>
<b>Personnel for intelligence and risk analysis</b>	<p>The Committee recommends considering the reinforcement of the local unit of the ABPS in the Brno-Turany Airport with a section of officials responsible for intelligence and risk analysis at the local level. Information concerning risk indicators, risk profiles and typical modi operandi of cross-border crime should be provided systematically to officers at the local level. (p. 60, par. 9)</p>	<p><u>To be done:</u> Respective measures concerning personnel will be taken with regards to the final concept of the analytical centre by July 2007.</p>

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<b>New terminal</b>	<p>The experts found that the current position of the control booths was not in line with the recommendations of the Schengen Catalogue. The Committee recommends positioning the second line office closer to the first line. The Committee suggests verifying that the construction of the new terminal is implemented as envisaged. Additionally, the experts recommend moving the door at the future non-Schengen arrival gate to the other end of the arrival hall. (p. 60, par. 10)</p>	<p><u>To be done:</u> Within the framework of the reconstruction of old terminal of the Brno-Turany Airport into an arrival terminal, respective Schengen standards will be adopted; the second control line will be located next to first one and also the door will be shifted in line with the project and respecting the recommendation.</p>
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#### 4. VISA – SANKT PETERSBURG

Doc. 12666/06 SCHEVAL 126 VISA 220 COMIX 734 RESTREINT adopted by the SCH-EVAL WP on 28/9/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE CZECH REPUBLIC
In-service training	<p>Regarding the in-service training system of both consular officers and staff members on the spot, Evalcom considers this to be insufficient; before being able to apply Schengen in full, Czech visa officers should therefore be duly informed / trained about all relevant Schengen rules and regulations. (page 16, par. 7 + page 15, par. 3)</p>	<p><u>Progress:</u></p> <ul style="list-style-type: none"> <li>▪ All the staff of all Czech consulates has been trained on IT and the Schengen acquis (plus further subjects – e.g. falsified documents identification) before their posting. The consul organizes subsequent on-site training in periodic intervals. All Czech consulates have been reminded to conduct the on-site training focused on the Schengen acquis.</li> <li>▪ Immigration Police Officers work at selected Czech consulates. As a part of their activities, they organize additional on-site training of the consular staff.</li> </ul>

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		<p><u>To be done:</u> The MFA plans to train the staff of its Consulates on the Schengen acquis again till October 2007.</p> <p>This training will be repeated in the following years.</p>
<p><b>Information</b></p>	<p>The Consulate General has its own website containing the necessary information on the visa procedure as well as on the requirement of travel medical insurance without, however, specifying the minimum sum of insurance required, supporting documents and information on fees in Czech crowns (and the possibility of paying in € - without specifying the amount). (page 5, par. 2)</p>	<p><u>Progress:</u> This problem has been addressed by urging this Consulate (moreover all other Czech consulates) to update the information regarding travel insurance and visa fees on its website. The information on visa fees is also available over the telephone upon request.</p> <p><u>To be done:</u> The MFA will verify websites of all Czech consulates for correctness till the end of 2006.</p>
<p><b>Application forms</b></p>	<p><b>The visa application form, which is aligned to the Schengen harmonised visa application form, should be adapted (for the time being) to Czech national law, in particular regarding box n°44 and made more readily available to applicants.</b>  (page 16, par. 8 + page 6, par.1 + page 4, par. 3)</p>	<p><u>Progress:</u> Preparation of a new version of the visa application form has been launched that will contain references to the relevant parts of the Czech law (articles 53 and 54 of the Alien Act). This form will be used from January 2007 until the date of full participation of the Czech Republic in the Schengen cooperation</p> <p><u>To be done:</u> The currently used visa application form, which was adopted in order to harmonize visa processing of the Czech Republic with the Schengen states, will be used as from the date of the entry of the Czech Republic to the Schengen area.</p>
<p><b>Access management</b></p>	<p><b>On security, there is a risk regarding the interview room which should be remedied. Evalcom recommends that measures be taken to ensure a quick response in case of alarm, e.g. by making use of guards</b></p>	<p><u>Progress:</u> The MFA has decided to hire a security company, whose personnel would patrol inside the Consulate's waiting room and if necessary also outside (to control the flow of</p>

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	<p>of a security company, preferably with a rapid response unit. (page 17, par. 1)</p> <p><b>On security, there is a risk regarding the interview room which should be remedied. Evalcom recommends that measures be taken to ensure a quick response in case of alarm, e.g. by making use of guards of a security company, preferably with a rapid response unit.</b> (page 17, par. 1)</p> <p>Although Evalcom did not note any particular problem, it struck the team that there was no control of the flow of applicants, which might be useful notably in peak periods (page 6, par. 1)</p> <p>Evalcom recommends that measures are taken to ensure a quick response in case of alarm, e.g. by making use of guards of a security company, preferably with a rapid response unit. Such a guard could also take care of crowd control matters. (page 7, par. 4)</p>	<p>applicants). The security guard will be equipped with an access card to enter the waiting room from outside. In the case of emergency this guard will be able to call a rapid-response team. The Consulate General currently takes the necessary steps to find a reliable security company for this task.</p>
<p><b>Application forms</b></p>	<p><b>Application forms should be made more readily available to applicants (now only available at the counters upon request and electronically) and fees should be clearly indicated (the latter was remedied on the spot).</b> (page 7, par. 2)</p>	<p>This problem has been addressed by urging this Consulate to change its practice; visa application forms are now freely available inside the waiting room.</p>

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<p><b>Personal presence</b></p>	<p>Exceptions to the rule of personal appearance are made for travel agencies, accompanying family members (spouses, children, parents, brothers, sisters) and "bona-fide" applicants known to the staff (businessmen, officials). (page 9, par. 7)</p>	<p>The Consulate General did not correctly apply the rule of personal presence of the accompanying family members. This problem has been addressed by reminding this Consulate (moreover all other Czech consulates) to follow this rule.</p>
<p><b>Application stamp</b></p>	<p><b>Since the passport is not necessarily stamped upon application since most applicants leave their passport at the General Consulate, and it is stamped in case of refusal, the application stamp <i>de facto</i> becomes a refusal stamp (or one of non-issuance), which is not in conformity with the future applying of the Schengen acquis.</b> (page 11, par. 5)</p>	<p>The Consulate General did not correctly apply the rule to stamp every passport with the application stamp upon reception. This problem has been addressed by reminding this Consulate (moreover all Czech consulates) to follow this rule.</p>
<p><b>Travel medical insurance companies</b></p>	<p><b>With a view to the future it is recommended that better screening of travel medical insurance companies take place in line with the existing guidelines thereon.</b> (page 17, par. 4 + page 10, par. 5)</p>	<p>The Consulate General has been asked to contribute to better screening of travel medical insurance companies in the framework of local consular cooperation.</p>
<p><b>The visa sticker</b></p>	<p><b>EvalCom noted that in several cases, the stamping of the visa sticker was done partly in the machine readable zone. This should be remedied by the time of joining Schengen in full (CCI VI, 5.5).</b> (page 16, par. 2)</p> <p><b>Since the data in the machine readable zone at present do not fully match the requirements of the CCI (Annex 10), this should be brought in line with the existing requirements.</b></p>	<p><u>Progress:</u> In the framework of MFA's activities towards Czech consulates abroad (<i>as described in the text concerning in-service training</i>), all Czech consulates were reminded to correctly apply the rule to stamp visa stickers outside of the machine-readable zone.</p> <p><u>To be done:</u> Self-monitoring mechanism will be introduced; personnel of the Alien and Border Police Service at the international airports of the Czech Republic will control correct</p>

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	(page 17, par. 2 + page 11, par. 4, 5)	stamping of visa stickers. The data in the machine-readable zone will be changed according to Annex 10 of the CCI before the date of full participation of the Czech Republic in the Schengen cooperation.
<b>Building security</b>	The window does not have security features other than those already described in chapter 4 (the iron bars in that particular room were found to be weak and rusty). (page 18, par. 7)	The MFA Security Department has been demanded to solve this problem by installing new security bars that are in accordance with the Schengen Best Practices.
<b>PC screens</b>	<b>On the whole, the IT system seemed up to standards although measures should be taken to ensure that screens are blanked automatically to prevent unauthorized access to information.</b> (page 16, par. 5 + page 14, par. 1)	This problem has been addressed by directing this Consulate (moreover all other Czech consulates) to change PC settings; screens will be blanked after a preset delay.
<b>Visa stickers storage</b>	<b>Since the room in which the main supply of visa stickers is currently kept, cannot be considered a strong room, whereas such a room is available for the IT system, it is recommended that the main supply of visa stickers be stored in a safe in that room upon joining Schengen in full.</b> (page 20, par. 2)	This problem has been addressed by urging this Consulate to relocate the visa stickers' supply into IT system room, which is considered safer by the evaluation committee.
<b>False documents detection</b>	<b>In addition to the extension of training as mentioned above (see <i>in-service training</i>), it is advisable to equip the Consulate General with all the relevant devices to check safety features of travel documents (incl. retro-viewers).</b> (page 21, par. 1)	<u>Progress:</u> The MFA has started to gradually equip all its Consulates with new retro-viewers. <u>To be done:</u> All Czech Consulates will be equipped with false documents detection tools till March 2007.