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From:	General Secretariat of the Council
On:	7 March 2019
To:	Delegations
No. prev. doc.:	6403/19
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of **Latvia** on the application of the Schengen acquis in the field of **management of the external border**

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Latvia on the application of the Schengen *acquis* in the field of management of the external border, adopted by the Council at its meeting held on 7 March 2019.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

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Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2018 evaluation of Latvia on the application of the Schengen acquis in the field of management of the external border

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 Schengen[1], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1)   The purpose of this Decision is to recommend to Latvia remedial actions to address the deficiencies identified during the Schengen evaluation in the field of management of the external border carried out in 2018. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2018) 6150.

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[1]   OJ L 295, 6.11.2013, p. 27.

(2)   The border guards of the Ventspils board are participating in the European Border and Coast Guard Agency (EBCGA) operations very actively, even if there is limited manpower available. Most of the staff is rotated in the EBCGA joint operations and other EBCGA activities, such as staff exchanges. The border guards have deployed both personnel and technical equipment during several years, taking into consideration the seasonal domestic operational needs. Smart planning allows participation to the EBCGA operations without having a negative impact on the regular tasks, which brings both benefits to the Agency as well as to the Latvian State Border Guards, and allows border guards to receive additional training (through the pre-deployment training), and improve their experience and skills. Also the way land border surveillance is implemented is considered to be a good practice, as well as the registration of queuing lorries before border crossing point Terehova.

(3)   In light of the importance of complying with the Schengen acquis, priority should be given to implementing the recommendations related to the integrated border management strategy: 1 and 2; human resources and training: 4 and 5; risk analysis: 7-10; NCC/Eurosur: 12, 13, 14 and 16; checking procedures: 25, 26 and 27.

(4)   This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Lavia 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 Latvia should

Integrated border management strategy

1.   revise and update the national IBM Strategy and the Action Plan in line with the EU IBM concept as described in Article 4 of Regulation (EU) 2016/1624;

2.	integrate the results of a comprehensive assessment of the vulnerabilities identified in the border management system in the content of the updated IBM Strategy and propose adequate remedial actions, including on fight against corruption, in the subsequent Action Plan;

3.	evaluate the possibilities to continue or bring into effect again the deployment of liaison officers to relevant third countries on the basis of risk analysis and the operational situation, by also providing the necessary financial means;

Human resources and professionalism

4.	improve at regional and local level the process of managing the continuous training, identifying the training needs, organising the trainings according to a coherent planning and monitoring of the progress;

5.	implement the train the trainer system for the continuous training related to border control (border checks and procedures, border surveillance) and train a sufficient number of multipliers.

National quality control mechanism

6.	set up a national evaluation mechanism focused on the implementation of the Schengen acquis and a proper follow-up in order to remedy the identified deficiencies in line with Article 4 (j) of the EBCG Regulation;

Risk Analysis

7.	increase the knowledge of the staff at regional and local level on the risk analysis methodology and practice;

8.	increase the capacity and capability to prepare risk analyses on the *strategic* and *operational/tactical* level by deploying more analysts who are especially trained in the common integrated risk analysis model (CIRAM) 2.0 in the analytical functions;

9.	improve the quality of risk analysis documents by allowing border guards involved in the production of risk analysis products at regional and local levels to devote sufficient time to this task;

10.	bring the regional level risk analysis process fully in line with the Common Integrated Risk Analysis Model (CIRAM) 2.0, and ensure the right target audience (for example heads of BCPs, risk analysis officers of the units, management of the regional level (Riga Board)), as well as improve distribution and content of the products;

National Coordination Centre/Eurosur

11.	continue to improve the IT-infrastructure of the Eurosur in order to allow for an automated information management of the Eurosur application;

12.	integrate the maritime situational picture to the national situational picture in the NCC, including relevant other data that facilitates national situational awareness, and additionally command functions, if needed;

13.	include information on the availability of national assets, especially assets of the SBG, to the national situational picture;

14.	utilise European Border Surveillance system (Eurosur) features (analytical layer, encrypted email etc.) to the full extent to share information with the European Border and Coast Guard Agency in a unified and secure way;

15.	review the tasks of NCC (especially related to providing public information to citizens) to ensure the core functions of NCC and consider to increase the number of staff;

16.	implement further the remaining stages of the multi-annual national programme aimed at finalising the full application of EUROSUR in order to enhance the efficiency of the NCC functions and to set a fully-fledged National Situational Picture in accordance with Article 8 (2.b) and (2.c) of the Eurosur Regulation;

17. ensure a comprehensive situational picture by including all the assets, resources and an overview of the border situation (including border surveillance and border checks) within the area of responsibility of the Ventspils Board at the MOCC/RCC;

Land border surveillance

18. increase the staffing level in the border surveillance units to be able to boost the reaction capabilities and ensure the business continuity, by for example setting up an additional patrol during the day and night time;

19. increase the number of the patrolling cars in the border surveillance units of Silene and Opoli and ensure that each border surveillance unit has an allocated car equipped to carry the service dog;

20. ensure that all the technical surveillance equipment of the Border Surveillance Unit of Silene and Opoli is in use and ensure the timely maintenance services and purchase all the necessary components of the systems to render them operationally;

Border checks – Horizontal issues

21. ensure the full application of the Commission recommendations related to foreign terrorist fighters and common risk indicators by implementing in a unified way the 'Common Risk Indicators at External Borders' as adopted by the Council on 15 June 2015 and further developed by Frontex and Europol;

22. make more and better use of automatic checks of crew and passenger lists in the national maritime single window (SKLOIS), by ensuring that the crew and passengers lists are received in a format that allows for automatic checks;

23. make the necessary steps to change the present procedure at all BCP's to align it in full compliance with Article 8(5) of Schengen Borders Code providing more information about the purpose of the second line checks;

24. ensure that border guards placed in the booths (BCP's Terehova and Grebneva) have a good overview of the situation outside;

25. bring the visa fee for visa issued at the border to Russian and Ukrainian citizens in line with Article 16 of the Visa Code and Article 6, paragraph 1 of the Visa Facilitation Agreement concluded between the European Community and the Russian Federation;

26. abolish the current procedure of refusing entry based on lack of health insurance and align the conditions for refusal of entry with Article 6 and Annex I and V of the Schengen Borders Code;

27. urgently increase the number of document experts permanently deployed in the land BCP's and invest more in the training of the first and second line border guards in document fraud, in accordance with the Articles 15 and 16 of the Schengen Borders Code;

28. revise the current procedure of border checks on passengers arriving by train and bring it for persons enjoying the right of free movement under Union law as well as for third country nationals in line with Article 8 of the Schengen Borders Code;

BCP Silene

29. ensure that all border guards are aware of all functions of the VIS and the background information of visa applications is verified more thoroughly when carrying out border checks;

30. adjust the document used as the approval of evidence on legal stay and align it in full with Annex VIII of the Schengen Borders Code;

BCP Zilupe

31. provide the staff with all necessary equipment and uniforms suitable to carry out checks of cargo trains;

32. ensure that border guards are aware of the correct procedure for marking a forged travel document as described in Chapter 13 Part I of the Schengen Handbook.

BCP Terehova

33. provide more refresher training for the first line border guards on the topics related to the identification of forged and falsified documents, visa policy, use of VIS and entry conditions;

BCP Grebneva

34. avoid the situation in which one border guard is responsible for border checks at two or more lanes at the same time and increase the number of staff if needed;

BCP Riga airport

35. ensure a back-up officer for risk analysis responsibilities during the absence of the risk analysis officer;

36. ensure that Pulsar reports and other relevant European risk analysis products are distributed to the staff at Riga Airport.

37. train the border guards to find relevant material, such as document alerts, updated risk analysis and relevant handbooks;

38. make better use of the possibility to create alerts in databases at Riga Airport to ensure that border guards conducting first line checks get the alerts directly and fast to their stations, when needed;

39. improve local inter-agency cooperation by further developing joint activities, such as regular meetings at operational level, trainings, shared risk analysis and situational picture, sharing of premises and equipment and especially operational activities to tackle security threats;

40. make a registration of border guards participating in refresher training in order to ensure that all border guards receive all essential training;

41. ensure that refresher training is provided in such a way that it does not have a negative impact on the daily activities of the deputy chief, e.g. by a dedicated trainer, or by specialists depending on the subject of the training;

42. ensure a constant high speed data connection in order to facilitate border checks;

43. further improve the quality of the first line checks by thoroughly checking the means of subsistence in accordance with Article 8 of the Schengen Borders Code;

44. improve the Advance Passenger Information (API) process, e.g. by implementing a requirement for all airline carriers which operate external border traffic connections at Riga Airport to provide API-data in a unified and electronic format which will allow automated checks, and utilise the data also for risk assessment purposes;

BCP Port of Ventspils

45. further improve the knowledge on security features of stamps and documents of the border guards by providing refresher training system on a regular basis;

46. ensure that all border guards receive the necessary training when assigned to the BCP or shortly after.

Done at Brussels,

For the Council
The President

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