Council of the European Union

Brussels, 18 November 2020
(OR. en)

12493/20

Interinstitutional File: 2020/0238(NLE)

PARLNAT 108

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 the Slovak Republic on the application of the Schengen acquis in the field of management of the external borders

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 the Slovak Republic on the application of the Schengen acquis in the field of management of the external borders[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 12171/20

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2019 evaluation of the Slovak Republic 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 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 the Slovak Republic remedial actions to address the deficiencies identified during the Schengen evaluation in the field of management of the external border carried out in 2019. 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(2020) 1050.

(2) The Mobile Intervention Unit was considered as a good practice since it has an added value for the border control activities. The Unit functions nationwide according to its mandate, mainly focusing on the prevention of cross-border crimes and supporting border surveillance. It currently also functions as a reinforcement unit for the Border Control Units, and has the capacity to cope with emerging threats and high-risk situations at any given moment.

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

(3) In light of the importance of complying with the Schengen acquis, priority should be given to implementing recommendations 2, 4 and 19.

(4) This Decision should be transmitted to the European Parliament and to the Parliaments of the Member States. Within three months of its adoption, the Slovak Republic 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 the Slovak Republic should

Integrated Border Management Concept

1. enhance the participation of Slovak national experts in Schengen evaluations i.e. by increasing the number of trained experts for this purpose, and further specify this objective in the national Integrated Border Management action plan;

2. increase the English language skills of police officers, by continuing to provide regular training in English language and including concrete objectives for this purpose in the national Integrated Border Management strategy and action plan;

Risk analysis

3. improve the use and knowledge of the handbook on the identification of foreign terrorist fighters by police officers:

National Coordination Centre/Eurosur

4. bring the National Situational Picture fully in line with Article 8 (2) (b) of Regulation (EU) 1052/2013 by establishing the operational layer;

Land border surveillance

5. increase the level of access of the Regional Operational Centre to the position of the patrols to enlarge the operational picture and improve the level of situational awareness and reaction capacity;

6. consider equipping the foot patrols with Global Positioning System to improve their visibility and the reaction capability and response time;

7. establish access to the Fleetware Automatic vehicle Location system for each Border Control Unit to have permanent monitoring of the patrol units, and to improve the level of situational awareness and response time;

8. provide functional communication by equipping the patrols with for example Trans-European Trunked Radio (TETRA) standard radios;

Border checks – Horizontal issues

9. ensure that stamps stating "ANNULLED" are available at all visited airports;

10. ensure that relaxation of border checks respects Article 9 (1) of the Schengen Borders Code;

11. bring the signs above the lanes for buses/cars and diplomatic personnel in line with the signs as set out in Annex III Part C of the Schengen Borders Code;

12. ensure that all air carriers, especially those travelling from risk destinations, send the passenger information data in advance;

13. impose sanctions on carriers which have not transmitted data or have transmitted incomplete or false data, to facilitate the performance of border checks and combat illegal immigration more effectively;

Visited sites – Land borders

Ubl'a Border Crossing Point

14. ensure that unauthorised observation inside the control booths at Ubl'a border crossing point is prevented and that the police officer can also observe the traffic outside under all circumstances;

15. improve the traffic flow management at the border crossing point Ubl'a for the EU/EEA/CH lane to facilitate the checking procedure as well as the smooth flow of passengers;

Visited sites – Air borders

Bratislava Airport

16. ensure that the risk analysts at Bratislava airport are provided with enough time to prepare risk analysis products;

17. ensure that all first-line officers at Bratislava Airport are aware of the content of the monthly risk analysis (including foreign terrorist fighters indicators) and create a mechanism to monitor their awareness;

18. increase the number of police officers at Bratislava Airport entrusted with border checks tasks;

19. provide written information about second line checks in advance in order to inform passengers timely about the purpose of these checks and revise the text accordingly;

20. ensure a proper communication between the police officers and passengers (e.g. enlarge the slots in the glass window of the booths) at Bratislava Airport;

Košice Airport

21. ensure that the police officers performing border checks of passengers arriving to Košice are able to perform profiling easily by adjusting the booths to have a good overview of the passengers and ensure that the signs are clear and work adequately;

22. ensure that an appropriate area allows for a clear overview of the approaching passengers in the departure area in order to allow the first line officers proper profiling;

Poprad – Tatry Airport

23. ensure a smooth connectivity to databases in order to avoid unnecessary queueing at Poprad – Tatry Airport.

Done at Brussels,

For the Council
The President