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From: General Secretariat of the Council

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To: Delegations

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Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2018 evaluation of **Lithuania** on the application of the Schengen *acquis* in the field of **management of the external borders**

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Lithuania on the application of the Schengen *acquis* in the field of management of the external borders, adopted by the Council at its meeting held on 8 November 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.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2018 evaluation of Lithuania on the application of the Schengen acquis in the field of management of the external borders

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 Schengen¹, 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 Lithuania remedial actions to address the deficiencies identified during the Schengen evaluation in the field of the 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(2019)3010.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The organisation and functioning of the risk analysis in the State Border Guard Service of Lithuania as well as the operational solutions applied to ensure comprehensive risk analysis processes that cover all the organisational levels was considered a good practice. Also, the fact that at the visited airports the control booths are equipped with cameras to monitor the person standing in front of the booth and the view from the cameras is visible on the screen installed inside the booth, as well on the screen installed at the duty officer's room, allowing border guards to have a very good view of all passengers prior to the border check and preventing possible circumventing of the border check, and that at Vilnius and Kaunas airport the control booths are equipped with a screen with information about incoming and outgoing flights (e.g. exact arrival time, number of passengers, designated baggage reclaim belt, etc.) allowing the border guards to have adequate situational awareness about the arriving passengers to be checked, was considered a good practice.
- (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: 2 and 3; human resources and training: 4 and 6; sea border surveillance and situational awareness 14 and 18; checking procedures/infrastructure: 27, 28, 29, 30 and 36.
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Lithuania 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 Lithuania should

Integrated Border Management

1. conclude the National Integrated Border Management Strategy and establish a clear follow-up process, as well as clear mechanism to up-date it. Include in the national integrated border management strategy all relevant development objectives and priorities in border management and draft an Action Plan for its implementation where all relevant ministries should ensure efficient implementation of the actions under their responsibility;
2. improve the national strategic planning system by addressing all components of the integrated border management in a consistent and balanced manner adapted to the risk analysis, traffic flow and the upcoming challenges. Re-assess the needs of document experts at the Lithuanian – Belarussian border and adapt it in accordance with the operational situation, risk analysis and traffic flow;
3. adapt the strategic planning and investments in the border check area to the operational needs, risk analysis, future challenges, legislative changes and traffic flow and ensure the modernization of the infrastructure and working conditions in the border crossing points;

Human resources and Training

4. increase the staffing level to ensure a sufficient number of trained staff to implement efficient border control procedures taking into account the current and future threats and challenges, as well as the volume of the traffic flow;
5. ensure that the mentorship system is systematically implemented for all new border guards who graduated from the 12 months initial training programme;
6. increase the refresher training in specialised border control related topics and the number of border guards who receive this training and ensure a specific time slot for training during the working hours;

Quality control mechanism

7. further develop the national quality control mechanism by including all the components and functions of the integrated border management in the national evaluation programme; set up a fully-fledged and formalised national evaluation mechanism to constantly assess the level of implementation of the Schengen acquis at national level;

Risk analysis

8. increase the number of certified staff trained in the areas of risk analysis and the use of analytical tools, passenger profiling and document fraud; increase border guards' awareness of the foreign terrorist fighters' profiles;
9. allocate sufficient rights for analysts at regional and local level, in order to run queries and other analytical activities with the data stored in the Border Incident Accumulation System (PIKS); train these analysts on the main functionalities of this tool, with the aim of having regional and local products enriched with this data;

Land border surveillance

10. increase the level of access of the border guard stations on the basis of need to know principle to the Joint Patrols Management System in order to enlarge their knowledge on assets that are used in different situations and in this way improve the level of situational awareness;
11. increase the number of night vision goggles and thermal imaging cameras for the border surveillance patrols;
12. equip the patrols with portable devices to allow consultation of the available national and international databases;

Sea border surveillance

13. ensure that the situational picture from the Integrated Sea Surveillance System is available in the Regional Coordination Centre;
14. improve the quality of the maritime surveillance assets to assure a proper detection and identification of small and medium sized boats in territorial waters; increase the number of patrol hours in the territorial sea;
15. ensure that a common situational picture (land and sea border) is received in one single point. Improve the knowledge of sea surveillance of the shift leaders of Neringa border guard station;

National Coordination Centre (NCC)

16. assess possible inter-operability between the assets positioning system and the Eurosur application to be able to set a comprehensive National Situational Picture;
17. upload the relevant risk analysis related products in the national analytical layer of Eurosur in order to ensure full application of Eurosur Regulation;

Situational awareness

18. improve the situational awareness and allow more open access to the PIKS for all border guard units at local and regional level;

Border checks - horizontal issues

19. ensure that the imprint of the stamps for revocation and annulment of visa is available in Lithuanian and English language;
20. improve the level of English of border guards in the first and second line checks by increasing the English language training;

21. ensure that the form for informing third country nationals who are subject to a thorough second line check on the purpose and procedures for second line check is available in all the official languages of the Union in accordance with Article 8(5) of the Schengen Border Code;

Kena BCP (Railway) and Kybartai BCP (Railway)

22. request the railway authorities to provide the names and surnames of passengers effectively on board of the trains, including their nationality;
23. establish a procedure so that this list is checked in an automated way on a standard basis with existing databases such as VSATIS;
24. ensure proper connection for mobile border checks on board of the trains;
25. ensure that the border guards, when performing border checks, are checking the authenticity of data stored in the chips;

Medininkai Border Crossing Point

Infrastructure

26. ensure one designated working place for each control lane with proper working conditions for the border guards in order to allow for profiling and smooth traffic flow;
27. revise the current position of the working places in the booths and ensure that the border guards are facing the passengers and the vehicles they must check;
28. improve the infrastructure of the border crossing point in order to ensure a smooth traffic flow and efficient border checks;

Port of Klaipeda

29. adjust the State Border Guard Service IT software in order to check the crew and passengers lists automatically against the relevant databases;

Visited sites – Air border

30. provide training on management and leadership to shift leaders;
31. ensure that the foil on the windows of the control booths at Vilnius and Kaunas airport is adjusted to prevent only unauthorised observation inside the booth, but not covering the front side of the booth preventing the passenger to see the person who is addressing them;
32. improve the quality of the communication system in the control booths at the airports of Vilnius and Kaunas in order to ensure a proper communication between the border guards and passengers;
33. ensure the proper signposting at the airports of Vilnius, Kaunas and Palanga in accordance with provisions of Article 10 (1) and Annex III of the Schengen Border Code;
34. improve the inter-agency cooperation between the relevant local authorities and improve needed common products (i.e. joint risk analysis) to ensure effective information flow between authorities;
35. ensure proper application of Title III, in particular Article 23(a) of the Schengen Borders Code by abolishing systematic border checks of passengers arriving from destinations within the Schengen area and abolish the practice of imposing fines on carriers on internal flights;
36. increase the training on the Schengen border control rules to raise the level of professionalism and quality of the border checks;
37. improve the check of entry conditions at Kaunas airport, in particular the presence of means of subsistence;
38. protect the classified information inside the local coordination centre e.g. by providing all windows with protective film;

39. increase the number of refresher courses on document examination and promote the temporary secondment of document experts to other Border Crossing Points in order to acquire the necessary practice by dealing with all kind of documents;
40. ensure the proper position of the signposting in order to increase the visibility of the dedicated lanes for all control booths at Palanga airport.

Done at Brussels,

For the Council

The President
