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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border (revisit)

In accordance with Article 15(3) of Council Regulation [1053/2013](#) of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border (revisit)¹.

¹ Available in all official languages of the European Union on the Council public register, doc. [13902/18](#)

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2017 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border (revisit)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen², and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this decision setting out a recommendation is to recommend to Croatia remedial actions to address the new deficiencies identified during the 2017 Schengen evaluation revisit in the field of management of the external border as well as some of the remaining deficiencies (related to integrated border management and management of the external air and land borders) identified during the evaluation visit carried out in 2016 (indicated with a reference to the respective former recommendation). Following the evaluation, a report covering the findings and assessments, listing any deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2018) 6372.

² OJ L 295, 6.11.2013, p. 27.

- (2) The National Border Management Information System (NBMIS) was upgraded by giving the first line border guards access to the complete set of advance passenger information (API) data as well as the outcome of the analysis of this data, in order to take appropriate action. In addition, the Croatian border police integrated an automatic notification system in the NBMIS, providing also the capability to make all information, including the results of document checks and database searches and API data, available for further proceedings in the second line. These upgrades are considered to be good practices.
- (3) In light of the importance to fulfil all the conditions necessary to comply with the Schengen acquis, in particular the staffing level and the land border surveillance capacity, priority should be given to implement the following recommendations: 5 and 18 (staffing level), 13, 14, 15 and 20 (land border surveillance).
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Croatia should, pursuant to Article 16 (1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that Croatia should

Integrated Border Management

1. further implement and, if need be, update the development projects related to the Integrated Border Management strategy, especially the projects on surveillance of the land border with Bosnia and Herzegovina and Montenegro, to bring the level of border control in line with the Schengen requirement (*former Recommendation 1*);

2. adapt the Croatian national integrated border management strategy and action plan in line with Regulation (EU) 2016/1624;
3. further develop and update the existing contingency plans, at the national, regional and local level, by including how and when to use other relevant national and European capacities and instruments and how to deal with vulnerable groups (*former Recommendation 3*);

Human resources and training

4. further increase the number of staff responsible for performing practical border control tasks, especially the number of staff at land border crossing points to provide for effective border checks during peak times (*former Recommendation 4 and 10*);
5. fulfil the number of systematised (permanent) border police posts dedicated for border control functions at the border with Serbia and Bosnia and Herzegovina;
6. align the number of systematised border police posts for different profiles (patrolmen, dog handlers, operators etc.) on a regular basis as part of the overall development of the whole land border surveillance system (patrols, fixed and portable technical surveillance devices, aircraft, tracking dogs for border surveillance);
7. train more tracking dogs and dog handlers for performing their tasks at border crossing points, especially on the detection of hidden persons in vehicles (*former Recommendation 5*);
8. provide additional training to staff responsible for the operational planning and tactical level management of border surveillance on the use of tracking dogs, technical surveillance systems and patrolling and interception tactics for border surveillance (*former Recommendation 5*);

9. organise regular refresher language classes for border guards who already completed their border guard education (*former Recommendation 11*);
10. intensify and systemise the on-the-job training concept for the land borders, taking into consideration the good practices implemented at the Croatian airports; use the trainers at the local level (multipliers) in a pre-planned and a systematic manner to ensure the refresher training of all the staff, especially in the field of border surveillance tactics;

Risk analysis

11. provide sufficient time for the development of analytical products as well as additional training in the risk analysis methodology (Common Integrated Risk Analysis Methodology CIRAM 2.0) to all persons involved in the risk analysis process (regional and local level) to guarantee a high capacity, capability and the quality of analytical products (*former Recommendations 6, 7, 60, 74 and 80*);

Land border surveillance

12. further develop the concept for land border surveillance of the Republic of Croatia by taking better into account new capabilities and by further developing the concept of the National, Regional and Local Coordination Centres to guarantee a more integrated use of resources and ensure that the update of the regional and local plans for surveillance of the external border, is in line with the concept (*former Recommendations 87 and 89*);
13. finalise the closure of the crossing roads on the state borders with Bosnia and Herzegovina which are not defined as border crossing points; mark the border with visible signs to prevent and discourage unauthorised border crossing, regardless of the border demarcation and delimitation process and; block the access to the border line with physical barriers from Croatia, regardless of whether the road has been blocked on the Bosnia and Herzegovina side (*former Recommendation 90*);

14. develop a reliable technical surveillance system along the closed roads, to give an early warning of potential illegal border crossing and; ensure continuous capacity to detect, identify and detain persons crossing or trying to cross the border illegally through those closed roads (*former Recommendation 90*);
15. further improve the land border surveillance capacity and situational awareness by: implementing the existing plans concerning integrated technical surveillance systems also along the border with Bosnia and Herzegovina and Montenegro as a priority; increasing the number of mobile thermo-vision vehicles/car-based surveillance capacity and adapting the border surveillance tactics accordingly (*former Recommendation 91*);
16. ensure the efficient use of the Schengen buses for border checks and compensatory measures;
17. further increase the air support capacity by making this support also available for surveillance of the border with Bosnia and Herzegovina and Montenegro to ensure an increased reaction capability covering the whole external border of Croatia (*former Recommendation 92*);
18. urgently increase the number of properly trained tracking dogs and dog handlers to ensure that at least one dog handler and dog (from the border police resources) is available per shift at each police station responsible for border surveillance; and make full use of available training tools of the European Border and Coast Guard Agency and manuals for dog handling (*former Recommendation 94*);
19. ensure that the current model of an integrated and synchronised (shared) border surveillance (patrolling) system used at the Bosnian and Herzegovinian border is fully in line with the Schengen requirements;

20. bring the practical implementation of the "crossing place concept" in line with Article 15 (1) (c) and (4) (b) of the Local Border Traffic Regulation (Regulation (EU) 1931/2006) by ensuring: regular surveillance of all crossing places used for local border traffic by developing a reliable permanent technical surveillance system (e.g. all areas of crossing places to be covered by cameras (infra-red) with an alert system) to give an early warning of all border crossings and frequent patrolling of those places; continuous capacity to detect, identify and detain persons crossing or trying to cross the border illegally through these crossing places and; that random checks are carried out on persons and vehicles using the crossing places (also keep records of those checks);
21. decrease the number of crossing places and opening hours in the nearest future to respect the exceptional nature of these kinds of arrangements as defined in the Local Border Traffic Regulation and abolish all crossing places that are not being used and for which no LBT permits have been issued for citizens of Bosnian and Herzegovina and Croatian;

Land border crossing points

22. ensure a proper face-to-face communication between the border guards at the road border crossing points and the passengers sitting in their vehicle when crossing the border to carry out a proper identification of these travellers (*former Recommendation 19*);
23. increase the document examination training for border guards working at the land border crossing points;
24. improve the surveillance of the border crossing point Vitaljina and its surroundings by means of a (mobile) technical surveillance system to detect and reveal unauthorised border crossings during the time the border crossing point is under reconstruction;
25. provide the necessary infrastructure for thorough checks of vehicles on entry at the border crossing point Jasenovac;

26. prevent the unauthorised observation of the computer screen of the border guards at the control booths at the border crossing point Jasenovac, especially at those control booths used for border checks of bus passengers;

Air border crossing points

27. implement border checks in line with Article 8(3) of Regulation (EU) 2016/399 (the Schengen Borders Code), in particular the means of subsistence and the duration of stay (*former Recommendation 13*);
28. ensure that Advance Passenger Information data is received from all non-EU flights, including El Al flights (*former Recommendation 21*);
29. ensure the use of professional interpreters for all second line activities and procedures at Zagreb, Dubrovnik and Zadar Airport (*former Recommendation 54*);
30. ensure that there is a clear plan in place for the departure area at Split Airport in case the new terminal is not ready by the time of accession to the Schengen area (*former Recommendation 56*);
31. ensure the prevention of circumvention of the entry border checks at Split Airport by taking the necessary infrastructural measures and of the exit border checks at Zagreb Airport by, for example, redesigning the control facilities similar to the ones in the entry-check area (*former Recommendation 56*);
32. ensure, in case of refusing entry to persons enjoying the right of free movement under Union law, that the person in question is informed, precisely and in full, on the grounds on which the decision on refusal of entry is based, in accordance with Article 30 (2) of Directive 2004/38/EC;

33. ensure that for passports and travel documents, issued by Member States, containing a storage medium as referred to in Article 1(2) of Council Regulation (EC) No 2252/2004, the authenticity of the chip data is checked in accordance with the provisions of Article 8(2) (a) last sentence of the Schengen Border Code the Schengen Borders Code;
34. increase the specialised training for document experts at Zagreb Airport to guarantee a sufficient number of document experts in the second line and ensure that during all shifts, trained specialised personnel for second line checks (including registration and referral of asylum seekers) and detection of forged/falsified documents is available(*former recommendation 60*);
35. ensure that visas are issued only exceptionally at the border, in accordance with article 35 and 36 of Regulation (EC) 810/2009 (the Visa Code), also in case of seamen, by verifying that all conditions are fulfilled, including that the person had not been in a position to apply for a visa in advance; improve the knowledge of border guards regarding the issuing of visas (*former Recommendation 66*);
36. increase the number of border guards at Dubrovnik Airport during peak seasons to ensure efficient border checks and the number of border guards trained as second line officers to ensure that a sufficient number of border guards are able to perform second line duties upon demand.

Done at Brussels,

For the Council
The President
