Council of the European Union

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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 2019 evaluation of Croatia on fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external borders (revisit land border)

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 2019 evaluation of Croatia on fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external borders (revisit land border)[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 11022/20

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2019 evaluation of Croatia on fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external borders (revisit land 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[2], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The second Schengen evaluation revisit, with a special focus on Croatia's land border with Bosnia and Herzegovina, carried out in May 2019, concluded there were a substantial number of important recommendations related to the findings identified during the 2016 and 2017 visits for which the implementation had not yet been completed at the time of the 2019 revisit. This revisit also identified additional points, which were considered as 'compliant but improvement necessary'. Main concerns were related to further development of the land border surveillance concept and the implementation, procurement and further development of the technical land surveillance systems and surveillance equipment, like the use of surveillance dogs.

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

This is of special importance taking into account the length of the external border and the continuing threat of illegal migration at the border with Bosnia and Herzegovina and Serbia. Further and full implementation of these recommendations is needed to confirm that the conditions necessary for the application of the Schengen acquis in the field of management of the external borders have been fully met by Croatia. Given the fact that several important and necessary capabilities were not yet in place and in operational use at the moment of the revisit in May 2019, Croatia is invited to address these outstanding issues before a final assessment of the level of border surveillance system is established. Following the evaluation, a report covering the findings and assessments was adopted by Commission Implementing Decision C(2019)9205 on 13 December 2019, which reflects the situation at the time of the 2019 revisit.

(2) After the 2019 revisit, Croatia provided the Commission with follow-up reports on the implementation of the action plans related to the 2016 and 2017 recommendations, including the still outstanding actions identified during the 2019 revisit, the last of which on 2 October 2019.

(3) Subsequently, on 22 October 2019, prior to the adoption of these recommendations, the Commission adopted a Communication[3] on 'the verification of the full application of the Schengen *acquis* by Croatia'.

(4) The Member States and the Commission are jointly responsible for the implementation of the Schengen evaluation and monitoring mechanism as specified in the Regulation (EU) No 1053/2013 and shall cooperate fully at all stages of evaluations.

(5) Considering the conclusions of the 2019 revisit, the Commission should continue to monitor the full implementation of the actions addressing the identified deficiencies by making best use of the means foreseen in the Regulation (EU) No 1053/2013, including on-site revisits to verify the implementation of the Action Plan.

[3] COM(2019) 497 final of 22 October 2019.

(6) The purpose of this decision is to recommend to Croatia to continue implementing ongoing actions and remedy any deficiencies identified during the evaluation process. In that context, priority should be given to achieving staffing levels and land border surveillance capacity. Other still outstanding recommendations from the 2016 and 2017 on-site visits also need to be tackled. Particular focus should be given to recommendations 3, 4 and 9 from the 2019 visit.

(7) The electronic platform used for border checks requires border guards to mark as 'read' important messages including risk analysis products before logging into the system. This procedure of drawing the border guards' attention on recent trends, incidents, risk profiles etc. before starting their work, is considered to be good practice.

(8) 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:

Croatia should:

1. continue implementing all ongoing actions related to the recommendations in the Council documents 7739/17 and 13902/18, in particular achieving the needed staffing levels and land border surveillance capacity as planned;

2. update the contingency plans to operationalise national procedures to receive and host the European Border and Coastguard Agency's rapid border interventions and to receive European support for setting up a hotspot if needed;

3. further develop the role of group leaders for border surveillance by providing the necessary management training and the flexibility and competence to have the capacity to react as tactical leaders on the spot, harmonising this approach within the entire Border Police;

4. ensure constant technical surveillance of closed roads and crossing places located at sensitive spots and of their surroundings, ensure the availability of at least two officers at local border crossing points; and make the State border line more visible (e.g. by using informative tapes or more informative signs);

5. put in place an efficient surveillance system at the former (closed) railway between Zagreb and Split along the Una River;

6. further develop the airborne surveillance capacity in the coming years, depending on developments in the migration situation;

7. establish a clear and uniform information exchange model at regional and local level between neighbouring border police stations concerning the border situation to improve the situational awareness of border guards;

8. ensure that all risk analysts are well aware of their role in the planning process to further develop their skills and products in order to meet operational requirements and support the decision making at all levels; and

9. ensure correct implementation of Article 14 of Regulation (EU) No 603/2013 on the establishment of 'EURODAC' in order to optimise the fingerprinting and registration of persons who illegally crossed the border.

Done at Brussels,

For the Council
The President