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- Information on progress in the implementation of recommendations of the
evaluation committees for the correct application of the Schengen acquis -
2006

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

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

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**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 November 2006

15981/06

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**SCH-EVAL 190
COMIX 1009**

NOTE

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

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

The delegation of the Republic of Lithuania 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. 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 adopted.

RESTREINT UE

TABLE OF CONTENTS

1.	<u>VISA – KIEV</u>	3
2.	<u>VISA – MOSCOW</u>	11
3.	<u>DATA PROTECTION</u>	16
4.	<u>LAND BORDERS</u>	20
5.	<u>SEA BORDERS</u>	29
6.	<u>AIR BORDERS</u>	32
7.	<u>POLICE COOPERATION</u>	35

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RESTREINT UE

1. VISA – KIEV

Doc. LT: doc. 14100/06 SCHEVAL 144 VISA 262 COMIX 846 RESTREINT adopted by the SCH-EVAL WP on 28/9/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE CZECH REPUBLIC
Privacy	It is recommended that applicants' privacy is ensured after completion of the renovation work. (page 7, par.1)	<u>Progress:</u> The renovation of the Consular Section of the Embassy of the Republic of Lithuania in Kiev has begun. In addition to the partitions, the separate interview room, bearing the sound absorbing walls as well as the physical separation between a consular officer and a visa applicant, shall be installed. The renovation is planned to be finished in I quarter 2007.
Security of the building	Protection of windows of the consular section is a matter of concern in the absence of a metal detector arch in line with the entrance of the counter/waiting room. It is therefore recommended that the renovation be accomplished as soon as possible. (page 8, par.1)	<u>Progress:</u> The renovation of the Consular Section of the Embassy of the Republic of Lithuania in Kiev has begun. The metal detector arch shall be fit the arch fully in line with the entrance when the renovation is completed.
Not recognized travel documents	When applying in full Schengen acquis, Lithuania should be aware of the rules applying when other Member States do not recognise a given travel document (LTV would have to be issued in these circumstances). (page 9, par.1)	<u>Done:</u> Lithuania confirms that from the date of full application of Schengen acquis, we shall be issuing LTV visas when the applicant's travel document is not recognised by other EU Member-States.

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<p>Handling fee</p>	<p>In relation to the collection of the handling fee, the present organisation and work flow cannot be maintained once Lithuania will apply the Schengen acquis in full as larger number of applicants will have to pay this fee. (page 9, par.2)</p>	<p><u>Done:</u></p> <ul style="list-style-type: none"> • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and Cabinet of Ministers of Ukraine on the travels of citizens from 24 October No. X-874. Comes into force from the date of the full implementation of Schengen acquis. • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on the travels of citizens from 24 October No. X-875. Comes into force from the date of the full implementation of Schengen acquis. • Embassy was instructed to improve the current practice.
<p>Application stamp</p>	<p>Schengen provisions concerning the “application stamp” do not allow for any indications on the stamp other than those specified in the rules. (page 10, par.1)</p>	<p><u>Progress:</u> Order of the Minister, amending the appropriate provision of ‘The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies’, approved by the Order of the Minister of the Interior and Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, is being processed. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p> <p><u>To be done:</u> Application stamps shall be changed.</p>

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<p>Non-acceptance of an incomplete application</p>	<p>Even though there are no Schengen rules requiring an embassy of a Member State to accept an application considered as incomplete, the current practice will become questionable when Lithuania will apply the Schengen acquis in full. (page 10, par.2)</p>	<p><u>Done:</u> Embassy was instructed to improve the current practice.</p>
<p>Link with travel agencies</p>	<p>The organisation of the cooperation with travel agencies seems satisfactory. However, there is no indication on the application form that an application has been submitted via a travel agency and it is impossible to find this information in the database. (page 11, par.1)</p>	<p><u>Done:</u> Embassies are instructed to put the name of the travel agency in the internal comments section of the computerised Consular Procedures Management System, used for the issuance of visas.</p>
<p>Local black list</p>	<p>Establishing a local black list would help the Lithuanian consular section to better exploit information provided by other Member States' representations locally and from the possibility of storing such information related to sensitive persons who are not blacklisted at national level. (page 12, par.1)</p>	<p><u>Done:</u> Local black list shall be implemented in the framework of Local consular cooperation.</p>
<p>Remark 'C-13' (Additional checks are recommended)</p>	<p>In case of doubt in relation to the documents submitted or the statements made by the applicant, the "diplomatic mission or consular post shall refrain from issuing the visa" (CCI, Part V, third paragraph). (page 12, par.2)</p>	<p><u>Progress:</u> The appropriate amendment of the Rules for filling, ordering, distribution and storage of visa stickers and application of stamps, approved by the Migration Department under MI, Consular Department of MFA and State Border Guard Service under MI, No. (15/5-10)-10K-57494 from 30 December 2004, revoking the remark 'C-13' is being processed. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p>

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<p>Consultation of central authorities</p>	<p>There is no fully integrated visa processing computer system, which leads to the following situation. (page 12, par.3)</p>	<p><u>Progress:</u> Temporary technical problems shall be completely solved in the framework of the project for the implementation of National Schengen Information System / Visa Information System, financed from the means of Schengen facility.</p>
<p>Examination of application</p>	<p>Little attention seems to be paid to check of the evidence of the applicant's actual intention to return. (page 14, par.1)</p>	<p><u>Done:</u></p> <ul style="list-style-type: none"> • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and Cabinet of Ministers of Ukraine on the travels of citizens from 24 October No. X-874. Comes into force from the date of the full implementation of Schengen acquis. • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on the travels of citizens from 24 October No. X-875. Comes into force from the date of the full implementation of Schengen acquis. • Embassy was instructed to improve the current practice.
<p>Supporting documents</p>	<p>The general lack of supporting documents (except for applications submitted by lorry drivers and travel agencies) kept in almost all the files examined (irrespective of the applicant's nationality). (page 14, par.2)</p>	<p><u>Done:</u></p> <ul style="list-style-type: none"> • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and Cabinet of Ministers of Ukraine on the travels of citizens from 24 October No. X-874. Comes into force from the date of the full implementation of Schengen acquis.

RESTREINT UE

		<ul style="list-style-type: none"> • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on the travels of citizens from 24 October No. X-875. Comes into force from the date of the full implementation of Schengen acquis. • Embassy was instructed to improve the current practice.
Travel medical insurance	TMI provisions (Decision 2004/17/ EC) not require the insurance for transit visas. (page 15, par.1)	<p><u>Progress:</u> Shall be reconsidered from the date of full implementation of Schengen acquis.</p> <p><u>Done:</u> Embassy was instructed to improve the current practice.</p>
Multiple entry visas	There should be no unnecessary restrictions for issuing multiple entry visas to any applicant, provided that sufficient proof of the necessity of multiple stays is presented. (page 15, par.2)	<p><u>Not to be implemented:</u> Such category of visas contradicts to Point 2.1.3 "Short-stay or travel visas: multiple-entry visas" of Common Consular Instructions on visas for the diplomatic missions and consular posts (CCI) No. 12357/05 from 27 September 2005.</p> <p><u>Progress:</u> Amendments abolishing the 'refusal stamp' of 'The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies', approved by the Order of the Minister of the Interior and</p>
Short term (C) double entry visa	The national law should be amended in order to provide for the possibility of issuing double entry visas. (page 15, par.3)	
Refusal stamp	CCI does not contain any provisions on "refusal stamps" and therefore this practice should be abolished. (page 16, par.1,2)	

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		<p>Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, are being processed. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p>
<p>Submission of application</p>	<p>Prevention of an applicant from submitting a new application for 1 year after a refusal, as the grounds for the initial refusal may no longer be valid and reference is made to Part V, section 2.2, second paragraph according to which national authorities are invited to take into account the “concrete situation of each applicant”). (page 16, par.3)</p>	<p><u>Progress:</u> Provisions, preventing a visa applicant from submitting a new application after a refusal for 1 year, of ‘The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies’, approved by the Order of the Minister of the Interior and Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, are being abolished. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p>
<p>Family members of EU citizens</p>	<p>Procedural safeguards enjoyed by family members of EU (Directive 2004/38) - refusals must be notified to them in written form, detailed motivation must be given and a right of appeal is offered to this category of persons. (page 17, par.1)</p>	<p><u>Done:</u> Embassy was instructed to improve the current practice.</p>
<p>Rejection rates</p>	<p>Compared to the average of all the “old” and even most of the “new” Member States, the rate is very low. (page 17, par.2,3,4)</p>	<p><u>Done:</u></p> <ul style="list-style-type: none"> • Law on the denunciation of the agreement between the Government of the Republic of Lithuania and Cabinet of Ministers of Ukraine on the travels of citizens from 24 October No. X-874. Comes into force from the date of the full implementation of Schengen acquis. • Law on the denunciation of the agreement between the Government of the Republic of

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		<p>Lithuania and the Government of the Republic of Moldova on the travels of citizens from 24 October No. X-875. Comes into force from the date of the full implementation of Schengen acquis.</p> <ul style="list-style-type: none"> Embassy was instructed to improve the current practice.
<p>Work flow</p>	<p>Present organisation and work flow cannot be maintained when a large number of applications would have to be assessed more thoroughly after denunciation of all the bilateral agreements. (page 18, par.1)</p>	<p><u>Done:</u></p> <ul style="list-style-type: none"> Law on the denunciation of the agreement between the Government of the Republic of Lithuania and Cabinet of Ministers of Ukraine on the travels of citizens from 24 October No. X-874. Comes into force from the date of the full implementation of Schengen acquis. Law on the denunciation of the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova on the travels of citizens from 24 October No. X-875. Comes into force from the date of the full implementation of Schengen acquis. By the Decision of the Government of the Republic of Lithuania No. 841 from 1 September 2006, the extra funding from the budget for the additional diplomatic and technical officers for the Diplomatic Missions and Consular Posts of the Republic of Lithuania ('Program of Consular Development') was confirmed from the beginning of 2007. Advance booking system working from 1 May 2006.

RESTREINT UE

		<ul style="list-style-type: none"> Embassy was instructed to improve the current practice.
National mentions	National mentions (differing from the mandatory mentions) should be notified in due course to the SG in order to be published in Annex 9 to the CCI. (page 19, par.1)	<p><u>Progress:</u> Secretariat General shall be notified on the national remarks in the nearest future.</p>
Affixing of visa sticker	Visa sticker must be affixed in such a manner (close to the edge of the page of the passport) that the MRZ of the sticker can be machine read. (page 19, par.2)	<p><u>Done:</u> Embassy was instructed to improve the current practice.</p>
Archives	No reason for keeping invalidated stickers during one year in the office of the consul and four additional years after in the archives. (page 19, par.3)	<p><u>Done:</u> The necessity to store the invalidated stickers is due to the national legal basis of Lithuania. Nevertheless, Kinegrams of the invalidated visa stickers shall be destroyed.</p>

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2. VISA – MOSCOW

Doc. 12662/06 SCHEVAL 122 VISA 216 COMIX 730 RESTREINT adopted by the SCH-EVAL WP on 28/9/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE CZECH REPUBLIC
Access management	<p>Embassy of the Republic of Lithuania in Moscow should consider possible ways to reduce queues outside, e.g. by extending the opening hours or implementing an appointment system. (page 4, par.1)</p>	<p><u>Progress:</u></p> <ul style="list-style-type: none"> ▪ The next the Republic of Lithuania has already begun tendering procedures for the implementation of the online booking system for the visa appointments from 1 January 2007. The system shall be introduced in all the Embassies of the Republic of Lithuania, issuing the greatest numbers of visas and supply the means for the efficient and proper coping with the queues and the workloads of the consular sections. At the moment, the experts are evaluating the proposals for the introduction of the system. ▪ By the Decision of the Government of the Republic of Lithuania No. 841 from 1 September 2006, the extra funding from the budget for the additional diplomatic and technical officers for the Diplomatic Missions and Consular Posts of the Republic of Lithuania ('Program of Consular Development') was confirmed from the beginning of 2007. Embassy of the Republic of Lithuania in Moscow shall also

15981/06

DGH

RESTREINT UE

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11

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RESTREINT UE

		<p>receive additional diplomatic and consular officers for the implementation of consular functions. Together with the renovation, which shall harmonize Consular section with all Schengen requirements, that would enable not only to reduce queues, but also to assess individual applications even more carefully.</p>
<p>Security</p>	<p>Security checks, performed by the Lithuanian police upon entering the waiting room are adequate. However, it could be taken into consideration to install a pass-through document system and (bullet proof) security glass at the visa counters, to further improve the level of security of visa staff and documents. Other than that, the security situation and access management are adequate. (page 5, par.1)</p>	<p><u>Progress:</u> One of the key-points of the reconstruction of Consular Section, which is already in progress, is the modernisation of visa counters, installing a bullet proof security glass together with the pass-through system for the documents. The renovation is planned to be finished in I quarter 2007.</p>
<p>Personal appearance</p>	<p>The exemption from personal appearance for minors under 18 is not in accordance with the CCI (reference is made to chapter III, Article 4, p. 22 in English version, in which minors are not mentioned as a standard exemption, and to the EU-catalogue “Issuing of Visa, Recommendations and Best Practices”, chapter 3, point a) and should be implemented correctly once applying Schengen in full. (page 7, par. 1)</p>	<p><u>Done:</u> The practice of exemption from personal appearance of minors is not actually established by the Acts of Law of the Republic of Lithuania. The exemption was used mainly of the humanitarian reasons. Embassy was instructed to change the current practice.</p>
<p>Interviews</p>	<p>The number of interviews carried out in comparison to the number of actual applicant</p>	<p><u>Progress:</u> Every third country national, applying for a visa</p>

15981/06

DGH

RESTREINT UE

WvdR/mdc

12

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RESTREINT UE

<p>of the Republic of Lithuania is preliminary questioned by the technical officers upon the submission of the documents. When there are doubts concerning the visa applicant, he is interviewed by the diplomat.</p> <p>When the renovation of Consular Section is finished, there shall be a separate, sound-absorbing interview room.</p> <p>Additional diplomatic and consular officers for the implementation of consular functions (including interviews) according to the above mentioned 'Program of Consular Development' in 2007.</p> <p>Introduction the advance booking system for the visa appointments (as well as interviews) in 2007.</p>	<p>is low. It is recommended increasing the number of interviews, which will have to be longer and more in-depth, in order to verify the true purpose of stay and identity of the applicant, when applying Schengen in full. (page 7, par.2, page 12, par.1)</p>	
<p>Supporting documents</p>	<p>It is recommended abolishing the current existing practice that people travelling to Lithuania for 10 days or less do not need to present any other supporting document except travel medical insurance, before full implementation of Schengen acquis. (page 7, par.3)</p>	<p>Progress: Order of the Minister, amending the appropriate provision of Annex 5 of 'The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies', approved by the Order of the Minister of the Interior and Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, is being processed. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p>
<p>Medical insurance</p>	<p>A booth of INGOSSTRAKH, Insurance state company which provides travel medical</p>	<p>Done: Removed from the beginning of renovation.</p>

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	<p>insurance, is inside the waiting room of the Consular Section. Since, to applicants, this may give the wrong impression that the Embassy only accepts insurance policies from this company, this booth will be removed. (page 7, par.4)</p>	
<p>Group visas</p>	<p>Practice of issuing group visas by affixing a visa sticker on a list of passengers, has to be abolished when applying Schengen in full. (page 11, par.1)</p>	<p><u>Progress:</u> Order of the Minister, amending the appropriate provision of ‘The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies’, approved by the Order of the Minister of the Interior and Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, is being processed. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p>
<p>Non-acceptance of an incomplete application</p>	<p>With regard to non-acceptance of an incomplete application, it is recommended once fully implementing the Schengen acquis, to abolish that practice, since not processing and/or stamping the passport could lead to ‘visa shopping’. (page 12, par.2)</p>	<p><u>Done:</u> Embassy was instructed to improve the current practice.</p>
<p>Examination of application</p>	<p>Upon applying the Schengen acquis in full, all relevant components of Article 5 of the Schengen Convention should be checked, also for visa applications for an intended stay of 10 days or less.</p>	<p><u>Done:</u> Embassy was instructed to improve the current practice.</p>

RESTREINT UE

<p>Kinegrams</p>	<p>(page 12, par.3) When a visa sticker is annulled because of a mistake, the kinegram should be scratched/destroyed as mentioned in the EU-catalogue “Issuing of Visa, Recommendations and Best Practices”, chapter 5, point f (6183/03, 7 February 2003). (page 14, par.2)</p>	<p><u>Done:</u> Diplomatic Missions and Consular Posts were recommended to destroy (scratch) the kinegrams of the annulled visa stickers.</p>
<p>Refusal of a visa</p>	<p>As for the practice that an applicant whose visa has been refused, can not lodge a new application for a year, when applying Schengen in full, this will lead to visa-shopping, since other Member States do not follow this practice. (page 14, par.3)</p>	<p><u>Progress:</u> Order of the Minister, amending the appropriate provision of ‘The rules for submission of visa application and corresponding documents, conditions governing the issue of visas, issue of visas at border crossing points, extending the period of stay being in possession of a visa, grounds for refusing the issue of a visa and accreditation of tourist agencies’, approved by the Order of the Minister of the Interior and Minister of Foreign Affairs No. IV-280/V-109 from 2 September 2004, is being processed. It is planned to finish the above-mentioned amendment before the end of the Year 2006.</p>

RESTREINT UE

<p>Security staff/material</p>	<p>The storage of blank visa stickers could be made safer, i.e. stored in a proper safe, which is fire resistant, anchored to the floor and placed in a more secure room (no wooden door). Furthermore, a more systematic rotation scheme for the counter staff is advised, to ensure that the staff responsible for issuing visas shall not be exposed to local pressure and to prevent the formation of "habits" which could lead to a decline in the level of vigilance. (page 16, par.1)</p>	<p><u>Progress:</u> The renovation of the Consular Section would encompass the modernisation of premises for the storage of visa stickers. <u>Done</u> The Embassy of the Republic of Lithuania in Moscow began implementing the rotation scheme for the counter staff.</p>
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3. DATA PROTECTION

Doc. LT: doc. 14180/06 SCHEVAL 155 COMIX 858 RESTREINT adopted by the SCH-EVAL WP on 30/10/2006

TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE REPUBLIC OF LITHUANIA
<p>On the legislation</p> <p>Legal amendments</p>	<p>1) Even if some form of administrative embedding is necessary, the legislation should reflect a real independence of the DPA. Otherwise, this is contrary to the Schengen acquis and should be modified.</p> <p>2) In the meantime, until the legislation is modified, the independence in the sense required by the EU Directive may be formalised in a Memorandum of Understanding between the Government authorities and the DPA.</p>	<p>1) <u>Progress</u>: At the present the draft Law amending the Law on Legal Protection of Personal Data (further – the Law) is under preparation. The following provisions will be introduced into the Law on Legal Protection of Personal Data:</p> <ul style="list-style-type: none"> • Draft of the Law will establish the appointment of the Director, including the term of office, the basis for dismissal, the dismissal from his duties, the prohibitions in the respect of the Director of SDPI, the remuneration of the Director of SDPI and guarantees upon his dismissal from office, deputies of the Director of SDPI. <p><u>To be done</u>: The above-mentioned amendment comprises all necessary changes in relation to ensure full independence of SDPI.</p> <p>The draft of the Law will be ready in February</p>

15981/06

DGH

RESTREINT UE

WvdR/mdc

17

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RESTREINT UE

<p>2007 and foreseen to be submitted to the Parliament in Spring Session.</p> <p>2) <u>Progress:</u> The fact that under the legal system of Lithuania there is no such kind of legal act as Memorandum of Understanding therefore there is no possibility to formalise mentioned form of the document however the Recommendation of the Evaluation Committee regarding independence of the SDPI will be followed.</p>		
<p>3) <u>Progress:</u></p>	<p>3) Introduce the principles of the Council of Europe Recommendation (87) 15 in the legislation.</p>	
<p>4) <u>Progress:</u> According to the current legislation (Art. 18 of the Law) the data controller must inform the data subject about the processing of data relating to him. The data subject is informed free of charge.</p> <p>According to the Art. 19 of the Law data subject can exercise his/her right of access free of charge once per year, but if he/she wants to get his/her data more than once a year he/she has to reimburse the expenses of the disclosure of data in order to avoid the abuse cases by the data subject. This fee is not a special fee (payment) which would be the same when the data subject wants to get his/her data second, third and etc. times.</p> <p>According to the Art. 12 of the Directive</p>	<p>4) Information is provided only once a year for free. In the context of raising awareness, the need for such a limitation should be reconsidered.</p>	
On the implementation		

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	<p>95/46/EC Member States shall guarantee every data subject the right to obtain information about his personal data from the controller without constraint at reasonable intervals and without excessive delay or expense.</p> <p>According to the Art. 8 of the Council of Europe Convention LETS No 108 any person shall be enabled to obtain at reasonable intervals and without excessive delay or expense confirmation of whether personal data relating to him are stored in the automated data file as well as communication to him of such data in an intelligible form.</p> <p>Rules on Compensation of the Expenses of Disclosure of Data to Data Subject approved by the Resolution No 228 of the Government of the Republic of Lithuania of 28 February 2001 (as replaced by Resolution No 676 of the Government of the Republic of Lithuania of 6 June 2004) determine the procedure of compensation of the expenses of the disclosure of the data. The Rules determine that the amount of the fee for provided more than once a year data shall not exceed the expenses of the disclosure of the data. Data controller fixes and confirms the amount of fee of disclosure of data in accordance to the work and material expenses needed for disclosure of data.</p> <p><u>To be done:</u> The same provisions are left in the draft Law on Legal Protection of Personal Data.</p>
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RESTREINT UE

		SDPI is of the opinion current situation to be kept as it is.
5) Experts suggest to reconsider whether the level of these fines is sufficient to be dissuasive.		<p><u>Progress:</u> At the present the draft on the Code of Administrative Law Violations is at the Parliament (Seimas). SDPI has submitted its opinion that the fines are too low and therefore not effective.</p> <p><u>To be done:</u> The level of the fines shall be raised in the new Code of Administrative Law Violations which at the present is under considerations in Seimas.</p>
On the functioning		
<p>6) It is recommended that the DPA reflects on whether the large number of authorities, which currently have access to the databases could lead to using the SIS for more administrative purposes than for the ones it is designed.</p> <p>7) It would be a sign of its independence if the DPA was allowed to conduct supervisions without prior notice.</p>		<p><u>6) Progress:</u> Measures of Implementation of Action Plan of National Schengen Acquis Acceptance provide that Ministry of Interior has to prepare the draft of regulations of National Schengen information system determining the operation of NSIS and other legal acts concerning NSIS.</p> <p>At the present working group, including representatives from SDPI, is composed in order to prepare regulations of National Schengen information system determining the operation of NSIS, the access rights of different authorities, the use of data, the supervision of the NSIS, etc. Working group and later the SDPI harmonizing the drafts of legal acts shall evaluate the list of institutions which will be indicated as having access to NSIS and the purpose of using NSIS in order to conform to the data protection requirements provided in the Schengen Convention.</p> <p><u>To be done:</u> The draft of regulations of National</p>

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<p>Schengen information system determining the operation of NSIS should be submitted to the Government of the Republic of Lithuania in January 2007.</p> <p>7) <u>Progress:</u> In the draft of the Law shall be established that SDPI shall be empowered to obtain access, subject to a prior notice in writing except complaint-based checking of the legitimacy of personal data processing where no prior notice is required to the premises of the supervised person, including the premises which are leased or used on any other basis, or to the territory.</p> <p><u>To be done:</u> The draft Law is foreseen to be submitted to the Seimas in Spring Session.</p>		
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RESTREINT UE

4. LAND BORDERS

Doc. LT: doc. 14177/06 SCHEVAL 152 FRONT 211 COMIX 855 RESTREINT adopted by the SCH-EVAL WP on 30/10/2006

TOPIC	COMMENTS/ RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE REPUBLIC OF LITHUANIA
<p>Infrastructure</p>	<p>In general, the infrastructure and the equipment are in place at all visited sites. However, at Kybartai and Panemunė road BCPs, the infrastructure is not considered to meet fully the Schengen standards and the Committee recommends adapting them, in particular Panemunė, by, i.e. adding more booths and marking the lanes according to the categories of persons and vehicles as laid down in the Schengen Borders Code. (p.48, par.1)</p> <p>In Medininkai, the Committee considers that there is room for improvement with regard to the infrastructure of the BCP. The shortcomings found could be remedied with the construction of more booths in order to facilitate border guards carrying out checks in a better and more efficient manner. In addition, the Committee recommends the acquisition of more equipment for checks of trucks, i.e. laser measurement equipment or endoscopes. (p.48, par.8)</p>	<p><u>Progress:</u></p> <p>Technical designs for modification of the Kybartai, Panemunė and Medininkai BCPs in accordance with the Schengen requirements are already developed. In the nearest future relevant tenders will be launched by the BCPs Directorate of the Ministry of Transport and Communications. The works are planned to be started this year.</p> <p><u>To be done:</u></p> <p>Modification of the Kybartai, Panemunė, and Medininkai BCPs is planned to be completed in October 2007</p>

15981/06

DGH

RESTREINT UE

WvdR/mdc

22

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RESTREINT UE

	<p>The infrastructure is mostly functional and meets the requirements. In some places, however (Panemunė) the situation is quite unsatisfactory. Despite very intense traffic, there is only one fully equipped checkpoint in place both on entry and exit. This point is located in the main building and there are no control booths situated between the lanes. The lack of premises prevents border checks from being conducted according to Schengen standards. At the same place there was also only one border guard outside the building (on entry) trying to manage 3 – 4 lanes and different types of traffic. The Committee is of the opinion that the infrastructure, procedures and number of border guards at Panemunė, do not fulfil the Schengen standards. The Committee recommends that equipped control booths be added, that the number of personnel (also for security reasons) be increased and that signposting be brought into line with the Schengen Borders Code. The Committee was informed that the complete reconstruction of the infrastructure at the Panemunė BCP in order to comply with the Schengen standards is expected to be completed by July 2007. The Committee considers that a further evaluation should be considered in order to verify that the Schengen standards are attained. (p 50, par. 6)</p>	
<p>Portable PC for consulting of the national databases</p>	<p>Border checks on railway traffic (Kybartai and Kena) are performed with the support of portable</p>	<p><u>Progress:</u></p>

15981/06

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	<p>devices for the consultation of the national databases. This equipment is considered not to be suitable for the future consultation in the SIS databases due to their limited storage capacity, and the Committee recommends replacing it by any other equipment more suitable and adapted to the future needs. (p. 48, par.2)</p> <p>Border checks and surveillance related to trains meet many of the Schengen requirements. The mobile document readers currently in use may be adequate for the present situation, but their limited storage capacity may not be sufficient to allow future consultation of the SIS. (p. 51, par.8)</p>	<p>The tender on upgrading of the VSATIS application was launched on 28 November 2005, the successful winners established and the contract signed. After this project is implemented the portable PCs used for border checks will work in on-line mode.</p> <p>All the equipment for the end-user (including portable on-line computers) will be purchased under the open tender, which was launched on 13 September 2006.</p>
<p>Procedures</p>	<p>In Panemunė, the Committee considers that border checks could be improved. Despite third-country nationals are questioned about the purpose of their trip and their means of subsistence, they are not requested to present them. Deeper checks on vehicles are performed very rarely and the traffic flow management is not really possible. (p.48, par. 3)</p> <p>In Panemunė, particular attention was paid to checks on trucks. The Committee considers that they are not carried out fully in line with the Schengen standards. The system of escorting trucks for more than 1 Km, together with the apparently low number of deeper searches performed by Customs, may undermine the</p>	<p><u>Progress</u></p> <p>During October-November 2006, additional training courses on the checks of means for subsistence and thorough checks of vehicles were delivered to the officers of the Panemunė BCP.</p> <p><u>To be done:</u></p> <p>The procedures for checking of freight vehicles will be changed. In addition, there are plans to install additional number control booths and traffic lanes (with signposts) for EU and Non-EU flows. It is also planned to provide the BCP with</p>

RESTREINT UE

	<p>border security system and represents a serious risk with regard to the prevention of illegal migration and smuggling of goods. The Committee recommends modifying the current procedure and increasing the availability and use of technical devices. (p.48 par.4)</p> <p>The checking procedures followed at the road border crossing points meet the Schengen standards generally speaking. Their command of Russian makes it easy for border guards to ascertain the purpose of passengers' trips. Registers are also consulted regularly.</p> <p>Information about means of subsistence is not always requested, and when requested is not always checked. The Committee is of the opinion that sometimes these deficiencies are linked to the lack of personnel and fully equipped control booths. The Committee recommends the Lithuanian authorities to increase staff and the number of equipped control booths at the biggest border crossing points. The checking procedures for trucks at Panemunė and the role of the border guards need to be enhanced. The current situation, where after a minimum level passport check, trucks are escorted to another terminal for customs control, means that trucks are hardly ever checked in terms of illegal immigration. There is a clear gap in the system and the Committee recommends reorganising this procedure.</p>	a sufficient number of equipment for checks of trucks.
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<p>Standard form for refusal of entry at the border</p>	<p>(p.51, par.7)</p> <p>The Committee recommends replacing the existing form used for the refusal of entry at all BCPs by the one established in the Schengen Borders Code. (p.48, par.5).</p> <p>The Committee confirmed that the harmonized form for refusal of entry was not used. The Committee recommends that the Lithuanian authorities begin using the harmonised form for refusal of entry as established in the Schengen Borders Code. (p.51, par. 11)</p>	<p><u>Progress:</u></p> <p>Since 13 October 2006 a standard form for refusal of entry has been used</p>
<p>Document experts</p>	<p>With regard to the availability of document experts in the second line, the Committee recommends considering the possibility to deploy additional second level document experts at the Panemunė BCP and to ensure a permanent high level of expertise at the Kybartai and Medininkai BCPs. (p.48, par.6)</p> <p>The Committee observed that although second line checks are performed in general at all BCPs, the level of expertise of the document experts is somewhat limited. The Committee recommends ensuring that the level of professionalism of these officers is maintained at the highest level in all BCPs.</p>	<p><u>Progress:</u></p> <p>5 document check and investigation courses were conducted during 18 September – 16 November 2006. The number of participants totalled 105 officers, of these:</p> <p>Panemunė BCP – 2 officers Kybartai BCP – 7 officers Medininkai BCP - 9 officers</p> <p><u>To be done:</u></p> <p>In the training curriculum for 2007 it is planned to conduct additional courses for the document check and investigation experts of the third level. The courses will be given in the IVQ of the 2007 to the officers of the Medininkai, Kybartai and Panemunė BCPs.</p>

RESTREINT UE

	<p>(p.51, par.9)</p> <p>Both in Kybartai and Panemunė road BCPs, the Committee considers that the number of officers deployed should be increased in order to guarantee a fluent and more efficient border control, without undermining the resources assigned to the green border, especially in peak seasons. (p. 48, p.7)</p> <p>Human resources are in general available in sufficient means but could be increased in some Frontier Stations as described in this report. (p. 52, par.22)</p>	<p><u>To be done</u></p> <p>In February 2007 a needed number of graduates from the Visaginas Border Guard School will be assigned for the service at the Kybartai and Panemunė BCPs</p>
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<p>Document stamping</p>	<p>At the railway BCPs, the train staff's travel documents are not systematically stamped on entry and exit, but stamped only the date of the first entry and last exit within the validity period of the visa. Since this procedure is not in line with the Schengen standards, the Committee recommends modifying it in accordance with the provisions set out in Annex IV of the Schengen Borders Code. (p. 49, par. 9)</p> <p>The stamping procedures for railway company staff travelling on the international transit train to and from Kaliningrad, seem not to be in line with the current Community legislation in force. (p.51, par. 8)</p>	<p><u>Progress:</u></p> <p>Since 19 November 2006 the stamping of documents of train crew members has been carried out in compliance with the requirements set forth in the Schengen Borders Code (Order of the Minister of Interior No IV-429 of 13/11/2006 Repealing Order of the Minister of the Interior of the Republic of Lithuania No IV-144 of 28/04/2004 On Approval of the Rules for Marking Travel Documents and its amendments thereof)</p>
<p>Visa issuing</p>	<p>In Kena and Medininkai the number of visas issued at the border is remarkable high. The Committee would like to remind the exceptional nature of this possibility. (p 49, par 10)</p> <p>With regard to the issuance of visas at the border, the Committee would point out the exceptional nature of this measure and the fact that visas at the border should only be issued in exceptional cases in accordance with Council Regulation (EC) 415/2003. (p 51, par. 12)</p>	<p><u>Progress:</u></p> <p>Since October 2006, control of visa issue at the border has been enhanced, visas has been issued only in the exceptional cases as provided for in Council Regulation (EC) 415/2003.</p>

<p>Training on the Schengen Borders Code</p>	<p>The officers at the BCPs visited can be regarded as professionals, highly motivated and disciplined. The Committee would invite the Border Guard to train all the staff on the Schengen Borders Code before 13 October 2006. (p.49, par.12)</p> <p>The Committee would invite the Lithuanian authorities to continue the training programmes with regard to the Schengen Border Code, so that all border guards will be aware of and familiar with the new provisions by the time this Regulation enters into force. (p.52, par. 14).</p>	<p><u>Progress:</u></p> <p>All border guard officers have been given training on application of the requirements of Schengen Borders Code by 13 October 2006.</p>
<p>Foreign language training</p>	<p>In most of the BCPs visited the Committee could note that a large number of border guards were able to speak Russian. The Committee would encourage Lithuania to continue to promote border guards' language skills in the future. (p.49, par.12)</p> <p>The Committee appreciates the current language skills of the border guards, many of whom can speak Russian and would invite Lithuania to continue to promote the use of and training in the Russian language skills in the future, as well as the promotion of the study of the English language in order to improve the cooperation at international level. (p.52, par. 15)</p>	<p><u>To be done</u></p> <p>In 2007 the officers working at international BCPs and HQ of the SBGS units are to be given foreign language courses. According to the plans 280 officers will upgrade their foreign language skills, of these: English -260 officers Russian – 20 officers.</p>

RESTREINT UE

<p>Pre-entry measures</p>	<p>The Committee invites the Lithuanian authorities to implement their plans to set up liaison officers abroad. (p.49, par.2)</p>	<p><u>Progress:</u> The SBGS has drafted and co-ordinated the Draft Resolution of the Government on setting up liaison officers in Ukraine and Moldova. The Draft Resolution was submitted to the Minister of the Interior, however it was suspended</p>
<p>Risk / assessment profiling</p>	<p>Situational awareness is satisfactory in the Lithuanian Border Guard. Risk areas and possible threats are known to the border guards; the methods of surveillance are various and adequate. Practical arrangements and resources are deployed according to a clearly structured risk assessment. The risk assessment system and methodology behind it is based on a brand new internal order reflecting the Schengen Catalogue and CIRAM. Since this system has not yet been implemented fully, it is of utmost importance to ensure that staff is provided with the necessary training. The evaluation Committee stresses that there is a need to improve the ability of border guards on the first line to conduct passenger profiling and to consider strengthening the intelligence element at BCP level. (p 50, par.5)</p>	<p><u>Progress:</u> By now training on risk assessment and management has been provided for the officers of the Operative Activity Board of the Central HQ, Operative Activity Divisions of frontier districts and the leadership of frontier stations. In total, 35 officers were given the training.</p>
<p>Procedures for refusing entry at the border</p>	<p>In some BCPs, the Committee was informed that third-country nationals are refused entry when their passports are full of stamps even, when they are in possession of valid visas, because the travel document is considered invalid. The Committee considers with regard to this practice that current Community legislation does not fully define the procedure to be followed in such cases and gives Member States the</p>	<p><u>Progress:</u> The practice when third-country nationals were refused entry if their passports are full of stamps is already changed. Since 1 October 2006 such cases have not form the basis for refusal of entry for the third-country nationals to Lithuania in case they comply with all other entry requirements.</p>

RESTREINT UE

	<p>possibility to apply different procedures to the same situation. Therefore, the Committee invites the Commission and Member States to explore the possibility of harmonizing these procedures for the future. (p 51, par. 10)</p>	
<p>Bilateral border crossing points</p>	<p>On the basis of a bilateral agreement signed between Lithuania and Belarus, several „bilateral border crossing points" have been opened just for nationals of these two countries. The new Regulation on Local Border Traffic, which is due to be published in the next few months, should be taken into account by the Lithuanian authorities, who should ensure that their bilateral agreement is consistent with the future Community legislation. (p.51, par. 13)</p>	<p><u>Progress:</u> By order of the Minister of the Interior No V-136 of 06/11/2006 an inter-agency working group for drafting the bilateral agreements with Belarus and Russia on Local Border Traffic was set up. The members of the working group are representatives of the Ministry of the Interior, the SBGS, the Customs, the Ministry of Foreign Affairs, the Migration Department and the Police Department</p>
<p>Training in crisis management</p>	<p>The Committee considers that there is a need for a programme of training in crisis management at the green border (practical exercises on full scale operations dealing with intensive threats).</p> <p style="text-align: center;">* * * *</p>	<p><u>Progress:</u> During October–November 2006, practical exercises on crisis management involving 120 SBGS officers were conducted in 4 Frontier Districts at the external borders. The police also took part in the exercises</p>

RESTREINT UE

5. SEA BORDERS

Doc. LT: doc. 12747/1/06 REV 1 SCHEVAL 134 FRONT 176 COMIX 746 RESTREINT adopted by the SCH-EVAL WP on 30/10/2006

TOPIC	COMMENTS/ RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE REPUBLIC OF LITHUANIA
Infrastructure	<p>1. The border control infrastructure at the terminals in the port of Klaipėda should be rebuilt according to the plans already outlined.</p>	<p><u>Progress:</u> In the Malku Bay BCP: For departing vehicles: 2 new booths are installed (1 for passenger car and 1 for lorries) covering 2 lanes each; For arriving vehicles: 2 new booths are installed (1 for passenger car and 1 for lorries) covering 2 lanes each; Each lane has new signposting of the separation of flows.</p>
Second line border control facilities	<p>2. Second line border control facilities should be located close to any first line position.</p>	<p><u>To be done:</u> As from September 2007 in the newly designed frontiers station there will be fully equipped second line premises</p>
Control booths	<p>3. The mirror foil attached to the windows of the booths at Malku Ilankos BCP should be removed in order to enable eye-to-eye communication between Border Guard officers and passengers.</p>	<p><u>Progress:</u> The mirror foil on the windows of the booths at Malku Bay BCP is already removed and the eye-to-eye contact between the Border Guard officers and passengers is guaranteed.</p>

15981/06

DGH

RESTREINT UE

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32
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RESTREINT UE

<p>Using of conscripts</p>	<p>5. The use of conscripts in border control tasks must be limited as defined in the Schengen Catalogue. Conscripts should therefore not be used in any function requiring use of confidential police registers, risk analysis or decisions on law enforcement or coercive measures. It must be guaranteed that the presence of conscripts will not jeopardize the security of confidential data.</p>	<p><u>Progress:</u> There is no possibility of usage of confidential data of National Coordination Center at the Naval Sea Surveillance Center .</p>
<p>Surveillance of sea borders</p>	<p>6. The direct involvement of the State Border Guard Service in border surveillance at sea should be strengthened and the possibilities of centralising all surveillance of sea borders in the hands of the State Border Guard Service should be further investigated. The operational reaction concept must be clarified in order to ensure that stopping, searching and apprehending will always be the responsibility of a professional service and be conducted by professional law enforcement personnel.</p>	<p><u>To be done:</u> In order to strengthen border surveillance at sea SBGS is on its way to implementing the sea border surveillance project which is funded from the Schengen Facility and which will be finished by August 2007.</p>
<p>Equipment</p>	<p>7. The coverage of sea border surveillance and the ability to identify radar targets should be improved by implementing the plans to reconstruct the technical surveillance system and by a more effective use of Border Guard vessels within the technical surveillance system.</p>	<p><u>Progress:</u> Appropriate measures of sea border surveillance coverage are put down in the technical requirement of the project mentioned in abovementioned point. In addition to the ongoing implementation of this project, new boat for rapid reaction in the sea will be built by September of 2007. Two new rib boats for patrolling and one scooter for rapid reaction in the Curonian Lagoon are</p>

RESTREINT UE

Foreign language training		already built and delivered to Coast Guard District of SBGS in November 2006. Navigational radars of SBGS vessels „Kihu“ and „Lilian“ are already installed.
	8. The linguistic training of staff should be improved.	Number of Border Guard officers of Coast Guard District passed the advanced courses of foreign languages during the period of II half of 2006: English – 16 (10 officers to be continued in December 2006); Russian – 10.

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6. AIR BORDERS

Doc. LT: doc. 12756/1/06 REV 1 SCHEVAL 139 FRONT 179 COMIX 751 RESTREINT adopted by the SCH-EVAL WP on 30/10/2006

TOPIC	COMMENTS/ RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE REPUBLIC OF LITHUANIA
<p>Special training on document checks</p> <p>BCP personnel are experienced and motivated; however, regular special training on document checks should be provided to all personnel performing border checks.</p> <p>The majority of officers could use the equipment available in the booth at an adequate level. The Committee recommends regular use of the technical equipment to verify the authenticity of the travel documents of third-country nationals</p> <p>The Committee considers that, taking into account the number of passengers that arrive and depart from Palanga Airport and the number of Border Guard personnel, the border guard shifts have a large capacity to conduct second-line controls. The border guards are therefore invited, on the basis of profiling, to perform thorough checks on third-country nationals more often, using the second-line facilities.</p>		<p><u>Progress:</u></p> <p>Since July, courses in document verification were attended by 10 officers of the Vilnius Airport BCP (of whom, 4 officers took 40-h, 4 officers 16-h, 1 officer 25-h, and 1 officer 8-h long training). The preparation of a training plan for 2007 is progressing.</p> <p>Officers have received additional instruction and hands-on training with regard to regular use of document examination equipment.</p>

<p>Language training</p>	<p>Despite the impressive number of officers having foreign language skills, further training is recommended for officers at the basic language level.</p>	<p>Progress: Since July, English language courses were attended by 9 officers of the Vilnius Airport BCP (of whom, 8 officers took 80-h and 1 officer 160-h long training); 2 more officers will take 80-h long courses and 1 more 120-h long training in the English language in November to December. The preparation of a training plan for 2007 is progressing. 2 officers of the Palanga Airport BCP completed training in the English language and 2 more in the Russian language.</p>
<p>Risk assessment</p>	<p>Palanga Frontier Station should introduce a full intelligence-led Risk Analysis System according to the CIRAM model. The experts considered the need for a wider range of risk analysis products at all levels of the Coast Guard District SBGS.</p> <p>The Lithuanian authorities are well aware of the situation at the borders. The Committee appreciates the measures taken by the Lithuanian Border Guard to create the system of risk analysis and recommends considering carrying out joint risk analysis with the authorities involved in border management and combating illegal immigration. It would also be appreciated if analyzed information were to be distributed regularly at local level for use in border control at BCP level, by the shifts and by individual Border Guards performing border checks.</p>	<p>Progress: Border Guards Commander has issued Order No 4-462 on 16 June 2006 approving the concept of risk management, which was amended by Order No 4-610 of 4 September 2006, thus appointing responsible officers on the central (Border Guards HQ), regional (1 or 2 officers at Frontier Districts) and local levels (leaders of Frontier Stations or BCPs).</p>

RESTREINT UE

<p>Information on private flights</p>	<p>On entry into force of the Schengen Borders Code the Lithuanian authorities are invited to ensure that information about private flights from third countries is provided to the Border Crossing Point before take-off.</p>	<p><u>Progress:</u></p> <p>Meetings with representatives of the Civil Aviation Administration and airports management took place in August and September 2006 addressing issues of flight control and information on private flights (from and to the third countries); advance information on such flights is received on a regular basis.</p>
<p>Carriers liability</p>	<ul style="list-style-type: none"> • No carriers were held liable, even though two people were refused entry in 2005 due to the absence of a valid travel document and in two were refused due to the absence of a valid visa. 	<p><u>Progress:</u></p> <p>Administrative investigation has been instigated in 2 cases at the Palanga Airport BCP with regard to passengers carried without visas.</p>
<p>Passengers data</p>	<p>Relevant national legislation seems mainly to respond to the Schengen Acquis. However, the Committee noticed that the Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data has not yet been adopted in national legislation.</p>	<p>The implementation of Council Directive No 2004/82/EC regarding information on passengers started on 1 September 2006 as amendments of, and a supplement Article 19(1) to, the Law on the Basics of Transportation Activities, related to the mentioned Directive came into effect the same day.</p>

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7. POLICE COOPERATION

Doc. LT: doc. 14173/1/06 REV 1 SCHEVAL 149 ENFOPOL 173 COMIX 852 RESTREINT adopted by the SCH-EVAL WP on 16/11/2006

No.	TOPIC	COMMENTS/RECOMMENDATIONS OF THE EVALUATION COMMITTEE	COMMENTS OF THE REPUBLIC OF LITHUANIA:
1.	Interagency cooperation	<p>Interagency Agreements still pending implementation should be implemented as soon as possible.</p> <p>The creation of Common Cooperation Centre for Police, Customs and Border Guard should be speeded up as a matter of priority, as is recommended in the Police Cooperation Best Practices Catalogue.</p> <p>(p. 12, par.2-3)</p>	<p>At the time being the legal background is prepared for the regulation of the activity of the Common Cooperation Centre for Police, Customs and Border Guard Service. It is foreseen that the Centre will start his activity next year.</p>
2.	Interagency cooperation	<p>The future Common Cooperation Centre with Latvia is a good idea which should be promoted. The proposal to involve police and customs in the existing joint border guard centre with Poland is also welcome and should likewise be followed up.</p> <p>(p. 20, par. 2)</p>	<p>First of all we would like to emphasize that the existing joint border guard centre with Poland is used by police officers of Poland and Lithuania then needed on case on case grounds.</p> <p><u>To be done in the near future:</u></p> <p>The interagency discussions on this question will be initiated. In these discussion will be involved – Ministry of the Interior of the Republic of Lithuania, Police Department under the MoI, Border Guard Service under the MoI and the Customs Department under the Ministry of Finance of the Republic of Lithuania.</p>

<p>3.</p>	<p>IT</p>	<p>Organisational activities should be changed in order to allow every police officer access to police IT systems.</p> <p>Training of a reasonable number of police officers in IT technology is also an essential requirement that has to be covered in view of the future needs. (p. 12, par.4, p. 26, par. 8-9)</p>	<p>The Police Department has prepared the Action Plan for the introduction of NSIS, in the framework of which the current data bases will be upgraded, functions computerized and mobile computerized work places introduced.</p> <p>Currently all data needed from POLIS can be received via the operational management units (duty unit) of the territorial police units.</p> <p>In the Lithuanian Police more than 50 percent of personnel has access to POLIS and other databases and have knowledge and skills to use them.</p> <p>Training on IT issues is provided during basic education and especially during continuous training at the Lithuanian Police Training Centre.</p>
<p>4.</p>	<p>Educational system</p>	<p>The police education system has to be reformed so that departmental training for all police officers can be provided under a single police umbrella. (p. 12, par.6; p. 26, par. 9)</p>	<p>At the moment the Draft of the Program on the Development of the Lithuanian Police System, approved by the Government of the Republic of Lithuania, is considered in the Parliament of the Republic of Lithuania. One of the priorities of the above-mentioned Program is to provide the facility of motivation of the police personnel by creating the integrated system of selection, education, training and re-skilling of the police personnel and establishing professional police education institution. This institution should ensure:</p> <ol style="list-style-type: none"> 1. The selection of the candidates for work in the Lithuanian Police; 2. The education of police officers according to the professional education and university education programs; 3. The administration of the process of the training and re-skilling of police officers; 4. The representation of Lithuania in the CEPOL; 5. The implementation of the scientific research.

RESTREINT UE

5.	Training of Customs officers	Customs officers should be trained on Schengen issues. (p. 12, par.7)	<p><u>To be done in the near future:</u></p> <p>To initiate the dialogue with Customs Department under the Ministry of Finance of the Republic of Lithuania on the possibility to append the Schengen issues to the training of Customs officers program.</p> <p>The Drafts of legal instruments, which designates the Police (Lithuanian Criminal Police Bureau) the central institution for the implementation of Art. 40 of Schengen Convention and foresees rules, detailing actions of the police officers who performs the surveillance, were prepared.</p> <p><u>To be done in the near future:</u></p> <ul style="list-style-type: none"> - To consider the Drafts of the above-mentioned documents with all the concerned institutions. - To adopt the above-mentioned documents.
6.	Art. 40 of SC	The decision on the responsibility for surveillance (Article 40) cases (Criminal Police Bureau or justice authorities) has to be taken as soon as possible and in accordance with the Schengen requirements, which do not favor justice involvement in police surveillance. (p. 20 par. 1)	<p>According to the Bilateral Agreement with Poland, the provisions concerning the implementation of Art. 40 of the Schengen Convention will enter into force only after the abolition of internal border control.</p> <p>According to the Bilateral Agreement with Latvia, the provisions concerning the implementation of Art. 40 and 41 of the Schengen Convention will enter into force only after the abolition of internal border control.</p> <p>With reference to this, we would like to inform, that at this moment the only one way to gain the experience of the implementation Art. 40 and 41 of the Schengen Convention is to organize the bilateral joint practical training.</p> <p>Other provisions of the Bilateral agreements with Poland and Latvia will enter into force after the ratification. In this respect it will be possible to organize the joint patrols after the above-mentioned Agreements will enter into force.</p> <p>Herewith we would like to inform, that the first pilot project on joint patrols will be implemented till the end of 2006.</p>
7.	Cross-border cooperation before abolition of internal border control	It would be a good idea for Bilateral agreements with Poland and Latvia to be applied before abolition of internal border control in order to gain from the experience of the meantime. In this respect joint patrols and other forms of cross-border cooperation have to be encouraged (Article 39(4)). (p. 20, par. 3, 4)	<p>According to the Bilateral Agreement with Poland, the provisions concerning the implementation of Art. 40 of the Schengen Convention will enter into force only after the abolition of internal border control.</p> <p>According to the Bilateral Agreement with Latvia, the provisions concerning the implementation of Art. 40 and 41 of the Schengen Convention will enter into force only after the abolition of internal border control.</p> <p>With reference to this, we would like to inform, that at this moment the only one way to gain the experience of the implementation Art. 40 and 41 of the Schengen Convention is to organize the bilateral joint practical training.</p> <p>Other provisions of the Bilateral agreements with Poland and Latvia will enter into force after the ratification. In this respect it will be possible to organize the joint patrols after the above-mentioned Agreements will enter into force.</p> <p>Herewith we would like to inform, that the first pilot project on joint patrols will be implemented till the end of 2006.</p>

RESTREINT UE

8.	Statistics	<p>The Evaluation Committee is of the opinion that the Lithuanian 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 defined in response to them.</p> <p>(p. 21, par. 1; p. 24, par. 2)</p>	<p>Responding to the recommendation in paragraph 5, we would like to explain that currently the International Liaison Office of the Lithuanian Criminal Police Bureau is using a self-developed register program for all incoming and outgoing requests via Interpol and Europol channels. During implementation of the twinning project, the SIRENE workflow system (SiBIS) has been created, which produces various reliable and comparable statistics including Articles 39, 40 and 46 of the Schengen Convention. As the SIRENE National Unit has been appointed central authority for Articles 39 and 46 of the Schengen Convention, it will compile all statistics regarding incoming or received requests in Lithuania from all Member States. Articles 40 and 41 will also be covered statistically by the SIRENE National Unit as the authority which, under national provisions, has to be informed for Article 40 and Article 41 purposes.</p>
9.	Kaliningrad transit	<p>The Kaliningrad transit traffic is not under continuous control of the police while on the Lithuanian territory and that there are no interagency patrols controlling transit traffic.</p> <p>The experts got the impression that a systematic, timeless and regulated exchange of information on vehicles crossing the border (from/to Kaliningrad) between border guards and the police would facilitate cooperation, ensure better control and reduce the threat risk.</p> <p>(p. 24, par. 4-6)</p>	<p>The Police Department under the MoI has initiated the dialogue with the State Border Guard Service under the MoI on the exchange of information concerning the Kaliningrad transit and the appropriate decision will be taken as soon as possible.</p>

RESTREINT UE

10.	Radio communication	Intercommunication/radio communication between the Law Enforcement Agencies has to be improved. (p. 24, par. 8; p. 25, par. 5)	<p>The Ministry of the Interior is undertaking preparatory measures to introduce a digital radio system (exp.: TETRA or APCO25). This digital radio system will have 99% coverage at the border area and 95% coverage in the remaining territory (by portable terminals), as well as functions of data transmission, location detection and will ensure interagency links and links with the Polish and Latvian radio systems.</p>
11.	Bilateral training with Latvia for hot pursuit	Simulation training with Latvia even for hot pursuit is positive. It should be extended in a multi-agency approach, including customs. (p. 24, par. 2)	<p>It has to be clarified that the Intergovernmental Agreement between Latvia and Lithuania concerning co-operation in combating organized crime and other crimes and joint action in the border region does not empower the customs to perform cross-border pursuit operations. In accordance with the provisions of this agreement, only the police are authorized to pursue a person crossing the border.</p>
12.	Foreign languages	However, the Evaluation Committee recommends that more training in particular in English and other languages used in international police cooperation be provided. English training courses should be a priority bearing in mind the international nature of cooperation within the framework of Schengen. (p. 25, par. 6; p. 26, par. 9)	<p>Firstly, we would like to emphasize that due to the historical reasons most of Lithuanian, as well as Latvian and Polish, police officers speak Russian fluently. Therefore there is no problem for the Lithuanian police officers to communicate with the Polish or Latvian police officers. Secondly, most of the citizens of the border regions (with Latvia and with Poland) know well the language of the neighbour country. Thirdly, Lithuanian Police Training Centre provides the Latvian and Polish language training courses for the police officers, working in the border regions. Fourthly, English training courses is one of the priorities in the training of Lithuanian police officers. English training courses are provided by Lithuanian Police Training Centre or purchased from other education institutions.</p>