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From:	General Secretariat of the Council
On:	19 December 2019
To:	Delegations
No. prev. doc.:	14651/19
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2018 evaluation of Greece on the application of the Schengen acquis in the field of management of the external land border with the Republic of North Macedonia and Bulgaria

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Greece on the application of the Schengen acquis in the field of management of the external land border with the Republic of North Macedonia and Bulgaria, adopted by the Council at its meeting held on 19 December 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 Greece on the application of the Schengen acquis in the field of management of the external land border with the Republic of North Macedonia and Bulgaria

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 Greece 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)2230.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) In light of the importance of complying with the Schengen acquis, in particular the implementation of a risk based border management policy, ensuring the appropriate level of trained staff for border control, checking procedures of person on entry, implementing an integrated regional land border surveillance system and improving the strategic coordination in border management priority should be given to implementing recommendation(s) (2), (4), (6), (7), (8), (9), (12), (18), (19), (21), (23), (24), (25), (27), (28), (29), (30), (31), (32), (33) and (34). It is important to remedy each of the deficiencies identified with the least possible delay.
- (3) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Greece 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 Greece should

Land border between Greece and the Republic of North Macedonia

1. develop the cooperation in operational matters between the Hellenic Police and the Customs Administration at the land border with the Republic of North Macedonia to increase the quality of border checks;
2. implement cooperation tools such as regular meetings and daily common briefings, systematic exchange of information and risk analysis, apply the one stop control system to make the first line border checks more efficient and to reduce the waiting time;
3. formalise the cooperation between the Hellenic Police and the Army at the land border with the Republic of North Macedonia to establish clear rules for the exchange of information and possible operational support for border surveillance in emergency situations;

4. ensure a formal, regular and structured cooperation between Greece and the Republic of North Macedonia and implement cooperation tools such as regular meetings at regional and local level, exchange of information and risk analysis, by also considering the setting up of a police and customs cooperation centre at the common border;
5. increase the number of staff at Niki Border Crossing Point and Evzoni Border Crossing Point in accordance with Article 15 of the Schengen Borders Code¹ to ensure a high and uniform level of border checks;
6. urgently implement the Common Integrated Risk Analysis Model (CIRAM) 2.0 in the border crossing points and border police units for border checks and border surveillance in accordance with Article 11(1) of the European Border and Coast Guard Regulation² assign the task to a sufficient number of specialised staff and provide the required level of training; make efficient use of risk analysis for border checks and border surveillance; compile specific regional and local risk analysis products to support the border control and make use of risk profiles for border checks; provide general training for the staff on the use of risk analysis for border control; disseminate and integrate the relevant risk analysis products issued by the European Border and Coast Guard Agency at national and regional level;
7. perform border checks in line with the provisions of Article 8 of the Schengen Borders Code by more systematically interviewing the third country nationals focusing more on the purpose of the intended stay and sufficient means of subsistence, and ensure that there is a proper verification of the identity of passengers;

¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

² Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, *OJ L 251*.

8. urgently install perimeter surveillance for the border crossing point to prevent possible circumventing of border checks and ensure that all passengers are checked when crossing the EU external borders in accordance with the provisions of Article 8 of the Schengen Borders Code; urgently ensure that the traffic flow in the border crossing points is constantly overseen by police staff to prevent persons to circumvent the border check procedure and ensure that all passengers are systematically checked;
9. ensure that border checks are implemented in accordance with Article 8(3)(a)(vi) of the Schengen Borders Code, in particular ensure that vehicles, lorries and buses and their inner parts are systematically checked to prevent clandestine border crossings and cross-border crime;
10. ensure that biometric readers used for Visa Information System (VIS) verification can also systematically verify the fingerprints as required by Article 8(3)(b)(c) of the Schengen Borders Code and Article 18 of the Regulation (EC) no 2008/767 on Visa Information System.
11. provide the written form for passengers sent for the second line checks in the language of the neighbouring country (Republic of North Macedonia), and in all EU languages in order to be in line with the provisions of Article 8(5) of the Schengen Borders Code; update the form by referring to the correct articles of the Schengen Borders Code;
12. improve and modernise the infrastructure at Niki and Evzoni border crossing points by replacing and modernising the control booths for first line border checks to also prevent the unauthorised observation of the computer screens;
13. ensure constant electricity power in Evzoni border crossing point in order to ensure a constant and uniform level of border checks;

14. revise the set-up of the border check infrastructure at Evzoni border crossing point by placing the VIS readers in the front part of the control booths, close to the space used by the police officers to ask the travel documents, so the passengers could access them without being obliged to enter the booths;
15. bring the signposting at Evzoni border crossing point in line with Article 10 and Annex III of the Schengen Borders Code and make use of the installed drop bars in order to improve the management of the traffic flow;

Land border between Greece and Bulgaria

16. increase the number of staff dealing with first line border checks; open the control booth along the entry lane in order to make the border checks more efficient and install the relevant equipment;
17. ensure a constant update of the information and references on legislation, e.g. the Schengen Handbook and the Schengen Borders Code;

Border surveillance

18. conduct border surveillance at all visited places in accordance with risk analysis as requested by Article 13(3) of the Schengen Borders Code;
19. implement CIRAM 2.0 at all levels for border surveillance and provide the necessary training in accordance with Article 11(1) of the European Border and Coast Guard Regulation;
20. implement tailored risk analysis products at all levels and guarantee for their permanent accessibility;
21. implement an appropriate briefing and reporting system for the land patrols of the Hellenic Police;

22. make use of the available risk analysis products, in particular those compiled by the European Border and Coast Guard Agency (e.g. Western Balkan Risk Analysis);
23. increase the number of staff for border surveillance;
24. implement an integrated land border technical surveillance system, in line with Article 13(1) of the Schengen Borders Code;
25. establish and implement standard operational procedures for border surveillance and contingency planning at regional and local level to ensure the required level of border guard tactics for border surveillance;
26. integrate border surveillance in the regional and local contingency planning;
27. implement a permanent training system related to border surveillance issues, document training, screening and debriefing; and provide training to the assigned duty officers and shift leaders in managerial topics;

Horizontal recommendations

28. urgently finalise the contingency plans at regional level to cover all relevant national stakeholders to address crisis situations at the external borders;
29. establish capacity and readiness to use European support, such as the implementation of Frontex coordinated joint operations also at the Greek – Republic of North Macedonian border;
30. develop and test standard operating procedures to manage emergency situations at the external borders; consider using the simulation exercise carried out by the European Border and Coast Guard Agency to test contingency plans at the Greece – Republic of North Macedonian border;

31. urgently establish the concept of Integrated Border Management and Migration Centre at the Greece – Republic of North Macedonian border to develop a unified border management system, better reaction capability and comprehensive situational awareness at regional level;
32. consider establishing a capacity building European support programme for developing the required integrated border management capacity at the Greek – Republic of North Macedonian and Greek – Bulgarian land borders by also consulting Frontex and Member States having established the integrated approach towards the border management at regional and local level at their external borders;
33. urgently redesign the initial, refresher and specialised training and provide systematic and regular training for police staff involved in border management on the basis of coherent planning in accordance with Article 16 of the Schengen Borders Code;
34. urgently provide police staff with more regular training in document fraud; as well as tailored training in border checks procedures and foreign languages to be able to verify all entry conditions and communicate well.

Done at Brussels,

For the Council
The President
