Council of the European Union

Brussels, 16 January 2020
(OR. en)

5213/20

Interinstitutional File: 2019/0213(NLE)

PARLNAT 4

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 2018 evaluation of Estonia on the application of the Schengen acquis in the field of management of the external 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 2018 evaluation of Estonia on the application of the Schengen acquis in the field of management of the external border[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 15007/19

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2018 evaluation of Estonia 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 Estonia 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(2019) 2000.

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

(2) The proactive and coherent strategic approach of the Estonian authorities to border management that demonstrates the level of commitment towards the fulfilment of their responsibilities for securing an important segment of the EU external border was considered a good practice that fosters the implementation of a uniform and high level of control at the EU's external borders. In addition, a well-developed IT system representing a single interface for checking persons, documents and vehicles in different data-bases that enables a rapid, high quality and reliable border check procedure as well as interpretation/translation services provided by the Translations Division of the Estonian Police and Border Guard Board that allows for a proficient and swift resolution of any situation that may occur at the border related to third country nationals who are not Estonian speakers were considered good practices.

(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 concept: 3; human resources professionalism and training: 4 and 33; Risk analysis: 6 and 20; National Coordination Centre: 23; sea border surveillance: 17 and 18; checking procedures: 26, 30,40,41,43 and 44.

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

Integrated Border Management Concept

1. finalise the national IBM strategy by involving all relevant stakeholders and bring it fully in line with the European Border and Coast Guard Regulation (EU) 2016/1624 and Union standards. Prepare an action plan to support the implementation of the strategy. Formally adopt the strategy at the appropriate level;

2. update the list of the national services responsible for border control, Annex 1 of the Schengen Handbook, by notifying to the Commission that the Estonian Customs Board is also a service responsible for border control (border checks), in accordance with article 39 (1) (d) and article 16 (2) of Regulation (EU) 2016/399;

3. guarantee that the command and control system, and the chain of command in border control matters is clear from the national level to regional and local level. Ensure that at central level the border control functions are clear, coordinated by a responsible structure in order to guarantee coherency and efficiency in border control;

Human resources and professionalism

4. ensure sufficient initial training for border guards in the matters that have relevance for border control and increase the training in subjects directly applicable to border control. Use the European Border and Coast Guard Agency Interoperability Assessment Programme to assess that European Common Core Curriculum is adequately integrated into national training system;

Quality control mechanism

5. set up a fully-fledged quality control mechanism at national level to cover all the components and functions of the Integrated Border Management. Enhance the national capacity to deliver all necessary information to feed the vulnerability assessment process led by European Border and Coast Guard Agency;

Risk analysis

Strategic level

6. increase the number of certified trained risk analysis experts on the basis of CIRAM 2.0 methodology at national level. Ensure the efficient use of the pool of trained experts in risk analysis;

7. ensure that the Advance Passenger Information data is analysed and its outcomes are included in risk analysis products;

Regional level – South and East Prefecture

8. provide the intelligence officers responsible with risk analysis in the East Prefecture with a complete package of training in risk analysis and CIRAM 2.0 methodology and improve their command of English;

9. ensure that the workload of the intelligence officers responsible for risk analysis in the South Prefecture allows them to devote sufficient time to their tasks, provide comprehensive training on CIRAM 2.0 methodology to the intelligence officer in the South-East border crossing points;

Land border surveillance

10. guarantee full functionality of the technical surveillance system in Narva Border Guard Station by providing a proper maintenance system with clear requirements for repairing (response) time for different technical systems. Repair or replace broken cameras to guarantee adequate surveillance capacity;

Sea Border Surveillance

Northern prefecture and Tallinn Border Guard Station

11. enhance the necessary processes, products and/or technology in order to facilitate the update of situational awareness at regional and local level;

12. increase the number of staff deployed in the crews operating the vessels for border surveillance to enable safe, constant and efficient border patrolling;

13. improve the bilateral co-operation between the Police and Border Guard Board and the Navy to ensure a regular exchange of information and guarantee a coherent situational awareness;

14. improve the training for the staff of the Joint Rescue and Coordination Center and for the staff operating the maritime assets by better adjusting the program to the actual needs;

15. ensure that the staff operating the maritime assets is adequately trained on the procedures of dealing with irregular migrants;

16. ensure that all border guards are aware of the contingency plans for crisis situation;

17. update and enhance the technical surveillance system and ensure sharing of common maritime situational picture with all units and relevant authorities;

18. make regular use of different maritime databases and applications in the Joint Rescue and Coordination Centre;

19. set up a clear chain of command for border guard units and patrols during regular patrolling activities and bring the current command system fully in line with Union Standards;

20. conduct CIRAM 2.0 based common risk analysis concerning the maritime area and ensure that there is trained staff conducting maritime risk analysis duties as required in the provisions of Article 11 of Regulation (EU) 2016/1624 and recital 8 of Regulation (EU) 2016/399;

National Coordination Centre/Eurosur

21. re-assess the staffing needs of the National Coordination Centre to ensure efficient functioning and business continuity, as well as the implementation of new tasks such as the establishment of an operational layer and the analytical layer;

22. ensure that the NCC constantly receives the national maritime situational picture from the Joint Rescue and Coordination Centre to be able to create a comprehensive national situational picture;

23. share the relevant information in Eurosur and the national situational picture with the relevant partner authorities and consider enforcing inter-agency cooperation in the National Coordination Centre (NCC), by also reviewing the formal cooperation legal framework to cover the Eurosur functions;

24. seek for possible inter-operability between the police specific assets positioning system and the Eurosur application to be able to set a comprehensive operational layer;

25. set a fully-fledged National Situational Picture by uploading relevant risk analysis products in the analysis layer;

Border checks – Horizontal issues

26. ensure at least two border guards provided with advance level document expert training for Luhamaa and Koidula Border Crossing Points. Ensure permanent deployment of at least two second line border guards for each day shift in Narva Border Crossing Point. Re-assess the staffing needs for the first line border checks and implement measures to ensure and guarantee the uniform level of border checks in Narva Border Crossing Point by also considering technical solutions such as the possible implementation of automated border control systems;

27. improve the knowledge of English for border guards, in particular for those working in the first line of border checks, by also providing them with specific training;

28. ensure that the imprint of the stamps for revocation and annulment of visa is available in Estonian and English languages;

29. reorganise the traffic management system GoSwift by abolishing the obligation to reserve a place in a border crossing queue and to charge fees for this reservation as well as for the use of the waiting area, before exiting Estonia in order to bring the current procedure in line with Article 8 of Regulation (EU) 2016/399;

30. ensure the proper implementation of the Visa Facilitation Agreement between the Russian Federation and the European Union by adjusting the fee for visa issued at the border for Russian citizens to 35 euros;

Visited sites – Land borders

Luhamaa Border Crossing Point

31. rebuild the control booth and increase the security to prevent unauthorized observation of the computer screen;

Narva Railway Border Crossing Point

32. improve the connectivity between the mobile devices and the databases by also fully implementing the on-going acquisition project for ensuring improved communication capabilities;

Visited sites – Sea borders

Port of Tallinn

33. ensure the improvement of document detection skills of the border guards by organizing trainings on a regular basis;

34. ensure that in Terminal B border guards are able to observe the whole area in front of the booths by installing proper equipment;

35. improve security at the booth stations in Terminal B, by installing physical barriers between the booths in order to prevent passengers to circumvent the checks or walk back after the border checks;

36. ensure proper infrastructure for second line interviews at Tallinn border crossing point;

37. ensure that the foil on the windows of the booths is adjusted to prevent unauthorized observation inside the booth, but not covering the front side of the booth preventing the passengers from seeing the person that is addressing them;

38. improve the check of entry conditions at Tallinn Port, in particular by verifying the purpose of stay and the existence of the means of subsistence and ensure that all border guards are aware of a daily amount of money needed for a stay in Estonia and other Schengen states in the region;

39. ensure that the correct procedure for distributing the stamps is followed;

Cruise ships

40. ensure the pre arrival information on cruise ships is checked against a greater number of risk profiles specifically related to cruise ships;

41. ensure that in addition to the risk analysis random checks are also performed at cruise ship visits e.g. random passenger "face to face" checks or supervising/profiling passengers in the terminal in order to bring the current procedure in line with Annex VI points 3.2.2 and 3.2.3 of Regulation (EU) 2016/399;

Cargo ships

42. ensure that more risk profiles are used and develop better risk analyses adequately aimed at identifying risk on illegal immigration, false documents and cross border crime;

43. ensure proper connection for mobile border checks on board of the ships;

44. ensure that the mobile equipment used for border checks is equipped with the devices for checking the authenticity of data stored in the chips;

Tallinn Airport

45. ensure that the capacity to perform border control in the Tallinn border crossing point is sufficient at peak moments especially in summer time;

46. improve the communication between the passengers and the border guard by adapting the front glass in order to ensure it allows for good hearing and understanding both ways.

Done at Brussels,

For the Council
The President